TSD File Inventory Index

Date: March 10, 2009

Initial: C M Guerrao

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Facility Identification Number:	ILD 005 450 697

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Comments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 05 2013

LR-8J

CERTIFIED MAIL 7009 1680 0000 7663 5455
RETURN RECEIPT REQUESTED

Mr. Scott Philipps, Chief
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

Re: Clean Harbors Recycling Services of Chicago, LLC
EPA ID: ILD 005 450 697

Dear Mr. Phillipps:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), as amended, I am providing notice to you that the U.S. Environmental Protection Agency is preparing to file an Order under Section 3008(a)(1) to Clean Harbors Recycling Services of Chicago, LLC (Clean Harbors RSC), located at 1445 West 42nd Street, Chicago, Illinois 60609. The Order is in response to the explosion of a tanker trailer transporting hazardous waste manifested from the Clean Harbors RSC in Chicago, Illinois to Ontario, Canada, which exploded near Sawyer, Michigan on July 21, 2011, and addresses violations of the Illinois regulations codified at 35 Illinois Administrative Code (IAC). EPA has determined that the nature of the alleged violations classify Clean Harbors RSC as a significant non-complier (SNC), as defined in EPA's 1996 Hazardous Waste Civil Enforcement Response Policy (ERP).

In accordance with Section 3008 of RCRA, 42 U.S.C. § 6928, and the Environmental Performance Partnership Agreement, this letter provides notice to the Illinois Environmental Protection Agency of our intent to file an Order against Clean Harbors RSC. We anticipate seeking a monetary penalty as well as any injunctive relief necessary to protect human health and the environment.

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Scott Philipps
Illinois EPA
1021 N. Grand Ave. East
Springfield, IL 62702

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* | B. Date of Delivery

62794-9276

C. Signature

X

JUN 10 2013

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7009 1680 0000 7663 5455

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

If you have any questions regarding this letter, please contact Diane M. Sharrow, of my staff, at (312) 886-6199.

Sincerely,

Gary J. Victorine
Chief
RCRA Branch

cc: T. Marvel, Illinois EPA (Todd.Marvel@Illinois.gov)
J. Craig. Michigan DEQ (CraigJ@michigan.gov)

LAND AND CHEMICALS DIVISION

Type of Document: State Notice of Enforcement

Name of Document: Clean Harbors (RSC Chicago)
ILD 005 450 697

	NAMES	DATE
(1) AUTHOR:	Sharrow	5-6-13
(3) SECTION APA:	None	None
(4) Acting SECTION CHIEF:	CINDY DABMOR	5-20-13
(5) BRANCH APA:	DC	5/31
(6) BRANCH CHIEF:	Jerry Watzinger	6/3/13
DIVISION APA:	N/A	N/A
DIVISION DIRECTOR:	N/A	N/A
(2) OTHERS: ORC 1444	Palermo	5/16/13
	N/A	N/A
DRA:	N/A	N/A
RA:	N/A	N/A

RFC 5/21 — 6-3-13

RETURN TO: D. Sharrow
PHONE: x6-6199

LR-85

COMMENTS:

Land and Chemicals Division

Type of Document:
- ☐ Notice of Violation and Inspection Report/Checklist
- ☐ No Violation Letter and Inspection Report/Checklist
- ☐ Letter of Acknowledgment
- ☒ Information Request Supplemental
- ☐ Pre-Filing and Opportunity to Confer
- ☐ State Notification of Enforcement Action
- ☐ Return to Compliance
- ☐ Other Correspondence- NOD, memo to ORC

Facility Name: Clean Harbors RSC LLC (Recycling Services Center)
Street Address: 1445 W. 42nd St.
City: Chicago **State:** IL **Zip Code:** 60609

U.S. EPA ID#: ILD 005450697

Assigned Staff: D. Sharrow **Phone:** x6-6199

Name	Signature	Date
Author Sharrow	[signature]	4-9-12
Regional Counsel Palermo	[signature]	5-10-12
Section Chief Jereza	[signature]	5/10/12
Branch Chief	N/A	

RBA 4-10-12

Directions/Request for Clerical Support:
After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter.
2. Make one copy of the contents of folder (including color photographs) for the official file.
3. Note that original inspection report, checklist & color photographs go to RCRA Fileroom.
4. Scan the letter, checklist and color photographs and save the file in the appropriate RB share drive folder.
5. Mail the original certified mail.
6. Distribute office copies (including report, checklist, and color photographs) to cc's and bcc's by email.

Once the certified mail receipt is returned:

7. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA Fileroom.
8. E-mail staff the date that the letter was received by facility.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Gary Malinowski
1445 W. 42nd st
Chicago, IL 60609

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*

B. Date of Delivery 5/14/12

C. Signature

X [signature]

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

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4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7009 1680 0000 7660 6011

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 10 2012

REPLY TO THE ATTENTION OF:

LR-8J

CERTIFIED MAIL 7009 1680 0000 7660 6011
RETURN RECEIPT REQUESTED

Mr. Gary Malinowski
Facility Manager
Recycling Services Center
Clean Harbors RSC LLC
1445 West 42nd Street
Chicago, Illinois 60609

Re: Supplemental Information Request
Clean Harbors RSC LLC
EPA ID. NO.: ILD 005 450 697

Dear Mr. Malinowski:

By this letter, the U.S. Environmental Protection Agency (EPA) is issuing this Supplemental Information Request to you under Section 3007 of RCRA, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of EPA to require you to submit certain information. This Supplemental Information Request requires Clean Harbors RSC LLC (Clean Harbors or you) to submit certain information relating to the generation and management of hazardous wastes at the facility referenced above by EPA Identification Number, and located in Chicago, Illinois.

We are requiring this information to determine Clean Harbors' compliance status under Sections 3002 through 3006 of RCRA, 42 U.S.C. §§ 6922 through 6926, the regulations at 40 C.F.R. §§ 260-265, the requirements of the Illinois Administrative Code (IAC), and the requirements of the March 12, 2004, Hazardous Waste Permit, as amended, issued to Clean Harbors by the Illinois Environmental Protection Agency (Illinois EPA). EPA may use the submitted information in an administrative, civil, or criminal action.

The enclosure specifies the information you must submit. You must submit this information within **15 CALENDAR DAYS** of receiving this request to the United States Environmental Protection Agency, at the following address:

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Diane M. Sharrow
Land and Chemicals Division
RCRA Branch
Compliance Section 1
77 West Jackson Boulevard, LR-8J
Chicago, Illinois 60604

The information must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, under 40 C.F.R. Part 2, Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 C.F.R. § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 C.F.R. Part 2, Subpart B. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the public without further notice.

Under Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. Part 19, EPA is authorized to seek civil penalties of up to $37,500 per day against Clean Harbors for failing or refusing to submit all of the information specified in this Supplemental Information Request. Further, under 18 U.S.C. § 1001, Clean Harbors may be fined or imprisoned for up to five years for knowingly or willfully: (1) falsifying, concealing, or covering up a material fact; (2) making any material false, fictitious, fraudulent statement or representation; or (3) making or using any false writing or document knowing it contains any materially false, fictitious, or fraudulent statement.

Clean Harbors must submit all information specified in this Supplemental Information Request under the signature of an authorized representative certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading, or incomplete, the signatory must immediately notify Ms. Sharrow at the above address.

This Supplemental Information Request is not subject to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

You should direct questions about this Supplemental Information Request to Diane Sharrow at (312) 886-6199.

Sincerely,

Lorna M. Jereza

Lorna M. Jereza, Chief
Compliance Section 1

Enclosure

cc: Todd.Marvel@illinois.gov
CraigJ@michigan.gov

INFORMATION REQUEST

Instructions:

Each item of this Information Request refers and relates to Clean Harbors RSC LLC (Clean Harbors or you) and/or its facility located at 1445 West 42nd Street, Chicago, Illinois 60609 (the facility). You must respond separately to each item of this Information Request. Precede each response with the number of the Information Request item to which it corresponds. For each document produced in response to this Information Request, specify on the document, or in some other reasonable manner, the number of the item to which it responds.

Definitions:

The following definitions apply to this Information Request. The following definitions have been taken from the Illinois Administrative Code Part 702, *et seq*. Corresponding federal definitions may be found in the Code of Federal Regulations, 40 C.F.R. § 260.10.

1. "**Authorized representative**" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

2. "**Certification**" means a statement of professional opinion based upon knowledge and belief.

3. "**Facility personnel**" mean all persons who work at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance.

4. "**Operator**" means the person responsible for the overall operation of a facility.

4. "**Owner**" means the person that owns a facility or part of a facility.

5. "**Person**" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

6. "**Personnel**" or "**facility personnel**" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with 35 Ill. Adm. Code § 724 or 725.

7. "**RCRA**" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 *et seq*.).

Items of Request:

1. Identify all persons consulted in preparing the answers to this Request for Information.

2. Provide the full name and title for each person identified in response to Item 1.

3. Provide the tank number(s) of any tank or tanks used for waste NaOH storage on July 21, 2011.

4. Provide the tank number(s) of any tank or tanks used for waste MEK storage.

5. Provide a copy of the Material Transfer Logs for Tank T-148 from July 1, 2011 until July 31, 2011.

6. Provide the name(s) and title(s) of staff that compared analytical report samples to waste material profile sheets for Ca-Lean or CA-Lean from July 1, 2011 to July 31, 2011.

7. Provide a copy of the signed and dated Ca-Lean or CA-Lean profile dated July 21, 2011.

8. Provide a detailed explanation of how NaOH is utilized in the recovery of MEK at the facility, if at all.

9. Provide a complete copy of the "3-ring binder" provided by Randy Badiuk of Harold Marcus Limited and Mark Shreve of Gran Lucow Miller P.C. to Jeffery Haigh of Clean Harbors on August 10, 2011.

10. Provide a copy of the land disposal restriction notification or certification prepared for the shipment specified on the Uniform Hazardous Manifest (Tracking) Number 000039888 MWI on July 21, 2011.

11. Provide a copy of the EPA Acknowledgement of Consent to the shipment required to accompany the hazardous shipment and required to be attached to the Uniform Hazardous Manifest (Tracking) Number 000039888 MWI on July 21, 2011.

12. Specify whether the EPA Acknowledgement of Consent to the shipment required to accompany the hazardous shipment and required to be attached to the Uniform Hazardous Manifest (Tracking) Number 000039888 MWI on July 21, 2011 was attached when the shipment left the facility.

13. Provide an explanation of what placards, if any, Clean Harbors placed on the hazardous material or offered to Harold Marcus Limited as the transporter of the hazardous material on July 21, 2011.

14. Provide the name(s) and title(s) of staff who observed the loading of T-148 on July 21, 2011.

15. Provide the name(s) and title(s) of staff who supervised the loading of the T-148 on July 21, 2011.

16. Provide the name(s) and title(s) of staff who loaded T-148 on July 21, 2011.

17. Specify whether T-148 was going to Sarnia, Ontario, Canada or Corunna, Ontario, Canada.

18. Specify whether the waste material in T-148 was to be recovered or incinerated.

19. Provide the date and time that the driver for Harold Marcus Limited called the Emergency Response Number provided in Item 3 on the Uniform Hazardous Manifest (Tracking) Number 000039888 MWI on July 21, 2011.

20. Provide a dated copy of the waste analysis plan in place at the facility on July 21, 2011.

21. Specify whether the waste material placed in T-148 was generated solely at the facility or whether it contained waste from off-site.

22. Provide the following certification by a responsible corporate officer:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

_____ _____

Date Signature of Corporate Officer, Title

bcc: Mark Palermo, ORC (14-J)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

U.S. EPA
77 W. Jackson Blvd
Chicago, IL 60604
Attn: Jamie Paulin DE-9J

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Alfred Aghapour, Facility Manager
Safety-Kleen Corporation
1445 West 42nd Street
Chicago, IL 60609

MAY 24 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alfred Aghapour
Facility Manager
Safety-Kleen Corporation
1445 West 42nd Street
Chicago, Illinois 60609

Re: Compliance Evaluation Inspection
Safety-Kleen Corporation, 1445 West 42nd Street, Chicago, Illinois
EPA I.D. No.: ILD 005 450 697

Dear Mr. Aghapour:

On March 29, 2007, a representative of the United States Environmental Protection Agency (U.S. EPA) inspected Safety-Kleen Corporation (Safety-Kleen), located in Chicago, Illinois. The purpose of the inspection was to evaluate Safety-Kleen's compliance with certain requirements of the Resource Conservation and Recovery Act (RCRA), specifically those regulations related to the generation, treatment and storage of hazardous waste, and Safety-Kleen's Illinois Environmental Protection Agency (IEPA) RCRA Hazardous Waste Management Part B permit. Please find a copy of our inspection report for your reference.

Based upon information available to U.S. EPA and to the IEPA, our review of the inspection has not resulted in the detection of violations of any of the specific RCRA requirements under evaluation. This determination does not limit the applicability of the requirements evaluated, other RCRA regulations, or regulations under other environmental statutes. U.S. EPA and IEPA will continue to evaluate Safety-Kleen in the future.

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If you have any questions or concerns regarding this matter, please contact Ms. Jamie L. Paulin, of my staff, at (312) 886-1771.

Sincerely,

Lorna M. Jereza, Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

INSTALLATION NAME:	Safety-Kleen Corporation
EPA ID No.:	ILD 005 450 697
LOCATION ADDRESS:	1445 West 42nd Street Chicago, Illinois 60609
NAICS CODE:	56211 [Waste Collection]; 562920 [Materials Recovery Facilities]
DATE OF INSPECTION:	March 29, 2007
U.S. EPA INSPECTOR:	Jamie L. Paulin Chemist DE-9J Compliance Section 1 (312) 886-1771 Direct (312) 353-4342 Facsimile paulin.jamie@epa.gov

PREPARED BY: Jamie L. Paulin — 5/11/07 Date
Jamie L. Paulin
Chemist

REVIEWED BY: Lorna M. Jereza — 5/23/07 Date
Lorna M. Jereza, Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

INTRODUCTION:

The purpose of the inspection was to conduct an un-announced compliance evaluation inspection (CEI) at Safety-Kleen Corporation (Safety-Kleen), located at 1445 West 42nd Street, Chicago, Illinois, to examine Safety-Kleen's management of its RCRA regulated waste, by the U.S. Environmental Protection Agency (U.S. EPA).

Safety-Kleen originally applied for a Part A permit in November of 1980. Then in September of 1992, a RCRA Part B permit was issued to Safety-Kleen to operate its hazardous waste recycling and storage facility.

Safety-Kleen has two main NAICS codes of 56211 [Waste Collection] and 562920 [Materials Recovery Facilities]. Safety-Kleen mainly receives hazardous waste from large quantity generators and recycles the wastes using physical separation techniques such as liquid-liquid extraction, distillation and fractional distillation. New product that is recycled is either sold to other markets or returned to the original generators to use as product. The large quantity generators include pharmaceutical and petrochemical companies. In addition to being a permitted facility, Safety-Kleen is also considered to be a large quantity generator; generating hazardous waste on-site from the recycling process, the quality control laboratory and site-generated waste from the tank hoses.

Safety-Kleen generates the power for its operations on-site via a natural gas powered boiler.

Five tank farms are located on-site at Safety-Kleen, consisting of approximately 80 tanks, which are either dedicated exclusively to the storage of product material or permitted to store hazardous waste. Safety-Kleen has nine tank farms. Tank Farm #1 is an existing area, containing 15 tanks. Several of these tanks are dedicated to storage of product material and not subject to RCRA requirements. Tank Farm #2 is an existing area containing 11 tanks; all subject to RCRA requirements. Tank Farm #3 is an existing area, which previously contained 6 tanks. However 4 tanks have been removed from service and are part of the corrective action activities at the facility. Tank Farm #4 is an existing area containing 19 tanks. Several of these tanks are dedicated to storage of product material and not subject to RCRA requirements. Tank Farm #5 is an existing area containing 31 tanks. About 6 of these tanks are dedicated to storage of product material and not subject to RCRA requirements. None of the existing tanks are considered to be underground storage tanks (USTs). According to representatives listed below, Safety-Kleen has never had USTs on-site.

Tank Farm #6 through Tank Farm #9 are proposed tank farms approved to contain 30 tanks that would be subject to RCRA requirements. Safety-Kleen is authorized to construct these tank farms; however the tank farms may only be constructed in accordance with the approved permit application, subject to modifications listed in the permit.

OPENING CONFERENCE:

I arrived at Safety-Kleen at or around 9:30 am on March 29, 2007. I met Haley Struxness, Environmental Protection Specialist, Bureau of Land at the Illinois Environmental Protection Agency (IEPA), in the parking lot and we entered Safety-Kleen's office building together. Ms. Struxness was accompanying me on the inspection in order to gain more exposure to RCRA enforcement. We entered the building and I presented my credentials to the receptionist. She contacted Alfred Aghapour, Facility Manager, and Gary Malinowski, Environmental, Health and Safety Manager, who both greeted us and escorted us to a conference room, where I conducted the opening conference. I presented my credentials to Mr. Aghapour and Mr. Malinowski and I explained to them why I was there and what I would need to inspect.

The following personnel were in attendance at the opening conference:

Alfred Aghapour	Facility Manager	Safety-Kleen
Gary Malinowski	Environmental, Health and Safety Manager	Safety-Kleen
Haley Struxness	Environmental Protection Specialist	IEPA
Jamie Paulin	Chemist	U.S. EPA

During the opening conference, Mr. Aghapour presented Safety-Kleen's history and explained the processes used for recycling and waste generation. As mentioned above, Safety-Kleen mainly receives hazardous waste from large quantity generators and recycles the wastes using physical separation techniques such as liquid-liquid extraction, distillation and fractional distillation. The new product that is recycled is either sold to other markets or returned to the original generators to use as product. The large quantity generators that send hazardous waste to Safety-Kleen include pharmaceutical and petrochemical companies; and the hazardous wastes collected are solvents.

Mr. Aghapour explained that Safety-Kleen operates four shifts, 24 hours per day and seven days per week. Thirty-one employees are currently working at this Safety-Kleen facility.

After we briefly discussed the recycling process and facility operations, we began the physical inspection.

SITE INSPECTION:

Mr. Aghapour and Mr. Malinowski escorted us on the physical inspection, which began near the natural gas boiler. Various machine/process parts were being stored in old rusty 55 gallon containers in this area as well. However, no chemicals were being stored in this boiler area. *See photograph 1.*

We continued the inspection in Process Building Number 1. Mr. Aghapour and Mr.

Malinowski explained the operations of the facility along with the recycling processes. We were shown part of the operating record, the method that Safety-Kleen tracks the waste being stored in each tank, and the method of tracking trucks as they enter and leave the facility.

After we left Process Building Number 1, I then inspected Tank Farm #2, which consists of about 11 storage tanks. Each tank was properly labeled and the tank farm did contain proper secondary containment. None of the tanks showed visual signs of corrosion or leaking. A truck dock for loading and unloading tanks was located adjacent to the tank farm. *See photographs 4, 5 and 6.*

Two portable totes, containing hazardous waste solvent, were also being stored in Tank Farm #2. Mr. Malinowski explained that this hazardous waste is considered to be site-generated waste. This waste is generated when Safety-Kleen conducts tank hose flushings. Safety-Kleen then stores the waste in these portable totes. The totes were properly labeled and did contain the date of accumulation. *See photographs 8, 9 and 11.*

From Tank Farm #2, we proceeded to Tank Farm #3. Only 2 tanks were located in Tank Farm #3. The other original tanks were removed from 1991 to 2006. *See photographs 7 and 10.*

The container storage area was the next location to be inspected. Most of the 55-gallon containers being stored in this area were storing raw materials to be used in Safety-Kleen's processes. Approximately fourteen 55-gallon containers actually were storing hazardous waste. Mr. Aghapour stated that the majority of the hazardous waste that Safety-Kleen receives is transported via bulk shipments and very few shipments arrive in 55-gallon containers. In addition, empty pallets were also being stored in this area. All of the hazardous waste containers being stored in this container storage area were properly labeled and dated. Safety-Kleen's permit allows for a much larger storage of containers than what was being stored at the time of the inspection. *See photographs 12 through 16.*

From the container storage area, we continued the inspection at Tank Farm #1, which consists of approximately 15 tanks. Each tank was properly labeled and the tank farm did contain proper secondary containment. None of the tanks showed visual signs of corrosion or leaking. Two truck stations used for loading and unloading tanks were located adjacent to the tank farm. *See photographs 17 and 18.*

Two portable totes, containing hazardous waste solvent, were also being stored in Tank Farm #1. As mentioned above, this hazardous waste is considered to be site-generated waste. This waste is generated when Safety-Kleen conducts tank hose flushings. Safety-Kleen then stores the waste in these portable totes. The totes were properly labeled and did contain the date of accumulation.

Safety-Kleen has a quality control (QC) laboratory on-site, which performs sample analyses. I inspected this QC laboratory next. Testing for either accepting hazardous

waste into the facility or testing to see if hazardous waste can be recycled at the facility occurs at this laboratory. Safety-Kleen has a small-scale distillation process set up in this laboratory in order to test various materials for recycling prior to trying them on a large-scale basis. Two satellite accumulation area (SAA) containers are stored in this laboratory. The containers were properly labeled and both were stored in areas that were at or near the points of generation and under the control of an operator. *See photographs 19 and 20.*

While leaving the QC laboratory, I observed that one SAA container was being stored in the entry-way of the laboratory. Samples that are brought to the laboratory are logged and stored in this entry-way. Any hazardous waste that might be generated from this process is stored in the SAA container, which was properly labeled and stored in an area at or near the point of generation and under the control of an operator. *See photograph 21.*

From the QC laboratory, we continued the inspection at Tank Farm #5. Tank Farm #5 contains a truck loading area, Truck Station Number 1. This tank farm is large containing approximately 31 tanks. Each tank was properly labeled and the tank farm did contain proper secondary containment. None of the tanks showed visual signs of corrosion or leaking. *See photographs 22 and 23.*

Two portable totes, containing hazardous waste solvent, were also being stored in Tank Farm #5. As mentioned above, this hazardous waste is considered to be site-generated waste. This waste is generated when Safety-Kleen conducts tank hose flushings. Safety-Kleen then stores the waste in these portable totes. The totes were properly labeled and did contain the date of accumulation.

The inspection of Tank Farm #5 concluded the physical site inspection. We then proceeded to the conference room, where I conducted the opening conference, in order to continue the inspection with the records review.

RECORDS REVIEW:

Mr. Aghapour and Mr. Malinowski aided me in my review of the hazardous waste records after we completed the physical site inspection.

The records that I inspected were records required under Safety-Kleen's IEPA RCRA Hazardous Waste Management Part B permit, such as personnel training documents, contingency plan, hazardous waste determination information, waste analyses, manifests, and emergency procedures.

The documents which are required by the permit to be maintained at Safety-Kleen are listed as follows:

a. Waste analysis plan as required by 35 IAC § 724.113(b) and the permit.

b. Personnel training documents and records as required by 35 IAC § 724.116(d) and the permit.
c. Contingency plan as required by 35 IAC § 724.153(a) and the permit.
d. Closure plan as required by 35 IAC § 724.212(a) and the permit.
e. Cost estimate for facility closure as required by 35 IAC § 724.242(d) and the permit.
f. Operating record as required by 35 IAC § 724.173 and the permit.
g. Inspection schedules as required by 35 IAC § 724.173 and the permit.

My observations are categorized below:

1. Manifests

I reviewed a random sample of manifests from the hazardous waste shipments from 2003 to present. Safety-Kleen's manifests were in order and no deficiencies were found at the time of the inspection.

2. Waste Analysis Plan

Safety-Kleen did have a waste analysis plan on-site. The plan was complete and in compliance with the permit.

3. Personnel Training

A training program was in place at the time of the inspection. I did not observe any deficiencies with the training program. Safety-Kleen provides appropriate hazardous waste training for its employees and does provide the training on an annual basis.

4. Contingency Plan

Safety-Kleen did have a contingency plan on-site at the time of the inspection. I did not observe any deficiencies within the plan at the time of the inspection. Copies of the plan had been submitted to all local police and fire departments, hospitals and state and local emergency response teams.

5. Closure Plan

Safety-Kleen did have a written closure plan on-site at the time of the inspection. The plan did identify steps necessary to perform partial and/or final closure of the facility at any given time. In addition, Safety-Kleen was able to provide me with documentation of financial assurance for facility closure.

6. Cost Estimate for Facility Closure

Safety-Kleen did provide me with documentation of a cost estimate for facility closure,

which was prepared in accordance with the permit at the time of the inspection.

7. Operating Record

Safety-Kleen did have a written operating record on-site, which was maintained in accordance with the permit's requirements.

8. Inspection Schedules

I observed at the time of the inspection that Safety-Kleen was performing and documenting inspections as required.

CLOSING CONFERENCE:

I did not observe any problems or non-compliance based on my physical site inspection or records review. Therefore, I explained to Mr. Aghapour and Mr. Malinowski that I would need to review my notes and the checklist to verify that no violations were occurring at Safety-Kleen. I also explained to them that they would receive a copy of my inspection report and of the photographs that I had taken.

I departed Safety-Kleen around 2:00 pm.

ATTACHMENT:

Attachment 1 Photographs taken during the time of the inspection

Attachment 1 - Photographs

Photograph 1 – View of parts storage area, located by red building. Tall brick building and white building located to the left and right of the photo are not owned by Safety-Kleen.

Photograph 2 – View of recycling unit.

Photograph 3 – Overview of facility.

Photograph 4 – Tank Farm #2.

Photograph 5 – Tank Farm #2.

Photograph 6 – Truck loading area for Tank Farm #2.

Photograph 7 – Tank Farm #3. Only storing 2 tanks. Original tanks were removed.

Photograph 8 – Portable containers storing hazardous waste solvent generated by Safety-Kleen during switching of lines.

Photograph 9 - Portable containers storing hazardous waste solvent generated by Safety-Kleen during switching of lines.

Photograph 10 – Tank Farm #3. Original tanks were removed. Only 2 tanks are positioned in this farm.

Photograph 11 – Tank Farm #2.

Photograph 12 – Container storage area.

Photograph 13 – Container storage area.

Photograph 14 – Container storage area. Approximately 14 containers of hazardous waste were being stored in permitted area.

Photograph 15 – Container storage area.

Photograph 16 – Pallets and spill equipment.

Photograph 17 – Tank Farm #1.

Photograph 18 – Tank Farm #1.

Photograph 19 – Satellite accumulation area container located in laboratory.

Photograph 20 - Satellite accumulation area container located in laboratory.

Photograph 21 - Satellite accumulation area container located in laboratory.

Photograph 22 – Truck loading area for Tank Farm #5.

Photograph 23 – Tank Farm #5.

Photograph 24 – Tank Farm #5.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Alfred Aghapour, Facility Manager
Safety-Kleen Corporation
1445 West 42nd Street
Chicago, IL 60609

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)*

B. Date of Delivery 5/25/07

C. Signature

X Ana A Gonzalez

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

☐ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 0320 0006 1458 5565

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

Waste, Pesticides and Toxics Division

Type of Document: **No Violation Letter w/ Inspection Report ~~& Checklist~~**

Facility Name:	Safety-Kleen Corporation
Facility Location:	1445 West 42nd Street
Facility City:	Chicago
Facility State:	Illinois
Facility ZIP Code:	60609
U.S. EPA ID Number:	ILD 005 450 697

Assigned Staff			
Jamie L. Paulin	**(WPTD/ECAB)**	Phone:	**6-1771**
N/A	**(ORC)**	Phone:	

Name	**Signature**		**Date**
Author	Jamie L. Paulin	X Jamie L. Paulin	5/23/07
Regional Counsel	N/A	X	
ORC Section Chief	**N/A**	X	
Section Chief	**Lorna M. Jereza**	X Lorna M. Jereza	5/23/07
Branch Chief	**Joseph M. Boyle**	X	
Division Director	**Margaret M. Guerriero**	X	

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

Date stamp the cover letter;

Make four copies of the contents of this folder:

a. One copy for the assigned staff;
b. One copy for the section file;
c. One copy for the branch file; and
d. One copy for the official file.

Make any additional copies for cc's or bcc's

cc's:

bcc's:

Mail the original certified mail and distribute office copies and cc's and bcc's.

Once the certified mail receipt is returned:

File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

DE-9J

AUG 03 2001

CERTIFIED MAIL 7099 3400 0000 9588 6466
RETURN RECEIPT REQUESTED

Alfred Aghapour
Facility Manager
Safety-Kleen Corp.
1445 West 42nd Street
Chicago, Illinois 60609

Re: Safety-Kleen Recycle Center
EPA I.D. No.: ILD 005 450 697

Dear Mr. Aghapour:

On September 20, 1999 a representative of the United States Environmental Protection Agency (U.S. EPA) inspected Safety-Kleen Recycle Center located in Chicago, Illinois. In response to violations of 35 I.A.C. 725 [40 C.F.R. 265] identified during the inspection, we issued a Notice of Violation to you on April 4, 2001. Subsequent to our Notice of Violation you submitted additional information regarding the identified violations in correspondence dated May 1, 2001 and, due to inadequate information, a representative of the U.S. EPA performed a records inspection on June 27, 2001.

This letter is to inform you that U.S. EPA has reviewed the documents and referenced response, and does not plan additional enforcement action at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. U.S. EPA and the Illinois Environmental Protection Agency will continue to evaluate your facility in the future.

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 50% Recycled Paper (20% Postconsumer)

If you have any questions or concerns regarding this matter, please contact Jena Sleboda at 312/353-1263.

Sincerely,

Lorna M. Jereza, P.E., Chief
Enforcement and Compliance Assurance Branch
Compliance Section 1

cc: Todd Marvel, Illinois EPA

AUG 03 2001

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alfred Aghapour
Facility Manager
Safety-Kleen Corp.
1445 West 42nd Street
Chicago, Illinois 60609

Re: Safety-Kleen Recycle Center
EPA I.D. No.: ILD 005 450 697

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On September 20, 1999 a representative of the United States Environmental Protection Agency (U.S. EPA) inspected Safety-Kleen Recycle Center located in Chicago, Illinois. In response to violations of 35 I.A.C. 725 [40 C.F.R. 265] identified during the inspection, we issued a Notice of Violation to you on April 4, 2001. Subsequent to our Notice of Violation you submitted additional information regarding the identified violations in correspondence dated May 1, 2001 and, due to inadequate information, a representative of the U.S. EPA performed a records inspection on June 27, 2001.

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If you have any questions or concerns regarding this matter, please contact Jena Sleboda at 312/353-1263.

Sincerely,

Lorna M. Jereza, P.E., Chief
Enforcement and Compliance Assurance Branch
Compliance Section 1

cc: Todd Marvel, Illinois EPA

bcc: File/Author's Copy (Jena Sleboda)
Section Copy
Branch Copy

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	COMPLIANCE SECTION 1 SECTION CHIEF	COMPLIANCE SECTION 2 SECTION CHIEF	CA SECTION SECTION CHIEF
jmo 8/2/01	8/2/01		

safety-kleen®

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
 # 7099 3400 0000 3273 3471

May 1, 2001

USEPA Region 5
Attn: Jena Sleboda (DE-9J)
Enforcement and Compliance Assurance Branch
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

Re: Safety-Kleen Systems, Inc., Chicago Recycle Center
ILD 005 450 697
Response to Notice of Violation Dated April 4, 2001

Dear Ms. Sleboda:

On April 5, 2001, Safety-Kleen Systems, Inc., ("Safety-Kleen") Chicago Recycle Center received a Notice of Violation (NOV) related to a September 20, 1999 inspection conducted by representatives from EPA Region 5. The NOV mandated that a response be provided within 30 days of receipt.

The following identifies each violation and Safety-Kleen's response.

- *35 IAC 725.963(b)(3) and 40 CFR 265.1063(b)(3)*
  Failure to calibrate the detection instrument before each use when performing leak detection monitoring. The AIM 3350 was consistently not calibrated between the dates of June 21, 1999 through August 30, 1999, as evidenced by the high readings recorded in the calibration logs provided by the facility.

  Safety-Kleen recognizes the importance of training in order to maintain both regulatory compliance and a safe workplace. Initial training for employees who perform the leak detection program monitoring was conducted on July 9, 1998. At that time, the employees were instructed on the complete procedures for calibration and operation of the monitoring equipment.

  From a regulatory perspective, Safety-Kleen believes that the leak detection and repair (LDAR) program is sound. However, as identified during the September 20, 1999 inspection, improvement was needed in the field execution and oversight of the program. On September 21, 1999, Safety-Kleen performed additional training to re-instruct employees on proper operation of the monitoring equipment and on the

SAFETY-KLEEN CORP.
1445 WEST 42ND STREET CHICAGO, IL 60609 (773) 247-2828 FAX (773) 650-1466

importance of compliance with the proper procedures. Subsequently, the monitoring has been properly conducted.

See Attachment- A for an example of calibration documentation.

- *35 IAC 725.957 and 40 CFR 265.1057*
  Failure to do monthly monitoring of valves in gas/vapor service. Because the detection instrument was not calibrated, the instrument could not properly detect emissions, and therefore there was effectually no monitoring.

  As discussed above, while there were problems with proper calibration of the monitoring unit, the intention of this particular regulatory section is to stipulate the physical requirement for monitoring. Safety-Kleen did physically perform the monitoring as required albeit with monitoring equipment that, on a limited number of days, was not properly calibrated.

- 40 CFR 265.1085(c)(2)(iii)(A)
  Failure to equip Level 1 tanks with a proper closure device. The closure devices on the Level 1 tanks are not secured and had gaps and open spaces between the devices and the tanks. In Safety-Kleen Recycle Center's August 17, 2000 letter of response to the Section 3007 Information Request dated July 17, 2000, Safety-Kleen Recycle Center stated the closure devices in question are adequate because that are used as "safety devices and pressure relief devices during loading and during diurnal ambient temperature fluctuations." 40 CFR 265.1081 states safety devices are not to be used for routine venting of gases during filling of the unit or to adjust pressure during diurnal ambient temperature fluctuations. Furthermore, it states that a pressure relief device will have some type of electronic sensor that will trigger the pressure relief device once a critical pressure is reached.

  Upon becoming aware of the Agency's concern subsequent to the September 20, 1999 inspection through verbal discussions and formally as part of the July 18, 2000, Section 3007 Information Request, Safety-Kleen removed the tanks from hazardous waste service (June 19, 2000). The tanks have been subsequently used for storage of non-hazardous waste material. As of the date of this letter, the tanks are in the process of being upgraded. The new equipment will consist of four separate items: a manway cover, emergency pressure relief vent, breather vent, and gauge hatch. Associated permit modification requirements have been addressed with IEPA.

  See Attachment B for photographs of the upgraded equipment.

Safety-Kleen feels that this information adequately addresses the Agency's concerns identified in the April 4, 2001, letter. However, if the Agency requires additional information, please do not hesitate to contact Kyle Schawel at 847/468-6780.

Sincerely,

Alfred Aghapour
Facility Manager
Safety-Kleen Systems, Inc.

Attachments

ATTACHMENT A

EXAMPLE CALIBRATION DOCUMENTATION

AIM CALIBRATION CHECK LOG

Calibration Gas: 35 ppm CO, 0.5 ME, 18% O2, N2 balance
Note: If calibration check varies more than +/- 5%, the unit cannot be used.

Date	Time	Name	Meter #	Pump #	Clean Air			Calibration Gas					Units Tested	Reviewed By
					CO - 0%	ME - 0%	O2 - 20.9%	Cylinder Date	3 min. flow min.	35 ppm CO 33 - 37 ppm	5000 ppm ME 4750 - 5250	18% O2 17 - 19		
4-7-00	23:50	RS	1	2	0	0	20.9	1-18-00	Yes	35	5000	17.9	March AET's T.L.'s	
4-11-00	00:50	RS	1	2	0	0	20.9	1-18-00	Yes	35	5000	17.8	March AET's T.L's Weekly pump AET's	
4-11-00	08:15	JD	1	2	0	0	20.9	1-18-00	yes	35	4793	17.9%	T-161 pump emission tag	
4-12-00	00:45	RS	1	2	0	0	20.9	1-18-00	Yes	35	4850	17.8	April AETS RETESTS March AETS TF-4/TF-5 VENTS	
4-12-00	08:45	JD	1	2	0	0	20.9	1-18-00	yes	35	4850	17.9%	C-1300 April AETS TL. 102 emission tag	
4-13-00	09:00	JD	1	2	0	0	20.9	1-18-00	yes	35	5000	17.9%	C-1400 April AET's	
4-13-00	16:30	CJS	1	2	0	0	20.9	1-18-00	Yes	33	4759	17.8%	C-1300 AETS	
4-14-00	02:15	RS	1	2	0	0	20.9	1-18-00	Yes	35	5025	17.8	LUWA FEED PUMP TF-4	
4-14-00	23:45	RS	1	2	0	0	20.9	1-18-00	Yes	35	4959	17.8	F-4 ATO PUMP, TL INTERDIKE TF-4, TL DRYER ROTAMETER	
4-17-00	16:15	CJS	1	2	0	0	20.9	1-18-00	Yes	33	4892	17.9	T-104 Pump, TL Jumper CC T-113 V01	
4-17-00	23:50	RS	1	2	0	0	20.9	1-18-00	Yes	35	4759	17.8	APRIL AET C-1400 ATO SYS. & CLVS March AET TL Dryer rota & T-21	

Comments:

ATTACHMENT B

PHOTOGRAPHS OF UPGRADED EQUIPMENT

MANWAY Cover

gauge hatch

Breather vent

Emergency pressure Relief vent

M E M O R A N D U M

To: Memo to File
From: Jena Sleboda
Date: April 4, 2001
Subject: Safety Kleen NOV resend

After not receiving the green card back from the certified mail, I called Safety Kleen and they indicated they had never received the NOV. Therefore, the letter was resent on April 4, 2001 (original sent on February 28, 2001) to a different address. The 30 day period to respond will start when Safety Kleen receives the April 4, 2001 letter..

7099 3400 0000 9596 9251

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To: Sleboda DE-9J

Postage	$ .76
Certified Fee	1.70
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
	¢ 4.16

Postmark Here

Robert Burke III
Safety Kleen Recycle
3800 S. Morgan Street
Chicago, IL 60609

rse for Instructions

G2

APR 04 2001

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Burke III
Senior Environment, Health and Safety Manager
Safety-Kleen Corp.
1445 W. 42nd Street
Chicago, Illinois 60609

Re: Notice of Violation
Compliance Evaluation Inspection
EPA I.D. No.: ILD 005 450 697

Dear Mr. Burke:

On September 20, 1999, representatives of the United States Environmental Protection Agency (U.S. EPA) inspected Safety Kleen Recycle Center located in Chicago, Illinois (the facility). The purpose of the inspection was to evaluate the facility's compliance with certain requirements of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the treatment and storage of hazardous waste. Copies of photographs taken during the inspection and the inspection report are enclosed as Attachment A for your reference.

Based on the September 20, 1999 inspection, we have determined that Safety Kleen Recycle Center is violating the following requirements:

- **35 I.A.C. 725.963(b)(3) [40 C.F.R. § 265.1063(b)(3)] -** Failure to calibrate the detection instrument before each use when performing leak detection monitoring. The AIM 3350 was consistently not calibrated between the dates of June 21, 1999 through August 30, 1999, as evidenced by the high readings recorded in the calibration logs provided by the facility.

- **35 I.A.C. 725.957 [40 C.F.R. § 265.1057]** - Failure to do monthly monitoring of valves in gas/vapor service. Because the detection instrument was not calibrated, the instrument could not properly detect emissions, and therefore there was effectually no monitoring.

- **40 C.F.R. § 265.1085(c)(2)(iii)(A)** - Failure to equip Level 1 tanks with a proper closure device. The closure devices on the Level 1 tanks are not secured and had gaps and open spaces between the devices and the tanks. In Safety Kleen Recycle Center's August 17, 2000 letter of response to the Section 3007 Information request dated July 17, 2000, Safety Kleen Recycle Center stated the closure devices in question are adequate because they are used as "safety devices and pressure relief devices during loading and during diurnal ambient temperature fluctuations." 40 C.F.R. 265.1081 states safety devices are not to be used for routine venting of gases during filling of the unit or to adjust pressure during diurnal ambient temperature fluctuations. Furthermore, it states that a pressure relief device will have some type of electronic sensor that will trigger the pressure relief device once a critical pressure is reached.

According to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), U.S. EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a written response to the violations cited above within 30 days of receipt of this letter. The response should document the actions, if any, which you have taken since the inspection to comply with the above requirements. For example, your response should include documentation that you are properly calibrating the detection instrument before each use and photographs of new closure devices on the Level 1 tanks. You should submit your response to Jena Sleboda, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604.

If you have any questions regarding this matter feel free to contact Ms. Sleboda, of my staff, at (312) 353-1263.

Sincerely,

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosure

cc: Todd Marvel, IEPA

bcc: Author's Copy
Section Copy
Branch Copy

ENFORCEMENT AND COMPLIANCE ASSURANCE BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY
AUTHOR/ TYPIST	COMPLIANCE SECTION 1 SECTION CHIEF	COMPLIANCE SECTION 2 SECTION CHIEF	CA SECTION SECTION CHIEF
jms 2/27/01	Linda 3/23/01		

jms (4/4/01) (resend)

Linda 4/4/01 (resend)

bcc: John Tielsch, ORC (will get copy of the resend.)

Jena Sleboda

02/27/2001 09:10 AM

To: Lorna Jereza
Subject: Re: Safety-Kleen NOV

SK_NOV.w

---------- Forwarded by Jena Sleboda/R5/USEPA/US on 02/27/2001 09:10 AM ----------

John Tielsch
02/27/2001 08:51 AM

To: Jena Sleboda

Thanks. I approve your draft.

APR 04 2001 #9596 8926

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Burke III
Senior Environment, Health and Safety Manager
Safety-Kleen Corp.
1445 W. 42nd Street
Chicago, Illinois 60609

Re: Notice of Violation
Compliance Evaluation Inspection
EPA I.D. No.: ILD 005 450 697

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Sincerely,

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosure

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Purpose:	Compliance Evaluation Inspection (CEI)
Facility:	Safety Kleen Recycle Center 3800 South Morgan Street Chicago, Illinois 60609
Facility ID Number:	ILD 005 450 697
Date of the Inspection:	September 20, 1999
EPA Inspectors:	Ivonne A. Vicente Environmental Engineer (312)886-4449 Patrick Kuefler (312) 353-6268 Cora Helm (312) 353-6844
Facility Rep.:	Robert Burke III, Safety Kleen Environmental Compliance Manager Alfred Aghapour, Safety Kleen Facility Manager
Applicable Regulations:	40 C.F.R. Parts 265
Report Prepared by:	Ivonne A. Vicente

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Purpose:	Compliance Evaluation Inspection (CEI)
Facility:	Safety Kleen Recycle Center 3800 South Morgan Street Chicago, Illinois 60609
Facility ID Number:	ILD 005 450 697
Date of the Inspection:	September 20, 1999
EPA Inspectors:	Ivonne A. Vicente Environmental Engineer (312)886-4449 Patrick Kuefler (312) 353-6268 Cora Helm (312) 353-6844
Facility Rep.:	Robert Burke III, Safety Kleen Environmental Compliance Manager Alfred Aghapour, Safety Kleen Facility Manager
Applicable Regulations:	40 C.F.R. Parts 265
Report Prepared by:	Ivonne A. Vicente

I. Facility Description and Regulatory Status:

Safety Kleen's Chicago Recycle Center (Chicago RC) is a solvent recycling facility that treats and stores hazardous waste. The plant employs about 44 people and operates 7 days a week, 24-hours a day. The hazardous wastes accepted by Chicago RC include organic chemicals and solvent wastes from industrial and commercial facilities. The processes used in the reclamation and recycling of solvent wastes include distillation, fractionation, neutralization, liquid-liquid extraction and drying.

The facility has two lines of business:
a) the toll processing line - the toll customer (generally industrial accounts) sends waste or off-specification material to Chicago RC for treatment. The facility reclaims the material to the customer's specifications and returns the material to the generator.
b) the recycling process consists of industrial solvents which come to Chicago RC from Safety-Kleen's sales network. These waste materials are reclaimed and or recycled and then the processed material is sold as product on the market.

The Chicago RC currently manages and stores hazardous waste in storage tanks located in three of five permitted tank farms and an outdoor permitted container storage area. Hazardous waste codes includes both characteristic and listed wastes such as still bottoms (F001, F002, D001), spent solvents (D001, D006, D008, D018, D035, D040), hazardous waste solids (F001, F002, D001), and waste flammable liquid (F001), among others.

II. Inspection Findings:

The RCRA inspection of the Safety Kleen Plant included a visual site inspection of the different processes, tank farms, container storage area, and flare. The process vents in the recycling equipment that vents to the flare are subject to Subpart AA regulations, there are 75,000 points subject to Subpart BB standards, the storage tanks in the tank farms are subject to Subpart CC - level 1 controls. Also, the 55-gallon hazardous waste storage drums are subject to Subpart CC requirements. The following Subpart AA, BB and CC records were reviewed at the time of the inspection: checklists for valves, flanges, leaks, hazardous waste tanks, hazardous waste drums, flare maintenance, and the methods, parameters and check logs used to determine VOC emissions (i.e., AIM 3350 calibration equipment).

Chicago RC conducts quarterly BB inspections for valves and flanges and annual CC inspections for Tanks. The 55-gallon drums subject to Subpart CC were closed, labeled and maintained in good

conditions. The flare, distillation equipment and tanks subject to subpart AA and BB were inspected (see explanation below). Based on my review, it was determined that the facility is subject to Subpart AA, BB and CC regulations. More information is needed to determine Chicago RC's compliance with Subpart BB standards due to the following findings:

1) According to Safety Kleen representatives, an equipment called AIM 3350 is used to measure and obtain direct readings of organic vapors. This instrument is calibrated and set to alert the user of any gas reading above the 5,000 ppm for methane (ME), 35 ppm for carbon monoxide (CO) and 18% of oxygen. Records reviewed at the time of the inspection show that in several times the ME reading exceeded the 5,000 ppm for ME. There were readings ranging from less than 5,000 ppm up to 50,000 ppm. This could have resulted in leaks during those days. Documentation for leaks repaired occurred during those days will be requested to the facility in accordance with the requirements in 40 C.F.R. § 264.1062.

2) The check log for the AIM 3350, shows that from October 28, 1998 to March 16, 1999, the calibration instrument was not calibrated. 40 C.F.R. § 264.1063 requires that the instrument shall be calibrated before use on each day of its use by the procedures specified in Reference to Method 21.

3) Inadequate closure devices were in top of several hazardous waste storage tanks located in Tank Farm 2. However, it was indicated that the tanks were empty at the time of the inspection (See photos 10 &11).

4)Flanges in tanks 51, 38 and 30 did not have the identification required by Subpart BB, 40 C.F.R. § 264.1064.(See photos 4 to 6)

5) An open end pipe in Tank Farm 3 (T195) was observed with no sealed equipment. 40 C.F.R. § 264.1056 requires that each open ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open and at all times except during operations requiring hazardous waste stream flow through the open ended valve or line.

III. Attachments:

1- Facility map
2- Photos
3- Check lists
4- Plant Map

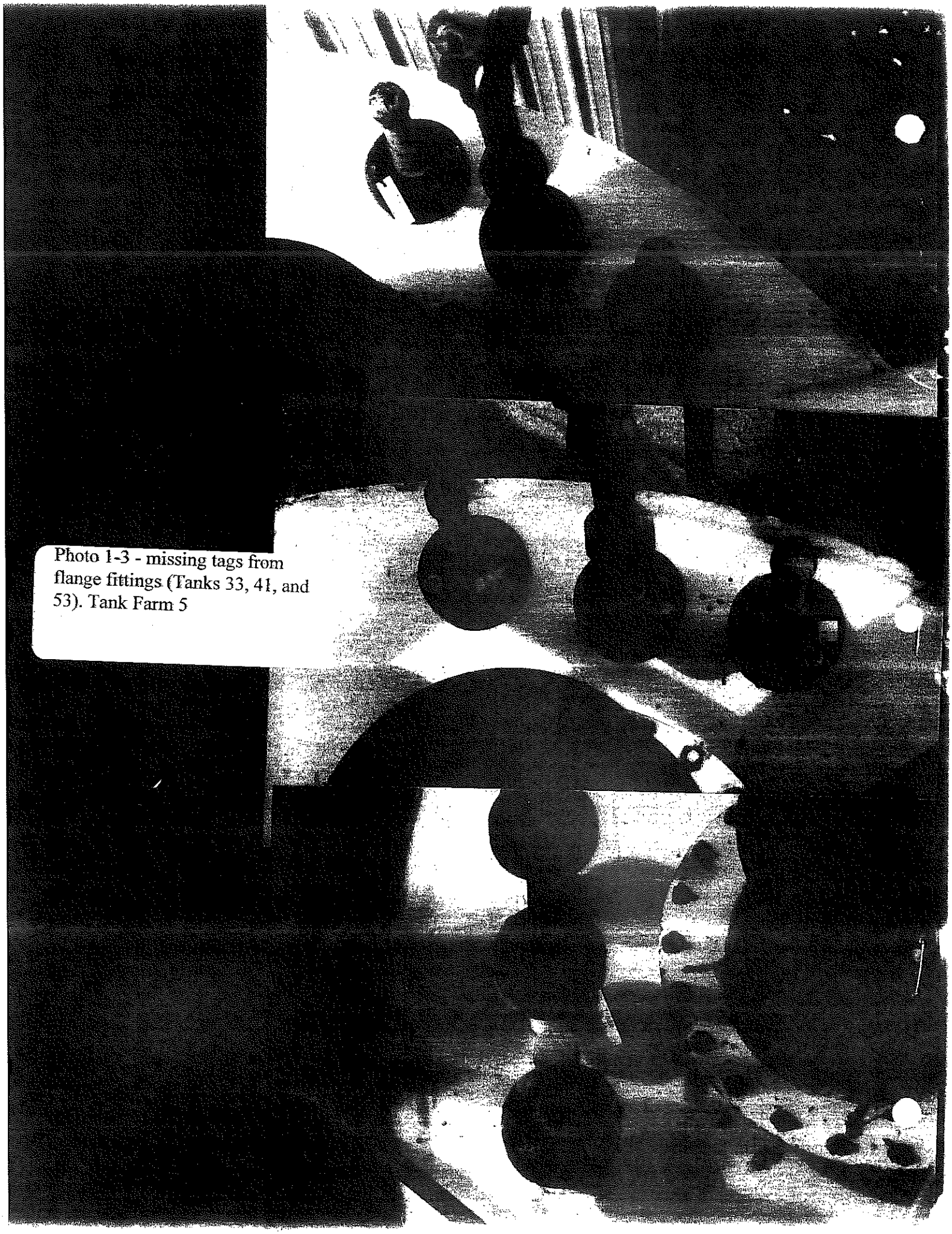
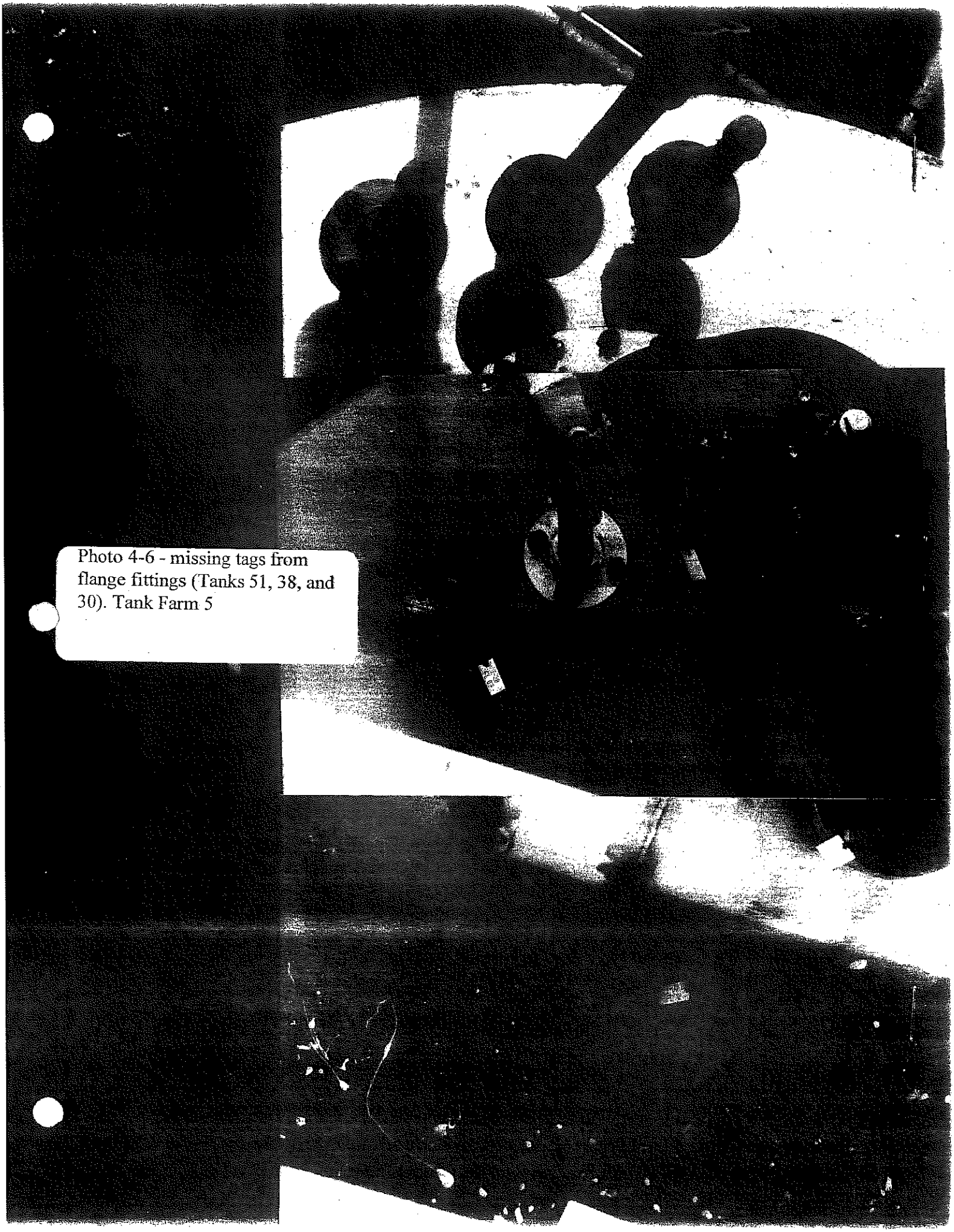


Photo 1-3 - missing tags from flange fittings (Tanks 33, 41, and 53). Tank Farm 5



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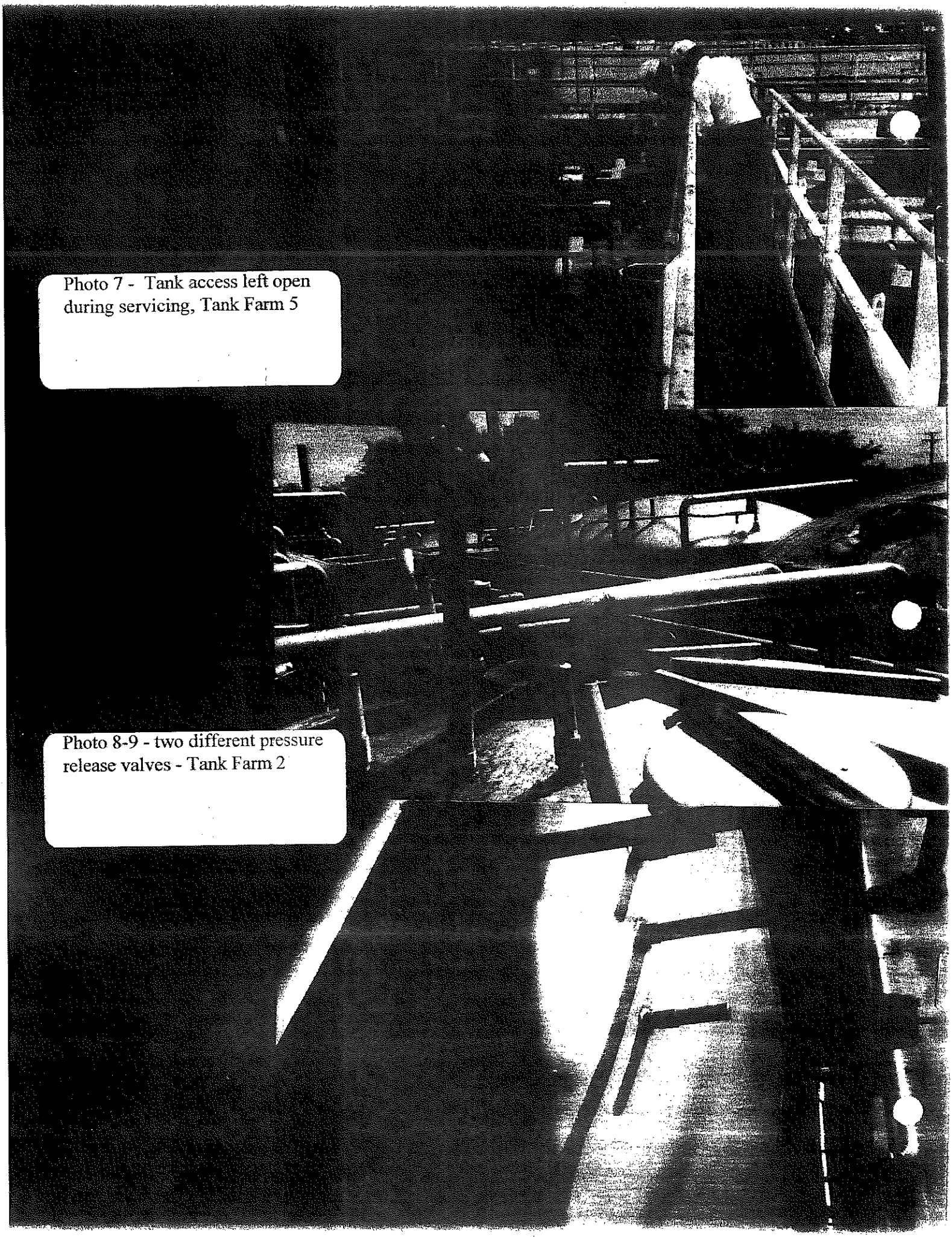

Photo 7 - Tank access left open during servicing, Tank Farm 5

Photo 8-9 - two different pressure release valves - Tank Farm 2

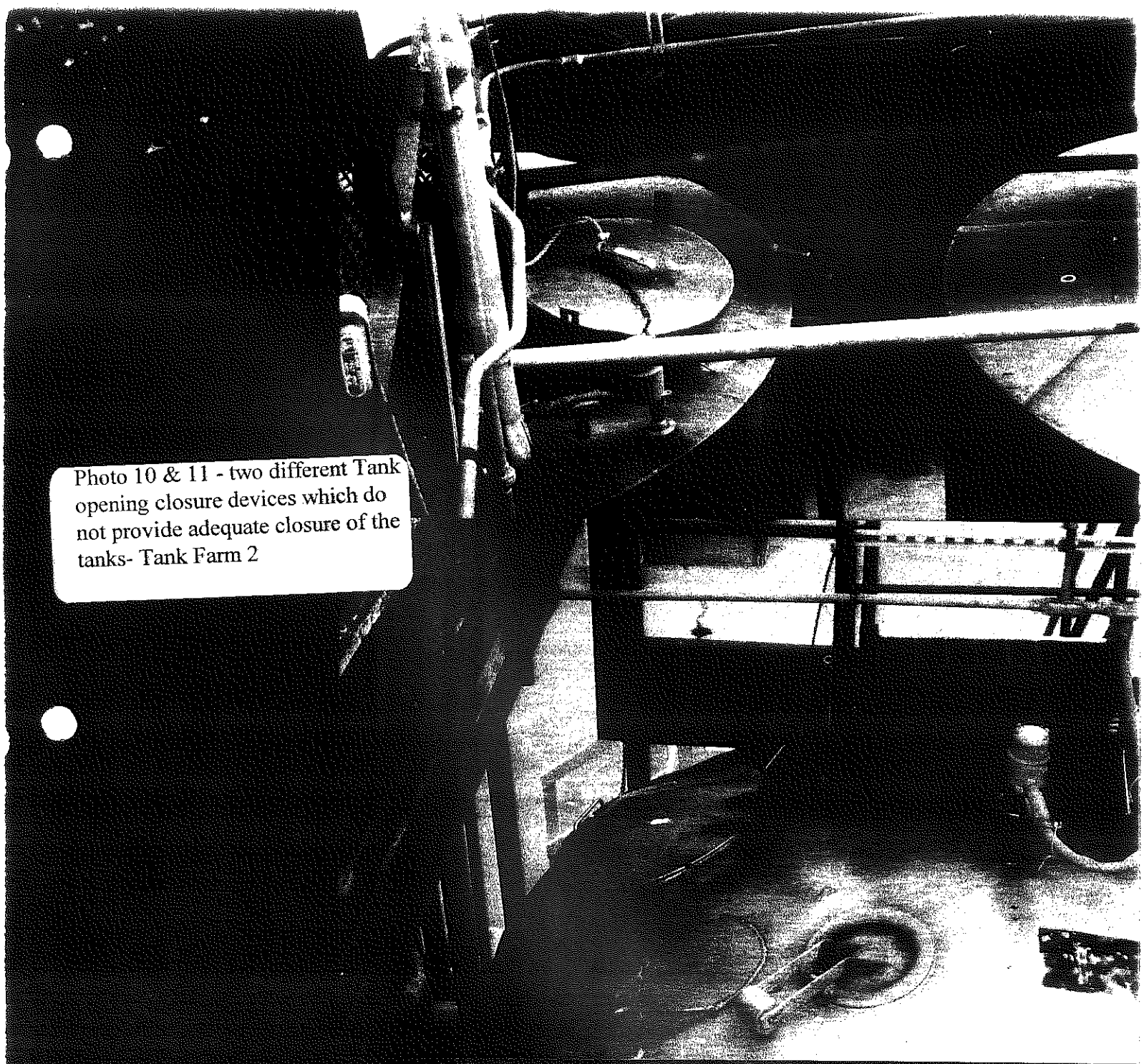

Photo 10 & 11 - two different Tank opening closure devices which do not provide adequate closure of the tanks- Tank Farm 2

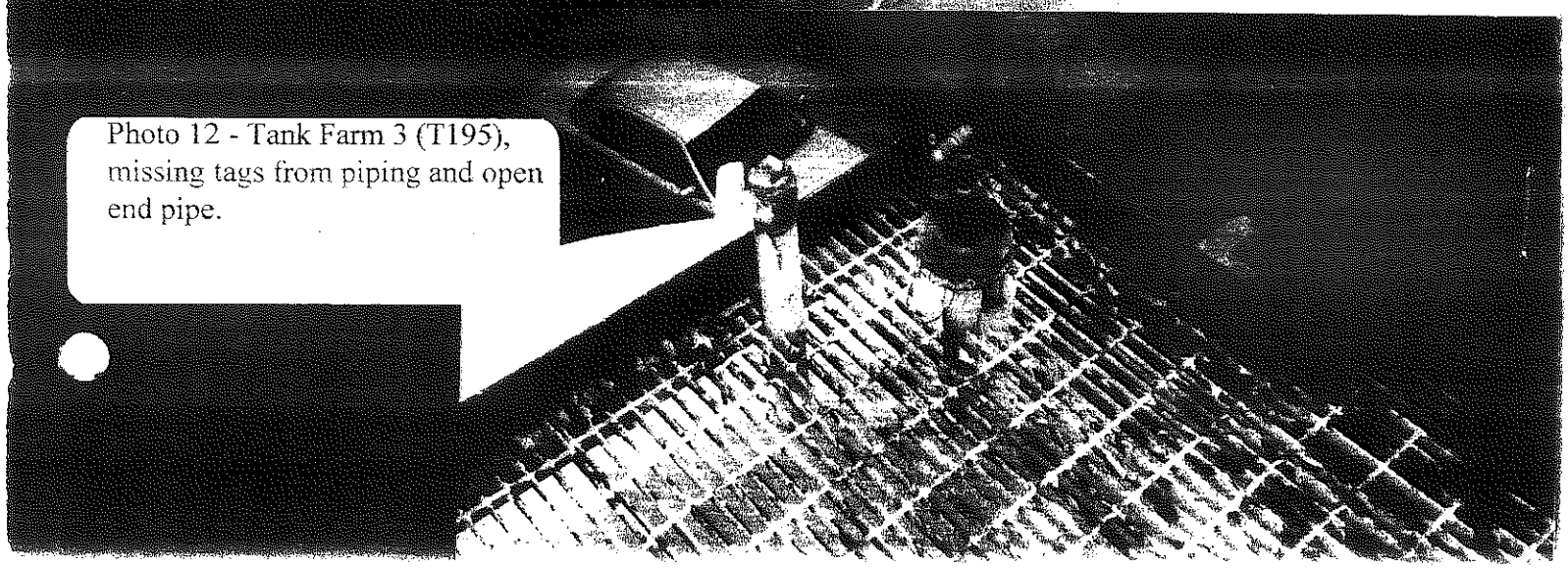

Photo 12 - Tank Farm 3 (T195), missing tags from piping and open end pipe.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

FEB 28 2001

DE-9J

CERTIFIED MAIL 95 96 9251
RETURN RECEIPT REQUESTED

Robert Burke III
Environmental Compliance Manager
Safety Kleen Recycle Center
3800 South Morgan Street
Chicago, Illinois 60609

Re: Notice of Violation
Compliance Evaluation Inspection
EPA I.D. No.: ILD 005 450 697

Dear Mr. Burke:

On September 20, 1999, representatives of the United States Environmental Protection Agency (U.S. EPA) inspected Safety Kleen Recycle Center located in Chicago, Illinois (the facility). The purpose of the inspection was to evaluate the facility's compliance with certain requirements of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the treatment and storage of hazardous waste. Copies of photographs taken during the inspection and the inspection report are enclosed as Attachment A for your reference.

Based on the September 20, 1999 inspection, we have determined that Safety Kleen Recycle Center is violating the following requirements:

- **35 I.A.C. 725.963(b)(3) [40 C.F.R. § 265.1063(b)(3)] -** Failure to calibrate the detection instrument before each use when performing leak detection monitoring. The AIM 3350 was consistently not calibrated between the dates of June 21, 1999 through August 30, 1999, as evidenced by the high readings recorded in the calibration logs provided by the facility.

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on 50% Recycled Paper (20% Postconsumer)

- **35 I.A.C. 725.957 [40 C.F.R. § 265.1057]** - Failure to do monthly monitoring of valves in gas/vapor service. Because the detection instrument was not calibrated, the instrument could not properly detect emissions, and therefore there was effectually no monitoring.

- **40 C.F.R. § 265.1085(c)(2)(iii)(A)** - Failure to equip Level 1 tanks with a proper closure device. The closure devices on the Level 1 tanks are not secured and had gaps and open spaces between the devices and the tanks. In Safety Kleen Recycle Center's August 17, 2000 letter of response to the Section 3007 Information request dated July 17, 2000, Safety Kleen Recycle Center stated the closure devices in question are adequate because they are used as "safety devices and pressure relief devices during loading and during diurnal ambient temperature fluctuations." 40 C.F.R. 265.1081 states safety devices are not to be used for routine venting of gases during filling of the unit or to adjust pressure during diurnal ambient temperature fluctuations. Furthermore, it states that a pressure relief device will have some type of electronic sensor that will trigger the pressure relief device once a critical pressure is reached.

According to Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), U.S. EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a written response to the violations cited above within 30 days of receipt of this letter. The response should document the actions, if any, which you have taken since the inspection to comply with the above requirements. For example, your response should include documentation that you are properly calibrating the detection instrument before each use and photographs of new closure devices on the Level 1 tanks. You should submit your response to Jena Sleboda, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, DE-9J, Chicago, Illinois 60604.

If you have any questions regarding this matter feel free to contact Ms. Sleboda, of my staff, at (312) 353-1263.

Sincerely,

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosure

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Purpose:	Compliance Evaluation Inspection (CEI)
Facility:	Safety Kleen Recycle Center 3800 South Morgan Street Chicago, Illinois 60609
Facility ID Number:	ILD 005 450 697
Date of the Inspection:	September 20, 1999
EPA Inspectors:	Ivonne A. Vicente Environmental Engineer (312)886-4449 Patrick Kuefler (312) 353-6268 Cora Helm (312) 353-6844
Facility Rep.:	Robert Burke III, Safety Kleen Environmental Compliance Manager Alfred Aghapour, Safety Kleen Facility Manager
Applicable Regulations:	40 C.F.R. Parts 265
Report Prepared by:	Ivonne A. Vicente

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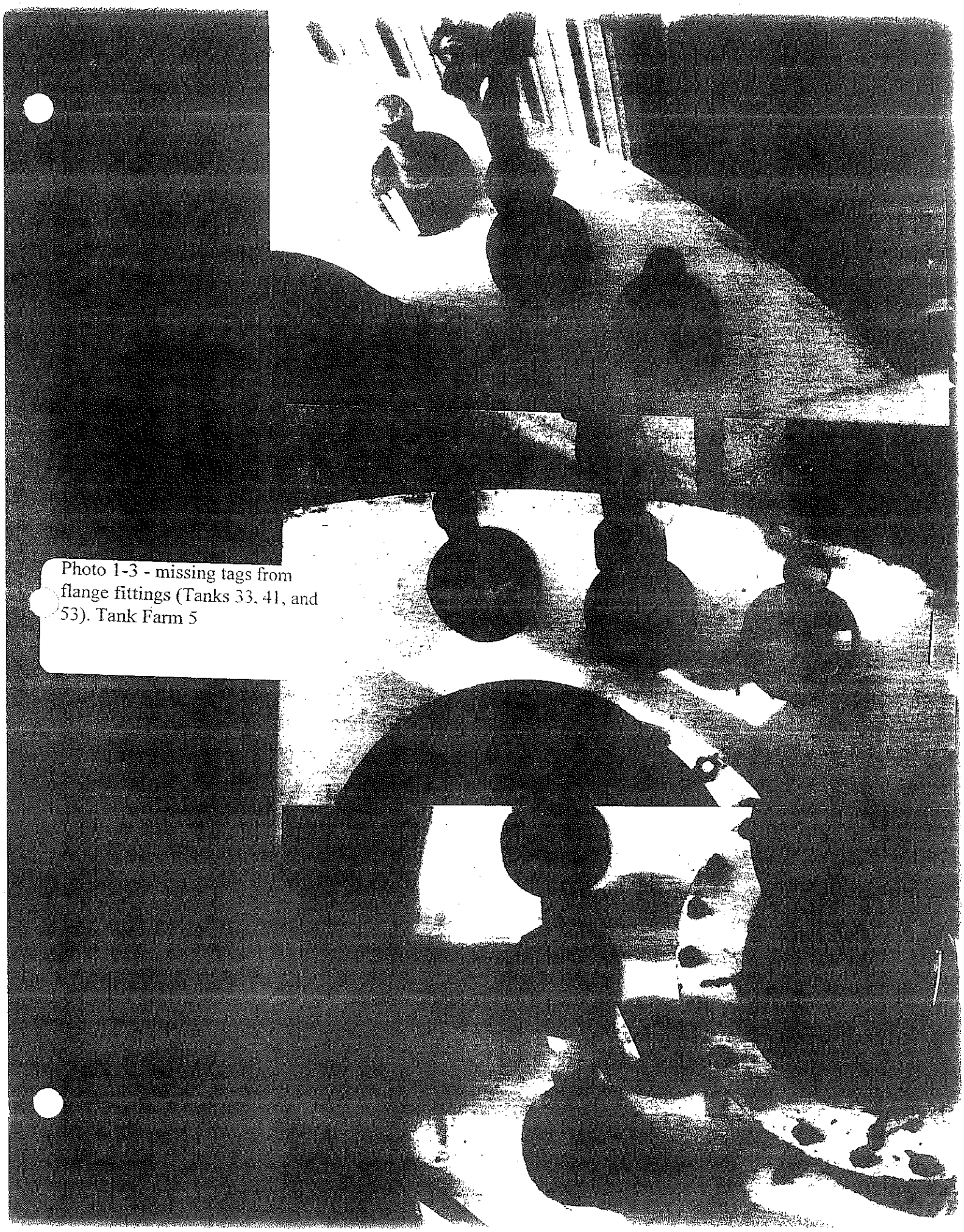

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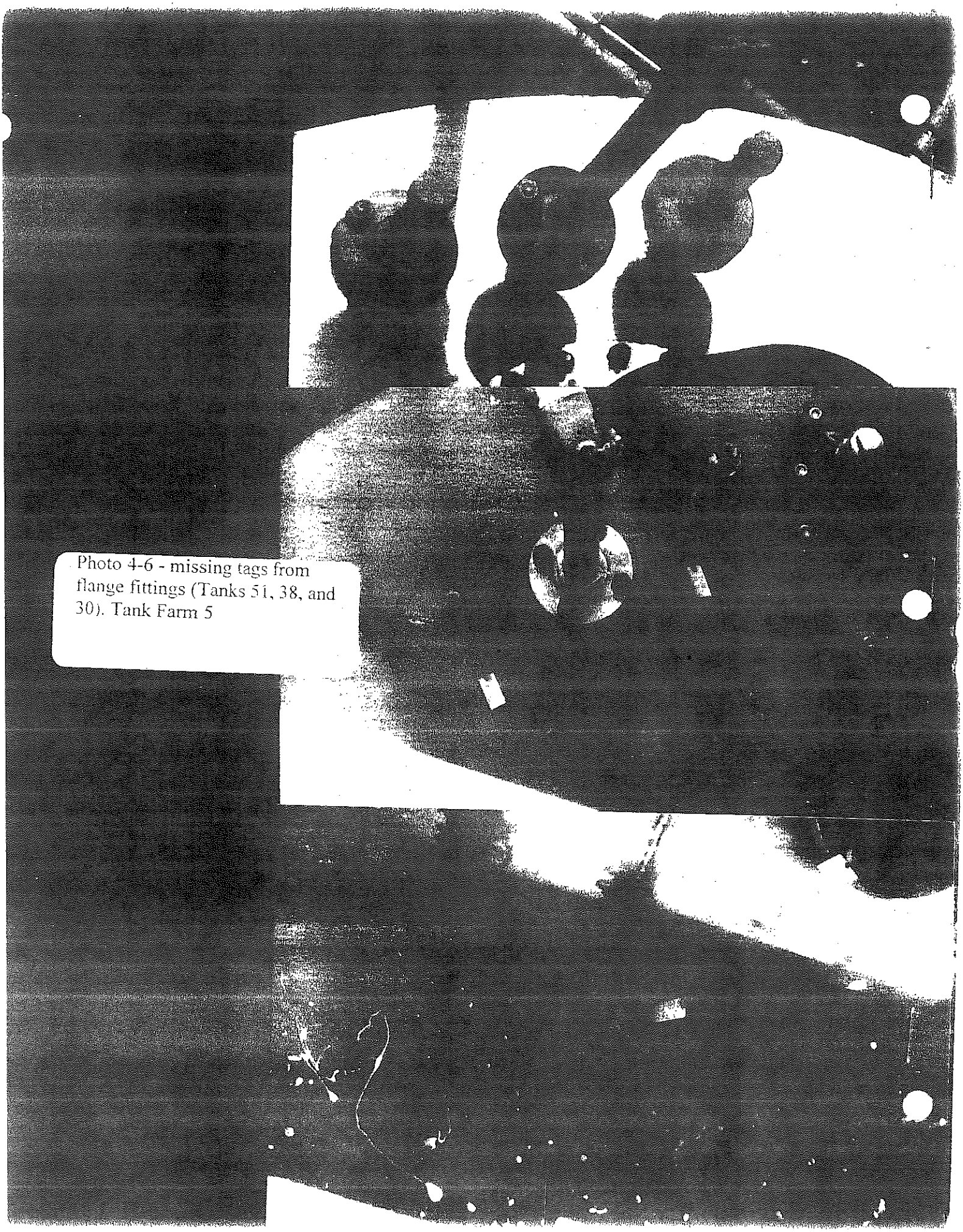

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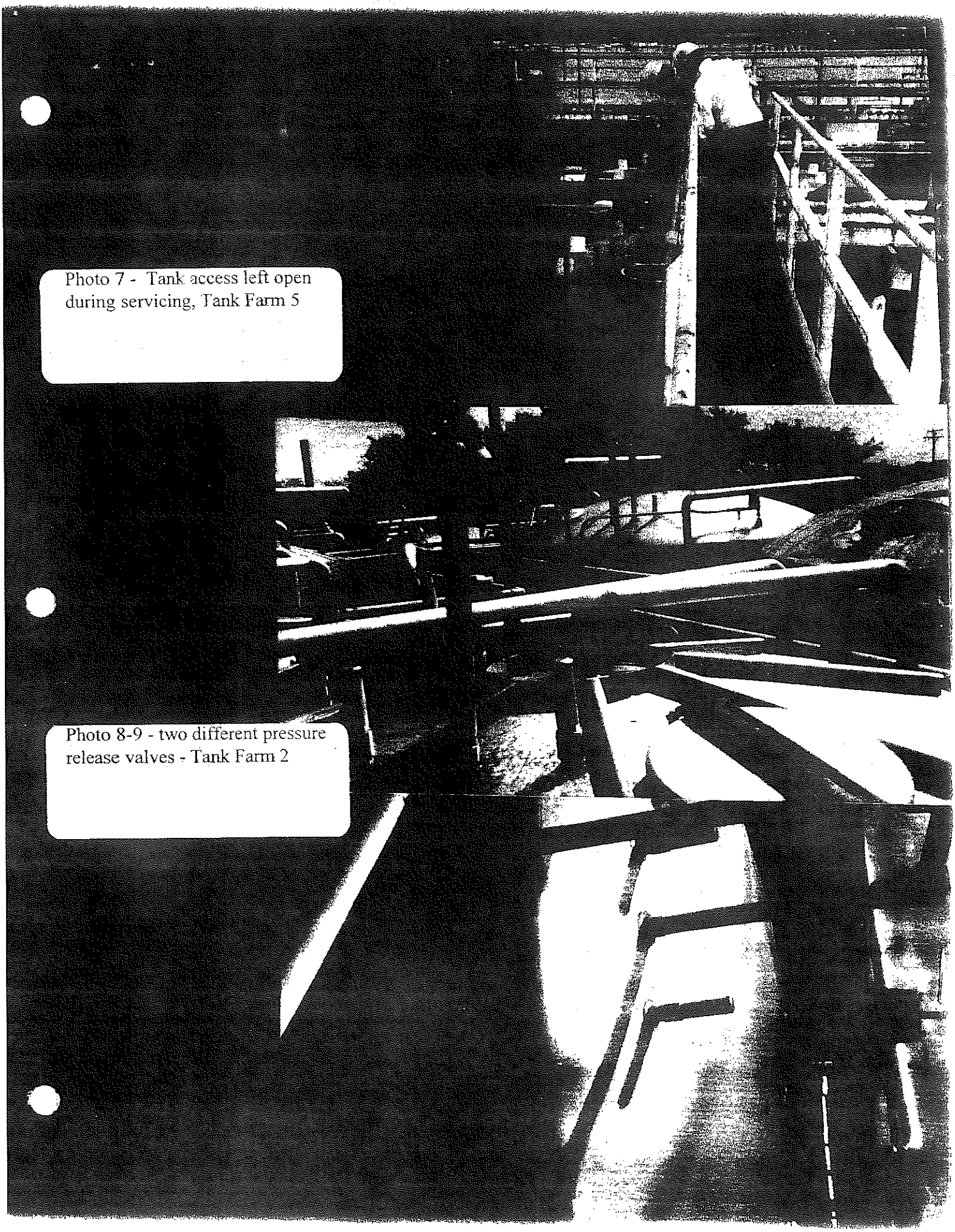

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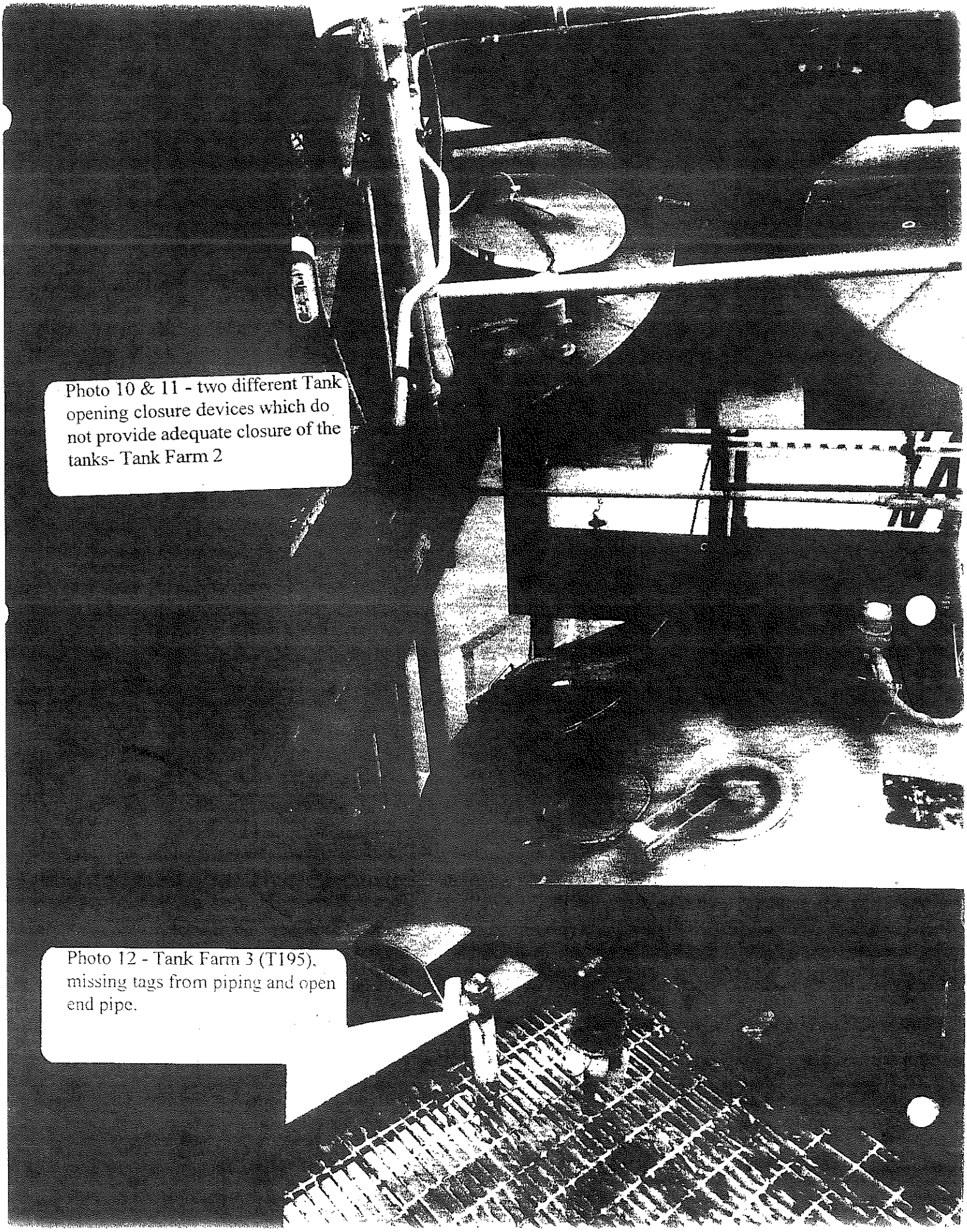

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VIA CERTIFIED MAIL
 # 7000 0520 0015 3536 4528

safety-kleen ®

January 9, 2001

SAFETY-KLEEN CORP.

United States Environmental Protection Agency, Region 5
ATTN: Jena Sleboda, (DE-9J)
Enforcement and Compliance Assurance Branch
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Safety-Kleen Systems, Inc., Chicago Recycle Center
ILD 005 450 697
Supplemental Response to Section 3007 Information Request Dated 7/17/00

Dear Ms. Sleboda:

On July 18, 2000, Safety-Kleen Systems, Inc., ("Safety-Kleen") Chicago Recycle Center received a Section 3007 Information Request from USEPA Region 5 related to a September 20, 1999 inspection conducted by Ms. Vincente and other representatives from the Region 5. The request mandated that a response be provided within 30 calendar days of receipt. A response was submitted on August 17, 2000. Therefore, the response was submitted on a timely basis.

In accordance with your verbal request, the Chicago Recycle Center is providing a photocopy of the calibration log used to for the AIM 3000 unit. This is the unit that was utilized by the Chicago Recycle Center from October 28, 1998 through March 9, 1999. The column labeled "calibrated number" contains two numbers. The first number is the initial reading that the AIM unit registered when the calibration gas was connected to the unit. The second number is the value obtained after the calibration of the unit was completed.

If you have any questions or require additional information, please contact me at (708) 225-8155.

Sincerely,

Robert Burke III

Robert Burke III, REM
Environmental Compliance Manager

Attachment

cc: Alfred Aghapour
Craig Lackey (Safety-Kleen Legal)
G: USEPA, Region 5 - Supplemental Information Request - 2000

1445 WEST 42ND STREET CHICAGO, IL 60609 773/650-1464

PRINTED ON RECYCLED PAPER

SAFETY-KLEEN CORPORATION

CHICAGO RECYCLE CENTER

AIM 3000 VAPOR LEAK TESTING UNIT CALIBRATION LOG

1445 W. 42nd St. • Chicago, Illinois 60609

AIM - MODEL 3000 GAS DETECTOR CALIBRATION LOG

DATE	TEMP. C	T/C SENSOR	BATTERY	TEST BUZZER	TEST LED'S	SENSOR OUTPUT VALUE	CALIBRATION GAS	CALIBRATED NUMBER	CALIBRATED BY:(NAME)
8-20-98	+24	ok	ok	ok	ok	209	methane 495 ppm	2916/500	Jesse Duff
8-21-98	+27	ok	ok	ok	ok	215	methane 495 ppm	2162/500	Jesse Duff
8-22-98	+29	ok	ok	ok	ok	155	methane 495 ppm	2411/500	Jesse Duff
8-24-98	+28	OK	OK	OK	OK	209	Methane 495 PPM	2572/	Chris Smith
8-26-98	+33	OK	OK	OK	OK	178	Methane 495 PPM	9760/500 PPM	Rick Gallo
8-27-98	+30	ok	ok	ok	ok	211	Methane 495 ppm	2245/500 PPM	Jesse Duff
9-1-98	+28	OK	OK	OK	OK	183	Methane 495 PPM	14760/500 PPM	Rick Gallo
9-7-98	+32	ok	ok	ok	ok	196	Methane 495 ppm	4875/500 PPM	[illegible]
9-9-98	+25	OK	OK	OK	OK	212	Methane 495 PPM	3124/500 PPM	Chris Smith
9-10-98	+22	ok	ok	ok	ok	221	methane 495 ppm	1664/500 PPM	Jesse Duff
9-14-98	+28	ok	ok	ok	ok	211	methane 495 ppm	1665/500 ppm	Jesse Duff
	+24	ok	ok	ok	ok	222	methane 495 ppm	1581/500 ppm	Jesse Duff
9-21-98	+23	ok	ok	ok	ok	229	methane 495 ppm	3812/500 ppm	[illegible]
9-22-98	+26	ok	ok	ok	ok	225	methane 495 ppm	1415/500 ppm	Jesse Duff
9-25-98	+25	ok	ok	ok	ok	226	methane 495 ppm	1913/500 ppm	Jesse Duff
9-26-98	+26	ok	ok	ok	ok	225	Methane 495 ppm	1996/500 ppm	Jesse Duff
9-28-98	+27	ok	ok	ok	ok	225	methane 495 ppm	1166/500 ppm	Jesse Duff
10-1-98	+25	OK	OK	OK	OK	225	Methane 495 PPM	1747/500 PPM	Chris Smith
10-2-98	+24	OK	OK	OK	OK	222	Methane 495 PPM	3540/500 PPM	Chris Smith
10-8-98	+24	ok	ok	ok	ok	157	methane 495 ppm	1166/500 ppm	[illegible]
10-16-98	+29	OK	OK	OK	OK	208	Methane 495 PPM	2328/500 PPM	Chris Smith
10-23-98	+23	ok	ok	ok	ok	212	methane 495 ppm	2162/500 ppm	Jesse Duff
10-28-98	+23	OK	OK	OK	OK	208	METHANE 495 PPM	1747/500 PPM	Rick Gallo
10-29-98	+24	ok	ok	ok	ok	206	methane 495 ppm	2345/500 ppm	Jesse Duff

AIM - MODEL 3000 GAS DETECTOR
CALIBRATION LOG

DATE	TEMP. C	T/C SENSOR	BATTERY	TEST BUZZER	TEST LED'S	SENSOR OUTPUT VALUE	CALIBRATION GAS	CALIBRATED NUMBER	CALIBRATED BY:(NAME)
10-30-98	+24	OK	OK	OK	OK	214	METHANE 495 PPM	4260 / 500 PPM	Rick Galka
11-2-98	+21	OK	OK	OK	OK	220	methane 495 PPM	1489 / 500 PPM	Jesse [illegible]
11-4-98	+24	OK	OK	OK	OK	197	Methane 495 PPM	940 / 500 PPM	Rick Galka
11-9-98	+24	OK	OK	OK	OK	216	methane 495 PPM	980 / 500 PPM	Jesse [illegible]
11-10-98	+27	OK	OK	OK	OK	222	methane 495 PPM	1664 / 500 PPM	Jesse [illegible]
11-13-98	+17	OK	OK	OK	OK	203	Methane 495 PPM	7940 / 500 PPM	Rick Galka
11-16-98	+27	OK	OK	OK	OK	219	methane 495 PPM	1581 / 500 PPM	Jesse [illegible]
11-17-98	+21	OK	OK	OK	OK	214	METHANE 495 PPM	1332 / 500 PPM	Rick Galka
11-23-98	+25	OK	OK	OK	OK	206	METHANE 495 PPM	5588 / 500 PPM	Rick Galka
11-24-98	+24	OK	OK	OK	OK	218	Methane 495 PPM	1830 / 500 PPM	Rick Galka
11-25-98	+29	OK	OK	OK	OK	220	Methane 495 PPM	2604 / 500 PPM	Rick Galka
11-28-98	+27	OK	OK	OK	OK	211	Methane 495 PPM	2245 / 500 PPM	Rick Galka
11-30-98	+26	OK	OK	OK	OK	220	Methane 495 PPM	3120 / 500 PPM	Chris Smith
12-3-98	+23	OK	OK	OK	OK	195	Methane 495 PPM	12236 / 500 PPM	Rick Galka
12-4-98	+27	OK	OK	OK	OK	220	methane 495 PPM	1664 / 500 PPM	Jesse [illegible]
12-8-98	+21	OK	OK	OK	OK	216	Methane 495 PPM	1996 / 500 PPM	Chris Smith
12-10-98	+23	OK	OK	OK	OK	220	methane 495 PPM	10831 / 500 PPM	Jesse [illegible]
12-12-98	+21	OK	OK	OK	OK	221	Methane 495 PPM	4266 / 500 PPM	Chris Smith
12-14-98	+23	OK	OK	OK	OK	220	Methane 495 PPM	1664 / 500 PPM	Jesse [illegible]
12-15-98	+21	OK	OK	OK	OK	219	methane 495 PPM	1584 / 500 PPM	Jesse [illegible]
12-21-98	+22	OK	OK	OK	OK	202	methane 495 PPM	830 / 500 PPM	Jesse [illegible]
12-28-98	+20	OK	OK	OK	OK	205	Methane 495 PPM	1996 / 500 PPM	Rick Galka
12-29-98	+22	OK	OK	OK	OK	223	methane 495 PPM	1164 / 500 PPM	Jesse [illegible]
1-6-99	+20	OK	OK	OK	OK	212	methane 495 PPM	10831 / 500 PPM	Jesse [illegible]

AIM - MODEL 3000 GAS DETECTOR
CALIBRATION LOG

DATE	TEMP. C	T/C SENSOR	BATTERY	TEST BUZZER	TEST LED'S	SENSOR OUTPUT VALUE	CALIBRATION GAS	CALIBRATED NUMBER	CALIBRATED BY:(NAME)
1-11-99	+20	ok	ok	ok	ok	211	methane 495ppm	940 / 500 ppm	Jesse [illegible]
1-13-99	+25	ok	ok	ok	ok	226	methane 495ppm	2160 / 500 ppm	Jesse [illegible]
1-14-99	+24	ok	ok	ok	ok	215	methane 495ppm	1180 / 500 ppm	Jesse [illegible]
1-19-99	+27	ok	ok	ok	ok	206	Methane 495PPM	1249 / 500 ppm	Jesse [illegible]
1-20-99	+25	OK	OK	OK	OK	207	Methane 495PPM	2106 / 500 ppm	Chris Smith
1-22-99	+23	OK	OK	OK	OK	210	methane 495PPM	3260 / 500 ppm	Rich Galka
1-25-99	+23	ok	ok	ok	ok	212	methane 495ppm	1180 / 500 ppm	Jesse [illegible]
2-1-99	+25	OK	OK	OK	OK	208	METHANE 495ppm	1860 / 500 ppm	Rich Galka
2-8-99	+28	OK	OK	OK	OK	191	METHANE 495ppm	138 / 500 ppm	Rich Galka
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2-23-99	+24	ok	ok	ok	ok	225	methane 495ppm	4268 / 500 ppm	Jesse [illegible]
3-1-99	+18	ok	ok	ok	ok	205	Methane 495ppm	1947 / 500 ppm	Jesse [illegible]
3-9-99	+19	ok	ok	ok	ok	212	methane 495ppm	1949 / 500 ppm	Jesse [illegible]
~~[illegible]~~									[illegible]

safety-kleen ®

VIA UNITED PARCEL SERVICE
OVERNIGHT DELIVERY
 # 1Z 607 990 13 1000 010 0

August 17, 2000

United States Environmental Protection Agency, Region 5
ATTN: Ivonne Vincente, (DE-9J)
Enforcement and Compliance Assurance Branch
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Safety-Kleen Systems, Inc., Chicago Recycle Center
ILD 005 450 697
Response to Section 3007 Information Request Dated 7/17/00

Dear Ms. Vincente:

On July 18, 2000, Safety-Kleen Systems, Inc., ("Safety-Kleen") Chicago Recycle Center received a Section 3007 Information Request from USEPA Region 5 related to a September 20, 1999 inspection conducted by yourself and other representatives from the Region 5. The request mandated that a response be provided within 30 calendar days of receipt. Therefore, this response is being submitted on a timely basis.

Attached to this memorandum are the responses to the information requested in Item III of the Section 3007 Information Request received by the facility. Safety-Kleen has provided complete responses, based on currently available information, to all of the EPA's request.

If you have any questions or require additional information, please contact me at (708) 225-8155.

Sincerely,

Robert Burke, III

Robert Burke III, REM
Environmental Compliance Manager

Attachments

cc: Alfred Aghapour
Scott Kuhn
Craig Lackey (Safety-Kleen Legal)
Tim Semones
G: USEPA, Region 5 - Information Request - 2000

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SAFETY-KLEEN CORP.
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CHICAGO RECYCLE CENTER
SAFETY-KLEEN SYSTEMS, INC.

III. Request for Information

CEI Report

Safety-Kleen requests that a copy of the CEI Report filed by Ms. Vincente be provided. A copy of this report was requested at the close of the inspection, but has not been received. If the CEI Report contains attachments, Safety-Kleen requests a copy of these documents as well.

Provided below is a response to each item for which EPA has requested information. A restatement of each request follows the corresponding number listed in EPA's 3007 information request.

Item 1. The check log data for the AIM 3350 (monitoring instrument), gathered during the inspection shows that from October 28, 1998 to March 16, 1999, the instrument was not calibrated. 40 C.F.R. 264.1063 requires that the instrument shall be calibrated before use each day of its use by the procedures specified in EPA Method 21. Please provide the following information:

a) **The method used to calibrate the AIM 3350 instrument**
b) **Why the AM 3350 instrument was not calibrated from October 28, 1998, to March 16, 1999.**
c) **Whether the AIM 3350 instrument was recalibrated on the following dates when the ME reading was either less than 4750 ppm or greater than 5250 ppm: March 25, 1999; June 3, 1999; June 21, 1999; June 24, 199; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999.**
d) **Documentation indicating leaks observed and repaired, if any, for the equipment subject to Subpart BB requirements during the dates of March 25, 1999; June 3, 1999; June 21, 1999; June 24, 199; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999 and from October 28, 1998, to March 16, 1999 in accordance with the requirements in 40 C.F.R. 264.1062.**

Response: Provided below are responses to items a through d:

a) Enclosed in **Attachment A** is photocopy of the method used to calibrate the AIM 3350 unit.

b) The AIM 3350 instrument was not calibrated from October 28, 1998 to March 16, 1999 because an alternate instrument was utilized during this time frame. The Chicago Recycle Center had obtained an additional AIM unit and this unit was utilized to conduct the required method 21 tests on applicable equipment in hazardous waste service during the time frame referenced.

c) Except for June 3, 1999, the Aim 3350 instrument was not recalibrated on the dates identified by the Agency.

d) Enclosed in **Attachment B** is a photocopy of the inspection and repair logs for the dates identified by the Agency. Summarized below are the results of the inspections conducted during the dates requested.

March 25, 1999
No leaks were detected.

June 3, 1999
No leaks were detected.

Note: The AIM unit was re-calibrated by the Health & Safety Manager before the testing was done. However, this was not documented in the calibration log, rather it was documented in the work list book maintained by the Maintenance Department.

June 21, 1999
No leaks were detected.

June 24, 1999
No leaks were detected.

June 28, 1999
No leaks were detected.

July 6, 1999
No leaks were detected.

July 7, 1999
No leaks were detected.

July 12, 1999
No leaks were detected.

July 13, 1999
No leaks were detected.

July 19, 1999
No leaks were detected.

July 22, 1999
No leaks were detected.

August 2, 1999
One leak was detected on C-1200, V-4532

August 6, 1999
No leaks were detected.

August 12, 1999
Two (2) leaks were detected: C-1300 LTO Pump, P-1302
C-1400 LTO Pump, P-1402

August 30, 1999
No leaks were detected.

October 28, 1998
No leaks were identified on waste service equipment.

November 2, 1998
Five leaks were detected on E-2: V-1183, V-1303, V-1275, V-1203, & FL-1142.

November 23, 1998
One leak was detected on C-1200, V-0007.

December 8, 1998
One leak was detected on Tank #38, FL-003.
One leak was detected on Flare blower pump, P-BW4002.

December 29, 1998
No leaks were identified on waste service equipment.

January 11, 1999
One leak detected on C-1400, Feed tray #12 valve, V-0558.

February 19, 1999
One leak detected on Tank #44, side line drain connector.

February 22, 1999
One leak detected on portable pump P-P220V1.

February 23, 1999
Two (2) leaks were detected on C1200: V-4585 & V-4586.

March 1, 1999
One leak detected on C1400 LTO, P-1402.

Item 2. At the time of the inspection, inadequate closure devices were observed on top of several hazardous waste storage tanks located in Tank Farm 2. Representatives of Safety-Kleen indicated that the tanks were empty at the time of the inspection. Please provide photos and other documentation showing that adequate closure devices were installed in these tanks in accordance with 40 C.F.R. 265.1085 (c)(2)(I)-(iii)(A) prior to the placement of hazardous waste in the tanks.

Response: A comment made in the information request indicated that Safety-Kleen representatives stated that the tanks were empty at the time of the inspection. Safety-Kleen representatives present during the inspection do not recollect stating that the tanks were empty.

Safety-Kleen disagrees that the closure devices on the tanks located within tank farm # 2 are inadequate. The closure devices referred to by the Agency are used as both a pressure relief device and safety device. These closures allow the tanks to operate in a safe manner during loading operations and during diurnal ambient temperature fluctuations. See **Attachment C** for photographs of the different types of closure devices utilized in Tank Farm # 2.

In addition, the closure devices were monitored using Method 21 protocol in December 1999, March, 2000 and April, 2000. The results of the test identified that the closure devices were operating with no detectable emissions as required in 40 CFR 265.1085 (c)(3)(ii). Enclosed in **Attachment D** are photocopies of the Method 21 test results conducted on the closure devices on the roofs of the tanks in Tank Farm # 2. The term "inactive" and "stagnant" means that material was in the tank, but not in the act of being transferred.

Item 3. At the time of the inspection, flanges in tanks 51, 38 and 30 did not have the identifications required by Subpart BB, 40 C.F.R. 264.1064. Please provide documentation showing that these flanges have been identified in accordance with 40 C.F.R. 264.1064.

Response: The Chicago Recycle Center has approximately 3,569 flanges identified and monitored in accordance with 40 CFR 264.1058. Each flange is identified on a drawing that clearly identifies the location of the flange in hazardous waste service. The tags are used as a quick reference indicator by personnel conducting the inspections. During the inspection, it was observed that the tags that had been secured to the flanges were no longer attached. Instead the wire used to secure the tags had rusted through and the tags were lying on the roof of the tank

near the flanges. It is expected that monitoring personnel would have identified the need to replace the wire on the tags during their next scheduled inspection. It is clear from the number of flanges identified that the Chicago Recycle Center has implemented a program in compliance with 40 CFR 265.1050.

The tags observed missing during the inspection were reattached to the applicable flanges subsequent to the inspection. See **Attachment E** for photographs of the flanges tagged on Tanks 30A, 38, and 51.

Item 4. At the time of the inspection, an open ended pipe in Tank Farm 3 (T195) had no seal. 40 C.F.R. 264.1056 requires that each open ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open ended valve or line. Please provide information demonstrating that the required equipment has been installed to seal the open ended valve in Tank 195.

Response: The Chicago Recycle Center has approximately 1,615 open ended pipes identified in accordance with 40 CFR 264.1056. Each open ended pipe is identified on a drawing that clearly identifies the location of the pipe in hazardous waste service. During the inspection, it was observed that one cap was not covering an open ended pipe. It is expected that monitoring personnel would have identified the need to replace the cap during their next scheduled inspection. It is clear from the number of open ended-pipes identified that the Chicago Recycle Center has implemented a program in compliance with 40 CFR 265.1056.

The line in question is located on the roof of the tank and has a valve to prevent the release of vapors from the tank. The valve was operated in a closed position. A cap was placed on the end of the line downstream of the primary valve subsequent to the inspection. See **Attachment F** for a photograph of the cap placed on the open-ended pipe on Tank 195.

Item 5. On October 6, 1999, SK submitted additional information as requested at the time of the inspection. The information provided by SK shows that Tank 60 has a volume of 20,000 gallons and it can store methyl sulfide and methylene chloride. These compounds have vapor pressures above 4 psi.

40 C.F.R. 264.1084(b) requires that tanks with a design capacity equal or greater than 75 cubic meters (20,000 gallons) must have a maximum organic vapor pressure equal or less than 27.6 kPa (4.0 psi) or have level 2 controls installed. However, at the time of the inspection, no level 2 controls were observed for the tanks inspected. Please provide information (including photos) demonstrating that Tank 60 has all the level 2 controls required to be in compliance with 40 C.F.R. § 264.1084(b). Alternately, submit a copy of the procedures showing that waste containing methyl sulfide and methylene chloride has not been stored in Tank 60 after December 6, 1996.

Response: Tank 60 is not a hazardous waste tank. Therefore, hazardous waste has never been managed in this tank. Only product is managed in this tank. The TANKS 3 emission calculation provided was for reference purposes only. It was intended to document that technical grade methylene chloride when stored in a manner so that its maximum surface temperature is 84°F has a maximum vapor pressure of 9.6 psia. Since Chicago does not operate any hazardous waste storage tanks with a design capacity equal or greater than 20,000 gallons, the maximum vapor pressure allowable for a level 1 tank is 11.26 psi. Therefore, hazardous waste methylene chloride, which is less pure than technical grade, is eligible for storage in one any of the level 1 tanks operated by the Chicago Recycle Center. Safety-Kleen understands that a misconception may have been caused by submitting the emission calculations related to technical grade methylene chloride from a product storage tank.

The information submitted that identified the vapor pressure for methyl sulfide is for technical grade quality. As noted in the October 6, 1999 submittal, methyl sulfide is a trace contaminant with does not exceed 2,000 ppm (0.2%) of the total waste stream it is contained in.

Item 6. Provide the following notarized certification by a responsible company officer:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Sincerely,

Alfred Aghapour
Facility Manager, Chicago Recycle Center
Delegated Corporate Representative -
Safety-Kleen Systems, Inc.

Beatrice Bibbs
Notary Name

Seal

OFFICIAL SEAL
BEATRICE BIBBS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-13-2004

8/14/00
Date

AA:bb

ATTACHMENT A

AIM 3350 Calibration Method

Part 5 Calibrating Your Sensor(s)

5

You have learned in Parts 1, 2 & 3 that calibration is important and essential to the safe operation of your detector. Calibrating the sensor(s) in your detector is somewhat like tuning up the engine in your car - making it operate properly and as it was intended. The process of calibration is easily understood. It is simply showing your detector a known clean air atmosphere as a zero reference, and additionally showing your detector a known gas concentration. By showing your detector a clean air atmosphere, it will know (or remember) what an uncontaminated zero level is, and at the same time, by showing it a known concentration, your detector will know (or remember) what the given concentration (above zero) is. Adjusting the detector's displayed readings to a known concentration is called spanning the sensor.

> ✎ *Calibration is zeroing a sensor to a known clean air atmosphere and spanning it to a known concentration of gas.*

Checking or viewing the calibration of your detector is different than the actual process of calibrating or recalibrating. For example; checking a sensor's reading against a known source, say 35 PPM of Carbon Monoxide, is verifying what

your detector displays when exposed to a concentration of 35 PPM. If your detector does display 35 PPM, it is in-calibration. In the same circumstances, if the detector displays a reading other than 35 PPM it is out-of-calibration and needs recalibration.

The calibration, checking, and recalibration process should be performed as a function of use and application. AIM Safety Company Inc. recommends checking and verifying calibration before each and every use.

> ✎ *Verify calibration before each use - it is simple and important.*

You will learn later in Part 5 that the calibration is an interactive process that requires just a few moments. You will require a "CAL GAS" (a known source of a specific gas for each sensor), a calibration hood and just a few minutes.

You will learn that there are several operating circumstances and parameters monitored by your detector that will alert you to the requirement of sensor recalibration, or at least calibration verification.

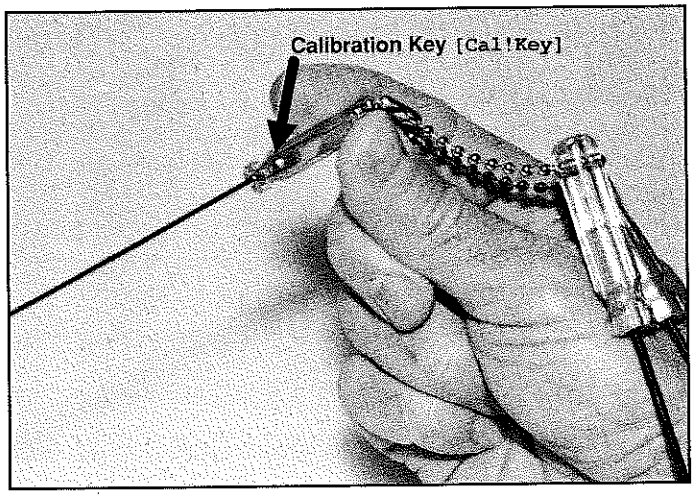
The basic task of recalibration follows four simple steps:

- The first step is knowing or determining when to calibrate and choosing the sensor to calibrate.
- The second step is exposing the chosen sensor to a clean air atmosphere.
- The third step is exposing the same chosen sensor to a known concentration of calibration gas and adjusting the displayed readings to correspond to the CALGAS concentration.

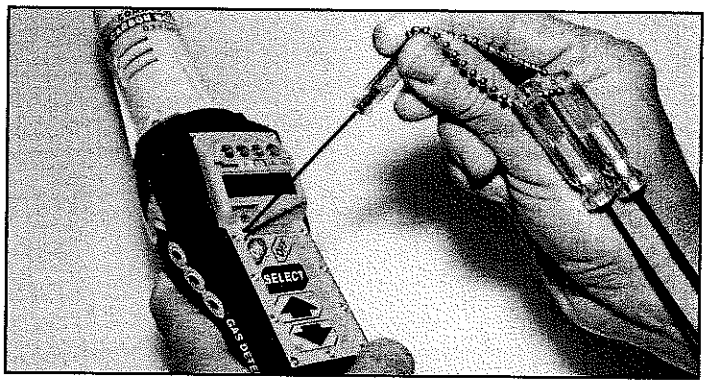
- The fourth and final step is permanently saving or temporarily storing the calibration adjustments for the chosen sensor.

The need for calibration is caused by many factors of which age and sensor degradation are the greatest considerations. As a function of maintenance, you can track the progression of your calibration and monitor the sensor's deterioration with age.

Calibration, or recalibration is one of the few processes available to the operator of a LOGIC detector which can, if incorrectly performed, affect the readings and therefore safety of your detector. Therefore, the calibration procedures are only accessible with the use of a special calibration key tool (supplied). Control of this calibration key tool will minimize unauthorized and unintentional alterations or changes in calibration and therefore secure the safe operations of your detector with a single individual charged with the duty and control of the calibration.



While the **[CAL!KEY]** message is displayed, gently insert the calibration key tool straight into the bezel key-hole as shown in the following photograph. It will contact and depress a hidden switch. Following the use of the **CAL.KEY**, the calibration and sensor selection process will continue.



The calibration procedure is essential to your safety, and technical support to registered owners is free of charge. Should you have any uncertainties or queries about the calibration, calibration verification, or recalibration process described further in Part 5, please contact AIM Safety Company at the phone number listed on the warranty registration card located at the beginning of this manual.

✘ *If you are unsure, contact us as a registered owner - we are prepared to help.*

Section 17

Determining a Sensor's "CAL GAS" and When to Calibrate

The accuracy of your detector's sensor is affected by age, use, environmental conditions, saturation exposure, and many other factors. Therefore it is, at best, only a good guess to determine ''when'' a sensor is in need of recalibration outside of actively verifying its response to a known gas concentration. This is the very reason we recommend calibration verification each time you use it. This holds particularly true where an application may be critical.

There are, however, a number of very specific conditions which certainly will cause at least the need for calibration verification, and a likely recalibration (recommended).

They are:

1. **Sensor age.**

   Each sensor has a life span to which its reaction or response to known gases is predictable and to a certain specified tolerance. ☞ See Section 25, Specifications. Your detector has the ability to monitor the age or time from when a new sensor has been replaced by comparison of the current date to a internal expiry date (different for each sensor). When your LOGIC detector determines from

the internal clock that a given time or life cycle has passed, you will be advised with a sensor "EXPIRED" message.

> ✎ *An expired message* **[EXPRD]**, *indicates a sensor's predictable or reliable life cycle is over.*

2. **Sensor operating conditions.**

Recalibration or at least calibration verification is recommended should your detector display and sense any error conditions related to each or any respective sensor in your detector. They are;

***RNG**, where a specific sensor's response range has been exceeded or has been saturated with a gas concentration.

***CAL**, where a sensor's drift or response is showing a negative concentration of less than zero which indicates the need for a calibration adjustment and possible sensor degradation.

***TEMP**, where the sensor's operating temperature or acceptable range has been exceeded, which may affect or has already affected the response.

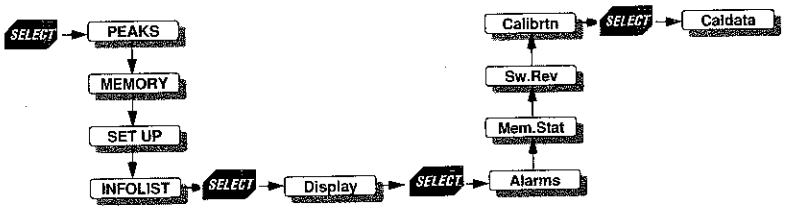
***FAULT**, where a sensor's electrical connections have been compromised and the detector is showing no signal.

☞ See Section 7 for a detailed description of where these messages may be seen in the information and error window of the Sensing Display Routine.

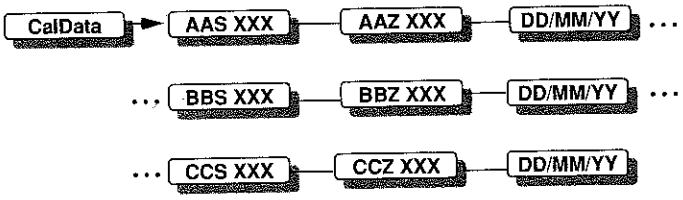
Determine Your Detector's Last Calibration

If your calibration verification process differs from the recommended procedure, i.e. - *"prior to each critical use"*, and you have chosen to verify, or recalibrate your sensors only as a function of time, there is a convenient way to determine your detector's most recent recalibration date.

Check **[INFOLIST] [Display] [Calbrtn]** for most recent calibration date.

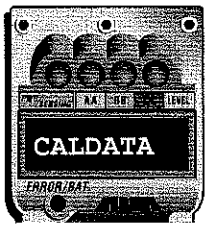


Selecting **[Calbrtn]** from the **INFOLIST** will provide a line-up of all the pertinent calibration data **[Caldata]** ; one sensor at a time.

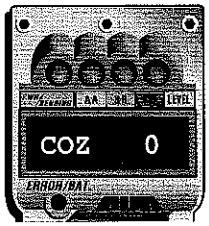


XXX = Span and Zero values

By selecting **[Caldata]**, you are provided with the most recent span digital value **[S]**, zero digital value **[Z]** and the date on which the displayed sensor was zeroed and spanned as in the following examples for a Carbon Monoxide sensor.



The calibration data for each sensor will follow this message.



The digital value for a Carbon Monoxide **[CO]** sensor's zero **[Z]** value is displayed.

The digital value for the same sensor's Span **[S]** value is displayed.

The date when the sensor's zero or span value was last calibrated is displayed.

Determining Your Sensor's "CAL GAS"

CAL GAS is the recommended and specific gas of a known concentration to span a sensor. CAL GAS is available from AIM Safety Company, often in mixtures, making it convenient to span more than one sensor with the same gas. This is the case where only specific sensors are non-cross-sensitive to the combinations within the calibration CAL GAS kit. See your distributor or consult our factory for availability of mixtures and combinations.

Generally your detector, and specifically each sensor, must be calibrated for the gas you are trying to detect, or the readings will be inconclusive and may lead to inaccuracies, and possible injury.

✘ *Always confirm that the calibration gas is the correct and specific gas for the sensors being calibrated.*

The following chart outlines recommended "CAL GAS" and concentrations for each respective sensor. Check (✔)the left hand column for the gases required for your calibration process and those ones which must make up your calibration kit.

Calgas Chart

Check Required Gas for your Sensor ✔	Sensor Code	Sensor	CALGAS
	OX	Oxygen	20.9%
✔	MG	MultiGas	10% (Pentane)
	CO	Carbon Monoxide	35 PPM
	HS	Hydrogen Sulphide	10 PPM
	SO	Sulphur Dioxide	5 PPM
	NO	Nitric Oxide	25 PPM
	ND	Nitrogen Dioxide	5 PPM
	CL	Chlorine	2 PPM
	HY	Hydrogen	100 PPM
	CN	Hydrogen Cyanide	5 PPM
	HC	Hydrogen Chloride	5 PPM
	AM	Ammonia	25 PPM

✎ *Contact your distributor and inquire if the gases you have checked (✔) for your detector are available in a single canister combination or each in their own respective sensor.*

Quickzeroing Sensors to Background Gases

[QuikZero]

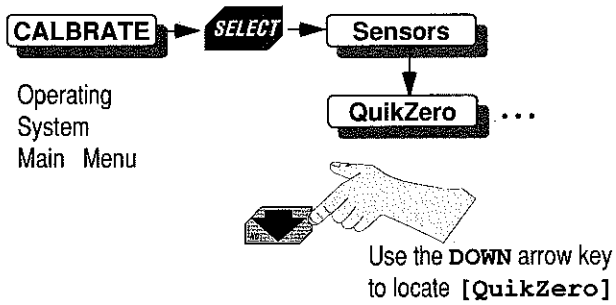
LOGIC detectors offer the advantage of being temporarily adjusted to eliminate known nuisance background gases. This zero-adjusting function is, in effect, creating a "deadband" response and is called **[QuikZero]**. The Quickzero process will cause the detector to acknowledge the current ambient background atmospheric gas level(s) as zero and recognize sensor-specific gases below this atmospheric level also as zero. This is the concept of "Deadband", or the band of sensor(s) response which the detector does not display as a reading other than zero.

AIM Safety Company does not recommend the use of, or the application of, Quickzeroing unless you are completely familiar with the nuisance gases.

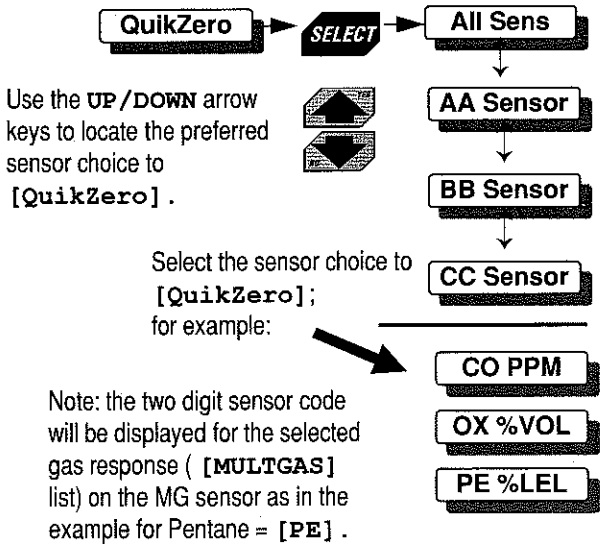
> ✘ *When you Quickzero your detector, it will not see atmospheric concentrations at, or below, the level at which you initiate* **[QuikZero]**.

[QuikZero] is temporary. The purpose of the Quickzero calibration feature is to accommodate the presence of nuisance gases. It is not intended to function as a full calibration or permanent zero level. To calibrate the zero level of non-transient, known nuisance gases, see ❐ ☞ the following Section, (18) "Performing the 4 Steps of Calibration".

Where is [QuickZero]?

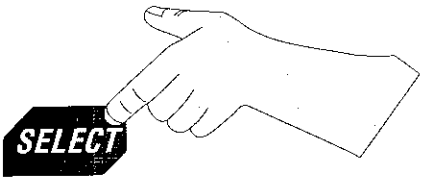


By selecting **[QuickZero]** from the **[Calbrate]** sub menu you are provided with the menu list of both, each respective sensor, or the all sensor [choice(s).



[All Sens]

By selecting the **[All Sens]** selection, each sensor in your detector will be Quickzeroed together. This sub menu selection is a quick and convenient feature for overall fine tuning or for temporarily zeroing the detector to the ambient atmosphere. By selecting individual sensors, each individual selection is Quickzeroed on a temporary basis to the ambient atmosphere.



Select **[All Sens]** to Quickzero all sensors to zero for ambient atmospheric conditions.

> ✎ *Quickzero deadband adjustment factors are eliminated as soon as the detector is turned off.*

The Quickzero "deadband" feature is limited to the extent that a deadband cannot be created where the deadband or non-response per sensor exceeds 10 percent of its instantaneous alarm value. This control permits "numbing" the detector to the atmospheric level above nuisance concentrations. Attempting to exceed Quickzero limits with your detector will initiate the error message **[Quik Err]**.

Notes on Quickzeroing:

Section 18

Performing the 4 Steps of Sensor Calibration

To determine whether calibration is necessary, verify sensor response using calibration gas (CAL GAS). This is done by exposing each sensor to known gas concentrations until readings stabilize. Then confirm that the readings accurately reflect the concentration of CAL GAS specified on the label of the canister (CAL GAS is available from AIM in specific concentrations and mixtures). Also, check that readings in clean air are normal. If the readings are abnormal or inaccurate, calibration is required.

> ✎ *Following calibration, verification of sensor accuracy is recommended.*

To calibrate each sensor, follow the four steps of calibration:

They are:

- **Step 1** - Select the sensor.
- **Step 2** - Zero the sensor to clean air.
- **Step 3** - Span the sensor to a known CAL GAS.
- **Step 4** - Save the new sensor calibration values.

Checking calibration

Checking or verifying a sensor's calibration means confirming the response of a sensor to a known gas concentration.

> ✘ *If your detector does not read at, or slightly above, the known concentration level in the verification process, recalibrate or take your detector out of service immediately.*

To verify calibration, first confirm that your sensor readings in a *clean air* atmosphere are:

- 0 % LEL for MultiGas sensor.
- 0.0 PPM for Toxic sensors.
- 20.9% volume for Oxygen sensors.

> ✎ *Note your sensor's respective readings for reference. If they do not match the readings in clean air specified above, there is a need for recalibration.*

You may find it useful to use your gas detector's memory feature to record the calibration process. To do so, set the memory format to "INCIDENT", then switch memory ON before applying CAL GAS. ☞ See Section 20 "Switching Memory Format" and Section 14, "Activating Memory". If you start a new memory session after calibration verification, the verification process will be recorded separately from activities that follow. ☞ See Section 14 `[Nxt.Sess]`.

To perform a calibration verification, install the detector's calibration hood and connect the CAL GAS cannister. Then, in a safe, well ventilated location, slowly open the CAL GAS regulator valve to supply Calgas to the detector's calibration hood and thus to the sensors. Allow a minimum of three minutes before observing the sensor readings (some toxic sensors may require more than 3 minutes to stabilize). Verify that the sensor readings match the CAL GAS concentration levels. If the concentration levels do not match displayed sensor readings, the sensor(s) is/are in need of calibration.

It is useful for data logging and calibration verification to set your detector's Incident memory ON and dedicate session number 1 to the above calibration verification process. This will log the data and record session 1 as the calibration verification on each sensor. If you use this technique, remember to start a new session ☞ See Section 14 `[Nxt.Sess]`. The second or next session will serve as the first data record for your required detecting activities.

The verification of calibration procedure is important to perform both before and following the recalibration of a sensor.

What Is Clean Air?

For the purposes of calibration it is useful to define "clean air" as the ambient safe environment in which you conduct your normal daily personal and office activities. It is *good clean wholesome fresh air.* It is necessary to use clean air as a reference during calibration to "zero" toxic and combustible gas sensors. Clean air serves as a reference to "span" the oxygen sensor.

Oxygen, a special situation.

"Clean air" SHOULD contain zero concentration levels of hazardous or combustible gases, but does not contain a zero concentration of Oxygen. Clean fresh air is roughly 20.9% by volume, of Oxygen. Clean air serves as the known concentration, or CAL GAS specific to the Oxygen sensor.

Since there is little likelihood of your detector operating in a completely non-oxygen environment (0 % VOL Oxygen), there is no need to ever change the "zero digital adjustment value" from the factory-set value. When you detector is configured with an Oxygen sensor, a zero concentration is calculated mathematically by its computer. The calibration process will use "clean air " or 20.9% by volumne of Oxygen as the span or CAL GAS. Therefore, the second step (zeroing the sensor) in the calibration procedure is omitted when the oxygen sensor is selected for calibration.

"Clean air" is used as the CAL GAS for the oxygen sensor, and no zero level is calibrated.

Selecting A Sensor To Calibrate - Step 1

The basis for the calibration procedure is a simple step-by-step process. The first step in calibrating a sensor is to select the sensor you wish to calibrate. Each step in the calibration process is particular to the selected sensor.

Following the selection of a sensor, the calibration procedure is a logical progression of keystrokes. The detector allows sufficient time to accomodate the careful process required for each step.

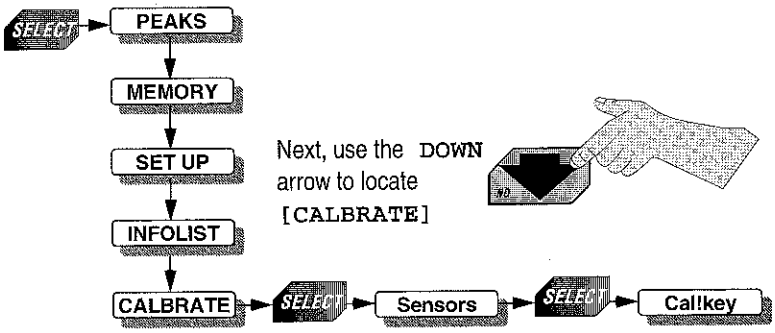
> ✎ *Following a sensor selection, take your time to recalibrate carefully. There is no rush. Ensure that each step is properly performed.*

Selecting a Sensor

[CALBRATE]

Where is Calibration?

First, press SELECT to enter the Operating System Main Menu.

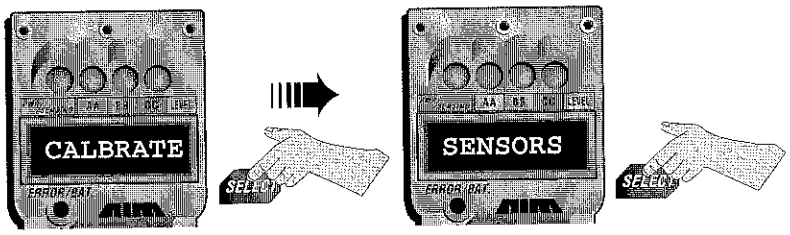


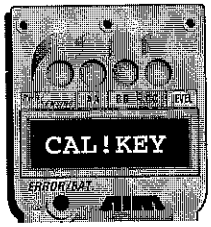
The [CALBRATE] choice is available in the operating system main menu. Choose CALBRATE to initiate the calibration process.

After initiating the calibration selection you are presented with a further selection; [Sensors].

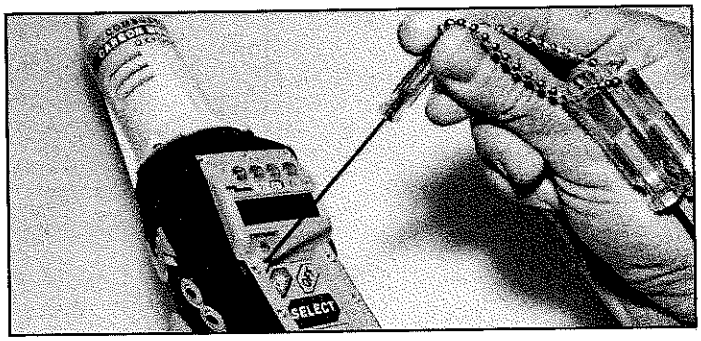
Selecting the [Sensors] option will present the security key requirement [CAL!KEY] request. This is a security measure (outlined later in this part) limiting further access into the sensor selection and calibration operations.

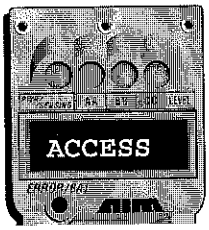
The sensor selection menu [SENSORS] will NOT become available until access has been gained through correct utilization of the CAL KEY tool.





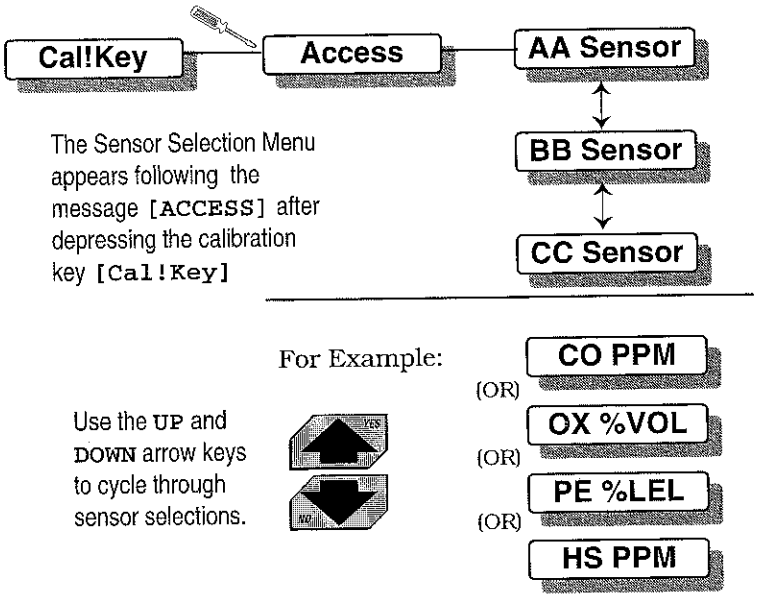
While the [CAL!KEY] message is displayed, you are required to GENTLY insert the calibration key tool straight into the bezel key-hole as shown. It contacts a hidden switch. Following the use of the CAL KEY and the [ACCESS] message, the sensor selection menu appears with the first sensor available to be selected.



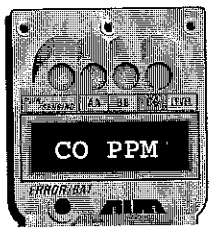


The Sensor Selection Menu

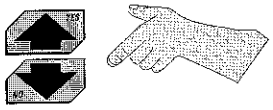
[Sensors]



The [ACCESS] message is displayed prior to the sensor selection as a reminder that the security calibration key has been successfully used. Following the access message you are offered the first sensor in a menu of sensors. For a Carbon Monoxide sensor, the menu selection appears as follows:



Use the UP and DOWN arrow keys to cycle through the available sensor selections and locate the sensor you wish to SELECT and calibrate.

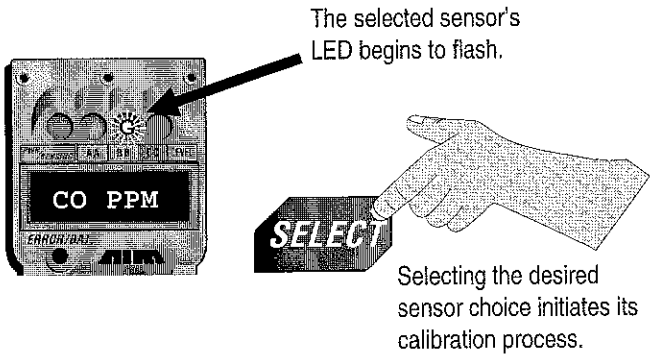


Each sensor selection option is accompanied by its unit of measurement for easy reference during the calibration process.

✘ *Proceeding beyond the* [Access] *message and selecting a sensor is the beginning or starting point at which the detector's safety may be affected by unauthorized, untrained, or unfamiliar personnel.*

Upon selection of the desired sensor to calibrate it's dedicated alarm LED illuminates and flashes to confirm your choice.

After locating the sensor you wish to calibrate, selecting it inititates its calibration process and concludes the first step of calibration (selecting a sensor). The selected sensor's dedicated LED illuminates and flashes ONLY as a reminder that it is the sensor you have chosen to calibrate. The following example for a Carbon Monoxide sensor (selection) illustrates the process.

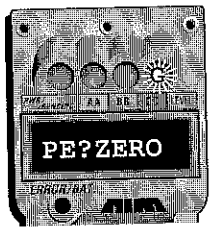


Selecting the MultiGas Sensor

`[PE %LEL]`

The 200 Series standard MultiGas sensor is only user-calibrated to Pentane. Be sure to select `[PENTANE]` from the MultiGas list before calibrating the MG sensor. ☞❒ See Section 19, page 20 - "Where is `[MULTIGAS]`".

The 2 digit code for Pentane is `[PE]` and will appear as in this diagram;



About Calibration of the MultiGas List of Gases

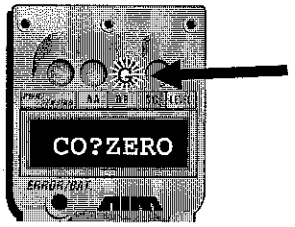
The `MG` (MultiGas) sensor in your detector has been factory-calibrated to a multitude of gases, each available for selection from the MultiGas list. This is a sophisticated procedure, performed at the factory, which uses, among other techniques, dangerous CAL gases and vapors.

Although your 200 Series [MG] sensor and its MultiGas selection is primarily for emergency response, it is also a general testing mechanism for ambient combustibility. If analytical or health risk accuracy is required, then a 300 Series detector, which is specially calibrated to the specific gas of interest, should be used.

Zeroing the Sensor to "Clean Air"- Step 2

[Z=] [*XX*?Zero]

Step 2 of sensor calibration involves zeroing of the selected sensor to clean air. This step begins with the question "Zero the sensor selected?". The following example for a Carbon Monoxide sensor demonstrates the prompt to zero the CO sensor.



Flashing sensor LED confirming sensor choice.

☞❒ See Section 21 - "What is a Clean Air Value"

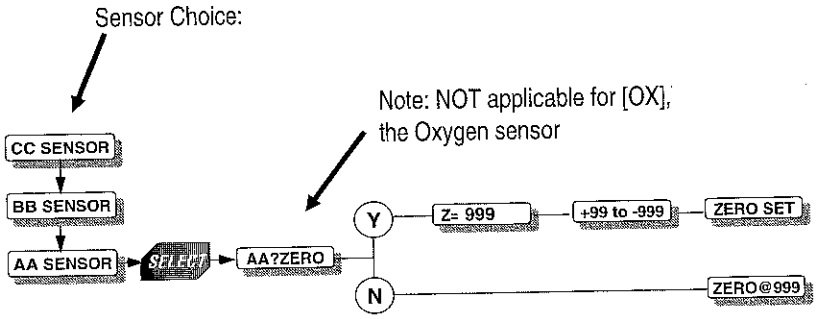
The `[CO?Zero]` query remains displayed until you press a `YES` or `NO` keystroke. By choosing `YES`, the selected sensor is zeroed automatically.

Zeroing a sensor entails exposing the sensor to clean fresh air as outlined earlier in Part 5. If you are to select `YES` and zero the selected sensor, ***ensure that you are exposing the LOGIC detector, and specifically the selected sensor, to clean air.***

> ✎ *If the selected sensor is zeroed it should always be Spanned to CAL GAS.*

Zeroing the Selected Sensor:

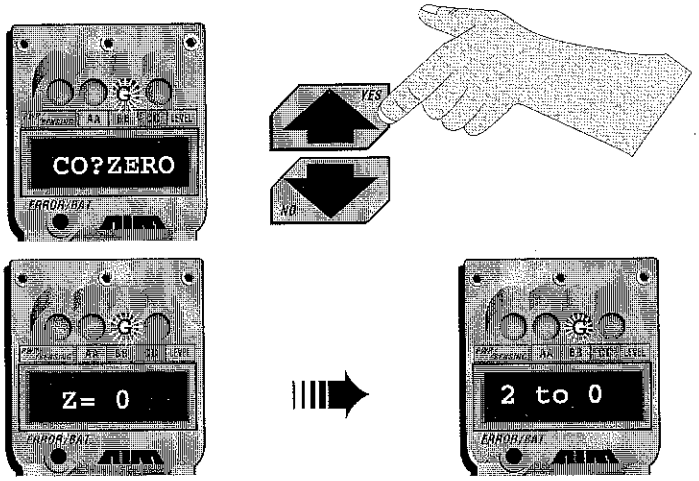
[*XX*?Zero]



Zeroing the Selected Sensor

> ✎ *Not applicable to OX (oxygen) sensor.*

Selecting **YES** automatically zeroes the sensor to the ambient clean air. After zeroing a sensor you are provided with a confirmation of the "zero digital adjustment value" (or zero value) and the change in the zero value since the previous calibration.



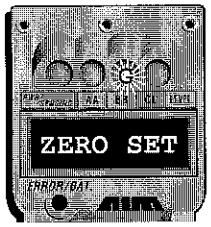
First, the zero digital adjustment value (or zero value) is shown. In this example, the zero value is "0".

Next, the change in the zero value is shown accompanied by a reiteration of the zero value. In this example, "2" is the change in the value since the most recent calibration.

> ✎ *The change in the zero value may be zero if your detector is already correctly zeroed to clean air.*

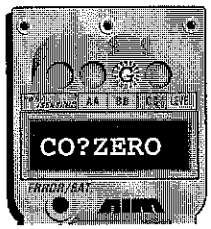
The "zero digital adjustment value" is a useful tracking tool, ☞ See Section 18, page 5-37, "Using a Tracking Form". Take note of the zero value and the change in the zero value. Monitoring the zero value is useful, as abnormal deviation is an indication of sensor degradation.

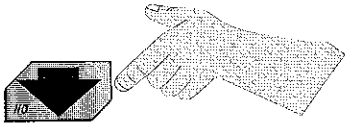
The second step of calibration concludes with a confirmation that the sensor has been zeroed. Following the "zero digital adjustment value" display above, you are reminded that the zero level has been set with the message **[ZERO SET]**.



> ✎ *You may choose not to zero a selected sensor.*

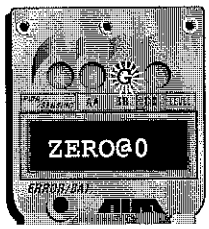
When beginning Step 2, and when asked to zero a selected sensor, you may answer NO. This allows you to examine the zero value without changing it.





Press NO to check the zero digital adjustment value, and proceed to the third step of sensor calibration.

When you choose NOT to zero a sensor, the "zero digital adjustment value is displayed. In this example, the zero value is "0".



This message concludes the second step of sensor calibration in the event that you choose NOT to zero the sensor.

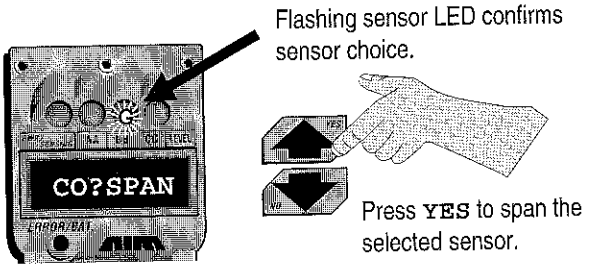
> ✎ *You must now be ready to proceed to the third step of calibration, the Spanning process.*

Spanning the Sensor to "CAL GAS" - Step 3

[S=] [XX?SPAN]

The third step of calibration is sensor spanning. Spanning requires exposing your selected sensor to a known CAL GAS (calibration gas) concentration. Be sure you have selected the proper CAL GAS as outlined earlier in this section.

> ✘ *Exposing the selected sensor to an incorrect CAL GAS may lead to erroneous and incorrect calibration readings and is unsafe. Always ensure you are using the correct CAL GAS for the selected sensor.*

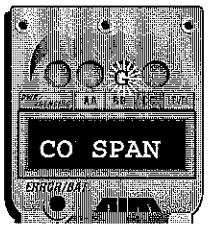


Following Step 2, you are presented with the question "span the selected sensor?". Press YES if you intend to span the selected sensor by exposing it to CAL GAS.

> ✎ *Press NO if you do NOT wish to alter or calibrate the span value.*

Spanning the Selected Sensor

[*XX*?Span]



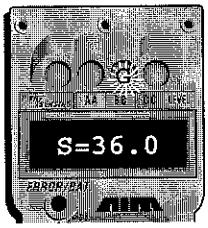
Following the [AA Span] query, you are shown a confirmation that the span process is about to begin [AA SPAN], and then [S=Ready], confirming that the selected sensor is ready to span.

While the base span ready message [S=Ready] is displayed, it is important to remember that there is no rush to proceed with the spanning process.

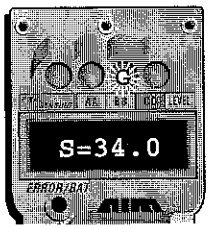
While the Span ready message [S=Ready] is displayed, install the calibration hood as shown, then slowly turn on the CAL GAS supply to the detector for at least 3 minutes. The message will change to show the gas concentration measured by your gas detector.

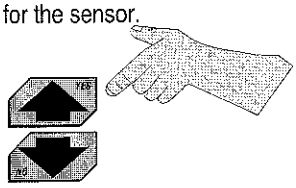
Compare this displayed reading, as it ascends, with the selected sensor's CAL GAS concentration. In the example below, the CAL GAS concentration for CO is 35 PPM.

> ✎ *Span the selected sensor* `[S=]` *to match the appropriate CAL GAS concentration in either %LEL, PPM, or %VOL.*

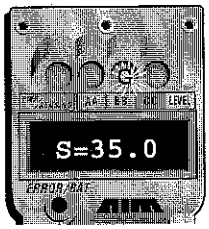


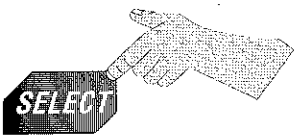
Ensure that the displayed Span value `[S=]` matches the CALGAS concentration while the CALGAS is being supplied to the detector. If not, use the **UP/Down** arrow keys to adjust the displayed value to match the selected sensor's CAL GAS concentration. Select the value `[S=]` when or if it matches the CAL GAS concentration to set the "span digital adjustmment value" (span value) for the sensor.



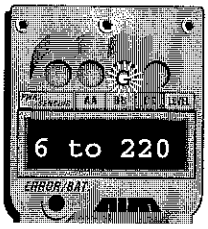


While the displayed span value `[S=]` matches the CAL GAS concentration, press **SELECT** to (re)adjust the selected sensor's span value.





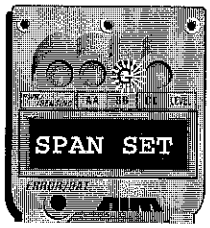
After pressing **SELECT**, you are shown the "Span digital adjustment value".



The change in the value since the last calibration is "6". The newly adjusted "Span digital adjustment value" in this example is "220".

The "Span digital adjustment value" is a useful tracking value, ☞ See Section 18, Using a Tracking Form. Take note of the span value and the change in the span value. Monitoring the span value is useful, as abnormal deviation is as an indication of sensor degradation. Also, long term changes in a sensor may be tracked to determine the end of a sensor's useful life.

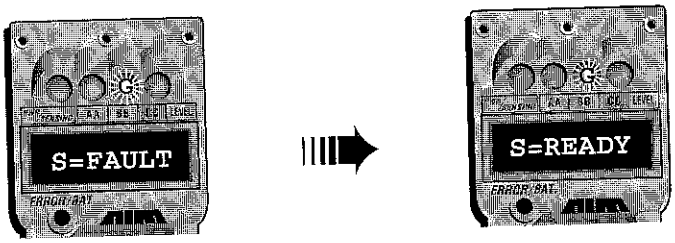
The third step of sensor calibration concludes with the confirmation message: **[SPAN SET]**.



> ✎ *The Spanning process is, by definition, a calibration procedure that affects, or adjusts, the detector's reaction to gases. It is, therefore, also a factor in safety.*

The Spanning step of calibration tells your detector what a given concentration of gas looks like. If you have choosen to calibrate your detector and you are unsure of this process, turn your detector off while the message `[S=]` is displayed and your detector will resort to the previously set calibration values.

Your gas detector may display the message `[S=FAULT]` to indicate some types of erroneous calibration. In particular, the message is displayed when a calibration span value is selected while the sensor shows little or no response. Or, if you select an erroneous span value, such as `[S=0]`, your detector will conclude that no given concentration of CAL GAS can'look like' a zero concentration. Therefore, if your adjusted span value does not conform with certain safe, sensor-specific prerequisites, the message `[S=FAULT]` will display to confirm a zero concentration was selected. The ready message `[S=READY]` will re-appear.



You are now ready to proceed to the fourth step of calibration, saving the settings.

Saving The Recalibration Settings - Step 4

[Save?Cal]

The fourth step of calibration involves storing or saving new sensor calibration values.

Automatically following spanning (step 3 in the calibration procedure) you are prompted with the message **[SAVE?CAL]**.

With the presentation of this query prompt, there are three possible responses:

1) ***Do nothing***. By not pressing any keys, the calibration values that were previously in place are retained. The gas detector returns to the "Sensing Display Routine".

> ✎ *If you are unsure about any aspect of the calibration just performed, do nothing and all calibration settings will remain the same.*

2. ***Respond with the NO key.*** The new zero and span values for the selected sensor and the sensor's response are altered accordingly. The settings are temporarily recorded and are only kept in your detector's memory until you turn your detector OFF.

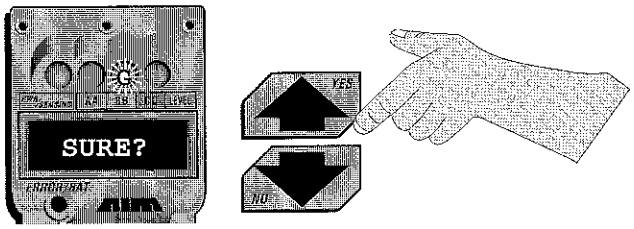
> ✎ *Depressing the* NO *key will temporarily alter your sensor's calibration until the gas detector is switched off. The new calibration settings are NOT PERMANENTLY saved. When your gas detector is switched on again, the previously stored calibration settings are restored.*

3. ***Depress the YES key*** to permanently store (*until future recalibration*) your sensor's new calibration settings.

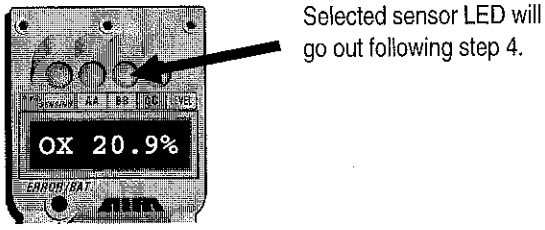
> ✘ *Selecting* YES *accepts your sensor's recalibration settings.*

> ✎ *When you store new calibration settings (by selecting* YES*), the calibration date is also recorded* ☞ *See* [INFOLIST] [CALIBRTN] *for instructions on viewing the calibration date.*

If you respond with a **YES** to the **[Save?Cal]** prompt, you are prompted with the message **[SURE?]**. You have ample time to confirm your decision with either **YES** or **NO.** Your detector then resumes the Sensing Display Routine with the sensor recalibrated.



Following any one of the above response conditions the selected sensor's dedicated LED will turn off to indicate the completion of step 4 and the final step of recalibration.



Selected sensor LED will go out following step 4.

ATTACHMENT B

Equipment Inspection and Repair logs for Dates Requested

UNIT: E-2

SECTION: Top level L.P. decant tank

DATE: 11-2-96

TESTED by: JD

PASS RUNNING/MAT: CH_2Cl_2 NMOStrip

COLUMN COND: 40 psi

PAGE 1

VALVE LIST FOR RECYCLE CENTER

T.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETE
V-1167	Sight glass bottom				O	21	O		
V-1165	Decant Leg				O				
1166	Decant Leg - AUX. OUTLET				C				
1164	L.P. decant vent return				O				
1163	L.P. dec. Tank — line to L.P. Tank				C				
1162	L.P. dec. tank to C.L.P. dec. tank				O				
1161	L.P. Tank line to C.L.P. dec drain				C				

UNIT: E-2

SECTION: Top level H.P. dec. tank

DATE: See pg 1

TESTED by:

PASS RUNNING/MAT:

COLUMN COND:

PAGE 5

VALVE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
-1170	Sight glass bottom				O	21	0		
1171	Sight glass bottom drain				C				
1168	H.P. decant vent return				O				
1172	H.P. decant leg				O				
1173	H.P. decant leg Aux. outlet				C				
1305	H.P. line control valve				O				
1304	H.P. line sample port				C				
1303 -1815	H.P. line by teller				O		30,000 ppm	temp repair & noted on boards To call when not in use	1-28-99
1306	H.P. line relief valve				C		0	Did temp repair to stop leak + retested 0 PPM.	
1307	H.P. line drain line				O				
69	H.P. decant sightglass top				O				

UNIT: E-2

SECTION: Top Level Cell #1

DATE: see pg 1 PAGE 8

TESTED by:

PASS RUNNING/MAT:

COLUMN COND:

50 of 86

VALVE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
/-1234	Sample port — top of cell				C	21	0		
1183	Press. ind. line				O		50,000 ppm	temp. repair + notes on boards to Calwlen mt.	1-28-99
1182	H2O wash out inlet — top of cell				C		0	Retest 0. PPM	
1180 SV-1801	L.P. line control valve				C				
1181	L.P. line relief valve				C				
1179	L.P. line to L.P. dec. Tank				O				
1184	L.P. line drain — To Ground level				C				
1185	Heavy Feed inlet — check valve				C				
1186	Heavy Feed line drain				C				

UNIT: E-2

SECTION: Top Level Cell #4

DATE: See pg 1 PAGE 15

TESTED by:

PASS RUNNING:

COLUMN COND:

51 of 86

FLANGE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE & TYPE	GASKET MAT	IN USE	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
FL-1147	Heavy Phase line at Check Valve					Y	V	OK		
1146	Heavy Phase line									
1144	Heavy Phase inlet									
1145	Heavy Phase inlet									
1142	Light Phase outlet						21	50,000 ppm	Temp. repair + notes on Boards Retest 0 PPM	1-29-99
1141	Light Phase line						V	OK		
1143	Press. ind. line									
1148	Light Phase inlet									
1149	Light Phase inlet									

UNIT: E-2

SECTION: Top Level Cell #6

52 of 86

DATE: See pg 1 PAGE 18

TESTED by:

PASS RUNNING/MAT:

COLUMN COND:

VALVE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
1210	Heavy Phase line check Valve				O	21	O		
211	Heavy Phase line drain				C				
250	Sample port - Top of Cell				C				
209	Press. ind. line				O				
208	Light phase outlet check Valve				O				
206	Light Phase Filter bypass				O				
207	Light Phase Filter inlet				C				
204	Light Phase Filter outlet				C				
205	Light Phase Filter drain line				C				1-28-99
203	Light Phase line To Cell #5-BI gauge				O		50,000 ppm	Temp. repair + notes on Boards Reset 0 PPM	

UNIT: E-2

SECTION: Top Level Cell #12

53 of 86

DATE: See pg 1 — PAGE 30

TESTED by:

PASS RUNNING/MAT:

COLUMN COND:

VALVE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETE
1-1278	Heavy Phase line check valve				O	21	0		
1279	Heavy Phase line drain				C				
1275	Light Phase outlet check valve				O		50,000 ppm	temp repair + notes on board, retest 0 ppm	1-29-99
1276	Press. ind. line				C		0		
277	Sample port top of cell				C				

UNIT: E-2 C-1200

SECTION: Level 5

54 of 86

DATE: 11-23-98/11-28-98

TESTED BY: QS

PASS RUNNING/MAT: DMSO Washout / ABBL DMSO THF STRIP

COLUMN COND: ATMOS.

PAGE 1

VALVE LIST

I.D. V #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE	TYPE	VALVE POSITION	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
0141	vent cond. top head P.I.		3/3A	1/4"		O	21	O		
0001	feed tray 46		1	1"		C				
0136	press. transmitter inlet		1A	1/2"		O				
0137	press. transmitter P.I.		1A	1/4"		C				
0138	ΔP transmitter col. side shut off		1A	1/2"		O				
0139	ΔP transmitter col. side P.I.		1A	1/4"		C				
0140	ΔP transmitter pot side P.I.		1A	1/4"		C				
0172	ΔP transmitter pot side shut off		1A	1/2"		O				
4525	Short loop-ent. sep. vapor outlet main valve		101	6"	Flanged B.F. w/ Actuator	O				
PSV-1200A	TOP OF Column East P.R.V.		101	1"	PRV	C				
PSV-1200B	TOP OF Column West P.R.V.		101	1"	PRV	C				
4601	Press. Transmitters & ΔP line Column Side shutoff		101	1/2"	B.V.	O				
4602	Press. Transmitters & ΔP line drain/Bleeder		101	1/4"	B.V.	C				
4603	ΔP Transmitters Pot Side shut OFF		101	1/2"	B.V.	O				
4604	ΔP Transmitters Pot Side line bleeder		101	1/4"	B.V.	C				

UNIT: -2

SECTION: LEVEL-3

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DATE: See pg #1

TESTED BY: 8g

PASS RUNNING/MAT:

COLUMN COND:

VALVE LIST

I.D. V #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE	TYPE	VALVE POSITION	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
0005	FEED TRAY 31		1	1"		O	21	O		
0006	FEED TRAY 26		1	1"		O	↓	↓		
0007	FEED TRAY 21		1	1"		O	↓	2604 PPM	Packing leak tightened & stopped	11-28-98
0008	FEED MANIFOLD BETWEEN 16 & 21		1	2"		O	↓	O	and retested 0 PPM	
0012	ATO VENT COND. CONTROL		5	3/2"		C	↓	↓		
0010	ATO VENT COND.- VENT LINE SHUTOFF		5	1"		C	↓	↓		
0009	VENT HEADER - SURGE TANK TEST VALVE		3	1"		C	↓	↓		
0142	MAIN CONDENSER - TELLER - VALVE ON SIDE		3	1/2"		C	↓	↓		
0011	T-140 VENT LINE SHUT OFF.		4	1" w/AST		C	↓	↓		
2271	Tray 26 P.I. gauge		1	1/2"	B.V.	O	↓	↓		

TANK FARM # 5
TANK # 38

DATE: 12-04-98 — PAGE 1
TESTED by: JP
MATERIAL: mek mcp IAA ch2Cl2 Stripper
VOLUME: 1414

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VALVE LIST
FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
V-001	BOTTOM OUTLET LINE - AT TANK				O	21	O		
V-002	BOTTOM OUTLET LINE				O				
V-003	BOTTOM OUTLET LINE DRAIN				C				
V-004	SIDE LINE - AT TANK				O				
V-005	SIDE LINE				C				
V-006	SIDE LINE DRAIN				C				

TANK FARM # 5
TANK # 38

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DATE: See pg 1
TESTED by: JD
MATERIAL:
VOLUME:

PAGE 2

FLANGE LIST
FOR RECYCLE CENTER

T.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE & TYPE	GASKET MAT	IN USE	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
FL-001	BOTTOM OUTLET LINE - AT TANK					Y	V	OK		
FL-002	SIDE LINE - AT TANK					↓	↓	↓		
FL-003	M.W. SIDE HATCH					Y	V	10,000 PPM	did a temp. repair to stop the leak & retest was	12-8-98
FL-004	BLIND 8" SIDE OF TANK					Y	V	OK	0 PPM on 12-8-98	
FL-005	BLIND - BOT. TANK SIDE								level was lowered	
FL-006	BLIND - MID. TANK SIDE								tighten bolts & tested	
FL-007	BLIND - TOP OF TANK								OK.	
FL-008	BLIND - TOP OF TANK									
FL-009	LEVEL IND. WIRE GUIDE - TOP OF TANK									
FL-010	LEVEL IND. LINE - TOP OF TANK									
FL-011	LEVEL IND. WIRE GUIDE - TOP OF TANK									
FL-012	H.L.A - TOP OF TANK									
FL-013	VENT - TOP OF TANK									
FL-014	M.W. TOP HATCH - TOP OF TANK.									
FL-015	M.W. Top hatch 8" Vent / TOP OF Tank									
FL-016	M.W. side hatch 1½" blind			1½"		↓	↓	↓		

Transfer Pumps
Flare system Pumps

PUMPS - WEEKLY A.E.T.'S

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Seals Housing, Valves & All Piping

DATE 12-8-98, TIME 1000, INT. CJS,

PUMP	TEST METH.	RESULTS	MAT.	COMMENTS	
T-143				0.0.S	
T-160				0.0.S	
BLDG. #1 P.C.T.				0.0.S.	
BLDG. #2 P.C.T.	21	0	Sewer Water		
BLDG. #1 FLARE	21	0	Bldg #1 Vents	Bearings greased use gen. Porp. grease Yes	Packings greased use H.T. 44 grease Yes
BLDG. #2 FLARE	21	5000 PPM	Bldg #2 Vents	Bearings greased use gen. Porp. grease Yes	Packing greased use H.T. 44 grease Yes
				Bldg #2 Flare pump. Tightened down on eastside packing collars. Regreased and 0 emissions on 2nd try.	

DATE 12-15-98, TIME 1715, INT. JD,

PUMP	TEST METH.	RESULTS	MAT.	COMMENTS	
T-143				0 0 S	
T-160				0 0 S	
BLDG. #1 P.C.T.				not in use 0.0.S.	
BLDG. #2 P.C.T.	V	OK		not in use	
BLDG. #1 FLARE	21	0	Vents	Bearings greased use gen. Porp. Grease yes	Packings greased use H.T. 44 grease yes
BLDG #2 FLARE	21	0	Vents	Bearings Greased use gen. Porp. Grease yes	Packings greased use H.T. 44 grease yes

completed / approved / filed / by: YR date: 1-16-99

UNIT: F-4 / D-2

SECTION: Top Level - 9

DATE: 1-11-99

TESTED by: JO

PASS RUNNING / MAT: SK THF AZ 86

COLUMN COND: 7.5 psi

PAGE 1

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VALVE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETE
V-0540	Feed line - upper Packed Section		6-113		C	a1	O		
V-0541	Aux. Feed line - upper Packed Section				C				
1540	Vent line after R.D. To P.S.& P.I. drain		1	3/4" Gate	C				
1541	Vent line after R.D. To P.S.& P.I. gauge		1	3/4" Gate	O				
PSV-1400A 1542	Vent line P. R. V.		1	3" P.R.V.	C				
1629	Feed line - upper Packed section P.I.		101	1/2" B.V.	O				

UNIT: F-4/D-2

SECTION: Level #3

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DATE: see pg 1

TESTED by:

PASS RUNNING/MAT:

COLUMN COND:

VALVE LIST FOR RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE + SK #	VAL. POS.	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
V-0558	Feed TRAY #12				C	21	0	Made new piping and replaced leaky piping + tested ok	1-12-99
0559	Aux Feed TRAY #12				C				
0560	Feed TRAY #9				C				
0561	Aux. Feed TRAY #9				C				
1636	Feed Tray #9 P.I.		101	1/2" B.V.	O				
								Could See Small vapor Coming up from T going into Column Between V-0558 + V-0559 10,000 ppm Temp. repair & notes on Boards to call when mt. & clean brought to auggies attention (crack in 90° T)	(supervisor)

TANK FARM # 5
TANK # 44

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DATE: 2-19-99
TESTED by: CJS
MATERIAL: DMSO
VOLUME: 10,758

PAGE

VALVES-FLANGES-OPEN ENDS
FOR CHICAGO RECYCLE CENTER

I.D. #	LOCATION / DESCRIPTION	SER.	DWG. #	Valve Size & Sk # / Open End - Chain & Cap / Flange - Size - Type - G.M.T.	Val. Pos. IN USE	DET. MET.	TEST RESULT	COMMENTS	RETEST Val. Pos. IN USE	RETEST DET. MET.	RETEST TEST RESULT
V06	2" bushing reducer above valve.				Y	V	OK	908 was visual leaking 2-19-99 Took piping apart	Y	V	OK
								Retaped + doped			
								Note: This leak was			
								reported + also detected			
								during test and			
								it was repaired the			
								same day			

Portable PUMPS-WEEKLY A.E.T

SEAL, HOUSING, VALVES, + ALL PIPING

DATE 2-16-99, TIME 20:30, INT. R.G.

PUMP	TEST METH.	RESULTS	MAT.	COMMENTS
440 V #1	V	OK		NOT in use
440 V #2	21	0	waste fuel	
GOULD	V	OK		NOT in use
DURCO	V	OK		↓
220 V #1	V	OK		NOT in use
220 V #2	V	OK		↓

DATE 2-24-99, TIME 05:00, INT. CJS

PUMP	TEST METH.	RESULTS	MAT.	COMMENTS
440 V #1	V	OK		NOT in use
440 V #2	V	OK		NOT in use This period
GOULD	21	0	Proc. water	YR tested 2-23-99
DURCO	V	OK		NOT in use This Period
220 V #1	21	V-406/ 1350 PPM	NMP/ CH2Cl2	Tested 2-22-99 stem was leaking Tightened packing nut and leak stopped and retest 0-PPM
220 V #2	V	OK		NOT in use

completed / approved / filed / by: YR date: 2-25-99

UNIT: F-2 C-1200

SECTION: Level 5

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DATE: 2-22-99 / 2-23-99

TESTED BY: JD / CJS

PASS RUNNING/MAT: ABS DMSO N VC removal / water + DMSO

COLUMN COND: vacuum / Atmospheric

PAGE 1

VALVE LIST

I.D. V #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE	TYPE	VALVE POSITION	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
0141	vent cond. top head P.I.		3/3A	1/4"		O	21	O		
0001	feed tray 46		1	1"		C				
0136	press. transmitter inlet		1A	1/2"		O				
0137	press. transmitter P.I.		1A	1/4"		C				
0138	ΔP transmitter col. side shut off		1A	1/2"		O				
0139	ΔP transmitter col. side P.I		1A	1/4"		C				
0140	ΔP transmitter pot side P.I		1A	1/4"		C				
0172	ΔP transmitter pot side shut off		1A	1/2"		O				
4525	Short loop - ent. sep. vapor outlet main valve		101	6"	Flanged B.F. w/Actuator	O				
PSV-1200A	TOP OF Column East P.R.V.		101	1"	PRV	C				
PSV-1200B	TOP OF Column west P.R.V.		101	1"	PRV	C				
4601	Press. Transmitters & ΔP line Column Side shutoff		101	1/2"	B.V.	O				
4602	Press. Transmitters & ΔP line drain/Bleeder		101	1/4"	B.V.	C				
4603	ΔP Transmitters Pot side shut OFF		101	1/2"	B.V.	O				
4604	ΔP Transmitters Pot side line bleeder		101	1/4"	B.V.	C				

UNIT: F-2/C-1200

SECTION: C.L.V.S. and New Room Caustic injector

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DATE: SEE PG 7

TESTED BY:

PASS RUNNING/MAT:

COLUMN COND:

VALVE LIST

I.D. V #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE	TYPE	VALVE POSITION	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
2256	Vac. Pump aux. inlet drain		7-B	1/2"	B.V.	C	21	O		
2257	Vent line TO C.L.V.S. Pump SHUT OFF Valve			2"	3Pc. B.V.	C				
2258	Vent line TO vac. Pumps ✓ Valve			2"	Flanged ✓	C				
* 2258B	Vent line TO C.L.V. Pump SHUT OFF Valve w/ACT.			2"	B.F. w/ ACT.	C				
4583	Caustic injector aux. inlet or T-148 aux. outlet		108	3/4"	Gate	C				
4584	T-148 TO caustic injector			3/4"	Gate	O				
4585	T-148 TO caustic injector			3/4"	3Pc. B.V.	C		Visual	Leaks from housing NOTE ON BOARDS	Repair 7-99
4586	T-148 TO caustic injector			3/4"	3Pc. B.V.	O			Leak from packing NOTE ON BOARDS	Repair 7-99
4587	Caustic injector line TO Flush Tank			1"	3Pc. B.V.	C			↳ did temp. repair to stop the leak	
4588	Caustic injector TO Flush Tank line drain			1"	Gate	C			ON 2-23-99	
4589	Caustic injector TO Flush Tank ✓ Valve			1"	✓	C				
4590	Caustic injector Bottom outlet line TO flush Tank			1"	Gate	O				
4591	Caustic injector sight-glass bottom			3/4"		O				
4592	Caustic injector sight-glass top			3/4"		O				
4593	N2 line TO caustic injector ✓ valve			3/4"	✓	C				
4595	N2 TO caustic injector line drain			3/4"	B.V.	O				
4594	N2 TO Caustic injector line P.I. gauge			3/4"	B.V.	O				
4596	N2 to caustic injector line at injector			1"	B.V.	O				
4597	Caustic injector TOP P.I. gauge			3/4"	B.V.	O				
4509	Caustic injector recirve TO T-148			1"	B	C				

F-4 / C1400 WEEKLY PUMP A.E.T.S

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Δ-vac. pump-check-shaft packings + outlet flange

DATE 3-1-99 TIME 16:30 INT. J D. , *-Seal + housing only

Pump	TEST METH.	RESULTS	MAT.	Comments ϕ-Seal, housing, Valves + all piping
ATO *	V	OK		Not in use
LTO *	21	50,000 PPM	DMSO THF strip	Pump was leaking from the seal replaced with a spare and tested OK.
UTO *	21	0	↓	
CLVS *	V	OK	↓	Not in use

DATE 3-9-99 TIME 20:30 INT. J D ,

Pump	TEST METH.	RESULTS	MAT.	Comments
ATO *	V	OK		Not in use
LTO *	21	0	ABBL DMSO THF strip	
UTO *	21	0	↓	
CLVS *	V	OK	↓	Not in use

DATE 3-16-99 TIME INT. ____ ,

Pump	TEST METH.	RESULTS	MAT.	Comments
ATO *	V	OK		Not in use
LTO *	21	0	SK NMP	
UTO *	21	0	↓	
CLVS *	V	OK	↓	

DATE 3-23-99 TIME 00:00 INT. R G

Pump	TEST METH.	RESULTS	MAT.	Comments
ATO *	21	0	RG	
LTO *	21	0	DCE	
UTO *	21	0	↓	
CLVS *	V	OK	↓	Not in use this period

completed / approved / filed / by: YR date: 3-29-99

** TOTAL PAGE.08 **

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UNIT: C-1200

SECTION: F. C. R. Level #2, #1

DATE: 8-2-99

TESTED BY: CJS

PASS RUNNING/MAT: DMSO

COLUMN COND: Atmospheric

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VALVE LIST

I.D. V #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE	TYPE	VALVE POSITION	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
PSV-1219	Flash Tank P.R.V		108	4"	P.R.V.	C	21	O		
2272	Flash Tank R.D. P.I. gauge		108	1/2"	B.V.	O				
2273	Flash Tank R.D. Test valve		108	1/2"	B.V.	C				
4519	Dump Pump vent line TO Flush Tank			2"	3Pc.B.V.	O				
4530	N2 Injection emerg. shutdown line To Flash Tank			1"	3Pc. B.V.	O				
4520	N2 Injection emerg. shut-down line TO Flush Tank			1"	✓	O				
4529	N2 line To Flush Tank vapor outlet			3/4"	3Pc. B.V.	O				
4607	Flush tank P.R. Valve outlet piping washout			1/2"	B.V.	C				
	Level 1									
4528	Feed line to Flash Tank at Tank		108	2"	flanged gate	C				
4534	Caustic injector line to Flush Tank - by Tank		108	2"	gate	C				
2282	Lower flush tank level alarm at tank	bot.	108	1 1/2"	B.V.	O				
2284	Flush tank sightglass Bottom		108	2"	B.V.	O				
2283	Flash Tank sightglass Bottom drain		108	1/2"	3Pc. B.V.	O				
2281	Lower Flush tank level alarm at Tank Top		108	1 1/2"	B.V.	O				
2278	Flush tank sightglass Top		108	1 1/2"	B.V.	O				
2279	Flush tank sightglass Top Vent		108	1/2"	B.V.	C				
2280	Flush tank sightglass Top P.I. gauge		108	1/2"	B.V.	O				
2275	Flush tank To H.L. magnetrol bottom line		108	1 1/2"	3Pc. B.V.	O				
2274	Flush tank H.L. magnetrol Top line To Tank		108	1 1/2"	3Pc. B.V.	O				

UNIT: C-1200

SECTION: F.C.R.
Ground Level

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DATE: SEE PG 45

TESTED BY:

PASS RUNNING/MAT:

COLUMN COND:

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VALVE LIST

I.D. V #	LOCATION / DESCRIPTION	SER.	DWG. #	SIZE	TYPE	VALVE POSITION	DET. MET.	TEST RESULT	COMMENTS	DATE/REPAIR COMPLETED
2288	Line To Sample Port cooler Samplevalve Before cooler		108	1/2"	3Pc. B.V.	C	21	O		
2289	Sample Port Cooler inlet		108	1/2"	gate	C				
2290	Sample Port after Sample Port cooler		108	1/2"	whitey	C				
4531	Pump inlet line To System dump pump		108	3"	Flanged B.V. w/ACT.	O				
4500	System dump pump inlet line drain By F.C.R.	Pump	108	3/4"	Gate	C				
2294	F.C.R. Pump inlet line		108	4"	Flanged B.V.	O				
2295	F.C.R. Pump inlet line aux. inlet/outlet		108	2"	Flanged B.V.	C				
2296	F.C.R. Pump drain		108	1/2"	B.V.	C				
2297	F.C.R. Pump outlet		108	3"	Flanged B.V.	O				
2298	F.C.R. Pump outlet drain		108	2"	Flanged B.V.	C				
2299	F.C.R. Pump outlet P.I. Gauge		108	1/2"	B.V.	O				
4533	F.C.R. Pump outlet line		108	6"	Flanged B.F. w/ACT.	O				
4501	F.C.R. Pump outlet line P.I. gauge after B.F. Valve		108	1/2"	B.V.	O				
4502	Pump outlet line To LTD cooler		109	2"	Flanged B.V.	O				
4503	Pump outlet line To Sample Port Cooler		108	2"	Flanged B.V.	C				
4507	HX-1220 weir head drain		109	1 1/2"	B.V.				O.O.S.	
4505	HX-1220 line To Flush Tank drain		109	3/4	3Pc. B.V.				O.O.S.	
4506	HX-1220 line To Flush Tank P.I. gauge		109	1/2"	B.V.				O.O.S.	
4504	Bottom (LTD) drain manifold line - By HX-1220		108	2"	Flanged B.V.	C	21	O	Visual leak	Retest OK
4532	HX-1221 line To Flush Tank aux. outlet		109	2"	Flanged Gate	C	21	O	leaks at packing + leak stop	Tighten nuts 8-9

F-3/C1300 WEEKLY PUMP A.E.T.S

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Δ-Vac. Pump check-Sheft Packings to Flo
*-Seal + housing only
Seal, housing, Valves + all Piping

DATE 7-19-99 TIME 17:00 INT. RG,

Pump	TEST METH.	RESULTS	Mat.	Comments
LTO *	21	0	MRK THF	
UTO *	21	0	MRK THF	
Vac. Δ	V	OK		not in use — Week #1 Pump greased / Yes

DATE 7-27-99 TIME 0515 INT. CJS,

Pump	TEST METH.	RESULTS	Mat.	Comments
LTO *	21	0	THF	
UTO *	21	0	THF	
Vac. Δ	V	OK		Not in use

DATE 8-2-99 TIME 0215 INT. CJS,

Pump	TEST METH.	RESULTS	Mat.	Comments
LTO *	21	0	DMSO	
UTO *	21	0	DMSO	
Vac. Δ	V	OK		Not in use

DATE 8-12-99 TIME 09:00 INT. TD

Pump	TEST METH.	RESULTS	Mat.	Comments
LTO *	21	50,000	THF AZEO	visual leakage reported Pump was replaced w/a rebuilt
UTO *	21	0	↓	spare and tested 0-PPM. 8-17-99
Vac. Δ	V	OK		not in use This Period

completed / approved / filed / by: GF date: 8-17-99

F-4 / C1400 WEEKLY PUMP A.E.T.S

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Δ-vac, pump-check-sheft packings + outlet flange

DATE 7-19-99 TIME 17:00 INT. [illegible], *-Seal + housing only

Pump	TEST METH.	RESULTS	MAT.	Comments ϕ-Seal, housing, valves + all piping
H.O *	V	OK		not in use.
LTO *	21	0	SK NMP	
UTO *	21	0	SK NMP	
CLVS *	21	0	SK NMP	

DATE 7-27-99 TIME 0515 INT. CJS,

Pump	TEST METH.	RESULTS	MAT.	Comments
ATO *	21	0	NMP	
LTO *	21	0	NMP	
UTO *	21	0	NMP	
CLVS *	21	0	NMP	

DATE 8-2-99 TIME 0215 INT. CJS,

Pump	TEST METH.	RESULTS	MAT.	Comments
ATO *	V	OK		Not in use
LTO *	21	0	THF	
UTO *	21	0	THF	
CLVS *	V	OK		Not in use

DATE 8-12-99 TIME 09:00 INT. [illegible]

Pump	TEST METH.	RESULTS	MAT.	Comments
ATO *	V	OK		not in use
LTO *	21	seal 50,000	washout	visual leakage reported Pump was replaced w/a rebuilt spare and Retested 0-P.P.M. 8-12-99
UTO *	V	OK		not in use
CLVS *	V	OK		↓

completed / approved / filed / by: [illegible] date: 8-17-99

ATTACHMENT C

Photographs of Closure Devices in Tank Farm # 2

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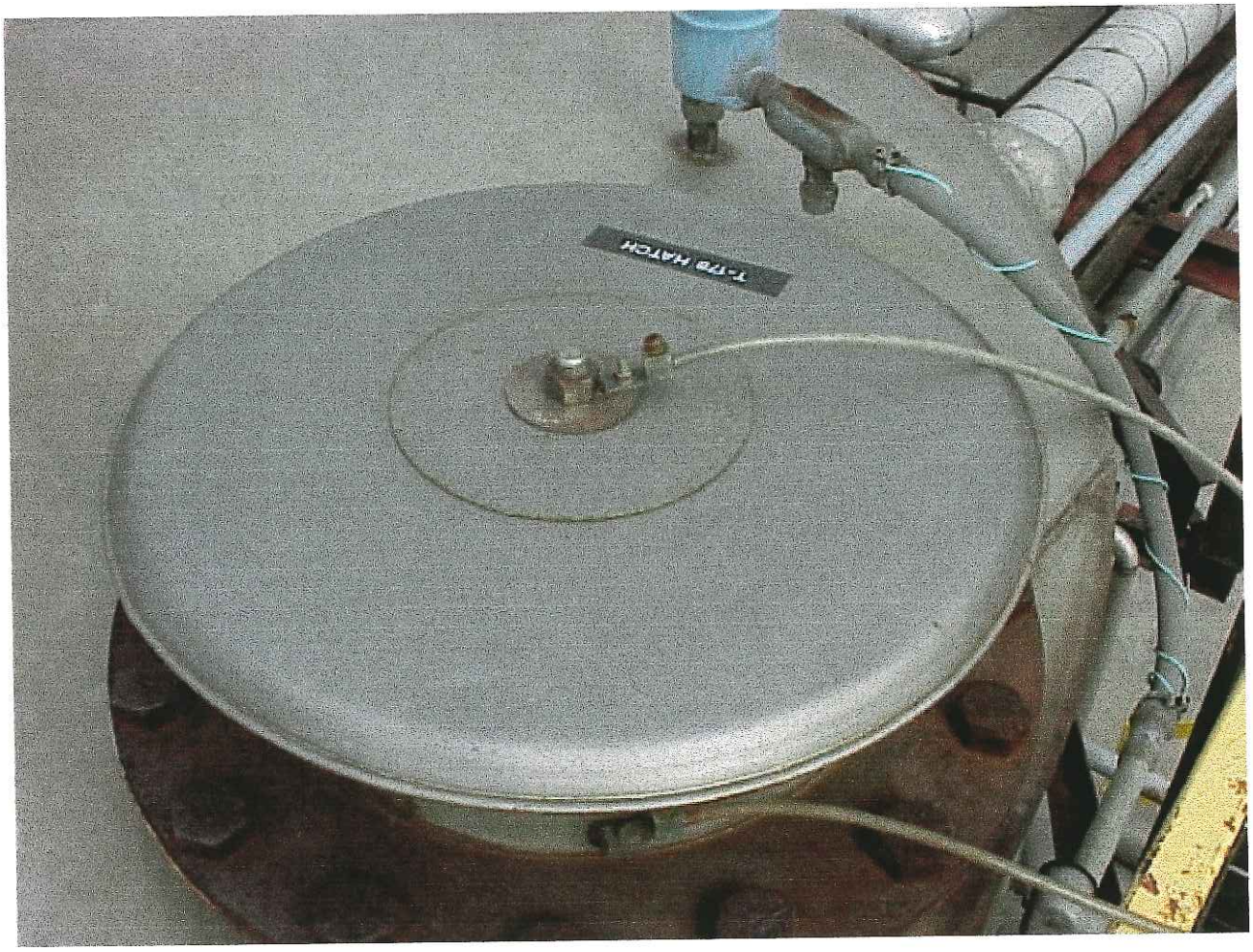

ATTACHMENT D

Method 21 Tests Conducted on Closure Devices in Tank Farm # 2

12-17-99

AET Quarterly Tests
Hatches

TF # 1

Tanks	Detection Method	Results	Tank Status
T-102	21	0	Inactive
T-103	21	0	Inactive
T-104	21	0	Inactive
T-106	21	0	Feeding into tank
T-107	21	0	Inactive
T-108	21	0	Inactive
T-109	21	0	Inactive
T-110	21	0	Inactive
T-111	21	0	Inactive
T-112	21	0	Feed into tank
T-113	Did not test	Feeding out of tank.	
T 14	21	0	Inactive

TF #2

T-170	21	0	Inactive
T-171	21	0	Inactive
T-172	21	0	Inactive
T-173	21	0	Inactive
T-174	21	0	Inactive
T-175	21	0	Inactive
T-176	21	0	Inactive
T-177	21	0	Feeding into tank
T-178	21	0	Feeding into tank
T-179	21	0	Inactive
T-180	21	0	Inactive

3-22-00 TF#2 March A.E.T. Hatch Test

	Material		DET METH	TEST RESULT	Conditions
T-178-	SK XER CH2CL2 CRUDE	Background-0	21	0	Stagnent
T-179	SKIB HOPE NMP CRUDE	Background-0	21	0	Stagnent
T-180			No Test		emptying Tank

done

TF#2

3-29-00

March AET Hatch Test

TANK	Material	Test Method		Result	TANK STATUS
T-170	3M Fluid LB ATO	Background 0	21	0	Stagnant
T-171	NMP Crude				
T-172	Ch2 Cl2 Dist				
T-173	RH AEEA Semi Dehy				
T-174	3M Fluid HB LTO				
T-176	NMP B-PASS				
T-177	NMP Crude				
T-180	NEP / IAA Split				

4-1-00 TF#2 March Hatch AET

AY

	Material		DET. METH.	Test Results	Conditions
T-180	MRK NEPIAA	Background-0	21	0	Stagnent

✓-4-6-00 79 of 86

AET STORAGE TANK HATCHES

UNIT	MATERIAL	VOL.	CONDITION	DET. METH.	BACK-GROUND	TEST RESULT	DATE	INITIALS	ACTION/COMMENT	APPROVED
T-102	MRK NEP CH2 CL2		Stagnent	21	0	0	3-21-00	RG		
T-103	ABBL DMSO Semi Dehy LTO		Stagnent	21	0	0	3-15-00	RG		
T-104	MRK IPA F.P.		Stagnent	21	0	0	3-15-00	RG		
T-106	EC DMSO F.P.		Stagnent	21	0	0	3-21-00	RG		
T-107	ABBL DMSO NVR Removal LTO		Stagnent	21	0	0	3-21-00	RG		
T-108	NEP H.B. Strip		Stagnent	21	0	0	4-6-00	CJS		
T-109	MRK NEP B-Pass LTO		Filling	21	0	0	3-21-00	RG		
T-110	ABBL DMSO F.P.		Filling	21	0	0	3-21-00	RG		
T-111	ABBL DMSO		Stagnent	21	0	0	3-21-00	RG		
T-112	ABBL DMSO NVR Removal LTO		Stagnent	21	0	0	3-21-00	RG		
T-113	ABBL DMSO		Stagnent	21	0	0	4-1-00	RG		
T-114	MRK. NEP F.P.		Stagnent	21	0	0	3-21-00	RG		
T-170	3M Fluid LB ATO		Stagnent	21	0	0	3-29-00	CJS		
T-171	NMP Crude		Stagnent	21	0	0				
T-172	CH2 CL2 Dist		Stagnent	21	0	0				
T-173	RIT AEEA Semi Dehy		Stagnent	21	0	0				
T-174	3M Fluid HB LTO		Stagnent	21	0	0				

COMMENT:

SHEET APPROVED:

AET STORAGE TANK HATCHES

UNIT	MATERIAL	VOL.	CONDITION	DET. METH.	BACK-GROUND	TEST RESULT	DATE	INITIALS	ACTION/COMMENT	APPROVED
T-175	Process Water		filling	21	0	0	3-31-00	CJS		
T-176	NMP B-Pass		Stagnent	21	0	0	3-29-00	CJS		
T-177	NMP Crude		Stagnent	21	0	0	3-29-00	CJS		
T-178	SK XER CH2Cl2 crude		Stagnent	21	0	0	3-22-00	RG		
T-179	SK IB HOPE NMP crude		Stagnent	21	0	0	3-22-00	RG		
T-180	NEP/IAA Split		Stagnent	21	0	0	3-29-00	CJS		
T-194	Proc. Water Class I		Stagnent	21	0	0	3-22-00	RG		
T-195	Proc. Water Class I filtered		Stagnent	21	0	0	3-22-00	RG		
T-1	SK IB NMP crude		Stagnent	21	0	0	3-23-00	RG		
T-2	IB HOPE NMP Crude		Stagnent	21	0	0				
T-3	SK NMP IG F.P.		Stagnent	21	0	0				
T-4	ABBL DMSO THF STRIP LTO		filling	21	0	0				
T-5	CF NMP Crude		Stagnent	21	0	0				
T-6	CF NMP Crude		Stagnent	21	0	0				
T-11	Cell DMAC LB LTO		Stagnent	21	0	0				
T-12	Process H2O		Stagnent	21	0	0	3-25-00	RG		
T-13	SK NMP F.P.I.G.		Stagnent	21	0	0	3-25-00	RG		

COMMENT:

SHEET APPROVED:

ATTACHMENT E

Photographs of Tagged Flanges on Tanks 30A, 38, and 51

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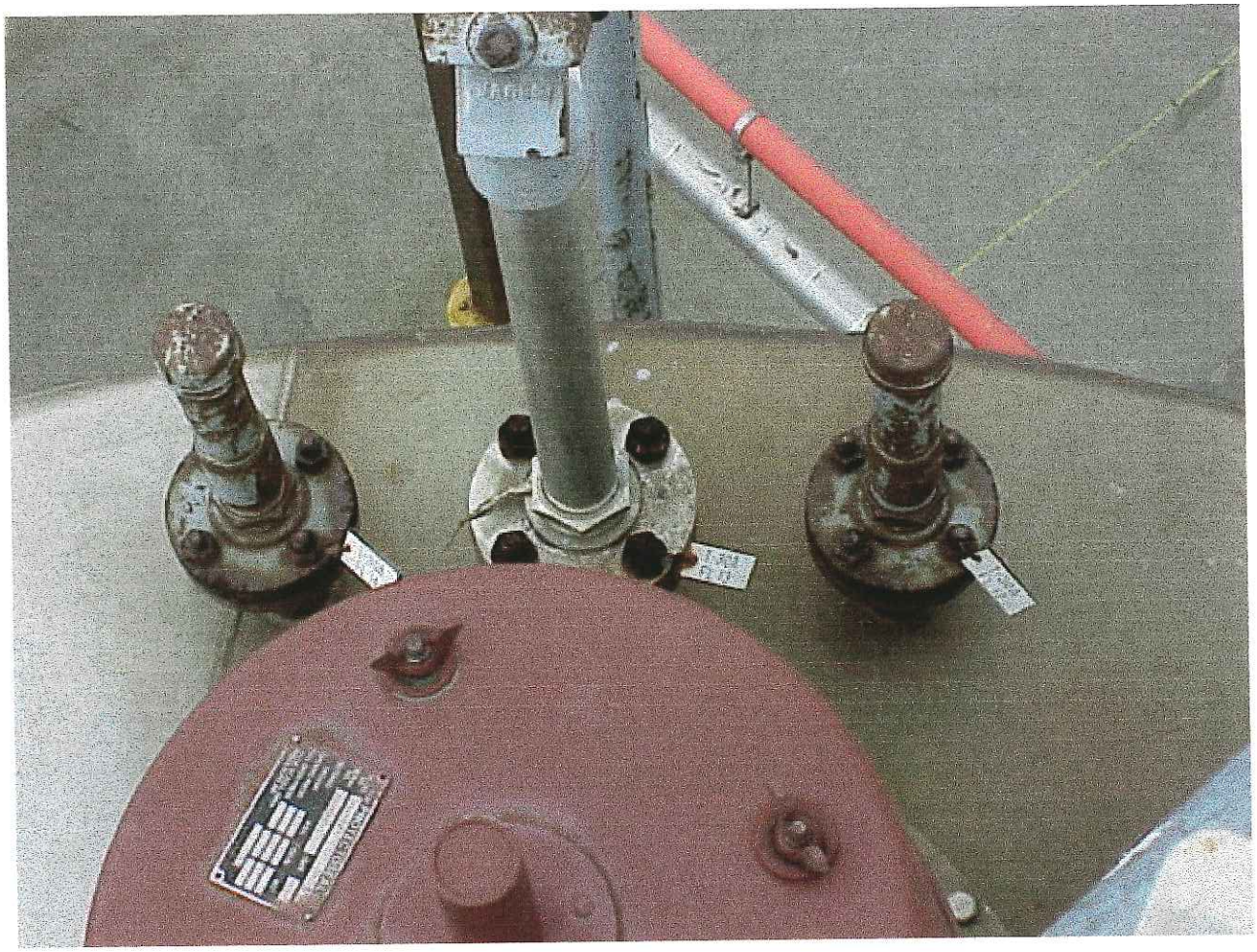
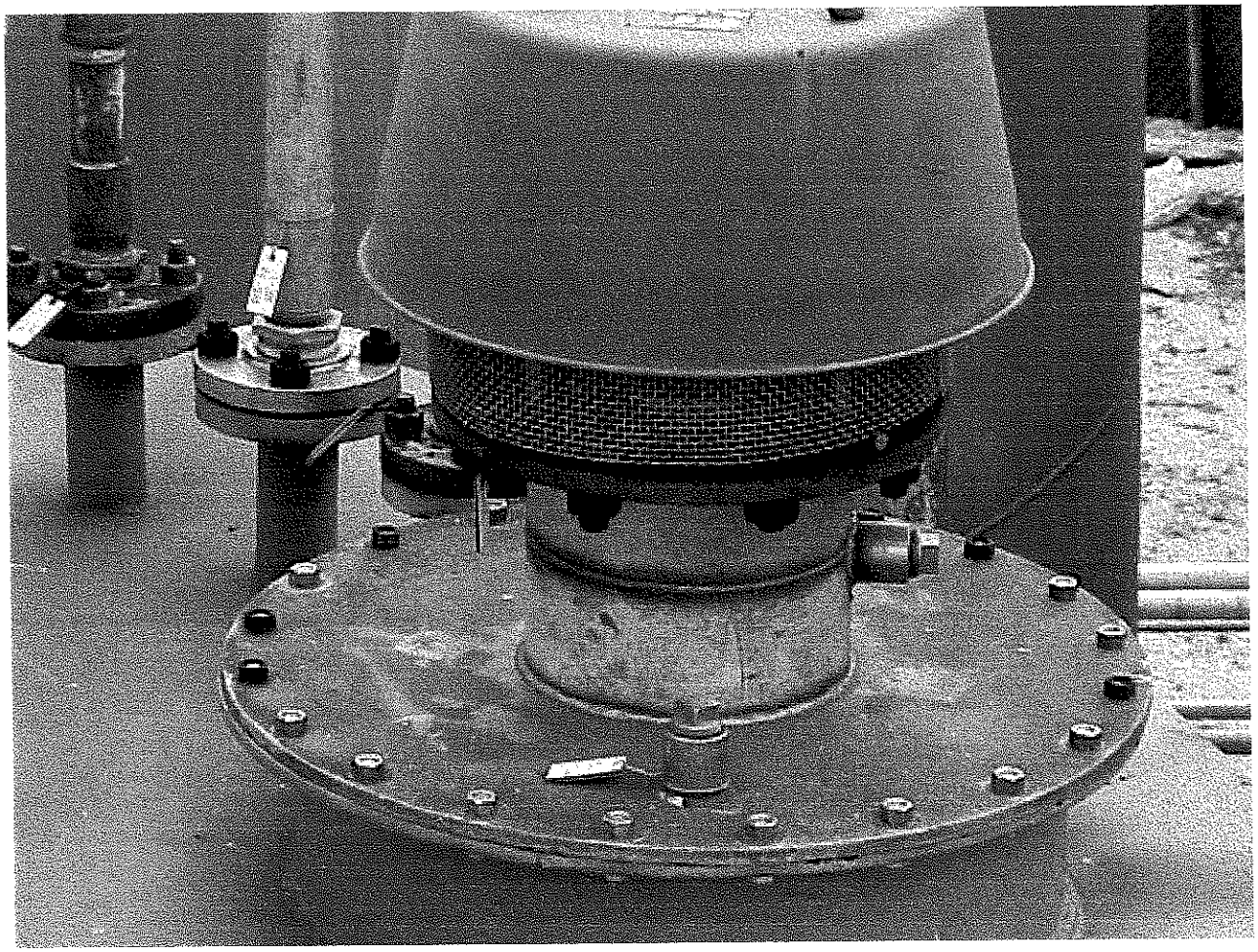
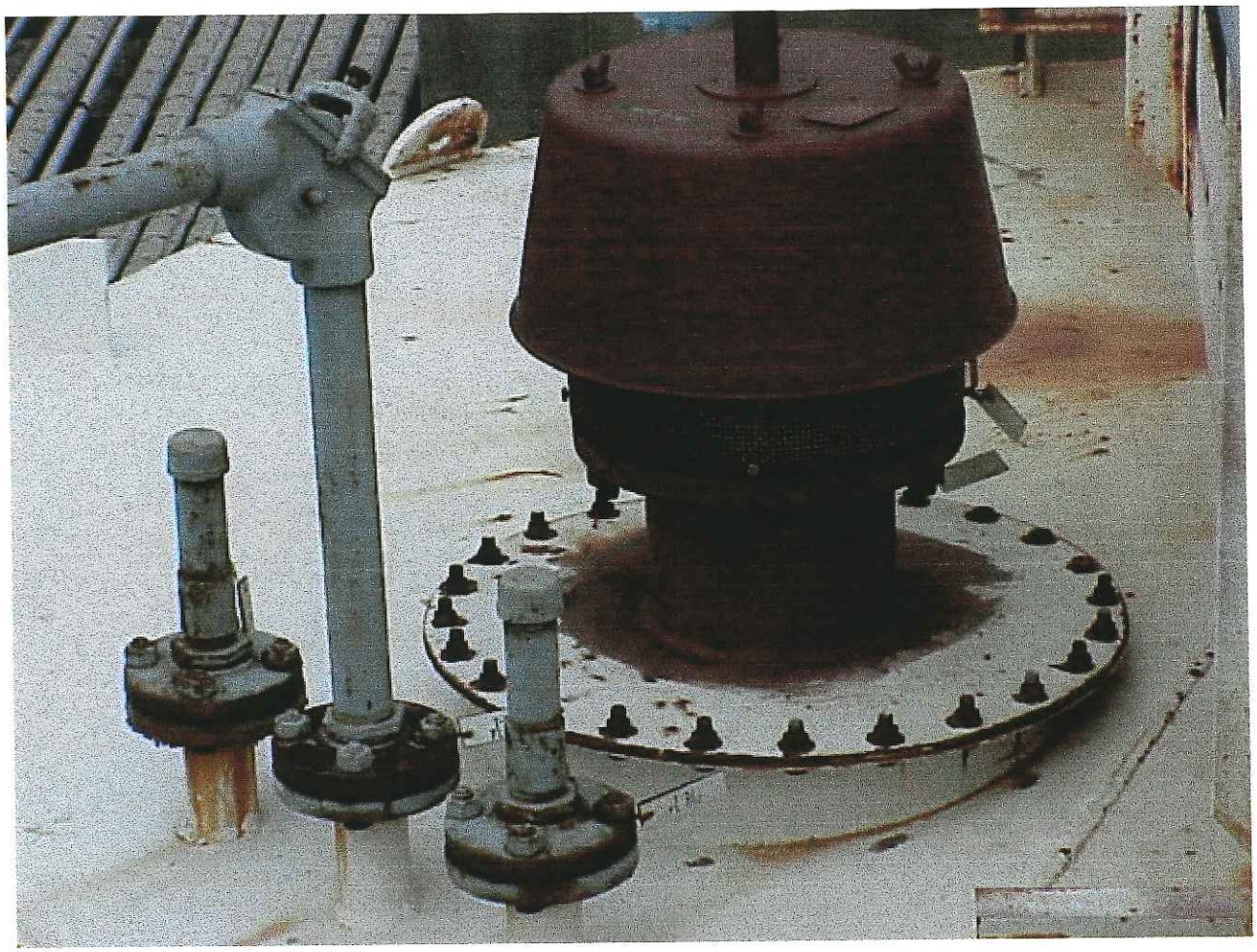


83 of 86



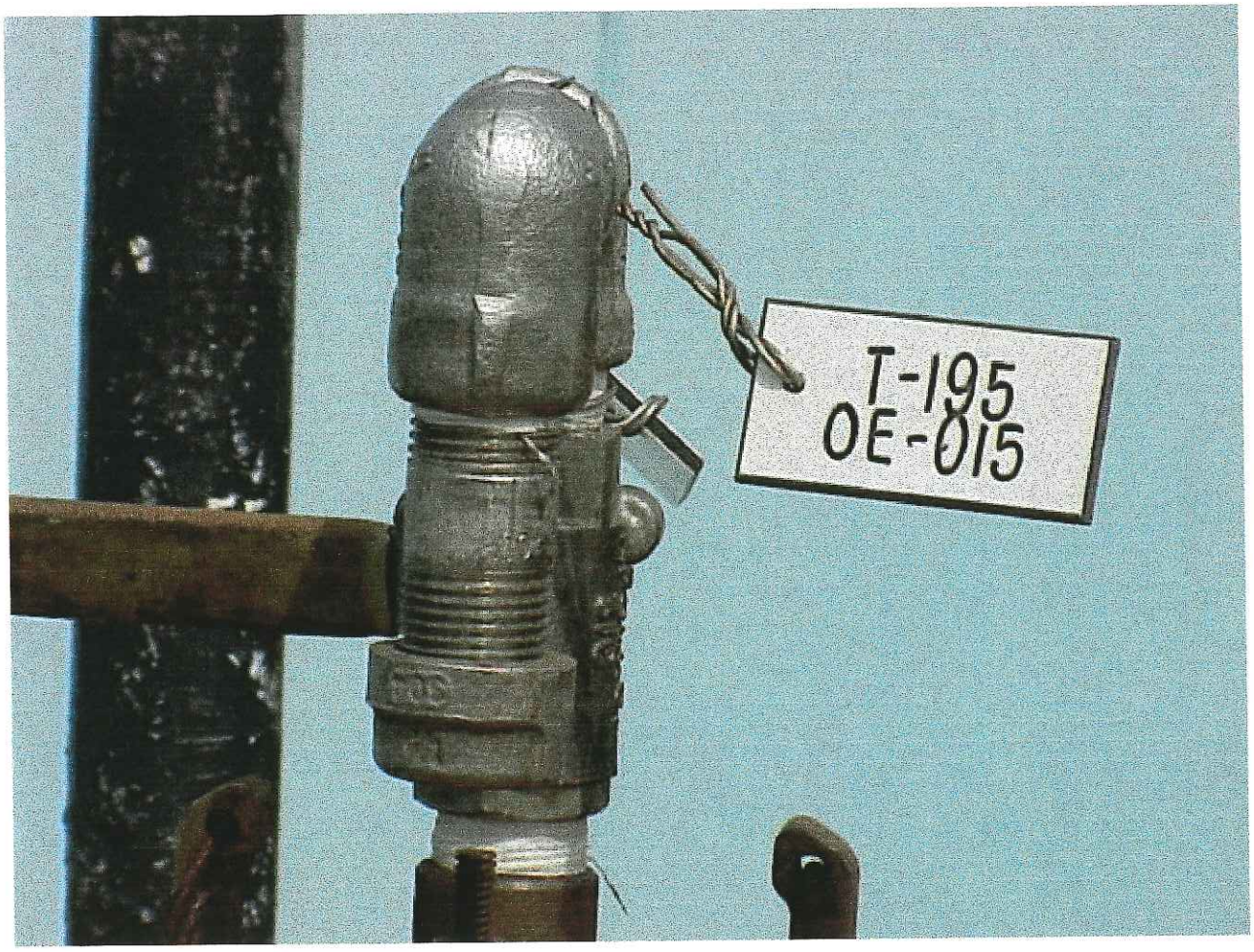
84 of 86



ATTACHMENT F

Photograph of Capped Open-Ended Pipe on Tank 195

86 of 86



safety-kleen

VIA UNITED PARCEL SERVICE
OVERNIGHT DELIVERY
 # 1Z 607 990 13 1000 010 0

August 17, 2000

United States Environmental Protection Agency, Region 5
ATTN: Ivonne Vincente, (DE-9J)
Enforcement and Compliance Assurance Branch
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Safety-Kleen Systems, Inc., Chicago Recycle Center
ILD 005 450 697
Response to Section 3007 Information Request Dated 7/17/00

Dear Ms. Vincente:

On July 18, 2000, Safety-Kleen Systems, Inc., ("Safety-Kleen") Chicago Recycle Center received a Section 3007 Information Request from USEPA Region 5 related to a September 20, 1999 inspection conducted by yourself and other representatives from the Region 5. The request mandated that a response be provided within 30 calendar days of receipt. Therefore, this response is being submitted on a timely basis.

Attached to this memorandum are the responses to the information requested in Item III of the Section 3007 Information Request received by the facility. Safety-Kleen has provided complete responses, based on currently available information, to all of the EPA's request.

If you have any questions or require additional information, please contact me at (708) 225-8155.

Sincerely,

Robert Burke, III

Robert Burke III, REM
Environmental Compliance Manager

Attachments

cc: Alfred Aghapour
Scott Kuhn
Craig Lackey (Safety-Kleen Legal)
Tim Semones
G: USEPA, Region 5 - Information Request - 2000
Chicago DOE

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SAFETY-KLEEN CORP.
1445 WEST 42ND STREET CHICAGO, IL 60609 773/247-2828 FAX 773/650-1466

CHICAGO RECYCLE CENTER
SAFETY-KLEEN SYSTEMS, INC.

III. Request for Information

CEI Report

Safety-Kleen requests that a copy of the CEI Report filed by Ms. Vincente be provided. A copy of this report was requested at the close of the inspection, but has not been received. If the CEI Report contains attachments, Safety-Kleen requests a copy of these documents as well.

Provided below is a response to each item for which EPA has requested information. A restatement of each request follows the corresponding number listed in EPA's 3007 information request.

Item 1. The check log data for the AIM 3350 (monitoring instrument), gathered during the inspection shows that from October 28, 1998 to March 16, 1999, the instrument was not calibrated. 40 C.F.R. 264.1063 requires that the instrument shall be calibrated before use each day of its use by the procedures specified in EPA Method 21. Please provide the following information:

- **a) The method used to calibrate the AIM 3350 instrument**
- **b) Why the AM 3350 instrument was not calibrated from October 28, 1998, to March 16, 1999.**
- **c) Whether the AIM 3350 instrument was recalibrated on the following dates when the ME reading was either less than 4750 ppm or greater than 5250 ppm: March 25, 1999; June 3, 1999; June 21, 1999; June 24, 199; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999.**
- **d) Documentation indicating leaks observed and repaired, if any, for the equipment subject to Subpart BB requirements during the dates of March 25, 1999; June 3, 1999; June 21, 1999; June 24, 199; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999 and from October 28, 1998, to March 16, 1999 in accordance with the requirements in 40 C.F.R. 264.1062.**

Response: Provided below are responses to items a through d:

a) Enclosed in **Attachment A** is photocopy of the method used to calibrate the AIM 3350 unit.

b) The AIM 3350 instrument was not calibrated from October 28, 1998 to March 16, 1999 because an alternate instrument was utilized during this time frame. The Chicago Recycle Center had obtained an additional AIM unit and this unit was utilized to conduct the required method 21 tests on applicable equipment in hazardous waste service during the time frame referenced.

c) Except for June 3, 1999, the Aim 3350 instrument was not recalibrated on the dates identified by the Agency.

d) Enclosed in **Attachment B** is a photocopy of the inspection and repair logs for the dates identified by the Agency. Summarized below are the results of the inspections conducted during the dates requested.

March 25, 1999
No leaks were detected.

June 3, 1999
No leaks were detected.

Note: The AIM unit was re-calibrated by the Health & Safety Manager before the testing was done. However, this was not documented in the calibration log, rather it was documented in the work list book maintained by the Maintenance Department.

June 21, 1999
No leaks were detected.

June 24, 1999
No leaks were detected.

June 28, 1999
No leaks were detected.

July 6, 1999
No leaks were detected.

July 7, 1999
No leaks were detected.

July 12, 1999
No leaks were detected.

July 13, 1999
No leaks were detected.

July 19, 1999
No leaks were detected.

July 22, 1999
No leaks were detected.

August 2, 1999
One leak was detected on C-1200, V-4532

August 6, 1999
No leaks were detected.

August 12, 1999
Two (2) leaks were detected: C-1300 LTO Pump, P-1302
C-1400 LTO Pump, P-1402

August 30, 1999
No leaks were detected.

October 28, 1998
No leaks were identified on waste service equipment.

November 2, 1998
Five leaks were detected on E-2: V-1183, V-1303, V-1275, V-1203, & FL-1142.

November 23, 1998
One leak was detected on C-1200, V-0007.

December 8, 1998
One leak was detected on Tank #38, FL-003.
One leak was detected on Flare blower pump, P-BW4002.

December 29, 1998
No leaks were identified on waste service equipment.

January 11, 1999
One leak detected on C-1400, Feed tray #12 valve, V-0558.

February 19, 1999
One leak detected on Tank #44, side line drain connector.

February 22, 1999
One leak detected on portable pump P-P220V1.

February 23, 1999
Two (2) leaks were detected on C1200: V-4585 & V-4586.

March 1, 1999
One leak detected on C1400 LTO, P-1402.

Item 2. At the time of the inspection, inadequate closure devices were observed on top of several hazardous waste storage tanks located in Tank Farm 2. Representatives of Safety-Kleen indicated that the tanks were empty at the time of the inspection. Please provide photos and other documentation showing that adequate closure devices were installed in these tanks in accordance with 40 C.F.R. 265.1085 (c)(2)(I)-(iii)(A) prior to the placement of hazardous waste in the tanks.

Response: A comment made in the information request indicated that Safety-Kleen representatives stated that the tanks were empty at the time of the inspection. Safety-Kleen representatives present during the inspection do not recollect stating that the tanks were empty.

Safety-Kleen disagrees that the closure devices on the tanks located within tank farm # 2 are inadequate. The closure devices referred to by the Agency are used as both a pressure relief device and safety device. These closures allow the tanks to operate in a safe manner during loading operations and during diurnal ambient temperature fluctuations. See **Attachment C** for photographs of the different types of closure devices utilized in Tank Farm # 2.

In addition, the closure devices were monitored using Method 21 protocol in December 1999, March, 2000 and April, 2000. The results of the test identified that the closure devices were operating with no detectable emissions as required in 40 CFR 265.1085 (c)(3)(ii). Enclosed in **Attachment D** are photocopies of the Method 21 test results conducted on the closure devices on the roofs of the tanks in Tank Farm # 2. The term "inactive" and "stagnant" means that material was in the tank, but not in the act of being transferred.

Item 3. At the time of the inspection, flanges in tanks 51, 38 and 30 did not have the identifications required by Subpart BB, 40 C.F.R. 264.1064. Please provide documentation showing that these flanges have been identified in accordance with 40 C.F.R. 264.1064.

Response: The Chicago Recycle Center has approximately 3,569 flanges identified and monitored in accordance with 40 CFR 264.1058. Each flange is identified on a drawing that clearly identifies the location of the flange in hazardous waste service. The tags are used as a quick reference indicator by personnel conducting the inspections. During the inspection, it was observed that the tags that had been secured to the flanges were no longer attached. Instead the wire used to secure the tags had rusted through and the tags were lying on the roof of the tank

near the flanges. It is expected that monitoring personnel would have identified the need to replace the wire on the tags during their next scheduled inspection. It is clear from the number of flanges identified that the Chicago Recycle Center has implemented a program in compliance with 40 CFR 265.1050.

The tags observed missing during the inspection were reattached to the applicable flanges subsequent to the inspection. See **Attachment E** for photographs of the flanges tagged on Tanks 30A, 38, and 51.

Item 4. At the time of the inspection, an open ended pipe in Tank Farm 3 (T195) had no seal. 40 C.F.R. 264.1056 requires that each open ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open ended valve or line. Please provide information demonstrating that the required equipment has been installed to seal the open ended valve in Tank 195.

Response: The Chicago Recycle Center has approximately 1,615 open ended pipes identified in accordance with 40 CFR 264.1056. Each open ended pipe is identified on a drawing that clearly identifies the location of the pipe in hazardous waste service. During the inspection, it was observed that one cap was not covering an open ended pipe. It is expected that monitoring personnel would have identified the need to replace the cap during their next scheduled inspection. It is clear from the number of open ended-pipes identified that the Chicago Recycle Center has implemented a program in compliance with 40 CFR 265.1056.

The line in question is located on the roof of the tank and has a valve to prevent the release of vapors from the tank. The valve was operated in a closed position. A cap was placed on the end of the line downstream of the primary valve subsequent to the inspection. See **Attachment F** for a photograph of the cap placed on the open-ended pipe on Tank 195.

Item 5. On October 6, 1999, SK submitted additional information as requested at the time of the inspection. The information provided by SK shows that Tank 60 has a volume of 20,000 gallons and it can store methyl sulfide and methylene chloride. These compounds have vapor pressures above 4 psi.

40 C.F.R. 264.1084(b) requires that tanks with a design capacity equal or greater than 75 cubic meters (20,000 gallons) must have a maximum organic vapor pressure equal or less than 27.6 kPa (4.0 psi) or have level 2 controls installed. However, at the time of the inspection, no level 2 controls were observed for the tanks inspected. Please provide information (including photos) demonstrating that Tank 60 has all the level 2 controls required to be in compliance with 40 C.F.R. § 264.1084(b). Alternately, submit a copy of the procedures showing that waste containing methyl sulfide and methylene chloride has not been stored in Tank 60 after December 6, 1996.

Response: Tank 60 is not a hazardous waste tank. Therefore, hazardous waste has never been managed in this tank. Only product is managed in this tank. The TANKS 3 emission calculation provided was for reference purposes only. It was intended to document that technical grade methylene chloride when stored in a manner so that its maximum surface temperature is 84°F has a maximum vapor pressure of 9.6 psia. Since Chicago does not operate any hazardous waste storage tanks with a design capacity equal or greater than 20,000 gallons, the maximum vapor pressure allowable for a level 1 tank is 11.26 psi. Therefore, hazardous waste methylene chloride, which is less pure than technical grade, is eligible for storage in one any of the level 1 tanks operated by the Chicago Recycle Center. Safety-Kleen understands that a misconception may have been caused by submitting the emission calculations related to technical grade methylene chloride from a product storage tank.

The information submitted that identified the vapor pressure for methyl sulfide is for technical grade quality. As noted in the October 6, 1999 submittal, methyl sulfide is a trace contaminant with does not exceed 2,000 ppm (0.2%) of the total waste stream it is contained in.

Safety-Kleen Systems, Inc.
Chicago Recycle Center
August 17, 2000
Page ~~5~~ 7 of 86

Item 6. Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Sincerely,

Alfred Aghapour
Facility Manager, Chicago Recycle Center
Delegated Corporate Representative -
Safety-Kleen Systems, Inc.

Beatrice Bibbs
Notary Name

Seal

OFFICIAL SEAL
BEATRICE BIBBS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-13-2004

8/14/00
Date

AA:bb

VIA CERTIFIED MAIL
 # Z 042 018 300

safety-kleen®

October 6, 1999

Ms. Ivonne Vincente
Environmental Engineer
USEPA, Region 5
Enforcement and Compliance Assurance
77 West Jackson Boulevard (DE-9J)
Chicago, IL 60604-3590

RE: Safety-Kleen Systems, Inc., Chicago Recycle Center
Request for Information from Site Visit of September 20, 1999
Subpart AA, BB, & CC Review

Dear Ms. Vincente:

On September 20, 1999, you along with Mr. Patrick Kuefler and Ms. Cora Helm audited the facility for compliance with the Hazardous Waste air emission standards codified in 40 CFR Subparts AA, BB, & CC. During the audit, you requested certain information. Provided as attachments to this letter is the information requested. This includes the following:

1. manufacturers specification on the AIM unit;
2. maximum vapor pressure of methylene chloride stored in tanks calculated using the Tanks 3.0 Program; and
3. a list of chemicals typically managed by the Chicago Recycle Center and their corresponding vapor pressures.

When reviewing the chemical list, you may notice that methyl sulfide has a vapor pressure of approximately 10.25 psi @ 77 °F. It is important to note that this compound is a trace contaminant in a couple of waste streams received. This waste streams are composed of monochlorobenzene (MCB) and dimethyl sulfoxide (DMSO). The level of concentration is not greater than 2,000 ppm (0.2%) of the total waste stream. Therefore, the waste stream containing the methyl sulfide has a vapor pressure significantly less than 10.2 psi identified for technical grade methyl sulfide.

SAFETY-KLEEN CORP.
1445 WEST 42ND STREET CHICAGO, IL 60609 773/247-2828 FAX 773/650-1466

Safety-Kleen believes that the information supplied meets the Agency's request. If further information is needed or if you have questions regarding the information submitted, please contact me at (708) 849-4850.

Sincerely,

Robert Burke III

Robert Burke III,
Environmental Compliance Manager

Attachments

cc: Alfred Aghapour
Ted Warner
Region 5 Inspection, Subpart AA, BB, & CC -1999

chircra/aabbcc 92099.doc

ENVIRONMENTAL SAFETY GROUP, INC.

PRODUCTS AND TRAINING THAT KEEP TOMORROW IN MIND

December 15, 1998

Safety Kleen Corp
Attn: Bob Burke

Per your request, here is the information regarding your AIM Gas Detector. The only difference between the 1350 and 3250 is the addition of 2 more sensors (an oxygen and a carbon monoxide sensor). The Multigas Sensor that you have in your meter is described under Sensor Type.

Hope this helps you. I will mail you a hard copy of this and the other information that we discussed in a few days. Please don't hesitate to call should you have any questions.

Regards,

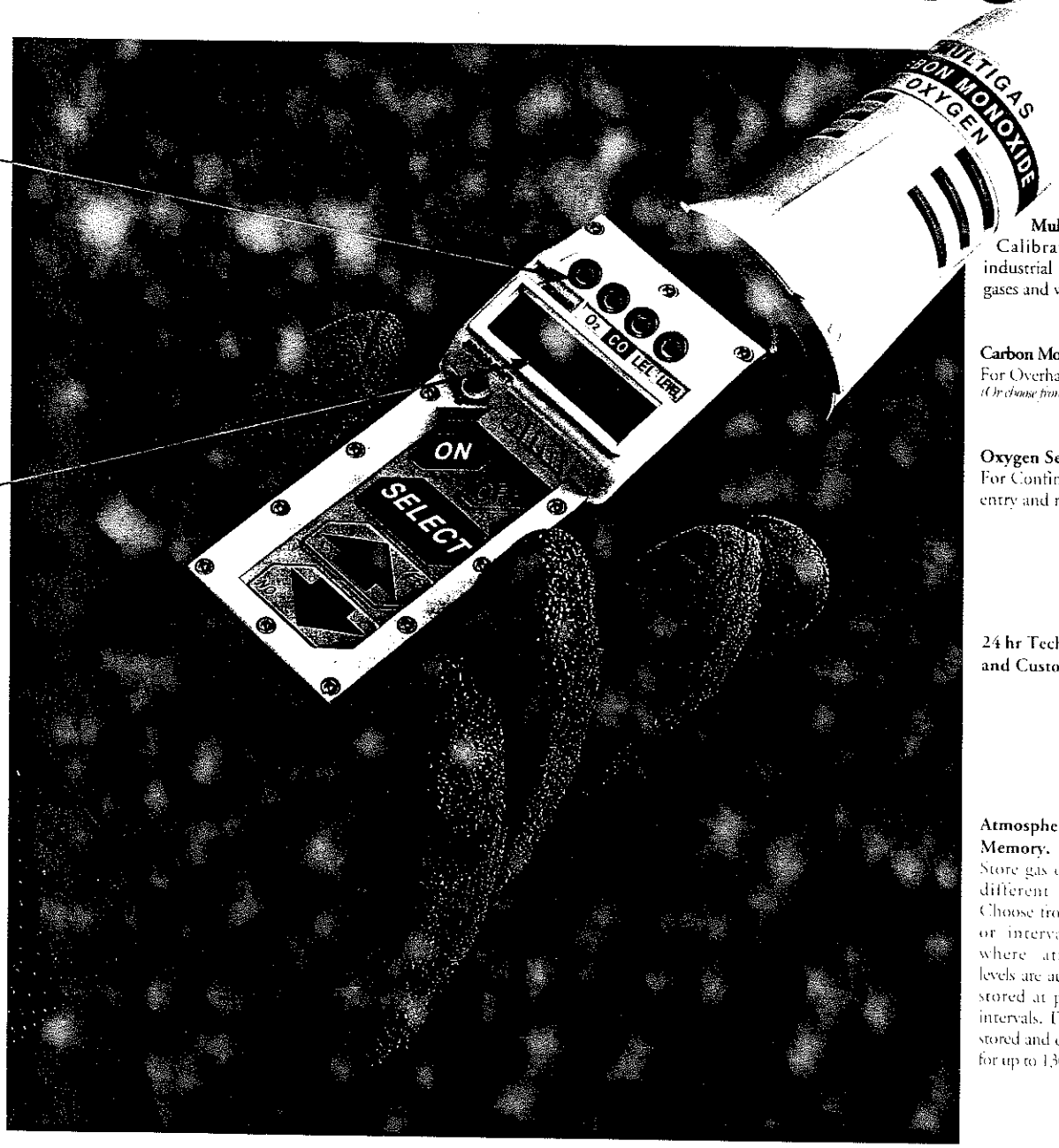
Peter Penninger/jj

Peter Penninger
AIM Repair Technician

PP:jj

7530 S. Madison, Suite 2 Willowbrook, IL 60521 Phone: 630/323-0130
Toll Free: 800/242-4295 FAX 630/323-0191

TESTING FOR HAZARDOUS GAS IS A REAL HANDFUL.



A Dedicated LED For Each Sensor. Green indicates a gas warning level and red, its alarm concentration.

Gas Levels. Gas levels can be programmed to either [illegible] off, or hold on any [illegible] sensor.

Simple Operation. Just Turn It On and Go. Only three simple keys are needed to become fully fluent with the many useful features. Extra large keys accommodate even gloved fingers.

Multigas Sensor. Calibrated to 28 industrial combustible gases and vapors.

Carbon Monoxide Sensor. For Overhaul evaluation. *(Or choose from other toxic sensors)*

Oxygen Sensor. For Confined space entry and rescue.

24 hr Technical Support and Customer Service.

Atmospheric Memory. Store gas data in two different formats. Choose from incident or interval formats where atmospheric levels are automatically stored at preset time intervals. Data can be stored and downloaded for up to 1,300 intervals.

Put All The Features You Need Right In The Palm Of Your Hand.

When it's your job to test for combustible or toxic gas hazards, you've really got your hands full. Is the hazard one of t[illegible]3 precalibrated gases in your monitor? Fire and Haz-Mat professionals everywhere look to the Logic 250 Series for the answer. Countless substances that affect the Logic 250 Series cause immediate readings, even substances like the accelerant residue sought in arson investigation. Oxygen readings are essential for confined space entry and rescue applications. And, after the fire is out, Carbon Monoxide readings let the pros know when to shed their S.C.B.A. for overhaul evaluation. With features like these, and its unique Multigas sensing technology, the Logic 250 Series will help you get a firm grip on dangerous gas exposure.

For order and upgrade information call 1-800-275-4246

AIM SAFETY USA Inc.

THE LOGIC 250 SERIES

SPECIFICATIONS:	Multigas
Sensor Type	Metal Oxide Semi-conductor
Range	0-100 %LEL
Accuracy	± 3% Full Scale
Factory Preset Alarms	10% LEL

Multigas Sensors' Precalibrated Gas List

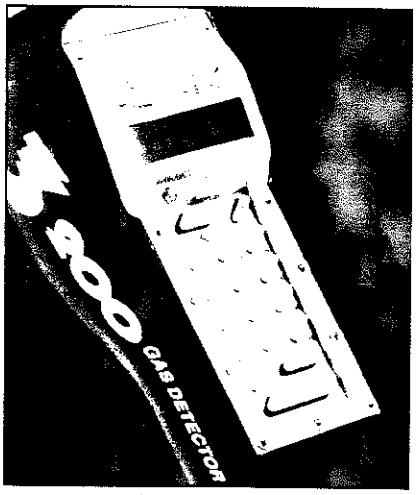
General Sensing	Diethylamine	Gasoline	Octane
Acetone	Dimethylamine	Hexane	Pentane
Acetylene	Ethane	Hydrogen	Propane
Aviation Fuel	Ethanol	M.E.K.	Propanol
Benzene	Ethyl Acetate	Methane	Propylene
Butane	Ethyl Ether	Methanol	Toluene
Butylene	Ethylene	Napthalene	Xylene

Temperature Range	5 to 122 degrees Fahrenheit (-10 to 50 degrees Celsius)
R.H. Range	0 to 99% Relative Humidity, Non-Condensing
Dimensions	15.7" - 18.5" x 2.5"
Weight	2.2lbs
Hazardous Area Rating	Intrinsically safe for use in Class1, Division 1, Groups A, B, C, and D areas. UL Approved.
Radio Frequency Protection	Readings will not change by more than 5% of full-scale when placed no less than one foot from a 5-watt radio transmitting on a frequency of 30, 150, or 450 Mhz.
Displays	High intensity LED display and alarm indicators
Battery	Long life load-protected Lead Acid gel-cel pack. Minimum to full charge time - 1.5 - 4 hrs. Continuous operating time 8hrs
Data Storage	INCIDENT - concentration triggered memory INTERVAL - time stamped memory SURVEY - location specific memory (Available with 200 Series only)
Special Features	One, two or three sensors available in one detector. Peak atmospheric levels recall, wall mount charging system (120VAC or 12VDC), General Sensing for numerous precalibrated gases, tough, easy to use, and ergonomic design for the workplace.
Warranty	One year standard. Two year optional.
General Sensing	A unique and specialized general response reading designed to detect the very low level presence of a broad range of unknown combustible and toxic atmospheric hazards. Easy to understand readings measure between 0 & 50,000 units to indicate varying concentrations of unknown gases. A useful feature for preemptive action.

Sensor Selection Options

(Any two may be added to the standard Multigas sensor)

GAS	SENSOR	RANGE
Oxygen	OX	0 - 25.0 % vol
Carbon Monoxide	CO	0 - 250 - 2000 ppm
Hydrogen Sulphide	HS	0 - 250 - 1000 ppm
CO+HS Tox/Swap	TS	0 - 500ppm CO 0 - 250ppm HS
Sulphur Dioxide	SO	0 - 50 - 500 ppm
Nitric Oxide	NO	0 - 250 - 1500 ppm
Nitrogen Dioxide	ND	0 - 50 - 250 ppm
Chlorine	CL	0 - 25 - 250 ppm
Hydrogen Cyanide	CN	0 - 100 - 200 ppm
Hydrogen	HY	0 - 250 - 2000 ppm
Ammonia	AM	0 - 250 ppm



200 Series shown with data entry keypad

Included: Wall Mount Charger and Charging Power Supply, Manual, Warranty Registration, Quick Start Instructions, Carrying Case, QC Sheet, Tool Kit.

Also Available : Hand Aspirator and 10' hose, Calibration Kit, Electric Pump with Coiled Handle-Probe, Sampling Hose, Auto Charger, Holster, AIM Link Software, and more.

Sales, Service, And Training, 8403 Cross Park Drive Unit #1A, Austin, Texas, USA 78754
Telephone (512) 832-5665 Fax (512) 832-2188

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Overview of TANKS Program

The TANKS program is designed to estimate emissions of organic chemicals from storage tanks. The calculations are performed according to EPA's AP-42. After the user provides specific information concerning a storage tank and its liquid contents, the system produces a report which estimates the chemical emissions for the tank on an annual or partial year basis. If the user identifies each chemical component in a stored mixture, then the system will use a HAP-Speciation methodology to provide a breakdown of the storage tank emissions by chemical component.

The TANKS program relies on a chemical database of over 100 organic liquids and a meteorological database which includes over 175 cities in the United States; users may add new chemicals and cities to these databases by providing specific information through system utilities. An on-line help system provides documentation and user assistance for each screen of the program.

The program was written in FoxPro 2.6, a dBase-compatible language, and was intended for distribution by the EPA through the CHIEF electronic bulletin board or through the mail on diskette. It was developed for use on IBM AT class computers with 640K random access memory (RAM) and at least 2.5M of hard disk space. The program will perform faster on a 386 PC with additional RAM.

The equations used in this program are documented in AP-42

NOTICE

The emission estimating equations that form the basis of the TANKS software program were developed by the American Petroleum Institute (API). API retains the copyright to these equations. API has granted permission for the nonexclusive, noncommercial distribution of this material to governmental and regulatory agencies. However, API reserves its rights regarding all commercial duplication and distribution of its material. Therefore, the TANKS program is available for public use, but the program cannot be sold without written permission from the American Petroleum Institute, the U.S. Environmental Protection Agency, Midwest Research Institute, and Perrin Quarles Associates, Inc.

TANKS PROGRAM 3.0
EMISSIONS REPORT - SUMMARY FORMAT
TANK IDENTIFICATION AND PHYSICAL CHARACTERISTICS

Identification

Identification No.:	Meth Chl20
City:	Chicago
State:	IL
Company:	Safety-Kleen
Type of Tank:	Vertical Fixed Roof
Description:	# 60

Tank Dimensions

Shell Height (ft):	32.0
Diameter (ft):	10.6
Liquid Height (ft):	29.5
Avg. Liquid Height (ft):	15.0
Volume (gallons):	20000
Turnovers:	12.0
Net Throughput (gal/yr):	240000

Paint Characteristics

Shell Color/Shade:	White/White
Shell Condition:	Good
Roof Color/Shade:	White/White
Roof Condition:	Good

Roof Characteristics

Type:	Dome
Height (ft):	0.00
Radius (ft) (Dome Roof):	11.00
Slope (ft/ft) (Cone Roof):	0.0000

Breather Vent Settings

Vacuum Setting (psig):	-0.03
Pressure Setting (psig):	0.03

Meteorological Data Used in Emission Calculations: Honolulu, Hawaii (Avg Atmospheric Pressure = 14.7 psia)

TANKS PROGRAM 3.0
EMISSIONS REPORT - SUMMARY FORMAT
LIQUID CONTENTS OF STORAGE TANK

Mixture/Component	Month	Daily Liquid Surf. Temperatures (deg F) Avg.	Min.	Max.	Liquid Bulk Temp. (deg F)	Vapor Pressures (psia) Avg.	Min.	Max.	Vapor Mol. Weight	Liquid Mass Fract.	Vapor Mass Fract.	Mol. Weight	Basis for Vapor Pressure Calculations
Methylene chloride	All	79.21	74.65	83.77	77.02	8.7121	7.8799	9.6147	84.940			84.94	Option 2: A=7.4090, B=1325.900, C=252.600

Chemicals Managed by the Chicago Recycle Center
(6/15/99)

Chemical Name	CAS #	Boiling Pt. (F)	Flash Pt. (F)	Vapor Pressure (mmHg @ °F)	psi @ ° F	Molecular Weight	Specific Gravity
Benzyl Alcohol	100-51-6	401	201	0.1 @ 68	0.0019 @ 68	108.14	1.045
2,4-Dichlorophenol	120-83-2	410	235	1 @ 68	0.0013 @ 68	163	1.383
(DIEA) N,N'-diisopropylethylamine	7087-68-5	261	50	31 @ 99.86	0.60 @ 99.86	129.24	0.742
Diethoxymethane	462-95-3	88	23	60 @ 77	1.16 @ 77	104.15	0.839
(DMAC) Dimethyl Acetamide	127-19-5	331	151	1.5 @ 68	0.03 @ 68	87.121	0.937
(DMSO) Dimethyl sulfoxide	67-68-5	372	203	0.37 @ 68	0.007 @ 68	78.13	1.092
Ethanol	64-17-5	173	54	40 @ 68	0.77 @ 68	46.069	0.789
Ethylene glycol	107-21-1	383	232	0.06 @ 68	0.001 @ 68	62.068	1.1155
(BLON) Gamma – Butyrolactone	96-48-0	401	208	< 1 @ 77	0.019 @ 77	86.090	1.1441
Heptanes	142-82-5	209	25	40 @ 68	0.77 @ 68	100.2	0.684
Hexane	110-54-3	156	-7.6	124 @ 68	2.40 @ 68	86.177	0.6548
(IAA) Isopropyl Alcohol	123-51-3	266	109	2.8 @ 68	0.054 @ 68	88.149	0.809
Methanol	67-56-1	148	54	97 @ 68	1.88 @ 68	32.042	0.791
Methyl Sulfide	75-18-3	97	-35	530 @ 77	10.25 @ 77	62.13	0.848
Methylene Chloride	75-09-2	104	N/A	350 @ 68	6.77 @ 68	84.933	1.3255
(NEP) N-ethyl-2-pyrrolidone	2687-91-4	207	169	0.3 @ 68 *	0.006 @ 68 *	113.16	0.992

Chemical Name	CAS #	Boiling Pt. (F)	Flash Pt. (F)	Vapor Pressure (mmHg @ °F)	psi @ ° F	Molecular Weight	Specific Gravity
(NMP) N-ethyl-2-pyrrolidone	872-50-4	396	196	0.3 @ 68	0.006 @ 68	99.132	1.033
(MCB) Monochlorobenzene	108-90-7	266	84	8.8 @ 68	0.17 @ 68	112.56	1.1066
Propylene glycol	57-55-6	370	225	0.129 @ 77	0.003 @ 77	76.095	1.036
(THF) Tetrahydrofuran	109-99-9	151	-6	145 @ 68	2.81 @ 68	72.107	0.886
Toluene	108-88-3	232	39	22 @ 68	0.43 @ 68	92.140	0.867

* data not available. Using NMP data.

Chirair/air inventory/chicago chemical table.doc

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
DE-9J

JUL 17 2006
CERTIFIED MAIL P140 806 604
RETURN RECEIPT REQUESTED

Robert Burke
Environmental Compliance Manager
Safety Kleen Corporation
1445 W. 42nd Street
Chicago, Illinois 60609

Re: RCRA §3007 Information Request
Safety Kleen Corporation
EPA ID No.: ILD 005 450 697

Dear Mr. Burke:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) in accordance with its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. You are requested to provide information concerning the items shown in Part III of the Information Request.

The information requested in Part III of this letter must be provided to this office within thirty (30) days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, in accordance with 40 CFR 2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR Part 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. In addition, any

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documents submitted to U.S. EPA Region 5 in response to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should so notify Region 5. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted in accordance with 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

If you have any questions regarding this matter, please contact Ivonne Vicente, of my staff, at (312) 886-4449. Your response should be sent to the U.S. Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Ivonne Vicente

Sincerely,

Lorna M. Jereza

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Safety Kleen Corporation	)	Information Request
	)	Pursuant to
1445 W. 42nd Street	)	Section 3007 of the
Chicago, Illinois 60609	)	Resource Conservation and
	)	Recovery Act, as amended
	)	42 U.S.C. §6927
EPA ID No.: ILD 005 450 697	)	
	)	

This is a follow up request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request requires Safety Kleen Corporation (SK) to submit information relating to the hazardous waste generated, stored, and treated at its facility located at 1445 W. 42nd Street, Chicago, Illinois.

U.S. EPA has determined that this information is necessary to ascertain compliance with the standards for hazardous wastes generated, treated, stored, or disposed, as set forth at 40 CFR Parts 260 through 270. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

I. INSTRUCTIONS

This request for information pertains to any and all information your company may have regarding the applicability of and conformance with the RCRA. If any information that we require is not available or accessible in the full detail requested, then you must provide the **best information available**. The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible, including, where specific information is not available or accessible, an estimate and explanation of the method by which each estimate is made. The information must be provided even though it may be characterized as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes, or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. You must request confidential treatment when you provide the information since any information that you do not identify as

confidential will not be accorded this protection by the Agency and may be released to the public without further notice.

Any written statements submitted pursuant to this request must be accompanied by a notarized affidavit from a responsible company official or representative that those statements are true and accurate to the best of the signatory's knowledge and belief. If you learn, at any time after submittal of the requested information, that any portion of this submittal certified as true is false or misleading, you should notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within thirty (30) days following receipt of this request, to the United States Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Ivonne Vicente.

II. DEFINITIONS

1. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist

of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them). See 40 CFR 260.10.

2. "Generator" means on-site as defined in 40 CFR 260.10.

3. "Hazardous waste" means any solid waste that may meet the definition of a hazardous waste as defined under Section 1004(5) of RCRA.

4. The term "you" or "Respondent" shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.

5. The term "person" as used herein includes, in the plural as well as the singular, any person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

6. The term "identify" means, with respect to a person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number

(invoice or purchase order number), if any, the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

9. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by the way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any

documents, and (e) every document referred to in any other document.

III. REQUEST FOR INFORMATION

During a September 20, 1999 inspection by U.S. EPA representative, Ivonne Vicente, she observed that the SK facility is subject to Subpart AA, BB and CC regulations. To determine RCRA compliance with these regulations, specifically, Subpart BB and CC, please provide the following documentations:

1) The check log data for the AIM 3350 (monitoring instrument), gathered during the inspection shows that from October 28, 1998 to March 16, 1999, the instrument was not calibrated. 40 C.F.R. § 264.1063 requires that the instrument shall be calibrated before use on each day of its use by the procedures specified in EPA Method 21. Please provide the following information:

a) The method used to calibrate the AIM 3350 instrument

b) Why the AM 3350 instrument was not calibrated from October 28, 1998, to March 16, 1999.

c) Whether the AIM 3350 instrument was recalibrated on the following dates when the ME reading was either less than 4750 ppm or greater than 5250 ppm: March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999.

d) Documentation indicating leaks observed and repaired, if any, for the equipment subject to Subpart BB requirements during the dates of March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999 and from October 28, 1998, to March 16, 1999 in accordance with the requirements in 40 C.F.R. § 264.1062.

2) At the time of the inspection, inadequate closure devices were observed on top of several hazardous waste storage tanks located in Tank Farm 2. Representatives of Safety Kleen indicated that the tanks were empty at the time of the inspection. Please provide photos and other documentations showing that adequate closure devices were installed in these tanks in accordance with 40 C.F.R. § 265.1085 (c)(2)(I)-(iii)(A) prior to the placement of hazardous waste in the tanks.

3) At the time of the inspection, flanges in tanks 51, 38 and 30 did not have the identifications required by Subpart BB, 40 C.F.R. § 264.1064. Please provide documentation showing that these flanges have been identified in accordance with 40 C.F.R. § 264.1064.

4) At the time of the inspection, an open ended pipe in Tank Farm 3 (T195) had no seal. 40 C.F.R. § 264.1056 requires that each open

ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open ended valve or line. Please provide information demonstrating that the required equipment has been installed to seal the open ended valve in Tank 195.

5) On October 6, 1999, SK submitted additional information as requested at the time of the inspection. The information provided by SK shows that Tank 60 has a volume of 20,000 gallons and it can store methyl sulfide and methylene chloride. These compounds have vapor pressures above 4 psi.
40 C.F.R. § 264.1084(b) requires that tanks with a design capacity equal or greater than 75 cubic meters (20,000 gallons) must have a maximum organic vapor pressure equal or less than 27.6 kPa (4.0 psi) or have level 2 controls installed. However, at the time of the inspection, no level 2 controls were observed for the tanks inspected. Please provide information (including photos) demonstrating that Tank 60 has all the level 2 controls required to be in compliance with 40 C.F.R. § 264.1084(b). Alternatively, submit a copy of procedures showing that waste containing methyl sulfide and methylene chloride has not been stored in Tank 60 after December 6, 1996.

6) Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 17th day of July, 2000

Lorna M. Jereza P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
DE-9J

JUL 17 2006
CERTIFIED MAIL P140 846 604
RETURN RECEIPT REQUESTED

Robert Burke
Environmental Compliance Manager
Safety Kleen Corporation
1445 W. 42nd Street
Chicago, Illinois 60609

Re: RCRA §3007 Information Request
Safety Kleen Corporation
EPA ID No.: ILD 005 450 697

Dear Mr. Burke:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) in accordance with its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. You are requested to provide information concerning the items shown in Part III of the Information Request.

The information requested in Part III of this letter must be provided to this office within thirty (30) days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, in accordance with 40 CFR 2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR Part 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. In addition, any

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documents submitted to U.S. EPA Region 5 in response to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should so notify Region 5. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted in accordance with 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

If you have any questions regarding this matter, please contact Ivonne Vicente, of my staff, at (312) 886-4449. Your response should be sent to the U.S. Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Ivonne Vicente

Sincerely,

Lorna M. Jereza

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Safety Kleen Corporation	)	Information Request
	)	Pursuant to
1445 W. 42nd Street	)	Section 3007 of the
Chicago, Illinois 60609	)	Resource Conservation and
	)	Recovery Act, as amended
	)	42 U.S.C. §6927
EPA ID No.: ILD 005 450 697	)	
	)	

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U.S. EPA has determined that this information is necessary to ascertain compliance with the standards for hazardous wastes generated, treated, stored, or disposed, as set forth at 40 CFR Parts 260 through 270. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

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II. DEFINITIONS

1. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist

of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them). See 40 CFR 260.10.

2. "Generator" means on-site as defined in 40 CFR 260.10.

3. "Hazardous waste" means any solid waste that may meet the definition of a hazardous waste as defined under Section 1004(5) of RCRA.

4. The term "you" or "Respondent" shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.

5. The term "person" as used herein includes, in the plural as well as the singular, any person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

6. The term "identify" means, with respect to a person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number

(invoice or purchase order number), if any, the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

9. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by the way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any

documents, and (e) every document referred to in any other document.

III. REQUEST FOR INFORMATION

During a September 20, 1999 inspection by U.S. EPA representative, Ivonne Vicente, she observed that the SK facility is subject to Subpart AA, BB and CC regulations. To determine RCRA compliance with these regulations, specifically, Subpart BB and CC, please provide the following documentations:

1) The check log data for the AIM 3350 (monitoring instrument), gathered during the inspection shows that from October 28, 1998 to March 16, 1999, the instrument was not calibrated. 40 C.F.R. § 264.1063 requires that the instrument shall be calibrated before use on each day of its use by the procedures specified in EPA Method 21. Please provide the following information:

a) The method used to calibrate the AIM 3350 instrument

b) Why the AM 3350 instrument was not calibrated from October 28, 1998, to March 16, 1999.

c) Whether the AIM 3350 instrument was recalibrated on the following dates when the ME reading was either less than 4750 ppm or greater than 5250 ppm: March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999.

d) Documentation indicating leaks observed and repaired, if any, for the equipment subject to Subpart BB requirements during the dates of March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999 and from October 28, 1998, to March 16, 1999 in accordance with the requirements in 40 C.F.R. § 264.1062.

2) At the time of the inspection, inadequate closure devices were observed on top of several hazardous waste storage tanks located in Tank Farm 2. Representatives of Safety Kleen indicated that the tanks were empty at the time of the inspection. Please provide photos and other documentations showing that adequate closure devices were installed in these tanks in accordance with 40 C.F.R. § 265.1085 (c)(2)(I)-(iii)(A) prior to the placement of hazardous waste in the tanks.

3) At the time of the inspection, flanges in tanks 51, 38 and 30 did not have the identifications required by Subpart BB, 40 C.F.R. § 264.1064. Please provide documentation showing that these flanges have been identified in accordance with 40 C.F.R. § 264.1064.

4) At the time of the inspection, an open ended pipe in Tank Farm 3 (T195) had no seal. 40 C.F.R. § 264.1056 requires that each open

ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open ended valve or line. Please provide information demonstrating that the required equipment has been installed to seal the open ended valve in Tank 195.

5) On October 6, 1999, SK submitted additional information as requested at the time of the inspection. The information provided by SK shows that Tank 60 has a volume of 20,000 gallons and it can store methyl sulfide and methylene chloride. These compounds have vapor pressures above 4 psi.

40 C.F.R. § 264.1084(b) requires that tanks with a design capacity equal or greater than 75 cubic meters (20,000 gallons) must have a maximum organic vapor pressure equal or less than 27.6 kPa (4.0 psi) or have level 2 controls installed. However, at the time of the inspection, no level 2 controls were observed for the tanks inspected. Please provide information (including photos) demonstrating that Tank 60 has all the level 2 controls required to be in compliance with 40 C.F.R. § 264.1084(b). Alternatively, submit a copy of procedures showing that waste containing methyl sulfide and methylene chloride has not been stored in Tank 60 after December 6, 1996.

6) Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 17th day of July, 2000

Lorna M. Jereza

Lorna M. Jereza P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
DE-9J

JUL 17 2008
CERTIFIED MAIL P140 836 604
RETURN RECEIPT REQUESTED

Robert Burke
Environmental Compliance Manager
Safety Kleen Corporation
1445 W. 42nd Street
Chicago, Illinois 60609

Re: RCRA §3007 Information Request
Safety Kleen Corporation
EPA ID No.: ILD 005 450 697

Dear Mr. Burke:

This is a request for information by the United States Environmental Protection Agency (U.S. EPA) in accordance with its authority under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. You are requested to provide information concerning the items shown in Part III of the Information Request.

The information requested in Part III of this letter must be provided to this office within thirty (30) days of receipt of this letter notwithstanding its possible characterization as confidential information. You may, in accordance with 40 CFR 2.203(a), assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR Part 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent and by means of the procedures set forth in 40 CFR Part 2, Subpart B. Any request for confidentiality must be made when the information is submitted, since any information not so identified may be made available to the public without further notice.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all statements contained therein are true and accurate to the best of the signatory's knowledge and belief. In addition, any

documents submitted to U.S. EPA Region 5 in response to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief.

Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should so notify Region 5. If any answer certified as true should be found to be untrue or misleading, the signatory can and may be prosecuted in accordance with 18 U.S.C. §1001. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

If you have any questions regarding this matter, please contact Ivonne Vicente, of my staff, at (312) 886-4449. Your response should be sent to the U.S. Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604, Attention: Ivonne Vicente

Sincerely,

Lorna M. Jereza

Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Safety Kleen Corporation	)	Information Request
	)	Pursuant to
1445 W. 42nd Street	)	Section 3007 of the
Chicago, Illinois 60609	)	Resource Conservation and
	)	Recovery Act, as amended
	)	42 U.S.C. §6927
EPA ID No.: ILD 005 450 697	)	
	)	

This is a follow up request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request requires Safety Kleen Corporation (SK) to submit information relating to the hazardous waste generated, stored, and treated at its facility located at 1445 W. 42nd Street, Chicago, Illinois.

U.S. EPA has determined that this information is necessary to ascertain compliance with the standards for hazardous wastes generated, treated, stored, or disposed, as set forth at 40 CFR Parts 260 through 270. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

I. INSTRUCTIONS

This request for information pertains to any and all information your company may have regarding the applicability of and conformance with the RCRA. If any information that we require is not available or accessible in the full detail requested, then you must provide the **best information available.** The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible, including, where specific information is not available or accessible, an estimate and explanation of the method by which each estimate is made. The information must be provided even though it may be characterized as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes, or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. You must request confidential treatment when you provide the information since any information that you do not identify as

confidential will not be accorded this protection by the Agency and may be released to the public without further notice.

Any written statements submitted pursuant to this request must be accompanied by a notarized affidavit from a responsible company official or representative that those statements are true and accurate to the best of the signatory's knowledge and belief. If you learn, at any time after submittal of the requested information, that any portion of this submittal certified as true is false or misleading, you should notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within thirty (30) days following receipt of this request, to the United States Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Ivonne Vicente.

II. DEFINITIONS

1. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist

of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them). See 40 CFR 260.10.

2. "Generator" means on-site as defined in 40 CFR 260.10.

3. "Hazardous waste" means any solid waste that may meet the definition of a hazardous waste as defined under Section 1004(5) of RCRA.

4. The term "you" or "Respondent" shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.

5. The term "person" as used herein includes, in the plural as well as the singular, any person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

6. The term "identify" means, with respect to a person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number

(invoice or purchase order number), if any, the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

9. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by the way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any

documents, and (e) every document referred to in any other document.

III. REQUEST FOR INFORMATION

During a September 20, 1999 inspection by U.S. EPA representative, Ivonne Vicente, she observed that the SK facility is subject to Subpart AA, BB and CC regulations. To determine RCRA compliance with these regulations, specifically, Subpart BB and CC, please provide the following documentations:

1) The check log data for the AIM 3350 (monitoring instrument), gathered during the inspection shows that from October 28, 1998 to March 16, 1999, the instrument was not calibrated. 40 C.F.R. § 264.1063 requires that the instrument shall be calibrated before use on each day of its use by the procedures specified in EPA Method 21. Please provide the following information:

a) The method used to calibrate the AIM 3350 instrument

b) Why the AM 3350 instrument was not calibrated from October 28, 1998, to March 16, 1999.

c) Whether the AIM 3350 instrument was recalibrated on the following dates when the ME reading was either less than 4750 ppm or greater than 5250 ppm: March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999.

d) Documentation indicating leaks observed and repaired, if any, for the equipment subject to Subpart BB requirements during the dates of March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999 and from October 28, 1998, to March 16, 1999 in accordance with the requirements in 40 C.F.R. § 264.1062.

2) At the time of the inspection, inadequate closure devices were observed on top of several hazardous waste storage tanks located in Tank Farm 2. Representatives of Safety Kleen indicated that the tanks were empty at the time of the inspection. Please provide photos and other documentations showing that adequate closure devices were installed in these tanks in accordance with 40 C.F.R. § 265.1085 (c)(2)(I)-(iii)(A) prior to the placement of hazardous waste in the tanks.

3) At the time of the inspection, flanges in tanks 51, 38 and 30 did not have the identifications required by Subpart BB, 40 C.F.R. § 264.1064. Please provide documentation showing that these flanges have been identified in accordance with 40 C.F.R. § 264.1064.

4) At the time of the inspection, an open ended pipe in Tank Farm 3 (T195) had no seal. 40 C.F.R. § 264.1056 requires that each open

ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open end at all times except during operations requiring hazardous waste stream flow through the open ended valve or line. Please provide information demonstrating that the required equipment has been installed to seal the open ended valve in Tank 195.

5) On October 6, 1999, SK submitted additional information as requested at the time of the inspection. The information provided by SK shows that Tank 60 has a volume of 20,000 gallons and it can store methyl sulfide and methylene chloride. These compounds have vapor pressures above 4 psi.
40 C.F.R. § 264.1084(b) requires that tanks with a design capacity equal or greater than 75 cubic meters (20,000 gallons) must have a maximum organic vapor pressure equal or less than 27.6 kPa (4.0 psi) or have level 2 controls installed. However, at the time of the inspection, no level 2 controls were observed for the tanks inspected. Please provide information (including photos) demonstrating that Tank 60 has all the level 2 controls required to be in compliance with 40 C.F.R. § 264.1084(b). Alternatively, submit a copy of procedures showing that waste containing methyl sulfide and methylene chloride has not been stored in Tank 60 after December 6, 1996.

6) Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this 17th day of July, 2000

Lorna M. Jereza P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

safety-kleen®

April 3, 2000

Ms. Joyce Munie, PE
Permit Section Manager
IEPA - Bureau of Land
2200 Churchill Road
Springfield, IL 62794-9276

Re: Safety-Kleen Systems, Inc.
Chicago Recycle Center
ILD0005450697
Site #0316 000053

Dear Ms. Munie:

Safety-Kleen Systems, Inc. is hereby submitting the certification of Tank T-13. which was repaired. As a part of our periodic internal inspection of the Hazardous Waste Tanks, on December 15, 1999, we notified the agency of the status of Tank T-13. This tank was found to have several surface cracks and it was removed from use as a hazardous waste storage unit.

Attached, please find the certification report from Mr. James L. Bishop, PE of Project Resources. Mr. Bishop is certifying the repair and inspection of the tank. The tank is certified to be put back in hazardous waste services. With the notification and attached report, I trust we have complied with the agency's requirement for putting Tank T-13 back into hazardous waste management service.

If you have any comments or questions, please call us at (773) 247-2828.

Sincerely,

Alfred Aghapour
Facility Manager

Attachment

cc: Mark Schollenberger
Hak Cho (Region V) w/o attachment
William F. Abolt (City DOE) w/o attachment
Bob Burke
Joe Pecorino w/o attachment
File - Chicago R/C Part B correspondence - 2000

SAFETY-KLEEN CORP.
1445 WEST 42ND STREET CHICAGO, IL 60609 (773) 247-2828 FAX (773) 650-1466

safety-kleen®

May 8, 1992

Ms. Mara McGinnis
2200 Churchill Road
P.O. Box 19276
Springfield Il 62794

Dear Ms. McGinnis,

The Chicago Recycle Center will be holding the first of two annual "Emergency Preparedness Days" on Tuesday May 26th, 1992. This event is held for the purpose of simulating possible hazards and emergencies to prepare the employees at the Chicago Recycle Center for handling any emergency safely and responsibly, should one occur.

On behalf of the Chicago Recycle Center, I cordially invite you to observe our "Emergency Preparedness Day" activities. If you are planning to attend, I request that you arrive at the facility by 9:45 am so that you will not miss the scheduled activities beginning at 10:00 am. Lunch will be provided. Please R.S.V.P. by May 21, 1992. I can be reached at (312) 650-1469.

Sincerely,

Gary Malinowski

Gary Malinowski
Safety Coordinator
Chicago Recycle Center

RECEIVED
MAY 14 1992
IEPA-DLPC

1445 WEST 42ND STREET CHICAGO, ILLINOIS 60609 PHONE 312/ 247-2828

Draft

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

Purpose:	Compliance Evaluation Inspection (CEI)
Facility:	Safety Kleen Recycle Center 3800 South Morgan Street Chicago, Illinois 60609
Facility ID Number:	ILD 005 450 697
Date of the Inspection:	September 20, 1999
EPA Inspectors:	Ivonne A. Vicente Environmental Engineer (312)886-4449 Patrick Kuefler (312) 353-6268 Cora Helm (312) 353-6844
Facility Rep.:	Robert Burke III, Safety Kleen Environmental Compliance Manager Alfred Aghapour, Safety Kleen Facility Manager
Applicable Regulations:	40 C.F.R. Parts 265
Report Prepared by:	Ivonne A. Vicente

I. Facility Description and Regulatory Status:

Safety Kleen's Chicago Recycle Center (Chicago RC) is a solvent recycling facility that treats and stores hazardous waste. The plant employs about 44 people and operates 7 days a week, 24-hours a day. The hazardous wastes accepted by Chicago RC include organic chemicals and solvent wastes from industrial and commercial facilities. The processes used in the reclamation and recycling of solvent wastes include distillation, fractionation, neutralization, liquid-liquid extraction and drying.

The facility has two lines of business:
a) <u>the toll processing line</u> - the toll customer (generally industrial accounts) sends waste or off-specification material to Chicago RC for treatment. The facility reclaims the material to the customer's specifications and returns the material to the generator.
b) <u>the recycling process</u> consists of industrial solvents which come to Chicago RC from Safety-Kleen's sales network. These waste materials are reclaimed and or recycled and then the processed material is sold as product on the market.

The Chicago RC currently manages and stores hazardous waste in storage tanks located in three of five permitted tank farms and an outdoor permitted container storage area. Hazardous waste codes includes both characteristic and listed wastes such as still bottoms (F001, F002, D001), spent solvents (D001, D006, D008, D018, D035, D040), hazardous waste solids (F001, F002, D001), and waste flammable liquid (F001), among others.

264.1031 gas/vapor service = not in gaseous state
heavy liq = not in gas/vapor service
light liq = Vapor Pressure of 1 or ↑ organic components in the stream is ↑ than .3 kPA @ 20°C
Total Conc. of these org. is > 20% by weight.
liquid at operating cond.

II. Inspection Findings:

The RCRA inspection of the Safety Kleen Plant included a visual site inspection of the different processes, tank farms, container storage area, and flare. The process vents in the recycling equipment that vents to the flare are subject to Subpart AA regulations, there are 75,000 points subject to Subpart BB standards, the storage tanks in the tank farms are subject to Subpart CC - level 1 controls. Also, the 55-gallon hazardous waste storage drums are subject to Subpart CC requirements. The following Subpart AA, BB and CC records were reviewed at the time of the inspection: checklists for valves, flanges, leaks, hazardous waste tanks, hazardous waste drums, flare maintenance, and the methods, parameters and check logs used to determine VOC emissions (i.e., AIM 3350 calibration equipment).

Chicago RC conducts quarterly BB inspections for valves and flanges and annual CC inspections for Tanks. The 55-gallon drums

265.1057 valves in gas/vapor or light service shall be monitored MONTHLY
exempted if readings < 500ppm, other exemptions

265.1058: valves in heavy liquid: within 5 days of leak is detected, A leak = 10,000ppm or ↑ readings

subject to Subpart CC were closed, labeled and maintained in good conditions. The flare, distillation equipment and tanks subject to subpart AA and BB were inspected (see explanation below). Based on my review, it was determined that the facility is subject to Subpart AA, BB and CC regulations. More information is needed to determine Chicago RC's compliance with Subpart BB standards due to the following findings:

1) According to Safety Kleen representatives, an equipment called AIM 3350 is used to measure and obtain direct readings of organic vapors. This instrument is calibrated and set to alert the user of any gas reading above the 5,000 ppm for methane (ME), 35 ppm for carbon monoxide (CO) and 18% of oxygen. Records reviewed at the time of the inspection show that in several times the ME reading exceeded the 5,000 ppm for ME. There were readings ranging from less than 5,000 ppm up to 50,000 ppm. This could have resulted in calibration errors, improper operation of the equipment and inadequate detection of releases. More documentation will be requested to the facility.

2) Inadequate closure devices were in top of several hazardous waste storage tanks located in the tank farm. Also, some "flanges" did not have tags as required by Subpart BB.(See photos)

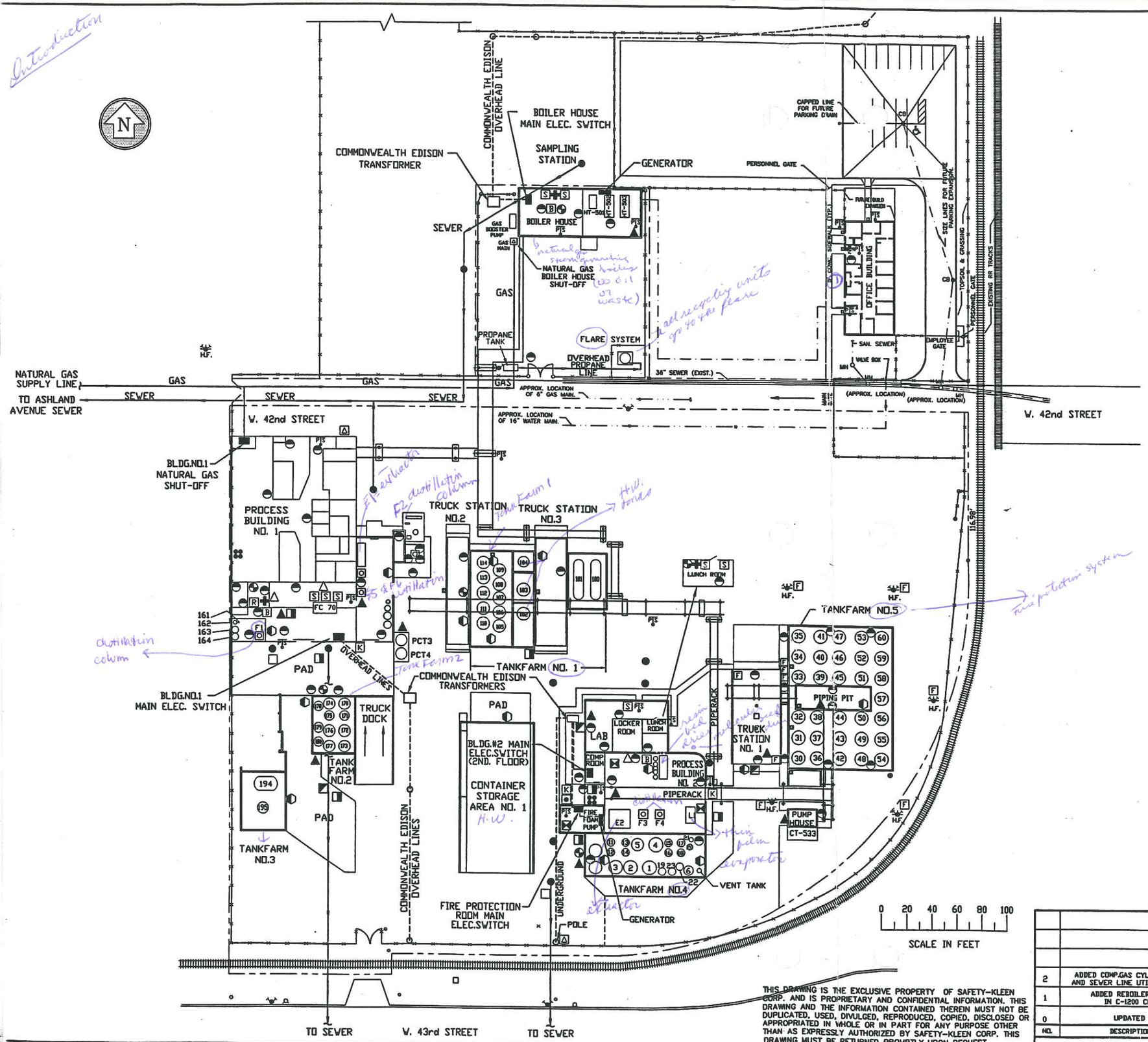
265.1057
265.1058 if readings >> 10,000 ppm is a leak

III. Attachments:

1- Facility map
2- Photos
3- Check lists
4- Plant Map

determine if 1) the unit was operated properly
2) If not, they may have had monitoring device incapable of detecting a release.

Introduction



NOTES

1. NATURAL GAS - (2) FEEDS.
   A. BUILDING NO. 1 ONLY SUPPLIES HOT WATER HEATERS.
   B. BOILER HOUSE MAIN SUPPLIES; BOOSTER PUMP TO FLARE, AND UNDERGROUND LINE TO OFFICE BUILDING FOR HEATING FURNACES.

LEGEND

- FIRE EXTINGUISHER
- EMERGENCY OXYGEN
- FIRST-AID KIT
- SAFETY SHOWER & EYEWASH
- SELF-CONTAINED BREATHING APPARATUS (S.C.B.A.)
- OIL DRY DISPENSER
- SPILL RESPONSE ABSORBENT
- SPILL RESPONSE EQUIPMENT
- SAND BOX
- EMERGENCY STRETCHER
- EMERGENCY OXYGEN RESUSITATOR
- AUXILIARY FOAM TAKE-OFF
- HYDRANT - FOAM MONITOR
- HYDRANT - WATER
- FIRE ALARM PULL STATION
- FIRE DEPARTMENT WATER HOOK-UP
- FIRE BLANKET
- FIRE ALARM/FOAM SYSTEM ACTUATOR
- FIRE HOSE
- EMERGENCY POWER KILL SWITCH
- SEWER TO CITY (OFF-SITE)
- COMPRESSED GAS CYLINDER STORAGE.

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF SAFETY-KLEEN CORP. AND IS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING AND THE INFORMATION CONTAINED THEREIN MUST NOT BE DUPLICATED, USED, DIVULGED, REPRODUCED, COPIED, DISCLOSED OR APPROPRIATED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN AS EXPRESSLY AUTHORIZED BY SAFETY-KLEEN CORP. THIS DRAWING MUST BE RETURNED PROMPTLY UPON REQUEST.

DF=CSP0402

NO.	DESCRIPTION	BY	CK	PROJ.MGR APPR.	PROCESS APPR.	DATE
2	ADDED COMP.GAS CYL., ELECTRICAL , GAS AND SEWER LINE UTILITIES TO SITE PLAN	KJM				4/30/97
1	ADDED REBOILER & FLASH DRUM IN C-1200 COLUMN AREA	RDK KJM				10/16/95
0	UPDATED RELEASE	RDK KJM				5/23/94

REVISIONS

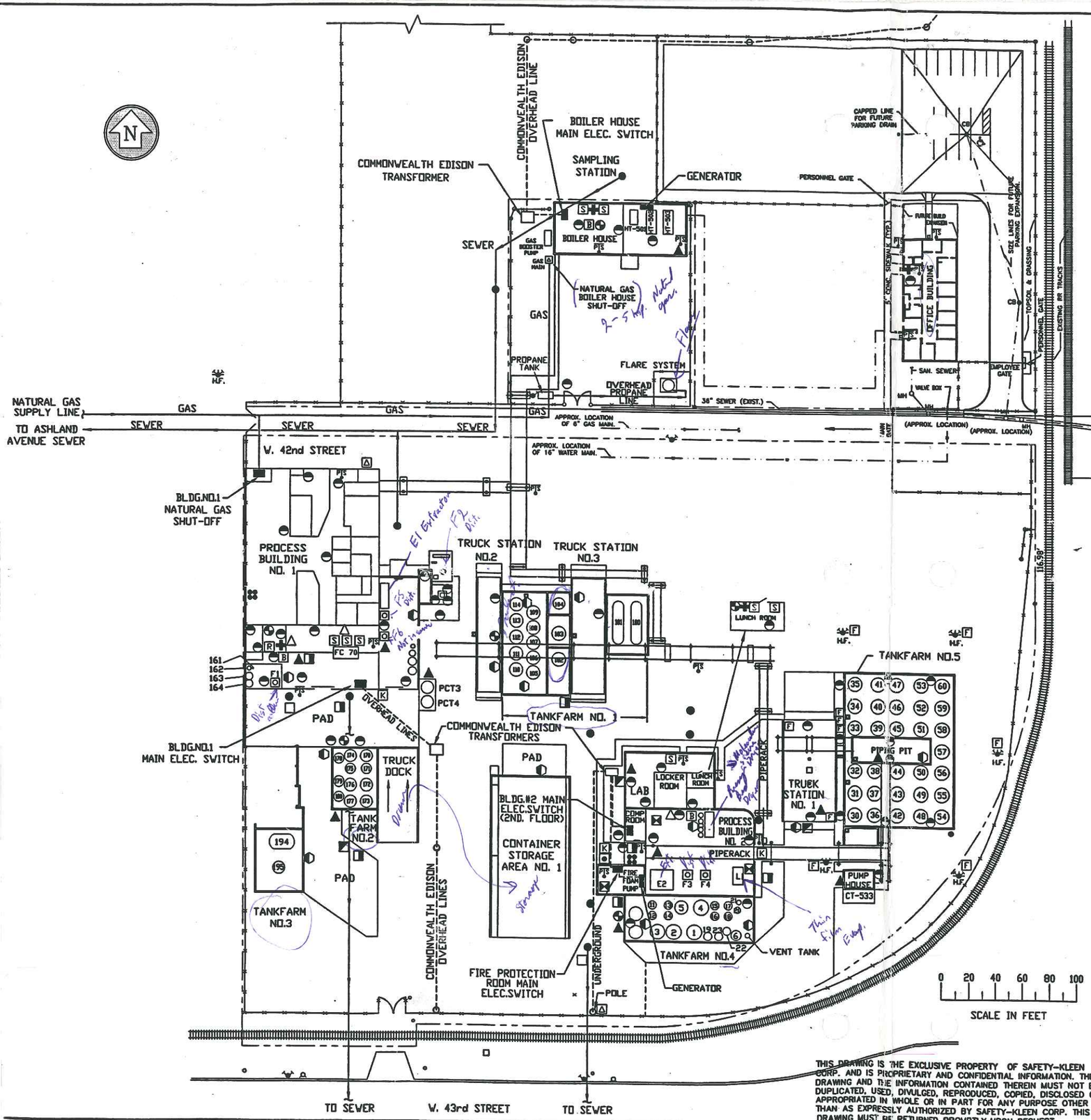
EXISTING ELEC.,GAS, SEWER AND EMER. EQUIPMENT LOCATIONS

SAFETY-KLEEN CORP.

SCALE	DRAWN	CHECKED	APPR.	OPERATION APPR	DATE
1"=40'	RDK				10/16/95

CHICAGO, IL RECYCLE CENTER

DRAWING NO. 620-SP04 REV 02



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   B. BOILER HOUSE MAIN SUPPLIES; BOOSTER PUMP TO FLARE, AND UNDERGROUND LINE TO OFFICE BUILDING FOR HEATING FURNACES.

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- FIRST-AID KIT
- SAFETY SHOWER & EYEWASH
- SELF-CONTAINED BREATHING APPARATUS (S.C.B.A.)
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- SPILL RESPONSE EQUIPMENT
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- HYDRANT - FOAM MONITOR
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- SEWER TO CITY (OFF-SITE)
- COMPRESSED GAS CYLINDER STORAGE.

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DF=CSP0402

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1	ADDED REBOILER & FLASH DRUM IN C-1200 COLUMN AREA	RDK / KJM			10/16/95
0	UPDATED RELEASE	RDK / KJM			5/23/94

REVISIONS

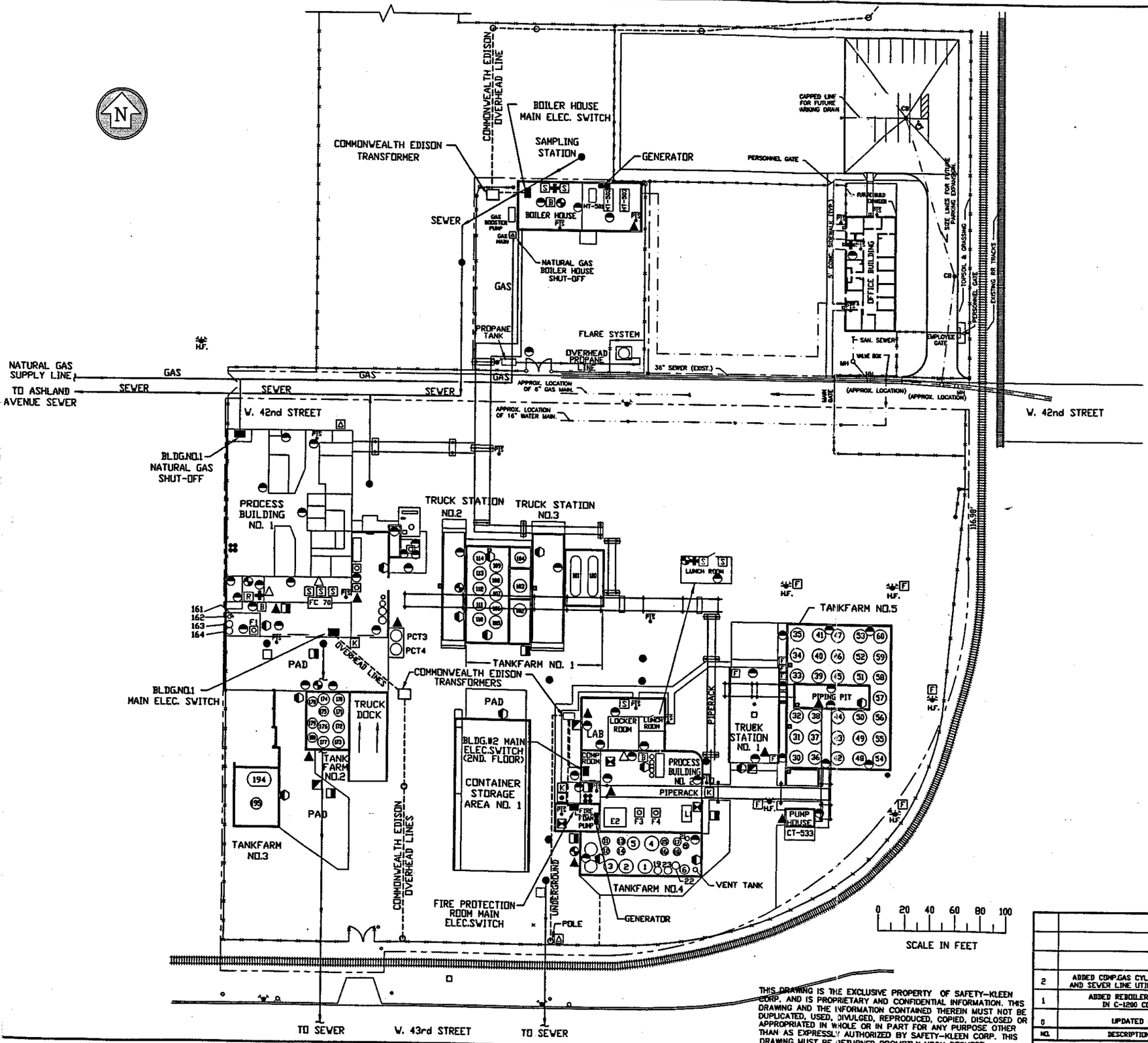
EXISTING ELEC., GAS, SEWER AND EMER. EQUIPMENT LOCATIONS

SAFETY-KLEEN CORP.

SCALE	DRAWN	CHECKED	APPR.	OPERATION APPR	DATE
1"=40'	RDK				10/16/95

CHICAGO, IL RECYCLE CENTER

DRAWING NO. 620-SP04 REV 02



NOTES

1. NATURAL GAS - (2) FEEDS.
   A. BUILDING NO. 1 ONLY SUPPLIES HOT WATER HEATERS.
   B. BOILER HOUSE MAIN SUPPLIES; BOOSTER PUMP TO FLARE,AND UNDERGROUND LINE TO OFFICE BUILDING FOR HEATING FURNACES.

LEGEND

- FIRE EXTINGUISHER
- EMERGENCY OXYGEN
- FIRST-AID KIT
- SAFETY SHOWER & EYEWASH
- SELF-CONTAINED BREATHING APPARATUS (S.C.B.A.)
- OIL DRY DISPENSER
- SPILL RESPONSE ABSORBENT
- SPILL RESPONSE EQUIPMENT
- SAND BOX
- EMERGENCY STRETCHER
- EMERGENCY OXYGEN RESUSITATOR
- AUXILIARY FOAM TAKE-OFF
- HYDRANT - FOAM MONITOR
- HYDRANT - WATER
- FIRE ALARM PULL STATION
- FIRE DEPARTMENT WATER HOOK-UP
- FIRE BLANKET
- FIRE ALARM/FOAM SYSTEM ACTUATOR
- FIRE HOSE
- EMERGENCY POWER KILL SWITCH
- SEWER TO CITY (OFF-SITE)
- COMPRESSED GAS CYLINDER STORAGE.

THIS DRAWING IS THE EXCLUSIVE PROPERTY OF SAFETY-KLEEN CORP. AND IS PROPRIETARY AND CONFIDENTIAL INFORMATION. THIS DRAWING AND THE INFORMATION CONTAINED THEREIN MUST NOT BE DUPLICATED, USED, DIVULGED, REPRODUCED, COPIED, DISCLOSED OR APPROPRIATED IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN AS EXPRESSLY AUTHORIZED BY SAFETY-KLEEN CORP. THIS DRAWING MUST BE RETURNED PROMPTLY UPON REQUEST.

DF=CSP0402

NO.	DESCRIPTION	BY	CK	PROJ. MGR. APPR.	PROCESS APPR.	DATE
2	ADDED COMP.GAS CYL., ELECTRICAL , GAS AND SEWER LINE UTILITIES TO SITE PLAN	KJM				4/30/97
1	ADDED REBOILER & FLASH DRUM IN C-1200 COLUMN AREA	RDK	KJM			10/16/95
0	UPDATED RELEASE	RDK	KJM			5/23/94

REVISIONS

EXISTING ELEC.,GAS, SEWER AND EMER. EQUIPMENT LOCATIONS

SAFETY-KLEEN CORP.

SCALE	DRAWN	CHECKED	APPR.	OPERATION APPR	DATE
1"=40'	RDK				10/16/95

CHICAGO, IL RECYCLE CENTER

DRAWING NO. 620-SP04

REV 02

Photo 1-3 - missing tags from flange fittings (Tanks 33, 41, and 53). Tank Farm 5

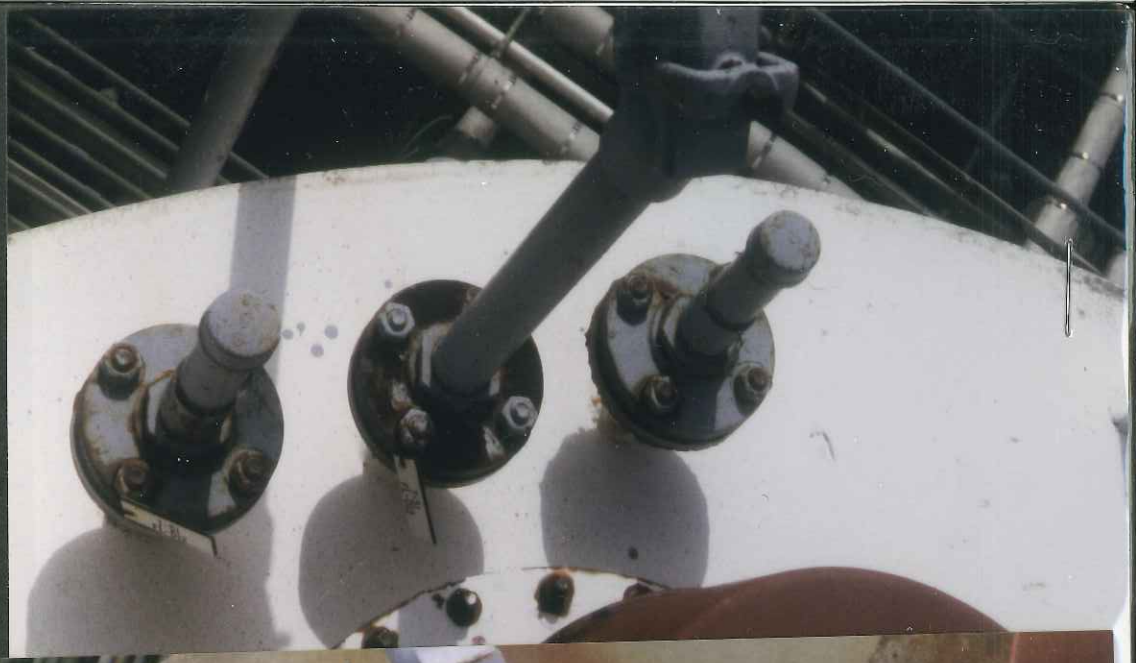


Photo 4-6 - missing tags from flange fittings (Tanks 51, 38, and 30). Tank Farm 5

Photo 7 - Tank access left open during servicing, Tank Farm 5

Photo 8-9 - two different pressure release valves - Tank Farm 2

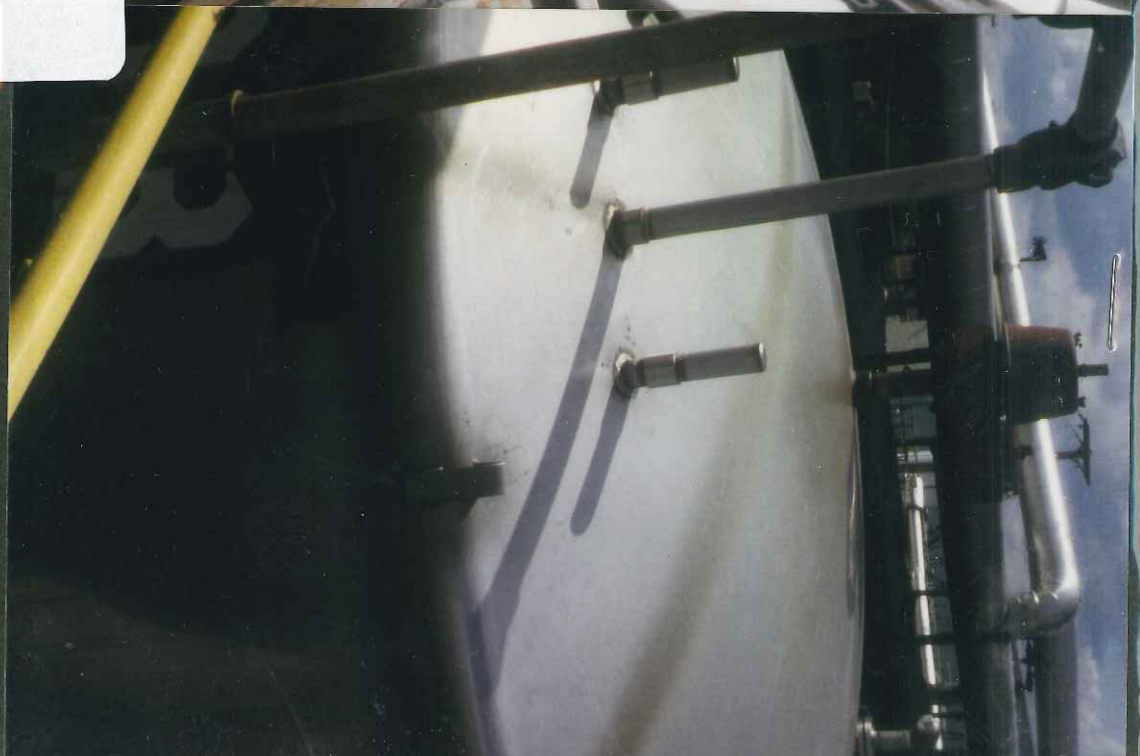


Photo 10 & 11 - two different Tank opening closure devices which do not provide adequate closure of the tanks- Tank Farm 2

Photo 12 - Tank Farm 3 (T195), missing tags from piping and open end pipe.

7/14/00

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:	)	
	)	
Safety Kleen Corporation	)	Information Request
	)	Pursuant to
1445 W. 42nd Street	)	Section 3007 of the
Chicago, Illinois 60609	)	Resource Conservation and
	)	Recovery Act, as amended
	)	42 U.S.C. §6927
EPA ID No.: ILD 005 450 697	)	
	)	

This is a follow up request by the United States Environmental Protection Agency (U.S. EPA) issued pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. §6927. The issuance of this request requires Safety Kleen Corporation (SK) to submit information relating to the hazardous waste generated, stored, and treated at its facility located at 1445 W. 42nd Street, Chicago, Illinois.

U.S. EPA has determined that this information is necessary to ascertain compliance with the standards for hazardous wastes generated, treated, stored, or disposed, as set forth at 40 CFR Parts 260 through 270. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, et seq.

I. INSTRUCTIONS

This request for information pertains to any and all information your company may have regarding the applicability of and conformance with the RCRA. If any information that we require is not available or accessible in the full detail requested, then you must provide the **best information available.** The request also requires the production of all information called for in as detailed a manner as possible based upon such information as is available or accessible, including, where specific information is not available or accessible, an estimate and explanation of the method by which each estimate is made. The information must be provided even though it may be characterized as confidential information or trade secrets. You are entitled to assert a claim of confidentiality pursuant to 40 CFR 2.203(b) for any information produced that, if disclosed to persons other than officers, employees, or duly authorized representatives of the United States, would divulge information entitled to protection as trade secrets. Any information which the Administrator of this Agency determines to constitute methods, processes, or other business information entitled to protection as trade secrets will be maintained as confidential pursuant to the procedures set forth in 40 CFR Part 2. You must request confidential treatment when you provide the information since any information that you do not identify as confidential will not be accorded this

protection by the Agency and may be released to the public without further notice.

Any written statements submitted pursuant to this request must be accompanied by a notarized affidavit from a responsible company official or representative that those statements are true and accurate to the best of the signatory's knowledge and belief. If you learn, at any time after submittal of the requested information, that any portion of this submittal certified as true is false or misleading, you should notify U.S. EPA. If any information submitted under this information request is found to be untrue or misleading, the signatory can be prosecuted under Section 1001 of Title 18 of the United States Code. U.S. EPA has the authority to use the information requested herein in an administrative, civil, or criminal action.

The information requested herein must be provided, within thirty (30) days following receipt of this request, to the United States Environmental Protection Agency, Region 5, Enforcement and Compliance Assurance Branch (DE-9J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, Attention: Ivonne Vicente.

II. DEFINITIONS

1. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units

(e.g., one or more landfills, surface impoundments, or combinations of them). See 40 CFR 260.10.

2. "Generator" means on-site as defined in 40 CFR 260.10.

3. "Hazardous waste" means any solid waste that may meet the definition of a hazardous waste as defined under Section 1004(5) of RCRA.

4. The term "you" or "Respondent" shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.

5. The term "person" as used herein includes, in the plural as well as the singular, any person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

6. The term "identify" means, with respect to a person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to

provide its customary business description, its date, its number (invoice or purchase order number), if any, the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

9. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by the way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of

each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents, and (e) every document referred to in any other document.

III. REQUEST FOR INFORMATION

During a September 20, 1999 inspection, Ivonne Vicente observed that the facility is subject to Subpart AA, BB and CC regulations. To determine RCRA compliance with these regulations, specifically, Subpart BB and CC, please provide the following documentation:

1) The check log data for the AIM 3350 (monitoring instrument), gathered during the inspection shows that from October 28, 1998 to March 16, 1999, the instrument was apparently not calibrated. 40 C.F.R. § 264.1063 requires that the instrument shall be calibrated before use on each day of its use by the procedures specified in EPA Method 21. Please, provide the following information:

a) Method used to calibrate the AIM 3350 instrument and its accuracy with Method 21.

b) explanation why the instrument was not calibrated from October 28, 1998, to March 16, 1999.

c) explanation why the AIM 3350 calibration readings exceeded the 5000 ppm limit for methane (ME) on the following dates:

March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999. Also, records did not reflect that the instrument was re-calibrated before use.

d) Please provide documentation indicating leaks observed and repaired, if any, for the equipment subject to Subpart BB requirements during the dates of March 25, 1999; June 3, 1999; June 21, 1999; June 24, 1999; June 28, 1999; July 6, 1999; July 7, 1999; July 12, 1999; July 13, 1999; July 19, 1999; July 22, 1999; August 2, 1999; August 6, 1999; August 12, 1999 and August 30, 1999 and from October 28, 1998, to March 16, 1999 in accordance with the requirements in 40 C.F.R. § 264.1062.

2) At the time of the inspection, inadequate closure devices were observed on top of several hazardous waste storage tanks located in Tank Farm 2. However, it was indicated that the tanks were empty at the time of the inspection. Please provide photos and other documentation showing that adequate closure devices were installed in these tanks in accordance with 40 C.F.R. § 265.1085 (c)(2)(i)-(iii)(A)prior to hazardous waste been placed in the tanks.

3)At the time of the inspection, it was observed that flanges in tanks 51, 38 and 30 did not have the identification required by Subpart BB, 40 C.F.R. § 264.1064. Please provide documentation

showing that these flanges have been identified in accordance with 40 C.F.R. § 264.1064.

4) At the time of the inspection, it was observed that an open ended pipe in Tank Farm 3 (T195) had no sealed equipment. 40 C.F.R. § 264.1056 requires that each open ended valve or line shall be equipped with a cap, blind flange, plug or a second valve. The cap, blind flange, plug or second valve shall seal the open and at all times except during operations requiring hazardous waste stream flow through the open ended valve or line. Please, provide information demonstrating that equipment has been installed to seal the open ended valve in Tank 195.

5) On October 6, 1999, Safety Kleen (SK) submitted additional information as requested at the time of the inspection. The information provided by SK shows that Tank 60 has a volume of 20,000 gallons and it can store methyl sulfide and methylene chloride. These compounds have a vapor pressure above 4 psi. 40 C.F.R. § 265.1085(b) requires that tanks with a design capacity equal or greater than $75m^3$ (20,000 gallons)must have a maximum organic vapor pressure equal or less than 27.6 kPa (4.0 psi) or have level 2 controls installed. However, at the time of the inspection, no level 2 controls were observed for the tanks inspected. Please, provide information (including photos) demonstrating that Tank 60 has all the level 2 controls required to be in compliance with 40 C.F.R. § 265.1085(b). Alternatively,

submit a copy of procedures showing that waste containing methyl sulfide and methylene chloride will not be stored in Tank 60 after December 6, 1996.

6) Provide the following notarized certification by a responsible company officer:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in responding to this information request. Based on my review of all relevant documents and inquiry of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Issued this _____ day of _____, 2000

Lorna M. Jereza P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Waste, Pesticides

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF COOK)

3 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

4 IN THE MATTER OF:

5 SAFETY KLEEN CHICAGO
RECYCLE CENTER, RESOURCE
6 CONSERVATION & RECOVERY Hearing File No. 727 91
ACT (RCRA) AND HAZARDOUS
7 AND SOLID WASTE (HSWA)
PERMITS
8 _____/

9 REPORT OF PROCEEDINGS, taken in the above
10 entitled cause, taken before MR. JOHN WILLIAMS,
11 Illinois Environmental Protection Agency, taken at
12 the Saint Michael Social Center, 1936 West 48th
13 Street, Chicago, Illinois, taken on the 19th day of
14 February, A.D., 1992, at the hour of 7:00 o'clock
15 p.m.
16
17
18
19
20
21
22
23

RECEIVED
APR 27 1992
GOVT. & COMMUNITY AFFAIRS
ILLINOIS EPA

MR. WILLIAMS: ~~I'm John Williams, Moderator at 7:00 o'clock.~~ Let the record show that this is a public hearing in the matter of Safety Kleen Chicago Recycle Center, Resource Conservation and Recovery Act, that's RCRA, and Hazardous and Solid Waste, HSWA Permit hearing. Our EPA File No. is 72 91. Good evening, ladies and gentlemen, welcome to this hearing. My name is John Williams and I'm the Agency Hearing Officer. This hearing concerns the intention of the Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, that is U.S. EPA, to issue a joint Resource Conservation and Recovery Act, RCRA, permit, and a Hazardous and Solid Waste amendment, HSWA permit to Safety Kleen, Chicago Recycle Center, located at 1445 West 42nd Street, Chicago.

This hearing is being held pursuant to the Illinois Environmental Protection Act, Illinois Revised Statute 1988 Chapter 111 1/2, paragraph 1001 et seq. The Code of Federal Regulations, Chapter 40, Section 25.5 40 CFR 25.5, Title 35, Subtitle G, Waste Disposal, Chapter 1, Section 705.182 of the Pollution Control Board's regulations. That's 35 Illinois

1 Administrative Code 705.182 and the Illinois
2 Environmental Protection Agency's procedures for
3 permit and closure plan hearings, part 166, Subpart
4 A. That's 35 Illinois Administrative Code, Part 166.
5 Copies of these regulations can be had from me upon
6 request.
7 The purpose of this hearing is to
8 inform the public concerning the proposed permits and
9 for the Agency to gather information from the public
10 in order to reach their final determination whether
11 to issue the proposed permits. The hearing will
12 follow the outline contained in the hearing agenda,
13 copies of which are available both in English and
14 Spanish at the registration area.
15 Anyone who wishes to make oral comment
16 in English or Spanish may do so, as long as the
17 statements are relevant to the issues which are to be
18 addressed in this hearing. Those present will be
19 permitted to question anyone who has made oral
20 comments, provided that the inquiry is first framed
21 as a question. Second, relevant to the comments; and
22 third, not repetitious. Dialogue with any witness
23 instead of questions will not be allowed. Questions

1 will be directed to me, the Hearing Officer, and I
2 will then direct the witness to respond as necessary.
3 Persons asking questions will first state their name
4 for the hearing record.
5 The Agency will listen to all relevant
6 testimony and accept all relevant exhibits into the
7 hearing record. One more procedural matter needs to
8 be discussed before we get started. Once the
9 hearing isr adjourned this evening, I will hold the
10 record open until April 6th, 1992. During this
11 period of time, relevant comments, testimony or
12 exhibits will be accepted and entered into the
13 hearing record. Please send all comments, testimony,
14 or exhibits to my attention as follows: John D.
15 Williams, Agency Hearing Officer, Illinois
16 Environmental Protection Agency, 2200 Churchill Road,
17 Post Office Box 19276, Springfield, Illinois, Zip
18 Code 62794 9276. My phone number is area code 217
19 782=5544. Please note that written comments can be
20 in English or Spanish, and need not be notarized.
21 Anyone who fills out the registration form and checks
22 the box for summary of the hearing will be sent this
23 document when it becomes available on or after June

1 the 30th, 1992. Please check the other box on the
2 registration form if you wish to comment.
3 On behalf of the Illinois Environmental
4 Protection Agency's Director, Mrs. Mary Gade, and the
5 Agencies staff, I would like to thank you all for
6 coming here this evening and for your participation
7 in this important hearing. Before I introduce the
8 Aency staff, I would like to make one announcement
9 that isn't in my comments and that we, the Agency,
10 was notified that certain materials were not in the
11 public libraries as we had sent the materials there.
12 And, aparently, the libraries had mislaid them or
13 something had happened to them. Immediately on
14 hearing this, the Agency re established the records
15 there and made sure that the libraries had these
16 materials available for the public. The original
17 date that the record was going to close was March
18 20th, but because of the delay, because of the fact
19 that these documents weren't available in the
20 library, we have extended that comment period until
21 April 6th. And, you probably may have read in the
22 paper that the date was March the 20th. Well, as I
23 said, that has now extended to April 6th, just to

1 make sure everybody's got a chance if they need to go
2 to the library, check that material or to send in
3 their comments. At this time, I would like to
4 introduce the Agency staff here present, both the
5 Illinois EPA staff and the U.S. EPA Staff. On my
6 immediate left is Mr. Larry Eastep. He's the
7 Illinois Environmental Protection Agency Permit
8 Section Manager. To the end of the table there is
9 Mr. Doug Clay. He is from the Illinois EPA Permit
10 section. Next to him is Mr. Mark Shollenberger, also
11 the Illinois EPA permit section. Next to him in the
12 center here is Mr. Hernando Albarracin. He's for the
13 Illinois EPA permit section. At the back of the room
14 there are two ladies. There are, first of all Ms.
15 Mara McGinnis and Ms. Susan ~~Shiring~~ Schroering and they are both
16 ~~Communications~~ Community Relations for the Illinois EPA
17 Community Relations. If you have any questions at
18 any time during the hearing, or you want anything or
19 you have any comments to make or anything later or
20 you have any problems, please see either of those two
21 ladies and they'll be very, very happy to help you.
22 On my right, far right is Mr. Todd
23 Gmitro of U.S. EPA Geologist with the RCRA permit

1 section. Here in the middle between Mr. Gmitro and
2 to the left of Mr. Gmitro is Mr. George Hamra. He is
3 the U.S. EPA Illinois section, RCRA permitting chief.
4 And, on my immediate right, is Ms. Wanda Rojo. She's
5 U.S. EPA chemical engineer, RCRA permitting staff.
6 At this time, I would like to ask Mr.
7 Larry Eastep to go ahead and advise you about the
8 RCRA permit.
9 MR. ESEP: Thank you, John. This kind of
10 looks like church, everybody's decided to sit at the
11 back. Well, I guess as long as you can hear me, I'll
12 be happy to go ahead.
13 I think what I'm going to do is just
14 kind of lay a brief foundation and to try and explain
15 what the permit program is all about. And following
16 my presentation, Mark Shollenberger, who is the
17 engineer on it, will go into it in just a little bit
18 more detail about what's into this specific permit.
19 What we're talking about is called RCRA, that's the
20 term I'll use. That stands for Resource Conservation
21 and Recovery Act. That's the federal legislation
22 that governs and regulates the management of
23 hazardous waste in this country.

1 Among other things, the RCRA rules and
2 regulations require that anyone treating, storing,
3 disposing of or incinerating or otherwise managing
4 hazardous waste must obtain what we call a Hazardouse
5 Waste Part B Permit. And that Part B is a term that
6 we will keep referring to as the evening goes on. In
7 order to obtain this permit, an applicant has to
8 comply with numerous regulatory requirements that are
9 typically very stringent in nature. As a general
10 comments, the Agency has no way of preventing someone
11 from submitting an application. In the case of
12 existing facilities such as Safety Kleen, they are
13 required to apply for a Part B permit. And, that's
14 part of the regulations that requires them to come
15 in. Our obligation in this matter is to make sure
16 that the application complies with all environmental
17 rules and regulations of the State of Illinois. And,
18 incidentally, that includes not only RCRA, but there
19 are some other rules that might apply as well. We
20 are not a proponent of this particular project or of
21 any of permit applicant's projects. Rather, what
22 we're here to do is to relay to you what goes on in
23 the permit process and answer any of your questions

1 specific to this particular application.

2 The specific reason we're here tonight

3 is that we have reviewed Safety Kleen's application,

4 and we have found that it generally complies with all

5 the requirements of RCRA. What does that mean? It

6 means we have to prepare a permit that identifies

7 exactly what Safety Kleen can do and what they can't

8 do with regard to the management of hazardous waste.

9 Once we have reviewed a permit and found that it's

10 adequate, then we don't have a choice, our obligation

11 under the law is to write such a permit. Once

12 issued, a permit becomes a form of communication. It

13 is not a license to pollute. It outlines the legal

14 responsibilities of the applicant; not only to the

15 applicant, but to the general community as well.

16 Finally, the permit is an enforcement tool in the

17 sense that there are numerous special conditions in

18 the permit which limits and controls operations. For

19 example, there are limits on the amount and types of

20 waste that Safety Kleen can and cannot take, and how

21 they have to manage them. The permit also requires a

22 waste analysis plan, a contingency plan, and a

23 closure plan among other things. In all, there are

1 probably over 200 conditions in the draft period. A
2 violation of any condition of the final permit
3 subjects Safety Kleen to numerous penalties.
4 I hope that tonight you will be able to
5 get a better understanding of the draft permit. Any
6 condition you have or issues you raise will be
7 addressed prior to our taking final action.
8 Now, that concludes my prepared
9 remarks, and that's kind of just a very brief
10 foundation of what RCRA is all about. With that I'd
11 like to turn the mike over to Mark Shollenberger and
12 he can speak a little bit about the Safety Kleen
13 permit, specifically, Mark?
14 MR. SCHOLLENBERGER: Thank you. The RCRA
15 process begins when a facility submits to the
16 Agencies the application for a hazardous waste
17 management permit. The application consists of a
18 part A application a description of the general
19 facility and waste management operation. A
20 contingency or emergency response plan. A training,
21 maybe, for the employees, a closure plan, a waste
22 analysis plan, and process information. The
23 application is then reviewed by both agencies to

1 determine whether the company has demonstrated they
2 can store specific hazardous waste within the
3 stringent requirements of RCRA. If the IEPA and U.S.
4 EPA finds the application meets the technical
5 requirements, the agency must draft a proposed permit
6 for the facility. On September 24th, 1991, a draft
7 permit was issued for Safety Kleen's Chicago
8 Recycling Center. At this point in the process, the
9 Agencies go to the public with this tentative
10 decision and request input on the draft permit.
11 Safety Kleen Recycling Center is a commercial
12 recycling facility. It accepts and reprocesses
13 organic chemical and solvent waste into clean
14 materials for reuse or sale. The waste generated by
4
15 recycling process are mainly sludges which remain
16 after pure product is recovered. It's the management
17 of all of these waste products; those coming on site
18 and those generated by the recycling process, which
19 are regulated by the IEPA's portion of the RCRA
20 permit. The facility is designed to accept RCRA
21 hazardous waste transported in either bulk trucks or
22 containers of 55 gallons or less. Wastes from bulk
23 trucks are pumped into tanks for storage. All

1 unloading and storage areas must have secondary
2 containments systems, consisting of leakproof
3 concrete structures designed to collect any spills.
4 These areas will be inspected routinely for spills or
5 damage. The volume of these containment systems must
6 be equal to the largest tank in the area or 10% of
7 the total volume of containers stored in the area.
8 All Safety Kleen's containment systems meet and, in
9 fact, exceed the volume requirements. All tanks will
10 be equipped with either automatic waste feed shut off
11 valves to prevent overfilling or audible alarms which
12 sound when a tank is 95% full.
13 This permit would require the facility
14 to follow specific procedures in order to operate
15 safely such as the waste analysis procedure, the
16 employee training program and the emergency response
17 plan. The agency has added several special
18 conditions requiring stricter procedures than are
19 currently employed by the facility. These include a
20 more stringent waste acceptance program requiring
21 inspection of each container of waste to determine
22 conformance with the physical description of the
23 materials. Another portion of this waste analysis

1 plan requires the facility to test samples of waste
2 to determine their compatibilities with other wastes.
3 The waste analysis plan ensures that only waste which
4 can be properly handled is accepted at the facility.
5 Wastes which do not meet this criteria are refused.
6 No radioactive wastes, explosive waste or garbage is
7 accepted by the facility. The training plan and
8 numerous safety systems and devices at the facility
9 ensure that the employees are properly trained for
10 their jobs and in emergency procedures, and that the
11 hazards associated with handling the hazardous waste
12 are minimized. The facility's contingency plan is
13 designed to provide guidance for quick, efficient
14 response in the event of a spill, fire or other type
15 of emergency. The facility must immediately notify
16 the IEPA or the Illinois Emergency Services and
17 Disaster Agency and the local emergency response
18 entities whenever there is a fire, explosion or
19 spill. The local police and fire departments,
20 emergency response team and some area hospitals have
21 received and reviewed the contingency plan. Safety
22 Kleen must review the contingency plan with each
23 group annually to ensure that all personnel involved

1 in an emergency situation are familiar with the
2 facility, the types of wastes handled by the
3 facility, and the contingency plan. The facilty is
4 required to have $2 million of insurance to pay for
5 the cleanup and damages if a spill or release occurs.
6 The company must properly maintain records of waste
7 tracking documents or manifests, employee training,
8 inspection records. Records of operating conditions
9 and any incidents and the maintenance records of the
10 containment system and equipment. The company must
11 also perform an investigation into all waste
12 management activities past and present, to determine
13 if these activities have impacted the environment
14 either the land or groundwater. This is called
15 corrective action and addresses the entire facility,
16 including those areas which are not covered through
17 this permitting action.
18 In addition to Safety Kleen's own
19 inspection, the facility would be inspected at least
20 once a year by inspectors to ensure the facility's
21 compliance with all RCRA requirements. Other
22 inspections of the facility by IEPA and U.S. EPA
23 ensure operations comply with other regulations. Th

1 Illinois EPA has the authority to inspect the
2 facility at any time.
3 MR. WILLIAMS: Thank you, Mr. Shollenberger.
4 At this time, I would ask that, if there's anybody
5 who did not understand the statements made and wishes
6 it to be translated into Spanish, we will be very
7 glad to do so if you'd like to raise your hand.
8 (Mr. Shollenberger's and Mr. Eastep's speeches
9 were translated into Spanish by Mr. Albarracin.)
10 MR. WILLIAMS: At this time I'd like to
11 introduce Mr. Tom Gmitro of the U.S. EPA who will now
12 make a statement regarding the hazardous waste
13 permit. Mr. Gmitro.
14 MR. GMETRO: Good evening, my name is Tom
15 Gmitro, I'm a geologist on the Permitting staff for
16 the office of RCRA, United States Environmental
17 Protection Agency. As Larry mentioned, RCRA, spelled
18 R C R A, is the Resource Conservation and Recovery
19 Act of 1976 which requires, among other things, that
20 companies who treat, store, or dispose of hazardous
21 waste must obtain a permit for such management. RCRA
22 was amended in 1984 by Congress, through the
23 Hazardous and Solid Waste Amendment or HSWA, which

1 imposed further requirements for the management of
2 hazardous waste. RCRA allows for the U.S. EPA to
3 authorize a state to administer the state's own
4 equivalent hazardous waste regulations in lieu of the
5 Federal regulations. Illinois reeived such
6 authorization for many of the RCRA and HSWA
7 regulations, but not all. Federal permit proposed
8 for Safety Kleen Chicago Recycle Center contain 3
9 sets of conditions for which the state is not yet
10 authorized. The first of these conditions specify
11 land disposal requirements mandated by HSWA. Please
12 note, no disposal of hazardous waste occurs at the
13 Chicago Recycle Center. Safety Kleen recycles waste,
14 and the waste that cannot be recycled is sent off
15 site to be used as industrial furnace fuel, or to be
16 incinerated or landfilled. The permit requires that
17 Safety Kleen follow the applicable waste testing and
18 storage requirements under the land disposing
19 restriction prior to all offsite shipment of waste.
20 Most hazardous wastes are restricted from land
21 disposal, meaning placed in or on the ground, unless
22 a treatment standard to reduce the toxicity of that
23 waste has been met. Treatment standards may be a

1 specified method or technology based or a
2 concentration based for the hazardous waste. Safety
3 Kleen must test all waste that it generates, and if
4 it does not meet the specified standard, then the
5 waste must be sent to an appropriate treatment or
6 storage facility. If Safety Kleen determines that
7 waste meets the treatment standard, then the waste
8 may be shipped offsite for disposal along with a
9 certification that the proper treatment standard has
10 been met.
11 The second set of permit conditions
12 requires Safety Kleen to comply with the Toxicity
13 Characteristic Rule, also mandated by HSWA. This
14 rule was finalized on March 29, 1990, and added 25
15 organic chemicals to the already existing list of 8
16 metals and 6 pesticides which are regulated as toxic
17 hazardous waste under RCRA. The rule also
18 established a concentation level at which these
19 chemical constituents are defined as hazardous by
20 toxicity. A waste containing any of these
21 constituents with a concentration equal to or greater
22 than the toxic concentration level, is considered a
23 hazardous waste and must be managed in accordance

1 with all RCRA and HSWA regulations. In addition, the
2 rule replaced the previous extraction procedure test
3 method with the Toxicity Characteristic Leaching
4 Procedure. This is the test method that Safety Kleen
5 must use to determine if a waste constituent exceeds
6 any of the regulatory toxicity levels.
7 The last set of permit conditions
8 require Safety Kleen to comply with HSWA air emission
9 regulations, which were finalized in December of
10 1990. These regulations serve to limit the releases
11 of organic chemicals from equipment leaks and from
12 process vents associated with solvent recycling
13 units. The regulations affect RCRA regulated
14 facilities which manage hazardous waste with high
15 organic concentrations. Since Safety Kleen manages
16 wastes which are up to 100% organic, it must comply
17 with these regulations, which require that a leak
18 detection and repair program be implemented for all
19 equipment contacting the organic wastes. Equipment,
20 which must be inspected for signs of wear or leakage
21 and include: pumps, valves, flanges, compressors,
22 and pressure relief devices. This equipment is
23 associated with the storage tanks and process units.

1 Process units for the recycling of
2 these spent solvents and used oils, include
3 distillation and fractionation columns. The HSWA air
4 emission regulations set specific hourly and yearly
5 organic emission rates that Safety Kleen must comply
6 with for its recycling operations, and also describes
7 specific devices and operating requirements which
8 must be met in order to reduce air emissions below
9 the regulatory level. This requirement will have the
10 result of reducing organic air emissions at the
11 Safety Kleen Chicago Recycle Center by at least 90 to
12 95 percent.
13 (The following speech was interpreted into
14 Spanish.)
15 MR. WILLIAMS: Thank you very much, Mr.
16 Gmitro. At this time, we will have questions for the
17 panel here for the Illinois EPA and the U.S. EPA.
18 Anybody making a statement, or asking
19 questions in Spanish, we're going to have to have
20 that translated into English for the benefit of our
21 Court Reporter, so I woiuld appreciate your patience
22 in this matter.
23 Any questions? Yes, sir? Could you

1 state your name, for the record, please?
2 MR. ROLLINS: My name is Claude Rollins, I'm
3 a community homeowner and business person. I wanted
4 to direct a question towards Mr. Eastep. I believe
5 in the written statement it says that the specific
6 reason we're here tonight is that we've reviewed
7 Safety Kleen's application and we found that it
8 complies with the requirements of RCRA. When you
9 talked, you said, the statement was that we found
10 that it generally complies. When you're talking about
11 toxic materials, what's the difference between
12 generally complying and complying? All the
13 difference in the world. What shortcomings are there
14 when you say that they generally comply?
15 MR. EASTEP: We've reviewed it as noted in
16 the entrance to the draft permit. There were a
17 couple of things that we had asked them for that are
18 requirements of RCRA and have to be complied with,
19 and we're working towards dealing with those.
20 They've provided us additional information and we
21 think that we're essentailly complete. You've got to
22 realize it's just a very complex document we're
23 dealing with, and I didn't realize I'd changed my

1 language, but basically we're wrapping up loose ends
2 now. Did I answer your question?
3 MR. ROLLINS: I was wondering what specific
4 areas are those loose ends? Is it too technical to
5 get into?
6 MR. EASTEP: One of them has to deal with
7 the actual amount of the closure costs. I believe
8 that's still a discussion, and how that's calculated.
9 One of the reasons dealt with providing ranges for
10 about the BTU valves that were coming in acceptable
11 ranges for the way that we are coming in of the BTU
12 valves. We asked for complete description of the VOC
13 or volt organic content, including a discussion.
14 They've, apparently, modified one of the accepted
15 procedures and there's nothing wrong with that as
16 long as they can demonstrate that that modification
17 is good as the original procedure. And this is done,
18 depending on the types of waste you deal with, this
19 is done at other facilities as well. I'm not saying
20 it's really common, but it's not rare either. Then,
21 they need to identify the local authorities which
22 local authorities will make the determination that
23 offsite evacuation is warranted. And then that goes

1 back to talking about how this contingency plan and
2 their preparedness plan are specifically implemented.
3 We had some requirements for them on prior conduct
4 certification. That deal with the background of the
5 facility and its personnel with regard to previous
6 hazardous waste violations. And, I'd mentioned
7 earlier we had some question on the closure costs and
5
8 how they determined those, and the basis for
9 determining those. So, those are the areas that
10 we're working on. And those were identified in the
11 cover letter for the draft permit which I understand
12 was available at the library and one other location.
13 And you're welcome to look at it tonight, if you
14 wish.
15 MR. ROLLINS: Because it wasn't there when I
16 went to the library. They didn't have the
17 information. You also mentioned I'm sorry, I
18 guess Mark mentioned the emergency response plan, and
19 you just mentioned it again, and I believe that goes
20 back to the law, what was that, in '86 when they
21 passed the law that basically said that if you're
22 going to put hazardous waste in a community, you're
23 going to have to develop a plan that involves what

1 happened in chemical emergencies, that involves
2 citizens, that involves community leaders,
3 politicians, et cetera, et cetera. And, basically,
4 as a person who is active in the local community, I
5 haven't heard anything about what those plans are.
6 What are the contingency plans in the event of a
7 chemical accident? I know we also talk about
8 hazardous waste. Are you talking about chlorine?
9 From what I read, that's pretty much what we're
10 talking about.
11 MR. EASTEP: Are you referring to the
12 transportation related
13 MR. ROLLINS: Any type of chemical accident.
14 And, basically, the law states that there must be a
15 contingency plan set up that involves community
16 residents, politicians, all the way up, even business
17 folks, et cetera, and I'm just saying that in a
18 situation like this where a chemical accident is
19 possible, I haven't come in contact with that
20 contingency plan. What do we do in case of an
21 emergency?
22 MR. EASTEP: That's a good question. And,
23 there are probably a number of different federal and

1 state requirements that require emergency planning o
2 the part of Safety Kleen. There are requirements
3 regarding transportation related activities, and
4 there are requirements required of facilities that
5 just store chemicals, period, without regard to
6 whether they're hazardous or whether they're virgin
7 products. And they have to comply with that. The
8 part that we're interested in, obviously, is the part
9 that deals with the hazardous waste and they have a
10 contingency plan. And, the plan deals with several
11 areas, and you're welcome, if you haven't seen the
12 plan, you're certainly welcome to look at it. We have
13 an application here that you can go through. I don't
14 know if you'll have time tonight, but it's available
15 at the public repository, at the library and was
16 there another repository at two libraries. So,
17 you can have an opportunity to look at it.
18 Generally, it deals with being able to detect an
19 incident, once an incident or release has been
20 detected. Then, you have a couple of things that
21 occur. One is the notification of proper authorities
22 and the other is the response to the incident. They
23 have to be able to deal with a situation where, for

1 example, if a truck's unloading and he spills
2 something, they have to be able to know, have readily
3 access to the type of chemical it is, and what the
4 properties of what that chemical is and then they're
5 going to have to be able to make some determination
6 as to the effects of what that is. Some things
7 the effect that it has, whether it's very volatile
8 and could cause fumes that might be harmful in other
9 situations. It might be something that would go down
10 the sewer and cause problems. So, with regard to
11 that, it's very important that they know what the
12 chemical is so they know how to immediately start any
13 response activity. Also, knowing what the chemical
14 is is important for the responding agency. Say the
15 fire department or the hazardous type team that might
16 come in, they need to know when they go into a
17 facility what type of chemicals are stored there.
18 And this goes not only for hazardous waste, but just
19 for any chemicals. And you see these big diamond
20 shaped signs with the numbers on them. In RCRA it
21 actually goes beyond that. People, when they respond
22 to emergencies, have to have a lot of information on
23 the types of chemicals that they're dealing with. In

1 the case of fires, I mean, some fires you can't fight
2 with using water, you have to use a chemical foam,
3 and converse, and others you do fight with water, and
4 not foam. So, it's real important that these types
5 of activities start occurring during the emergency.
6 And that's what the contingency plan is all about.
7 It sets that framework up.
8 MR. ROLLINS: I'm familiar with the, you
9 know, response by the fire department, et cetera,
10 these individuals are trained in that. My main
11 concern is for the citizens, you know, the lay people
12 in the community in the event of an accident. There
13 have been accidents before, you know, chlorine clouds
14 have killed people, and basically, the folks in the
15 community need to know, obviously, what these
16 chemicals are. It's referred to as hazardous waste
17 on an ongoing basis, and there's really no public
18 discussion about the specific type of, you know,
19 distillation that's going on. And what's involved in
20 that as far as bringing it up to a temperature that,
21 you know, could make those chemiclas volatile. And
22 when you have this going on in your community and
23 they want to double the capacity, the chance,

1 obviously for an accident, you know, is also doubled.
2 And that the folks in this community need to know
3 what to do in the event of a chlorine cloud or some
4 type of leakage. Where do we get that information
5 because it's not for the fire department to know.
6 MR. EASTEP: Have you had the opportunity to
7 look at the application or the contingency plan?
8 MR. ROLLINS: When I went to the library,
9 they said they didn't have the information. When I
10 went to Greenpeace, they said their file was missing,
11 basically. I've called up and talked to individuals
12 on the phone and everybody I talked to says that
13 that's always the problem is that there really is no
14 safety program for the citizens. That certainly the
15 fire department knows what's going on, and they can
16 come in and, you know, obviously try and get a handle
17 on the situation. And I was referred to the
18 MR. EASTEP: Okay. I think we recognize
19 that there's a problem that for some reason the
20 application wasn't where it was supposed to be, and
21 it's there now, I'm told. And that information is
22 available to you and because of the mix up, we've
23 extended the comment period so you have some

1 additional time to go in and look at it. I think
2 probably the next step for you, and this is really a
3 common concern that we get with a lot of permits we
4 deal with, is this type of public involvement.
5 Probably what you need to do is look at it and if you
6 have any questions, you can certainly call us and
7 we'll be happy to talk with you about it or I
8 understand that Safety Kleen has indicated that
9 they'd be happy to talk with somebody if they had
10 questions about it, and maybe Safety Kleen can
11 respond to that if they wish.
12 MR. ROLLINS: I think there should be a
13 program that informs the community of obviously the
14 hazard, and what to do in the event of a chemical
15 leak, and that's really the situation that we need to
16 go into. And I think that there's even a requirement
17 under the Emergency Planning and Community Act of
18 1986. And so with that being all for the federal
19 law, it seems that we need to comply with that fully,
20 and let folks in the community I personally don't
21 feel it should be here. I'll save that for the
22 comment section of this meeting. But, other than
23 that, I think the question on the same subject is it

1 says in the comments that there's a, Safety Kleen's
2 required to have an insurance of two million dollars
3 of insurance to pay for the clean up of the damages
4 if a spill or release occurs, two million dollars if
5 a spill occurs, in essence, to clean up. As far as
6 the, you know, the overall damage to the community
7 property, the health, are you saying that there's a
8 $2 million insurance policy on that? That's awfully
9 weak.
10 MR. EASTEP: If they have any type of
11 release, they're obligated to take care of that
12 release. I mean they're on the hook for whatever,
13 they're responsible for a release that they have. If
14 they take care of it, I guess that's okay. If they
15 don't take care of it, then the Agency can initiate
16 legal action and we can go and clean it up and charge
17 it back to them. So, what the insurance is a federal
18 requirement that they provide $1 million per
19 occurrence, and $2 million per year, I guess
20 aggregate amount of liability insurance. That's just
21 a flat federal requirement. So, they have to have
22 some insurance to do that, but if the damages go
23 beyond that, they're required any release is

1 still their responsibility. They're not off the hook
2 for it.
3 MR. ROLLINS: $2 million is the minimum
4 requirement, is that pretty much what you're saying,
5 and anything that goes above and beyond that the
6 taxpayers pay for that and then it's up to the
7 government to go
8 MR. EASTEP: No, it's their obligation. All
9 that means is that if they have an incident or a
10 release, and, first of all, the insurance thing is
11 going to take a long time probably to straighten out.
12 If we have a release, we expect the company to act on
13 it immediately. If they spend $10 milion and they go
14 back to the insurance company and they only give them
15 $2, what that means is they've had to spend $8
16 million out of their pockets.
17 MR. ROLLINS: And only $2 million is covered
18 by insurance?
19 MR. EASTEP: All that means is that's what
20 the federal requires. I don't know how much
21 environmental impairment insurance is a real problem,
22 just getting it, in many cases. I suppose if it were
23 available a prudent company at a good price might ge

1 an amount much higher than that because obviously you
2 can cause damages higher than that. The point is
3 that their minimum requirement that that doesn't
4 affect their responsibility if they have a release
5 and it takes them $10 million to clean up, it's still
6 their responsibility.
7 MR. ROLLINS: Okay. And the final question
8 is, for this section it mentions that RCRA was
9 amended in 1984. I believe it was, but right now
10 RCRA is also on the floor of Congress for amendments
11 and the language in the new bill, at least the
12 leading amendment, the Kosmier Bill, basically give a
13 lot more power to the community. The language is
14 final authority, and is it possible to take a, you
15 know, informal petition to hold off on basically
16 granting this permit until it looks like this RCRA is
17 going to be amended within the next year, this is
18 what Congress does. They only do it once every eight
19 years or so. And it just seems to me to do it right
20 now really at the dawn of basically new amendments
21 that give more protection to the community, it allows
22 us to protect property values, our health and
23 basically that's not in the current amendments. And

1 I would like to make an informal petition to hold off
2 on basically granting this permit until we get, in
3 essence, RCRA amendments, because that's what
4 Congress is going through right now.
5 MR. EASTEP: Let me make a couple of
6 comments about that. The basic answer is certainly
at request, and if that's the way you

1 I would like to make an informal petition to hold off
2 on basically granting this permit until we get, in
3 essence, RCRA amendments, because that's what
4 Congress is going through right now.
5 MR. EASTEP: Let me make a couple of
6 comments about that. The basic answer is certainly
7 you can make that request, and if that's the way you
8 feel, that's what you should do. However, there's a
9 couple of things you ought to understand. RCRA
10 amendments have been on and off the floor every year
11 since a year after it passed. They've made a few
12 changes, but they haven't made any sweeping subtitle
13 changes to RCRA. And, I know there's a couple of
14 amendments proposed this year and they may have this.
15 The thing is, they may or may not get passed.
16 MR. ROLLINS: I just want to say the Kosmire
17 Bill introduced around September already has over 60
18 co sponsors and so it's moving.
19 MR. EASTEP: And if it gets passed, that's
20 fine. The second thing is, without knowing it, I
21 can't really talk too much about it. If it has an
22 implementation schedule, it might not become
23 effective in permits for several years anyway.

6

1 Thirdly, even if it is effective immediately, it's
2 not a state law until it filters through the system
3 and that usually take a year or two for us to get
4 that from RCRA into some kind of federal regulation
5 and from a federal regulation. There's a process
6 that eventually gets it passed through the state
7 regulation and that usually take a couple of years at
8 a minimum. So, even if something passed, I don't
9 think it
10 MR. ROLLINS: It won't affect this permit
11 situation?
12 MR. EASTEP: It wouldn't affect it right
13 now. On the other side, what we're doing with the
14 permit is we're making a lot of the requirements that
15 they're subject to more stringent under the new draft
16 permit than they are operating today under interim
17 status. So, that's kind of a tradeoff is that is
18 what we're going to try to do is be able to work
19 something out so the community is aware of what's
20 going on, all right? And there are many other, I
21 mean there's like really there's at least over 200
22 conditions in there, many of them don't apply today
23 the way they operate. So, they've got many more

1 conditions. So, you'd have that kind of tradeoff to
2 think about, too if we held off on the permit.
3 One of the other guys pointed out is
4 that in the event of any evacuation decision, where
5 obviously the public would be involved, that decision
6 would be made by the local fire department, and some
7 official within the fire department or whoever makes
8 those would be involved, I image. So, the public
9 would be making those decisions,vnot the company.
10 MR. ROLLINS: You're saying the fire
11 department would be making that decision?
12 MR. EASTEP: Typically that's what happens
13 is the fire department or sometimes people have other
14 emergency response. In Springfield, for example, we
15 have a separate unit that operates off the fire
16 department that handles hazardous material incidents,
17 and they would make a decision with regarding an
18 evacuation. It wouldn't be the company.
19 MR. ROLLINS: No, I'm not saying that it
20 would be the company. What I'm saying is there
21 should be some distribution, some dissemination to
22 folks who live in the community as to how can they
23 buffer the effects of a chemical leak. I'm not saying

1 it would happen. I certainly invite more business to
2 come into the community. I have reservations about
3 this type of business coming in a densely population.
4 I used to work in Polymer chemistry and it just
5 doesn't make any sense to put something like this in
6 a community. So, if it's going to be done, the
7 question is, what information is going to be put out
8 to the community regarding what they can do to
9 basically lessen the impacts of a spill or a leak?
10 MR. EASTEP: I understand your concern.
11 Maybe you can talk with us afterwards and maybe we
12 can sit down and kick this around a little further.
13 MR. WILLIAMS: Thank you. At this time, Mr.
14 Albarracin will translate briefly what Mr. Eastep has
15 said.
16 (Spanish translation.)
17 MR. WILLIAMS: Thank you, Mr. Albarracin.
18 Are there any more questions for the U.S. EPA or the
19 IEPA? Yes, sir? Could you go to the microphone,
20 sir, and state your name and if you represent any
21 organization?
22 MR. WORTH: My name is David Tites Worth, I
23 represent the Canaryville Improvement Association a

I have a simple question. I realize Safety Kleen is a world wide organization with many facilities. I was wondering if Illinois or the government EPA checked into their past performance at any of their other facilities before approving Safety Kleen the first time around? And if that has any reflection on what they're doing there now?

MR. EASTEP: That was one of the things I mentioned that we're still doing. We've asked for further evaluation on the prior conduct that, again, that was one of the areas mentioned in the draft permit. So, that's part of the review.

MR. WILLIAMS: Are there any more questions for the EPA? Yes, sir, could you come to the microphone there? Please, sir, state your full name and if you represent any organization.

MR. ~~KOMA:~~ COMAI My name is Andrew ~~Koma,~~ Comai I'm with Citizens for a Better Environment. I'm just wondering if you have reviewed the City of Chicago emergncy response plan to see if it's adequate to deal with any kind of emergency that might arise?

MR. EASTEP: I don't know if the Agency has. Our emergency response people typically do that type

of thing. They're with the Office of Chemical Safety. The plan that we're involved with here is we look at what the company is proposed and the fact that they're coordinating with the City, okay? So, we don't, as part of this review, we don't review the City of Chicago's emergency response plan or whateve they have.

MR. ~~KOMA:~~ COMAI Thank you.

MR. EASTEP: If you need further follow up, you can contact our Office of Chemical Safety.

(Spanish translation.)

MR. WILLIAMS: Are there any more questions?

MS. SALAZAR OSSET: My name is Maria Salazar Osset. The last time we met we asked the question regarding Safety Kleen and their problems that they'd had with their California companies that you know, and I was wondering if there was any follow up regarding that investigation, because I would hate for them to get a license prior to to having a decision on those problems. And I have a concern.

MR. EASTEP: That's essentially the same question. I thought the question asked earlier

MS. SALAZAR OSSET: You left it open, you

1 didn't answer it.

2 MR. EASTEP: I said that was one of the

3 things that we brought up in our draft permit was

4 information on prior conduct and we're still pursuing

5 that.

6 MS. SALAZAR OSSET: So, what does that mean?

7 You don't give a license until you get a response?

8 How do we know the answer? How will you get back to

9 us?

10 MR. EASTEP: That will be part of our

11 response in a summary. We will be addressing all

12 these issues in a document that's called the

13 Responsiveness Summary. And certainly the prior

14 conduct will be a part of that, okay?

15 MS. SALAZAR OSSET: That still doesn't

16 answer my question. I feel you're very vague about

17 the response.

18 MR. EASTEP: You asked about their

19 activities in other locations or their conduct

20 regarding we have an Illinois law. We look at the

21 applicant's prior conduct in regard to hazardous

22 waste management activity, and we're still doing

23 that. And we've asked for some additional

1 information from the company and when we get that an
2 we pull it in and we evaluate it, that's one of the
3 things our legal section does.
4 MS. SALAZAR OSSET: I guess my question is
5 how will the poublic be aware of those responses
6 prior to your decision to giving a license?
7 MR. EASTEP: And I was going to say what we
8 do is after the end of the comment period, we'll take
9 these comments, we'll prepare a responsiveness
10 summary, and basically the way it normally does is
11 you wouldn't know until we had made the decison and
12 the responsiveness summary is available.
13 MS. SALAZAR OSSET: So, the community
14 couldn't know before the decision?
15 MR. EASTEP: If you wanted to call and ask
16 us after the time and we know, then we can certainly
17 let you know. So, we normally wouldn't, that's
18 correct.
19 MS. SALAZAR OSSET: So, you would make the
20 decision tomorrow without investigating and we
21 wouldn't know that?
22 MR. EASTEP: No, we won't. It will be after
23 April 6, after the comment period and what we'll do

1 is we'll take all the comments, we'll evaluate them,
2 and based on our evaluation, we'll make a decision
3 whether to proceed wth the issuance of the permit.
4 It's conceivable, of course, that something could
5 happen and we wouldn't. What we're telling you now,
6 though, is, we feel confident in our review that the
7 company has satisfied the application and we're going
8 to go ahead and we're going to look at some of these
9 things. But, that will happen after April 6th, which
10 is the comment period.
11 MR. WILLIAMS: Any more questions? There
12 being no further questions from the public, I'm going
13 to ask that Mr. Alfred Aghaiepour of the Safety ~~Klen~~ Kleen
14 Company has a statement to make.
15 MR. AGHAIEPOUR: Good evening, ladies and
16 gentlemen. My name is Alfred Aghaiepour. For those
17 that haven't met me, I'm the facility manager. I'd
18 like to take a few minutes of your time to tell you
19 about our site, our operation and what we do at
20 Chicago Recycle Center. Safety Kleen provides solid
21 recovery services that helps hundreds of thousands of
22 waste contaminated fluents and solve the fluid
23 disposable recovery of this material. The improper

1 disposal and it could have a devastating effect on
2 the environment. Safety Kleen now offers solvent
3 recovery services to automobile paint refinishing
4 shops, dry cleaners and that sort of thing that use
5 solvents in their work. In performing these
6 services, the company typically provides solvent
7 recovery for customers, collects it for use and
8 reclaim it for further use. In fact, more than 90
9 percent of the solvent recovery collected by Safety
10 Kleen, Chicago Recycle Center are recycled. By
11 providing these services, and servicing companies
12 well over 20 years, Safety Kleen has grown to become
13 the world largest recycler of spent solvents. Today
14 Safety Kleen serves its customers through a network
15 of 20 recycling centers, refineries and fuel blending
16 facilities. Two hundred similar branches serve the
17 customers around the world with 185 of them
18 throughout the United States and Canada. Safety
19 Kleen Chicago Recycle Center is one of those 20
20 recycle centers that Safety Kleen operates. This
21 recycling center began operation in the late 1969 as
22 a solvent recovery film used to be called Custom
23 Organics, Inc. located at 1445 West 42nd Street. In

1985, the firm was purchased by Safety Kleen Corporation. The majority of the work performed at this facility remains unchanged. This facility operates 24 hours a day, 7 days a week. Currently the facility employs 56 employees. Better than a third of them are from employees who live in a few miles of the plant. The variety of the orgin of the employees is quite remarkable in our plant. We have employees from Venezuela, Puerto Rico, Pakistan, Iran, Mexico, Russia, of course from the United States, and Luthania. We would like to refer to our site, believe it or not, a mini United Nations. The average seniority of our employees, depending on which department you would look at, would be from four to ten years of experience. Safety Kleen Chicago Recycling Center has established detail environmental health, safety programs in order to operate in a safe and environmentally sound manner. The company is committed and will continue to operate within the full compliance of all state and federal regulations. Safety Kleen has an agressive compliance program that's designed to ensure the public health and the safety as well as the

1 well being of its employees. Safety Kleen's
2 dedication to resource recovery not only preserves
3 our natural resources, but it offers the many
4 businesses it serves a positive solution to their
5 disposal problem.
6 The Chicago Recycle Center has been
7 active in the community, and we are continuing to be
8 a good neighbor. We would like to be considered a
9 good citizen, that's interested in the well being of
10 it's employees, and community members. Safety Kleen
11 Chicago Recycle Center welcomes all the members that
12 didn't have a chance to participate in our open house
13 or any other activity that we have for future plans.
14 For more information, please contact me. This
15 concludes my comments. I thank you very much. Thank
16 you very much for your time. I'd like my office
17 manager, Anna Gonzales, to come here and translate.
18 (Spanish translation.)
19 MR. WILLIAMS: Thank you. I would now ask
20 if there are any questions for Safety Kleen? If
21 anybody has any questions before going on, though I
22 would point out that this is answering of questions
23 of any witness is merely a courtesy on the part of

1 the witness, if they wish to answer those questions.
2 I, as Hearing Officer, have no authority whatsoever
3 to force anybody to answer any questions, and it's
4 merely a courtesy on the part of the person being
5 questioned.
6 Is there any questions for Safety
7 Kleen? Yes, sir, could you come to the microphone
8 and state your name and ask your question?
9 MR. BROWSOWSKI: My name is Edward
10 Browsowski, I represent the St. Michaels Young Men
11 Club. This may sound like a trivial question. There
12 are a lot of important questions. This question,
13 this lady and everybody else in the room, I was
14 wondering, I have nothing against Spanish speaking
15 people, and the Mexican Americans in this
16 neighborhood, they have done a great job in this
17 neighborhood. I am polish speaking. I was wondering
18 why we don't have a translator for polish speaking
19 people, too, like my grandmother and stuff like that?
20 She wanted to come here. I have friends and stuff
21 like that that only speak polish, but I don't speak
22 very good and I wouldn't be able to translate for
23 them. And I was wondering why no literature or we

1 don't have a translator for polish speaking
2 Americans?
3 MR. EASTEP: I don't know.
4 MS. MC GINNIS: Basically we didn't have a
5 request for it to be done in Polish. We were aware
6 that it was pointed out to us by a number of people
7 that there was a large Hispanic community here, that
8 we were responding to that, and but otherwise, no one
9 really requested the information to be put in Polish.
10 MR. BROWSOWSKI: Thank you.
11 MR. WILLIAMS: Any other questions? Yes,
12 sir? Come up to the microphone. State your name,
13 and if you represent a company.
14 MR. SAIS: I have a question for Safety
15 Kleen, and my name is Joseph Sais. I'm a resident of
16 the 43rd and Ashland and I was never notified by the
17 plant, neither was any neighbor. Anyway, my question
18 that I have for Safety Kleen is what percentage of
19 Hispanics work in the plant and their type of work?
20 MR. AGHAIEPOUR: As I mentioned, to be we
21 have a total of 56 employees, 19 of them from this
22 area, and 16 of them are hispanics. The level of the
23 positions, I have office manager, I have three of my

1 five supervisors are Spanish, I have an operator,
2 shipping and receiving, maintenance, these are the
3 four departments that we have a variety of
4 positions there.
5 MR. SAIS: Thank you.
6 MS. SALAZAR OSSET: My name is Maria Salazar
7 Osset, I'm running for state representative in this
8 area and it's true the gentlemen is correct, nobody I
9 guess nobody really asked what the community consists
10 of. But, it does consist of a lot of polish, a lot
11 of hispanics, and it's a very mixed neighborhood. My
12 concern to Safety Kleen, and my question to you is to
13 be a good neighbor, would you be willing to have an
14 advisory board that consists of this group of multi
15 cultural people to help at least to alleviate their
16 fears, to alleviate their concerns and to have some
17 input as to the growth of that factory in this
18 neighborhood? I want the people to be in that
19 neighborhood. I'm not talking about people who own
20 businesses, who live in the community. I want that
21 advisory board to be members of the community.
22 MR. AGHAIEPOUR: Maria is one of the
23 citizens of the neighborhood that participates in

1 your plan, and she did have quite a few questions
2 regarding the welfare of this neighborhood.
3 Regarding this specific question that you have, let
4 me be very clear with you regarding Safety Kleen's
5 position. We have been very open regarding community
6 activity regarding the participation of the community
7 and knowing what we do, that's been very clear to
8 you, and the group, that shows our openess. As far
9 as being receptive to look into any avenue that is
10 going to give peace of mind. We are going to be
11 sensitive and I'm willing to work out some program
12 that's going to give that piece of mind. Regarding
13 1985, Safety Kleen purchased this site. There has
14 been a lot of activity to increase the awareness of
15 the community, and we're going to continue doing so
16 after the permit has been granted too.
17 MR. WILLIAMS: Any more questions? Yes,
18 sir. Go to the microphone and state who you
19 represent, please?
20 MR. ROLLINS: Claude Rollins, community
21 homeowner and resident. I always hear about the
22 interest of the community and basically that's always
23 being put forth by corporations such as Safety Kleen.

1 The question that I have is is that really a true
2 statement in light of the nature of your work? Isn't
3 the location of your plant in a densely populated
4 area more in economic, as far as shipping location.
5 Obviously, if you were generally concerned about the
6 accident itself, and that the location fo the
7 business would that be in such a densely populated
8 area. Second part, why is it that minority
9 communitis have been proven to have the highest
10 density of landfill incinerators, hazardous waste
11 handlers. And how does that fact co exist with the
12 statements that you're interested in the welfare of
13 the community. SK: We mentioned that the site has been
14 there since 1969. We have been operating since '69.
15 Safety Kleen purchased it in '85 we're not,
16 incinerators were not a dumping place, we are
17 recyclers. We are saving thousands and thousands of
18 gallons of that. If there was no alternative like
19 that, that could end up in incinerators or landfills.
20 As far as the concern of the community, we have been
21 forward to come and tell you. We do know your
22 concern. I share with you, I do know people drive on
23 43rd Street and all they see is fuel tanks and we

1 want to give you the piece of mind to come look at
2 our operation, look at the experience and look at our
3 record and see what we have done in the last twenty
4 years and based on that, hopefully we can give you
5 more and more piece of mind and less to be worried
6 about.
7 MR. ROLLINS: I know you bought the site,
8 but you're looking at double the capacity. Can't you
9 do that someplace other than here?
10 MR. AGHAIEPOUR: When you refer about
11 doubling your capacity, let me tell you about the
12 nature of the business that we do here. The business
13 of the nature that we do is very technical, hi tech,
14 and this isn't asking for more tanks and it's the
15 variety, of customers that we have, although they
16 have the same type of chemical, they have specific
17 requirements that we cannot mix them together. When
18 I had planned to I was very specific to the
19 individual to let them know that the type of hoses,
20 the type of tanks that we use, based on the nature of
21 the business, we do need a tank for that customer.
22 And based on that, we have decided to ask for more
23 tasks because of the requirements of customers

1 getting more and more stringent.

2 MR. ROLLINS: Okay. The situation, I

3 understand your business and I think it's in essence

4 a good thing, basically to recycle solvents. There's

5 no question about it. It's much better than dumping

6 in a incinerator. The solution, in my view, is like

7 they also come by the way, the world largest

8 recycler, 3M, recycles about 70 percent of their

9 solvents. They and three other companies do this on

10 site and what I'm asking is that your company takes

11 solvents from other companies, ships them into

12 basically distills them which separates them into

13 different columns with chemicals. And what I'm

14 trying to do is, chemically it's a dangerous process

15 and I think, I'm not putting down the business as far

16 as what you're doing, I think it's a necessity of

17 modern day living. I'm just saying that it should be

18 done onsite and basically it has to be trucked

19 somewhere to be handled as some toxics that should be

20 trucked somewhere other than a densely populated

21 area. I'm saying it really doesn't belong in a

22 densely populated Cook County of all the counties in

23 the country is No. 23 as far as citizens coming in

1 contact with toxins, and we have enough, more or
2 less. I'm saying there's a lot of areas out there
3 that basically can handle this and still allow you to
4 do good business. It just removes the potential
5 possibility of accidents, injury to people and that's
6 my point.
7 MR. WILLIAMS: I have fifteen witnesses,
8 fifteen people that wish to comment. I'm going to
9 allow one more question, if anybody has a question.
10 Any more questions? Okay. There doesn't seem to be
11 anybody wishing to ask questions at this time. Are
12 there any state officials here that wish to make any
13 comments? Officials, elected officials? Okay, there
14 being no state officials, elected official, we
15 will have the public now make their comments. I'm
16 going to call a ten minute break. It's quarter to
17 9:00 now, and I'm going to call a ten minute break
18 after which those people who wish to comment will be
19 allowed to do so. Those people who wish to comment
20 in Spanish, we will translate it into English for the
21 purpose of the Court Reporter. We have a ten minute
22 recess.
23 (A brief recess was taken.)

1 MR. WILLIAMS: Back on the record. At this
2 time I'd like to call Mrs. Maria Salazar. Please go
3 up to the microphone. Go ahead.
4 MS. SALAZAR OSSET: What I would like to see
5 written into the contract or written into this
6 license would be that Safety Kleen as a good neighbor
7 and to establish good relationships with the
8 community would consider establishing an advisory
9 board dealing with the different ethnic groups in the
10 community, and working with those groups to alleviate
11 the fears, the concerns, and to letting the community
12 groups know about their expansion, their future
13 expansion, and to have on a monthly basis meeting
14 with this advisory board. Also, as a public health
15 nurse, I would like to see the concerns regarding
16 health issues and health regarding the solvents that
17 Safety Kleen deals with, and some of the so called
18 mutants that are also part chemicals, that are dealt
19 with Safety Kleen. I have to leave shortly, so I
20 will be looking forward to reading some of the
21 comments and also some of the results of what's
22 happening within this meeting. Thank you.
23 MR. WILLIAMS: Thank you very much. Ms.

1 Salazar. At this time, I'd like to call Mr. Patrick
2 J. Salmon to the microphone.
3 MR. SALMON: Mr. Chairman, members of the
4 hearing committee. I have asked for permission to
5 make my presentation with the President of our
6 organization as our interpreter because I think it
7 would speed matters up, and I think it would keep
8 things a little more clear in my comments, is that
9 all right?
10 MR. WILLIAMS: Go ahead, sir.
11 MR. SALMON: Mrs. Maranda Ray is the
12 president of the Back of the Yards Council. Will you
13 come up?
14 By way of identification of our
15 organization, the Back of the Yards Neighborhood
16 Council is a delegate organization for the United
17 States Department of Defense, the Small Business
18 Administration, Illinois Department of Commerce and
19 Community Affairs, and the City of Chicago,
20 Department of Planning and Development. In addition,
21 we are the designated zone organization for the
22 Illinois Enterprise Zone No. 2. The reason I'm
23 informing you of our affiliation with governments as

1 for the purpose of explaining our relationship with
2 the Safety Kleen organization. As a delegate
3 organization, it's our responsibility to provide
4 development opportunities and insensitives to
5 organizations to promote growth in commerce and
6 industry and in job creation. In the performance of
7 those duties, we spent an enormous amount of time
8 working with every new industries in our region.
9 Originally we worked closely with custom organics who
10 sold their property and business to Safety Kleen in
11 1985. During the sale process, we not only studied
12 the financial structure and growth of Safety Kleen,
13 but we also study the physical make up of their
14 operation along with the experts and safety code
15 compliance from the City of Chicago. Safety Kleen
16 was, and continues to be very carefully monitored for
17 safety regulations for numerous agencies of the City
18 and State government and have always been in
19 compliance. We have been impressed with the
20 willingness of Safety Kleen management to conduct
21 tours of their facility and, in fact, they hold open
8
22 house days in which all of their neighbors are
23 invited to tour the plant. They have also held

1 special tours for the Chicago Fire Department
2 officials to show their extraordinary safety
3 precautions and equipment.
4 It's understandable and wise for
5 persons in a community to learn about any plants near
6 the area in which they live, and I applaud those who
7 have come here this evening to learn about Safety
8 Kleen. We at Back of the Yards Council have not
9 come here to learn about Safety Kleen. We have come
10 here to tell what we know about this company. Safety
11 Kleen provides a service that, in fact, is vital to
12 the health and safety of our City, and our world.
13 Service stations, garages and factories in our
14 community, our city, and our country no longer dump
15 used motor oil and other lubricants and solvents down
16 our sewers as they did for the last hundred years.
17 They produce, recyclables are now a valuable
18 commodity to be used over and over, without depleting
19 our natural resources. In the process of providing
20 this valuable service, Safety Kleen has spent
21 millions of dollars to ensure the safety of their
22 operations. The facility that they operate in the
23 stock yards industrial park is state of the art, not

1 only in recycling, but also in safety. We can think
2 of no more appropriate name for this company than
3 Safety Kleen. The planned unit development of this
4 project has passed the close scrutiny of the Back of
5 the Yards Neighborhood Council, the Department of
6 Planning and Development, the Chicago Plan
7 Commission, the City Council of Chicago, and the City
8 of Chicago Department of Inspectional Services. It
9 has passed that scrutiny and has been endorsed by
10 each, and, therefore, we respectfully request that
11 their application to the Illinois Environmental
12 Protection Agency be approved.
13 In summary, I would like to thank the
14 agency for allowing us to appear today and give you
15 our comments. I would like to also thank everyone
16 from the community who has come here tonight to offer
17 their comments. I think that this is certainly a
18 good process. It's a learning process for a lot of
19 people, and I certainly hope that they will, in fact,
20 accept the invitation of Safety Kleen to come over
21 and see that operation as we have for the past
22 several years. Thank you.
23 MR. WILLIAMS: Thank you very much, Mr.

1 Salmon. I saw that you read your statement. At this
2 time, could you make a copy available to the agency
3 if you have an extra copy it will be recorded and
4 it's transcribed, but it would be helpful to us if we
5 had a copy of your statement. Thank you, sir.
6 At this time, I'd like to call Mr. Kevin
7 Green to the microphone. Mr. Green?
8 MR. GREEN: Good evening. My name is Kevin
9 Green, Research Director with Citizens for a Better
10 Environment. A not for profit organization that works
11 on toxics and solid waste issues. We've been working
12 with some of the individual and community groupos in
13 this area that are very concerned about this facility
14 and many of them don't want to see this facility,
15 period. And, frankly, I can't blame them. If
16 there's an accident at the site, or if one of the
17 trucks that are bringing hazardous waste into the
18 community gets involved in an accident, it's those
19 people that are going to be put at greatest risk. I
20 have to admit that recycling hazardous waste is
21 preferable to buring or burying it, but it's really
22 not dealing with the problem. I think the problem is
23 why, and I think the question is why we have to ask

1 is why are these industries not only in the Chicago
2 area, but also throughout the country that are using
3 Safety Kleen services generating hazardous waste in
4 the first place. That's the real problem. I don't
5 think this problem is being adequately addressed by
6 the U.S. EPA or the Illinois EPA or the people that
7 you work for which is President Bush or Governor
8 Edgar. I'm not going to question the motives of
9 Safety Kleen, I think they're well meaning people and
10 perhaps they do provide a valid service, but, in
11 fact, the State of Illinois, and U.S. government are
12 not doing enough to force industry to cut back on the
13 amount of hazardous waste they generate in the first
14 place. That's the real problem. I think there have
15 bot to be more emphasis at the federal and state
16 level to grapple with this problem. I think that
17 Safety Kleen should be a method of last resort for
18 industry that can't find safer raw materials that
19 can't reformulate their product. So, they don't have
20 to depend upon toxics who can't recycle their waste
21 on site. That's the real solution of this problem,
22 rather than asking people in this community to have
23 to accept, to bear the burden of managing hazardous

1 waste from Chicago industry as well as industries
2 throughout this country. I think that if your
3 agencies really want to get serious about dealing
4 with the hazardous waste problems, you would mandate
5 that every company that sends it's waste to Safety
6 Kleen developing some kind of toxic use reduction
7 program. So, they don't have to generate hazardous
8 waste in the first place. That's the real solution.
9 And, perhaps, you give the Safety Kleen a permit for
10 three years, and tell them after that time they can
11 only recycle non hazardous waste. I think a number
12 of these groups that are going to be making comments
13 tonight are going to be asking Safety Kleen to
14 consider some alternative and I hope Safety Kleen and
15 these agencies listen very carefully. You're talking
16 about you're limited, you can't address
17 transportation concerns, you can't address other
18 concerns, but I think it's time for both your
19 agencies to go back to your leaders and tell them
20 we've got to change these laws so industries don't
21 make hazardous waste in the first place. So we don't
22 put communities such as the Back of the Yards area at
23 risk from transportation accidents or chemical

1 accidents.

2 If you look at the permit, there's

3 pages and pages of all sorts of requirements that

4 Safety Kleen is going to have to follow to ensure

5 that the hazardous waste are safely handled and

6 managed, but frankly, I don't think that either of

7 your agencies have the resources to ensure that

8 Safety Kleen does everything they're supposed to do.

9 You're probably not going to get out to that site and

10 inspect it more than once or twice a year. And both

11 of your agencies, your budgets are getting to

12 probably going to be cut over the next years, so you

13 may not even have enough instructors to get out and

14 monitor what's happening at places like Safety Kleen

15 and other industrial facitilities in the area. So, I

16 guess the message I'd like to get across, I hope

17 Safety Kleen listens very hard tothe concerns of the

18 individuals here in the community because I don't

19 think there's much you can really do to address their

20 concerns immediately, but I think in the long run I

21 think you need to go back, EPA, go back to Governor

22 Edgar, U.S. EPA, back to President Bush and tell them

23 we need some laws that are going to require all

1 industries that use recycling facilities such as
2 Safety Kleen to start getting the toxics out of their
3 manufacturing process so they don't make hazardous
4 wastes in the first place. Thank you.
5 MR. WILLIAMS: Thank you very much, Mr.
6 Green. At this time, I'd like to call Sister Joelyn
7 Tumas. Please go to the microphone.
8 MS. TUMAS: I work at Holy Cross Parish. I
9 have lived and worked in the neighborhood for 36
10 years. My greatest concern is in the report that Mr.
11 Shollenberger wrote that the waste management is
12 checked for how it goes into the land and into the
13 water. But, one of our greatest resources has not
14 been mentioned, and that's the air. I'm very
15 concerned about the volatile emissions that are in
16 our air because of the work being done at Safety
17 Kleen. A great part of my work is with the poor of
18 the area. I see many children and adults suffering
19 from asthma, bronchitis various respiratory diseases,
20 and also skin irritations. As the ozone layer is
21 depleted by these hazardous wastes going into our
22 air, more ultraviolet rays come through. That
23 affects me because I happen to have an auto immune

1 disease triggered, and if Safety Kleen is going to
2 stay into the area, I believe that these emissions
3 need to be monitored, ultraviolet rays, among other
4 tings. When your agency comes out to check on the
5 plant, and the safety precautions being taken and to
6 inspect it right now. They inspect valves and things
7 at ground level. I believe they should be checked
8 above ground level. How much volatile emissions get
9 into our air and we don't know it? But, we are
10 suffering the effects of this in various physical
11 ailments. In case of a disaster, most of our people
12 don't have insurance. Will Safety Kleen insure that
13 they will be treated at the hospitals and not turned
14 away because they are not insured? That's a great
15 concern of mine. And, when lungs are affected and
16 God forbid they would be, tht they do have
17 precautions. But, fi that would happen, who is going
18 to provide the medical care needed for these people
19 in, and as was already stated, I think the greatest
20 thing we need to do is to force manufacturers to look
21 to alternative ways of producing their products and
22 not using the hazardous chemicals and producing the
23 hazardous waste in the first place.

1 MR. WILLIAMS: Thank you very much, Sister.
2 At this time, I'd call Ms. Veronica
3 Cadena.
4 MS. CADENA: (Made whole presentation in
5 Spanish.)
6 My name is Veronica Cadena and I'm
7 working with a group of people for a safe community
8 and better it's too hard for me to pronounce it.
9 Whereas, Safety Kleen operates a recycling facility
10 in the Back of the Yards Neighborhood in Chicago;
11 Whereas, such facility processes hazardous waste and
12 other special waste that contains toxic substances;
13 Whereas, the transportation, storage, handling and
14 processing of such waste poses a risk to the public
15 health and safety of the citizens who live in the
16 surrounding community; Whereas, federal and state
17 environmental agencies do not have adequate staff and
18 resources to monitor and inspect the facility on a
19 regular basis. Whereas, local community residents
20 have a right to know about facility operations types
21 of materials, and substances being stored or
22 processed safety measures, emergency plans, and
23 environmental programs, and; Whereas, residents have

1 the right to inspect the facility and participate in
2 the operating and safety decisions made by Safety
3 Kleen in order to ensure that the facility does not
4 present a health threat to the community; Be It
5 Resolved, that Safety Kleen hereby commits to
6 undertaking the following policy and program at it's
7 Chicago Recycling Facility. 1. On or about April
8 1st, 1992, establish a citizens advisory committee
9 that consists of concerned individuals who are
10 reflective of this immediate vicinity as well as
11 representatives from concerned community groups in
12 the area. This committee provides an ongoing forum
13 to address neighborhood concerns about facility
14 operations and health and safety conditions. 2.
15 Contact with one or more independent expert such as
16 an industrial hygenist, environmental engineer or
17 public health specialist to audit the facility.
18 Safety, environmental and housekeeping programs on
19 behalf of concerned citizens and community groups
20 have the right to either select an expert or approve
21 one identified by the group. The independent expert
22 will meet to brief them on waste processes,
23 operations, prior to the facility inspection. At

1 least four members of the community will tour the
2 facility with the expert. Once the inspection is
3 completed, the expert and concerned citizen group
4 will meet to discuss facility operation and safety
5 program and identify any potential problems and
6 corective preventative actions. Safety Kleen will
7 consider any recommendations made by the independent
8 expert and concerned community groups and individuals
9 to improve the facility operations and programs. 3.
10 Allow community groups and local citizens to tour the
11 facility on a periodic basis, and at unannounced
12 times. In addition, concerned community groups and
9
13 local citizens will be allowed to accompany any
14 federal or state environmental safety officials that
15 inspect the site. 4. Adopt a corporate policy that
16 requires all facility customers to develop and
17 implement toxic use reduction plans that eliminate,
18 reduce or avoid the use of toxic hazardous substances
19 in the manufacturing process. For example,
20 substitution of safer raw materials, better
21 housekeeping product reformation, improve process
22 recycling, and process changes. Customers will be
23 required to, 1. certify that it is developing and

1 implementing all feasible tower options and; 2. file
2 an annual program report with Safety Kleen which
3 summarizes that tower method employed in the per
4 American products, per unit in product achieve. Such
5 annual report will be available for public review at
6 the facility. 5. Provide concerned community groups
7 and citizens with an opportunity to review and
8 comment on the type of pollution controls that Safety
9 Kleen is considering to reduce organic vapor
10 emissions from the facility process unit. For
11 example, distillation towers. 6. Hold an annual
12 community informational meeting to explain the
13 company's safety and environmental program and allow
14 citizens to ask questions, allow local citizens to
15 ask questions. 7. Phase out the processing of
16 chlorinated solvents within two years as a means to
17 encourage Safety Kleen's customers to find and use
18 safer chemicals. 8. Allow community groups and
19 local citizens to observe emergency response training
20 drills and review the facility's hazard education
21 analysis. 9. Seek a modification of the facility
22 operating permit before increasing the amount of
23 waste proposed or stored at the facility. 10. Find

1 an alternative to utilizing processed residue from
2 the facility as fuel in cement kettles and industrial
3 boilers. 11. Recommend to state and federal
4 environmental agencies that the facility operating
5 permit to be renewed after three years in order to
6 address any chronic non compliance or operating
7 problems that might occur. At no time construct or
8 operate an incineration, deep oil injection or
9 container cleaning system at this facility. Thank
10 you very much to all the representatives of the
11 government and I'd like to invite the staff of Safety
12 Kleen to our next meeting that's going to be held the
13 15th of March for the community.
14 MR. WILLIAMS: Thank you. Ms. Cadena. I
15 would you read out a very long statement and I
16 would ask a copy of that statement. If you could
17 give me one, I'd appreciate it. At this time, I'd
18 like to call Ms. Carmen Flores to the stand, please.
19 MS. FLORES: (Read entire statement in
20 Spanish.)
21 MR. WILLIAMS: Do you have a copy of that
22 statement in English? I'm going to enter this into
23 the record as an exhibit because the Court

1 Reporter it's in Spanish, and it would have to be
2 translated in English and the Court Reporter can only
3 record in English, but I'm going to show that this is
4 an exhibit that is being entered by Ms. Carmen
5 Flores. So, it will be entered as part of the
6 record.
7 At this time, I'd like to ask Ms. Maria
8 Chavez.
9 MS. CHAVEZ: (Whole statement was given in
10 Spanish.)
11 INTERPRETER: Her name is Maria Chavez.
12 Since seven years ago that she's been living in the
13 Back of the Yards neighborhood, she's been sick and
14 respiratory problems, skin problems and depressions.
15 Since Janaury 16, 1991 when she was inside of the
16 plant she got worse. Her children, they are very
17 nervous and hyper and the insurance policy are very
18 high for her house because the comapny ishere and she
19 says that a lot of her neighbors they have the same
20 common problems as her, but she says I'm not blaming
21 exactly the company, but I just want to know what am
22 I going to do if I get worse? That's Ms. Chavez.
23 MR. WILLIAMS: At this time, I'd like to ask

1 Mr. Jerry Bork.

2 MS. BORK: Ms. Gerri Bork.

3 MR. WILLIAMS: My apologies. Go ahead,

4 ma'am.

5 MS. BORK: I'm here to express my concern

6 about Safety Kleen's storing, treating and handling

7 large quantities of toxic chemicals in my

8 neighborhood. I've been told that many of these

9 chemicals that Safety Kleen handles have been known

10 to cause cancer, nervous disorders and birth defects.

11 I've also been told that Safety Kleen is going to be

12 allowed to emit 3.5 tons of toxic emissions annually.

13 As a resident of this neighborhood, I do not find 3.5

14 tons of toxic emissions safe or clean. From a

15 citizen's point of view, I don't see how there can be

16 such a thing as safer, clean emissions. I'd like to

17 see some studies that show that it's safe to breath

18 3.5 tons of toxic waste and why is this neighborhood

19 being used for it? I know there's a syndrome, nobody

20 wants it in their backyard, but why is it here? I'm

21 just having a hard time understanding that. I've

22 also been told that our zip code, the 60609 zip code

23 has the second largest death due to asthma. My

1 understanding is asthma has the direct relationship
2 to air pollution. the higher in air pollution, the
3 higher and more severe the cases of asthma. How do
4 we know that the chemicals from Safety Kleen are not
5 what is causing the breathing problems of our
6 neighborhood. We do not know because Safety Kleen
7 does not have to give an itemized report of it's
8 emissions. Why is the health and safety being why
9 is our health and safety being treated so
10 haphazardly? As a concerned citizen, I do not think
11 this facility should be allowed to continue to put
12 the health and safety of myself and my neighbors in
13 jeopardy by adding more dangerous chemicals to the
14 air that we breath. Thank you.
15 MR. WILLIAMS: Thank you very much, Ms.
16 Bork.
17 At this time, I'd like to call Mr.
18 Joseph Saucedo. I hope that I said your name
19 properly.
20 MR. SAUCEDO: That's correct. My name is
21 Joseph Saucedo.
22 MR. WILLIAMS: Thank you.
23 MR. SAUCEDO: Okay. During break time I

1 asked my question, but during break time, you know,
2 was approached by some of the employess of Safety
3 Kleen right, and these people assured me that the
4 plant is so safe, as a matter of fact, one of them
5 said it's so safe he could live in t here. Right.
6 yet Safety Kleen brins waste from all over the place
7 into my community and I'm only one block away from
8 them. Some of these employees assured me that it's so
9 safe, they could live in there, yet most of them
10 don't live in this community. That's what I wanted
11 to say, and I thank you.
12 MR. WILLIAMS: Thank you very much, sir. At
13 this time I'd call Ms. Nancy Gephardt.
14 MS. GEPHARDT: I'm a resident of the Back of
15 the Yards community and we've been continually told
16 that Safety Kleen is a safe facility by the Illinois
17 EPA, and they assured us of this several times Safety
18 Kleen also has continually touted their safety
19 record, yet there has never been an outside,
20 unannounced, independent inspection. We're supposed
21 to believe that this Safety Kleen facility is safe on
22 the word of Safety Kleen, and their officials, this
23 after Safety Kleen plant in California have been

1 cited for over a hundred violations, and another
2 facility in Ohio exploded. It's a nature of the
3 chemical plant to have toxic emissions. It's the
4 nature of plants dealing with large quantities of
5 hazardous chemicals to be unsafe. Within the
6 neighborhood and surrounding neighborhoods are
7 worried for our health and safety for even if Safety
8 Kleen had the most advanced technology in place,
9 there's still the human error factor. When this
10 human error takes place, what happened, Safety Kleen
11 has said that our local fire department will take
12 care of everything. Yesterday a visit to the fire
13 station revealed that the firemen do not know what
14 Safety Kleen was doing. They, the fire fighters
15 thought it was a barrel washing facility. When asked
16 what the fire fighters could do if there was an
17 explosion, we were told that they would stay home
18 for they were not equipped to deal with the
19 chemical fires outside experts would have to be
20 called in from elsewhere in the city. The final straw
21 was when the fire station did not even have on record
22 the material safety data sheet that Safety Kleen told
23 us the fire department would have. Safety Kleen is

1 relying on local fire department to control a
2 disaster. The local fire department is relying on
3 outside help. We, the people of the Back of the
4 Yards are relying on the Illinois EPA to protect us
5 from unsafe, unhealthy plants such as Safety Kleen,
6 and by protection I mean not allowing Safety Kleen in
7 our neighborhood.
8 MR. WILLIAMS: Thank you very much, Ms.
9 Gephardt.
10 I would like to call Ms. Ann Ray
11 please.
12 MS. RAY: My name is Ann Ray, I'm the
13 Assistant State Field Representative for the Illinois
14 Sierra Club, a grass root environmental group
15 comprised of more than 22,000 members statewide. We
16 have several concerns regarding Safety Kleen Chicago
17 Recycle Center. First, we worry that plant emergency
18 procedures are inadequate to ensure worker and
19 community safety. There's no auto alarm, only an
20 alarm that must be triggered by a plant worker.
21 Also, in the case of a spill or fire, Safety Kleen's
22 plant is to notify the local fire department,
23 hospitals of the emergency, but after an explosion at

1 it's Dolton, Illinois plant, Safety Kleen notified
2 local authorities only after two hours and local
3 residents were never notified. Even if notification
4 of local authorities were immediate, the local fire
5 department, by it's own admission, has inadequate
6 equipment to fight a plant fire and the evacuation of
7 such a densely populated area where many residents
8 don't own cars would be difficult, if not impossible.
9 I have heard, and we have heard this evening many
10 other concerns from community members about the
11 Safety Kleen site, they're frustrated that copies of
12 the draft permit were missing from local libraries,
13 they do not want the facility to be allowed to expand
14 without a new permit. They have difficulty putting
15 their faith in Safety Kleen Corporation, which is the
16 target of a lawsuit citing 90 violations of state
17 hazardous waste law in California which will increase
18 rates of cancer as may appear as birth defects in
19 this community, and mostly as you have heard, they
20 want real input into the decisions about the type of
21 facility that will reside in their neighborhood. The
22 Sierra Club supports community efforts to hold
23 companies accountable for their activity. We deplore

1 the overwhelming trend towards, in economically
2 depressed communities, a community of color, and we
3 see the Safety Kleen plant as a result of this trend.
4 We ask the IEPA and U.S. EPA to make every
5 opportunity to approve this permit. We feel that
6 members of the community have not received adequate
7 assurances that Safety Kleen is indeed safe and then
8 the facility does not belong in this neighborhood.
9 Thank you.
10 MR. WILLIAMS: Thank you very much Ms. Ray.
11 Ms. Jean Duffy.
12 MS. DUFFY: Hello, I'm a member of the Back
13 of the Yards community and I have come here to
14 express my opposition to Safety Kleen being in the
15 area. First of all, we are told to trust Safety
16 Kleen. They are a safe place and they are a safe
17 company, but how can any company that emits 3.5 tons
18 of toxic emissions into ouir air be safe? And
19 previously we have emission meeting over 40 tons per
20 year and why isn't Safety Kleen following certain
21 guidelines pointed out earlier? They were supposed
22 to contact the community to formulate the contingency
23 plans, yeet no one in the community was ever

1 contacted yet. So safe, people get threatened.
2 There have been two or three people that have been
3 interested in finding out more about Safety Kleen
4 that were threatened, many of them were Hispanic
5 peole that then were threatened about being legal
6 citizens and also how come the permits disappeared
7 fromthe library? And I don't believe it was just an
8 accident. There are many things that we need to be
9 further discussed about this facility and I don't see
10 how the EPA can continually cite facilities that have
11 bad safety records when the parent company and Safety
12 Kleen's facility and Ohio are exploding and they have
10
13 violations and the Dolton suburb and in California, I
14 don't see how this facility will be any different. I
15 think we need to look at the overall picture and the
16 long term. In the long term, there have been no long
17 term health studies about facilities of this nature
18 because there are new facilities, and so who is to
19 say that 3.5 tons of emissions are safe? I mean,
20 maybe 20 years from now we'll find out they're not
21 safe. If it's not, it's an awful big risk of our
22 health to take that chance. And that's all I want to
23 say.

1 MR. WILLIAMS: I'd like to call Mr. Claude
2 Rollins.
3 MR. ROLLINS: I'm going to keep my comments
4 brief. I won't get into everything I was going to
5 say. It's interesting, earlier today, as I turned on
6 Court Television and saw part of the trial for the, I
7 guess they call them Elitco 29. The group that tried
8 to shut down an incinerator that's in construction
9 that's due to be open the beginning of the summer,
10 and the prosecutor was prosecuting these
11 environmentalist for trespassing on this company's
12 grounds, basically pointed out that, you know, it's
13 not built yet. But, when it is, it's going to be a
14 state of the art and something that you always hear,
15 we always hear about the technology, basically being
16 state of the art and I certainly understand, and I
17 thought it was interesting when the other lawyer got
18 up, he said well, basically that the space shuttle
19 Challenger was also state of the art, and that really
20 underscores the problem is that it could be state of
21 the art, it may well be state of the art, and that's
22 fine, but nonetheless, with all the experts basically
23 putting in their two cents to make sure this goes

1 right, and that goes right, there's still a great
2 risk that community is going to have to bear the
3 brundt of it because it's located here. So, it's not
4 an issue of being state of the art or not, it
5 basically comes down to your duty in essence, at the
6 EPA, as the Illinois EPA to protect health and
7 environment to ensure that protection. It seems to
8 me that you cannot allow a facility of this size in a
9 community this densely populated. So, I would
10 strongly, strongly urge you not to give the permit to
11 Safety Kleen, not only because of those reasons which
12 I think are certainly good enough from your mandate
13 as an organization to obviously protect the health
14 and environment, but also I think folks in the
15 community really need to understand what goes on here
16 and what has been going on for decades. We know
17 there are political motives behind this in the
18 community in transactions from, in essence, a white
19 ethnic community to some 20 years prior to mostly
20 hispanic and black community, and we know that when
21 you look at other wards and what happened to it
22 environmentally, so we see this transitioanlly
23 there's a bigger picture because of time mostly, but

1 it's something that I think people here need to
2 understand that. It's not just a matter of 3.5 tons
3 going into the air, it's a simple question. If you
4 had 3 pounds of chlorine within a hundred yards of
5 you, within two hundred yards of you, it basically
6 woul overwhelm you under with the right weather
7 conditions. So, it's something, a very small amount
8 of this stuff is fatal and the emissions are
9 basically a concern. And, also the chemical
10 concerns, and the folks in the community need to
11 understand more about the issues than has been put
12 forth. Just simply classifying this as hazardous
13 waste is simply for, you know, for recordkeeping
14 purposes or for communication purposes overall, but
15 when you talk about the specific chemicals that will
16 be distilled at this plant, and the fact that for
17 your own standards, I believe it's 402, most toxic
18 chemicals regulation, I believe chlorine which is
19 going to be handled is in the top 1 percent. Am I
20 wrong on that or is that correct? Basically you're
21 looking at really the most dangerous chemical
22 persistent toxic in close proximity to a lot of
23 folks. And that, to me, is not a good idea. Thank

1 you.

2 MR. WILLIAMIS: Mr. Mark Roshin.

3 MR. ROSHIN: Good evening, my name is Mark

4 Roshin. I'm executive director of the Back of the

5 Yards Business Association. The Back of the Yards

6 Business Association are representing over 200 retail

7 businesses in the back of the yards community. Since

8 1945, the Back of the Yards Business Association has

9 worked closely with merchants and residents to

10 approve and maintain the quality of the live in the

11 Back of the Yards community.

12 At our recent monthly meeting we had

13 the opportunity to mention Safety Kleen's expansion

14 plans to our merchants. Many of them whom live in

15 the back of the yards community. At this meeting no

16 objections from our members were brought up and also

17 we agreed that Safety Kleen has been a responsible

18 member of the back of the yards community. We also

19 believe that Safety Kleen conforms to all the

20 necessary requirements set forth by city, state and

21 federal authority. That they should be granted the

22 permits that they requested for their facility. We

23 take the role ofthe Illinois Environmental Protection

1 Agency very seriously and we are grateful for this
2 opportunity to express our thoughts on this
3 application tonight. Many of our members have taken
4 a tour of the Safety Kleen facility, and each were
5 very much impressed. As a result, our organization
6 has chosen to endorse the application of Safety Kleen
7 for this facility. Thank you for your time.
8 MR. WILLIAMS: Thank you, Mr. Rushin. Could
9 you make a copy of your statement available to us if
10 you have a spare copy? Thank you, sir.
11 At this time, I woule ask if there's
12 anybody else here in the audience that would like to
13 make a comment? Please make your comment.
14 MR. SARY: Joseph J. Sary. In my opinion,
15 hazardous materials should not be allowed in this
16 community at all, mainly because they are cancer
17 causing. Cancer is already the second largest killer
18 in our nation. Some other reasons I'm against the
19 site, I listed explain it below. There's the danger
20 of a tank truck exploding. When this happens,
21 poisons will spill in the ground making water unsafe
22 and poison our land for years to come. 2. property
23 values in areas where there are toxic waste sites are

1 low and or do not approach as rapidly as in safe
2 communities. 3. Truck traffic will increase. This
3 increase will further destroy our streets, creating
4 potholes which is damaging our cars and dangerous for
5 walkers. Additionally, the increased traffic will
6 endanger foot traffic, especially our children and
7 elderly. Also, traffic congestion is already a
8 problem and increasing around 43rd and Ashland. This
9 is causing people in the community to not go in the
10 back of the yards shopping place and other businesses
11 in that area. Many are traveling further distances
12 to avoid this congestion which is taking money out of
13 our community. Maximum fumes will take our community
14 back to the stock yards whe the area was avoided
15 because of it's smell. We have only lived down that
16 reputation of smelling bad and we do not want it to
17 re emerge. And people in our neighborhood want to be
18 able to, just be able use their private yards, parks
19 and other facilities at all times, not just when the
20 wind is blowing the other way.
21 MR. WILLIAMS: Thank you, sir. Is it
22 possible to give us a copy of your statement? Thank
23 you. And, again, I appologize, but I didn't have a

card for you. It must be up there with the other cards.

Is there anybody else here that wishes to make a statement at this time? Yes, sir, would you like to go to the microphone, please?

MR. AGHAIEPOUR: Alfred Aghaiepour from Safety Kleen. I would like to thank the agency, both U.S. EPA and IEPA and, of course, the community, and I would like to reinstate my invitation for all community members to contact me. My phone number is (312) 247 2828, and we arrange tours for the community members that are interested to see the site. Thank you very much for your time.

MR. WILLIAMS: Thank you very much, Mr. Aghaiepour. Anybody else wishes to make a statement? Okay, there apparently is nobody else to make a statement at this time.

I would, first of all, again thank everybody for coming here tonight. I'd like to thank you for your patience, especially while we've been translating and I would like to remind everybody that the hearing I will be now closing this hearing.

The hearing record will remain open

until April 6, 1992 for submission of written comments and data. The written comments should be sent to me and my name and address is on the copy of the agenda here, but for the record, I am John Williams, Agency Hearing Officer, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois. The zip code is 62749 2976. My phone number is area code (217) 782 5544. Comments and data should be postmarked on or before midnight April 6th, 1992. Written comments need not be notarized. That's important. It can be either in English or Spanish. If you have any questions, you can call Ms. Mara McGinnis and her phone number is (217) 782 5562 for English inquiries, or Hernando Albarracin and his phone number is area code (217) 524 4823 for Spanish inquiries. Again, I would like to thank everybody for coming here on behalf of the Director Ms. Mary Gade and the agency staff and I'd now like Mr. Albarraccin to translate my comments into Spanish and the hearing will then be closed. The record to remain open until April 6th, 1992.

(The meeting was adjourned at 9:52 p.m.)

1 STATE OF ILLINOIS)
) SS
2 COUNTY OF COOK)

3 I, VERNITA HALSELL POWELL, a Certified
4 Shorthand Reporter and Notary Public within and for
5 the County of Cook, State of Illinois, hereby state
6 that I reported in shorthand the testimony given at
7 the above entitled cause, and state that this is a
8 true and accurate transcription of my shorthand notes
9 so taken as aforesaid.
10
11 Vernita Halsell-Powell
12 Notary Public, Cook County, Illinois
13
14
15 OFFICIAL SEAL
VERNITA HALSELL-POWELL
16 NOTARY PUBLIC STATE OF ILLINOIS
17
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21
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23

TO

Eda Lam (MS HRP8J)
USEPA/Chicago

ROOM/STA. NO.

FROM

Michael Shepard
Toxics Legal Office
Cal-EPA

ROOM/STA. NO.

REPRESENTING

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3/13		ATSS ☐

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	Comment		Investigate		Signature
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REMARKS

We have obtained a copy of California's complaint and consent judgment against the Safety-Kleen facilities in that State. Please review these documents to see if the company might be misinterpreting any requirements. If so, it might be necessary to clarify Safety-Kleen's part B applications for their Chicago and Dolton facilities, or it might be appropriate to clarify the permit conditions themselves.

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

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DANIEL E. LUNGREN, Attorney General
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Attorneys for Plaintiffs

ENDORSED
FILED

NOV 21 1991

RENE C. DAVIDSON, Clerk
By JANET CLARK, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, ex rel William S. SooHoo, Interim Director, State Department of Toxics Substances Control, Plaintiffs, v. SAFETY-KLEEN CORP., a Wisconsin Corporation, Defendant.	No. 6797221 STIPULATED JUDGMENT

1. Introduction

On April 30, 1991, the People of the State of California, ex rel. William S. SooHoo, Interim Director, Department of Toxic Substances Control ("Department"), filed a complaint in the Alameda County Superior Court against Safety-Kleen Corp. ("Safety-Kleen"). The amended complaint, attached as Exhibit A ("Amended Complaint"), alleges that Safety-Kleen violated provisions of the Hazardous Waste Control Act (HWCA), California Health & Safety Code §§ 25100

et seq., HWCA regulations (California Code of Regulations, Title 22 ("Title 22"), and hazardous waste permits with respect to Safety-Kleen operations at facilities located in California.

Safety-Kleen operates facilities at the following locations in California:

a. 7979 Palm Avenue, Unit E
Highland, California 92346

b. 6306 Federal Boulevard
San Diego, California 92114

c. 3049 South Goldenstate Boulevard
Fresno, California 93725

d. 13024 Bradley Avenue
Sylmar, California 91342

e. 3876 Florista Street
Los Alamitos, California 90720

f. 5750 Commerce Boulevard
Rohnert Park, California 94928

g. 404 Market Street
Oakland, California 94607

h. 2576 Mercantile Drive, Suite A
Rancho Cordova, California 95742

i. 10625 Hickson Street
El Monte, California 91731

j. 1000 South I Street
Reedley, California 93664

k. 2918 Worthen Avenue
Los Angeles, California 90039

l. 2120 South Yale Street
Santa Ana, California 92704

m. 5310 Overpass Road
Santa Barbara, California 93111

n. 1147 North 10th Street
San Jose, California 95112

o. 6060 Salida Boulevard
Salida, California 95368

The Department and Safety-Kleen ("the Parties") now settle the Amended Complaint on the terms set forth in this Stipulated Judgment ("Agreement"). The Parties enter into this Agreement pursuant to a compromise and settlement of disputed claims for the purpose of avoiding prolonged litigation and furthering the public interest.

2. Jurisdiction

The Department and Safety-Kleen stipulate that the Alameda County Superior Court has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction over the parties to this Agreement.

3. Matters Covered by this Agreement

a. This Agreement covers and settles

(1) all claims for civil penalties or injunctive relief based on the facts, violations or noncompliance incidents alleged in the Amended Complaint;

(2) all claims for civil penalties or injunctive relief based on facts, violations or other noncompliance incidents described in any other Department Notice of Violation, Report of Violation, or Inspection Report for an inspection at any facility listed in paragraph 1 occurring before October 4, 1991;

(3) any claims for civil penalties or injunctive relief based on any evidence of noncompliance disclosed during the course of settlement discussions, including, but not limited to:

(a) the transporting of waste by Safety-Kleen on or before the entry of this Agreement from hazardous waste generators which had not obtained California or USEPA identification numbers;

(b) all violations of California or federal hazardous waste manifest requirements occurring on or before the entry of this Agreement, except that Safety-Kleen may still be subject to the manifest resubmission fees set forth in Health & Safety Code § 25160.5;

(c) all violations of the California Vehicle Code or regulations contained in Title 13 of the California Code of Regulations alleged by the California Highway Patrol ("CHP") as a result of CHP vehicle inspections at the Safety-Kleen facility located at 2918 Worthen Avenue in Los Angeles, California occurring on or before entry of this Agreement;

(d) any and all exceedances of the 144-hour maximum allowable storage time for hazardous wastes at transfer stations occurring on or around August 1991 at the Safety-Kleen facility located at 7979 Palm Avenue, Unit E, in Highland, California; and

(e) the operation of underground storage tanks greater than fifteen (15) years old or the failure to conduct tank monitoring and tank

integrity testing on underground storage tanks formerly operated at Safety-Kleen facilities on or before the entry of this Agreement.

The provisions of this paragraph are expressly conditioned on compliance by Safety-Kleen in all material respects with the terms and conditions of this Agreement.

4. Release

The Department, on behalf of itself and the People of the State of California, hereby release and forever discharge Safety-Kleen, its subsidiaries, affiliated corporations, and its past and present officers, directors, employees, agents, successors, assigns, and shareholders from any and all known claims, demands, causes of actions, obligations, damages and liabilities of any nature that the Department has asserted, might have asserted, or could assert, with respect to the Matters Covered by paragraph 3 of this Agreement.

5. Admission of Noncompliance

a. For the purposes of this Agreement, Safety-Kleen admits none of the allegations in the Amended Complaint.

b. For the limited purposes of any subsequent civil or administrative action brought by the Department against Safety-Kleen within five years of the date of discovery of the violations alleged in the Amended Complaint, wherein the Department claims new violations under the HWCA at any facility previously identified in the Amended Complaint, Safety-Kleen agrees to admit, only for the

truth of the matter asserted, the violations alleged in the Amended Complaint that pertain to such facility which is the subject of the later action. Any admission of noncompliance by Safety-Kleen do not preclude Safety-Kleen from disputing the allegations of new violations in the subsequent action, contesting any penalties or injunctive relief sought, or providing evidence of mitigating circumstances. Nothing in this section precludes the Department from independently proving or attempting to prove allegations raised in the Amended Complaint in other proceedings where relevant.

c. Any admission arising under this paragraph shall only be usable by the Department of Toxic Substances Control. Any such admission shall not be usable in any criminal proceeding against Safety-Kleen, its directors, officers, shareholders, employees, agents, representatives, or contractors, nor shall it be used to impeach or discredit in any such criminal proceedings any evidence or testimony provided on behalf of Safety-Kleen. Except as stated, nothing in this Agreement shall be construed as an admission by Safety-Kleen of any violation of law or of any issue of law or fact, nor shall anything in this Agreement prejudice, waive, or impair any right, remedy, or defense Safety-Kleen may have in any other legal proceeding. This paragraph shall have no effect on any of the obligations, responsibilities, and duties of Safety-Kleen under this Agreement.

6. <u>Statewide Permit Review</u>

Safety-Kleen seeks statewide Department approval of materials applicable to numerous Safety-Kleen hazardous waste

permit applications throughout California. These materials include, but are not limited to, modules or plans for training, inspection, contingency, closure, and waste analysis. The Department agrees to review the documents as follows:

a. Safety-Kleen shall submit to Surveillance and Enforcement, Region 2, Department of Toxics Substances Control ("Region 2"), the materials revised in response to comments made by the Department on an earlier draft of the materials for a meeting to be scheduled at the earliest possible convenience of the parties. Safety-Kleen shall designate in writing which of its California facilities is being used as the "model" for the statewide materials, and how, if at all, other Safety-Kleen facilities in California materially differ from the model.

b. Safety-Kleen shall meet with representatives of the Surveillance and Enforcement Branch, Region 2 on October 2 and 3, 1991, unless the parties agree to a different date. The parties will discuss the materials in as much detail as is reasonably possible in this meeting which they anticipate will last two days.

c. Safety-Kleen will revise the materials as necessary based on the comments received from the Department and will submit them to Region 2 by the date the parties agree to at the conclusion of the meeting. Safety-Kleen anticipates submitting these revised materials within one week of the meeting with Region 2.

d. Following receipt of these revised materials, Region 2 will review and take one of the following steps:

(1) If the submittal meets Department requirements, Region 2 will obtain final review and comments from the Permitting units in all Department regions. Subject to changes identified in

this statewide review and any limitations, as subparagraph e below provides, the Department will transmit within 30 working days to Safety-Kleen the Department's final approval. The parties agree that Region 2 may obtain an additional 15 working days by notifying Safety-Kleen in writing before the end of the initial 30 day period.

(2) If the submittal substantially meets Department requirements, Region 2 will return the submittals with its additional comments to Safety-Kleen. Safety-Kleen shall then modify its materials and re-submit them to Region 2. Upon re-submittal, Region 2 shall follow the procedures set forth in either subparagraph d(1) above or d(3) below.

(3) If the submittal does not substantially meet Department requirements, Region 2 shall return the materials to Safety-Kleen with a written statement setting forth the reasons the materials were rejected. In this event Safety-Kleen will need to obtain approval of all submitted materials for each permit sought from each Department region separately.

e. After review by all Department Permitting units under subparagraph d(1) above, the Department will approve for statewide use the submitted materials, subject to the following limitations:

(1) Safety-Kleen shall incorporate all changes to the materials required by the Department following the statewide review;

(2) Safety-Kleen shall be subject to all applicable changes in statutory or regulatory requirements;

(3) For any facility permit, the Department may require site-specific modifications to the approved materials, including,

but not limited to, adjustments required by local jurisdictions; and

(4) In the event that Safety-Kleen proposes material changes to the design or operations of a facility in a new or modified permit application following the statewide approval of the materials, the statewide approval will not apply to the materials affected by the proposed facility changes.

f. Notwithstanding these statewide review procedures, Safety-Kleen shall be responsible for all applicable facility permit and permit modification fees.

g. The parties shall make any submissions and notices required under this section in accordance with section 9 below.

7. <u>Operative Facility Plans for Interim Status Facilities</u>

a. Within 30 days of the date of entry of this Agreement, Safety-Kleen shall denote, by having a responsible official date and initial, its operative facility plans (e.g. contingency plan, training records, etc.) for each of its sites operating pursuant to interim status in California and shall maintain those plans at each site. The Department, at its discretion, may review these operative facility plans to determine compliance with the HWCA and its underlying regulations.

b. In the event that the Department approves for statewide use the materials applicable to Safety-Kleen's hazardous waste permit applications, as section 6 above provides, Safety-Kleen shall replace its operative facility plans for its facilities operating pursuant to an Interim Status Document (ISD) with the approved statewide modules within sixty (60) working days of

receiving notice of such statewide approval. This deadline may be extended upon written agreement of the Parties and without leave court.

8. Payment

Safety-Kleen agrees to a total settlement amount of $ 1.3 million, of which $ 1.0 million represents payment of penalties and the remainder, $ 300,000, reimbursement of the Department's costs in reaching and executing this Agreement. Payment shall be made to the Department of Toxic Substances Control in two installments. The first installment, amounting to $ 1.0 million, shall be paid within ten days of notice of the entry of this Agreement. The remaining $ 300,000 shall be paid within ten days of receiving either statewide approval as provided in section 6.d(1) above or notice under section 6.d(3). Payments shall be mailed to:

Department of Toxic Substances Control
Attention: Accounting / Cashiers
P.O. Box 806
Sacramento, California 95812-0806

The case docket number shall appear on the checks sent to the Department, and Safety-Kleen shall send a copy of all checks to Charlene Williams or her designee at the address provided in Paragraph 9 of this Agreement.

9. Notice

All submissions and notices required by this Agreement shall be sent to:

11. Reservation of Rights

Except as expressly provided in this Agreement, nothing in this Agreement is intended nor shall it be construed to preclude the Department or any other state agency, department, or board from exercising its authority under any law, statute, or regulation.

12. Modification of Agreement

Except as otherwise provided herein, this Agreement may be modified upon written approval of the Parties and the Court.

13. Application of Agreement

This Agreement shall apply to and be binding upon the Department and Safety-Kleen and the successors or assigns of either of them.

14. Authority to Enter Agreement

Each signatory to this Agreement certifies that he or she is fully authorized by the party he or she represents to enter into this Agreement, to execute it on behalf of the party represented and legally to bind that party.

15. Integration

This Agreements constitutes the entire agreement between the Parties and may not be amended or supplemented except as provided for in this Agreement.

Department: Charlene Williams, Chief
Surveillance and Enforcement
Region 2
Department of Toxic Substances Control
700 Heinz Street, Building F, 2d Floor
Berkeley, CA 94170

Safety-Kleen: Scott E. Fore
Vice President for Environment,
Health and Safety
Safety-Kleen Corp.
777 Big Timber Road
Elgin, IL 60123

All approvals and decisions of the Department regarding any matter requiring approval or decision under the terms of this Agreement shall be communicated in writing to Safety-Kleen by Charlene Williams or her designee. No oral advice, guidance, suggestions or comments by employees or officials of the Department regarding submittals or notices shall be construed to relieve Safety-Kleen of its obligation to obtain the final written approvals required by this Agreement.

10. Department Not Liable

The Department shall not be liable for any injury or damage to persons or property resulting from acts or omissions by Safety-Kleen, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Agreement, nor shall the Department be held as a party to or guarantor of any contract entered into by Safety-Kleen, its directors, officers, employees, agents, representatives or contractors in carrying out activities required pursuant to this Agreement.

16. Choice of Law

This Agreement shall be construed and governed by the laws of the State of California.

17. Counterpart Agreements

This Agreement may be executed in counterparts and may be lodged with the Court when both Parties have signed the counterpart Agreements tendered to them.

18. Effective Date

The effective date of this Agreement is the date that it is approved and entered by the Court.

IT IS SO STIPULATED

DANIEL E. LUNGREN, Attorney General
of the State of California
THEODORA BERGER, Assistant Attorney
General
KEN ALEX
Supervising Deputy Attorney General

Dated: 10-10-91 By: Ken Alex

KEN ALEX, Sup. Deputy Attorney General
Attorneys for Department of Toxic
Substances Control

DEPARTMENT OF TOXICS SUBSTANCES CONTROL

Dated: 11/1/91 By: William F. Soo Hoo

William F. Soo Hoo
Acting Director
Department of Toxic Substances Control

SAFETY-KLEEN CORP.

Dated: 10/7/91 By: Scott E. Fore

SCOTT E. FORE
Vice President for Environment,
Health and Safety

IT IS SO ORDERED, ADJUDGED, AND DECREED:

Dated: NOV 21 1991

H. L. SCHWARTZ
JUDGE OF THE SUPERIOR COURT

CONTROL DIVISION
DEC 04 1991
DEPARTMENT OF

ATTORNEY GENERAL--OFFICE COPY

DANIEL E. LUNGREN, Attorney General
of the State of California
THEODORA BERGER
Assistant Attorney General
KEN ALEX
Supervising Deputy Attorney General
2101 Webster Street
Oakland, California 94612-3049
Telephone: (415) 464-1219

Attorneys for Plaintiffs

ENDORSED
FILED
OCT 11 1991
RENE C. DAVIDSON, County Clerk
By ROBBIE McINTOSH, Deputy

DEC 19 1991
CALIFORNIA DEPARTMENT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, ex rel William S. SooHoo, Interim, Director, Department of Toxic Substances Control, Plaintiffs, v. SAFETY-KLEEN CORP., a Wisconsin Corporation, Defendant.	No. 679722-1 FIRST AMENDED COMPLAINT FOR CIVIL PENALTIES, INJUNCTIVE RELIEF, AND RECOVERY OF COSTS OF INVESTIGATION

The People of the State of California ex rel. William S. SooHoo, Interim Director of the Department of Toxic Substances Control, allege as follows:

PLAINTIFFS

1. William S. SooHoo is the Interim Director of the State Department of Toxic Substances Control. The Department of Toxic Substances Control (and its predecessor the Department of Health Services) (hereafter "Department" or "DTSC") is a public agency of the State of California organized and existing under

and pursuant to sections 100 et seq. of the Health and Safety Code. DHS is the state agency responsible for the administration of the Hazardous Waste Control Law, Chapter 6.5 of division 20 of the California Health and Safety Code, sections 25100 et seq. (HWCA).

2. Pursuant to section 25182 of the California Health and Safety Code, the Attorney General of the State of California is authorized to commence an action for civil penalties under the Hazardous Waste Control Law in the name of the People of the State of California at the request of the Department.

DEFENDANT

3. Safety-Kleen Corporation (Safety-Kleen) is, and at all times relevant here was, a Wisconsin corporation organized under the laws of Wisconsin and doing business in California.

4. Safety-Kleen processes metal degreasing solvents. It operates, and at all times relevant here operated, hazardous waste facilities at the following locations:

a. 7979 Palm Ave., Unit E
Highland, CA 92346

b. 6306 Federal Blvd.
San Diego, CA 92114

c. 3561 South Maple Ave.
Fresno, CA 93725

d. 13024 Bradley Ave.
Sylmar, CA 91342

e. 3876 Florista Street
Los Alamitos, CA 90720

f. 5750 Commerce Blvd.
Rohnert Park, CA 94928

g. 404 Market Street
Oakland, CA 94607

h. 5050 Salida Blvd.
Salida, CA 95368

i. 2576 Mercantile Drive
Rancho Cordova, CA

j. 10625 Hickson Street
El Monte, CA 91731

JURISDICTION AND VENUE

5. This court has jurisdiction pursuant to Cal. Const. Art. 6, section 5. Venue is proper under Health and Safety Code section 25183.

STATEMENT OF THE CASE

6. the Department, in the name of the People of the State of California, seeks civil penalties and injunctive relief pursuant to sections 25189, 25189.2, 25181 and 25184 of the California Health and Safety Code for repeated and continuing violations of the Hazardous Waste Control Law, which governs the operation of hazardous waste storage, transportation, treatment, and disposal.

GENERAL ALLEGATIONS

7. Safety-Kleen supplies solvents and carburetor cleaner to gas stations and repair shops and cleaning solvent to dry cleaners. Safety-Kleen picks up spent solvent and immersion cleaner from its customers, transports the waste to its

facilities, and stores it on its three northern California site at Rohnert Park, Oakland and San Jose, its central California site at Reedley, and its southern California sites at Highland and Los Alamitos before recycling.

8. The violations observed on the Department's inspections of March 15, 1990 and April 4, 1990 (Sylmar); May 31, 1990 (Fresno); March 26, 1990 (Highland); May 15, 1990 and November 1, 1990 (San Diego); April 12, 1990 and December 17, 1990 (Los Alamitos); March 29, 1990 and October 15 and 16, 1990 (Rohnert Park); February 27, March 8, 1990 and October 31, 1990 (Oakland); October 23, 24, 1990 (Salida); October 30-31, 1990 (Rancho Cordova); and January 24 and February 5, 1990 (El Monte) are set forth below.

HIGHLAND

9. Safety-Kleen operates its Highland facility pursuant to permit number CAT000613927, which allows storage of mineral spirits and perchloroethylene. The facility includes a 10,000 gallon underground tank, a 1,000 gallon tank, and a 10,000 gallon tank, each containing mineral spirits. Safety-Kleen collects drums of spent chlorinated solvents, mineral spirits, perchlorethylene, trichlorotriflouroethane, anti-freeze, and lacquer thinner from its customers for transfer to other Safety-Kleen sites for recycling.

FIRST CAUSE OF ACTION

(Training)

10. Paragraphs 1-9 are realleged as if fully set forth herein.

11. Section 67105 of Title 22 of the California Code of Regulations (hereafter, "Title 22") sets forth requirements for the hazardous waste training and training records for employees.

12. At the time of the March 26, 1990 inspection, Safety-Kleen had no records of employee hazardous waste training and has not submitted any records to the Department since that inspection.

13. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SECOND CAUSE OF ACTION

(Waste Analysis)

14. Paragraphs 1-9 are realleged as if fully set forth herein.

15. Section 67102(a)(1) of Title 22 sets forth requirements for waste analysis of a representative sample of the facility's waste stream.

16. At the time of the March 26, 1990 inspection, Safety-Kleen failed to obtain a detailed chemical and physical analysis of a representative sample of waste perchloroethylene and waste trichlorotriflouroethane before storing the wastes.

17. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRD CAUSE OF ACTION

(State Certified Lab)

18. Paragraphs 1-9 are realleged as if fully set forth herein.

19. Section 25198 of the Health and Safety Code requires that hazardous waste generated or stored by a facility be analyzed by a state certified laboratory.

20. At the time of the March 26, 1990 inspection, Safety-Kleen failed to use a state certified laboratory for its waste analysis.

21. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FOURTH CAUSE OF ACTION

(Alarm)

22. Paragraphs 1-9 are realleged as if fully set forth herein.

23. Section 67122 of Title 22 sets forth requirements for testing and maintenance of alarm systems for hazardous waste facilities.

24. At the time of the March 26, 1990 inspection, Safety-Kleen's emergency panic alarm button located in the drum washer/dumpster had been disconnected for two or three weeks.

25. Each and every violation set forth in this cause

of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTH CAUSE OF ACTION

(Inspection Logs)

26. Paragraphs 1-9 are realleged as if fully set forth herein.

27. Section 67104(d) of Title 22 sets forth requirements for inspection logs, including recordation of observations made and the date and nature of any repairs or other remedial action.

28. At the time of the March 26, 1990 inspection, Safety-Kleen's inspection logs failed to identify the problems with the alarm system set forth in the Fourth Cause of Action above.

29. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which

Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTH CAUSE OF ACTION

(Land Disposal Restrictions)

30. Paragraphs 1-9 are realleged as if fully set forth herein.

31. Section 67740 of Title 22 requires that wastes be tested to determine if the waste is restricted from land disposal.

32. At the time of the March 26, 1990 inspection, Safety-Kleen failed to test, or use knowledge of the waste, to determine if trichlorotriflouroethane is restricted from land disposal.

33. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional

violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SEVENTH CAUSE OF ACTION

(Storage Without a Permit)

34. Paragraphs 1-9 are realleged as if fully set forth herein.

35. Section 25201 of the Health and Safety Code requires that a facility obtain a permit from the Department in order to store hazardous waste. Section 66374 of Title 22 incorporates requirements of a facility's permit as requirements of the regulations. Section III.B.3 of Safety-Kleen's permit requires that it obtain approval from the Department before handling a new hazardous waste stream at its facility.

36. At the time of the March 26, 1990 inspection, Safety-Kleen stored trichlorotriflouroethane at its facility without the approval of the Department and without a permit to store that waste.

37. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SAN DIEGO

38. Safety-Kleen operates its San Diego facility pursuant to Interim Status Document (ISD) number CAD080916968, which allows storage of mineral spirits and perchloroethylene. The facility includes two 10,000 gallon underground tanks. Safety-Kleen collects drums of spent chlorinated solvents, mineral spirits, perchlorethylene, trichlorotriflouroethane, anti-freeze, and lacquer thinner from its customers for transfer to other Safety-Kleen sites for recycling.

EIGHTH CAUSE OF ACTION

(Storage Without a Permit)

39. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

40. Section 25201 of the Health and Safety Code requires that a facility obtain a permit from the Department in order to store hazardous waste.

41. At the time of the May 15, 1990 inspection, Safety-Kleen stored 1,1,2-trichloro-1,2,2-triflouroethane and 1,1,1-Trichloroethane at its facility without the approval of the

Department and without a permit to store that waste.

42. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

NINTH CAUSE OF ACTION

(Waste Analysis)

43. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

44. Section 67102(a)(1) of Title 22 sets forth requirements for waste analysis of a representative sample of the facility's waste stream.

45. At the time of the May 15, 1990 inspection, Safety-Kleen failed to obtain a detailed chemical and physical analysis of a representative sample of waste 1,1,2-trichloro-1,2,2-triflouroethane and 1,1,1-Trichloroethane before storing the wastes.

46. Each and every violation set forth in this cause

of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TENTH CAUSE OF ACTION

(Aisle Space)

47. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

48. Section 67124 of Title 22 sets forth the requirements for aisle space sufficient to allow unobstructed access by emergency personnel and equipment.

49. At the time of the May 15, 1990 inspection, the Department observed insufficient space around the pallets in the spent solvent drum area.

50. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation,

pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

ELEVENTH CAUSE OF ACTION

(Records Availability)

51. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

52. Sections 66492 and 67164 of Title 22 set forth requirements for maintenance of manifest records at the facility.

53. At the time of the May 15, 1990 inspection, Safety-Kleen could not produce manifest numbers 87211560, 88154382, 88400005 or 89523709.

54. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to

section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWELFTH CAUSE OF ACTION

(Ignitable Waste Storage)

55. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

56. Section 67246 of Title 22 requires that containers holding ignitable waste be located at least 50 feet from the facility's property line.

57. At the time of the May 15, 1990 inspection, Safety-Kleen stored drums of ignitable mineral spirits less than 50 feet from the facility's property line.

58. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTEENTH CAUSE OF ACTION

(State Certified Lab)

59. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

60. Section 25198 of the Health and Safety Code requires that hazardous waste generated or stored by a facility be analyzed by a state certified laboratory.

61. At the time of the May 15, 1990 inspection, Safety-Kleen failed to use a state certified laboratory for its waste analysis.

62. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FOURTEENTH CAUSE OF ACTION

(Security)

63. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

64. Section 67103(b)(2)(B) of Title 22 requires that a

facility must control entry to the active portions of its facility at all times through use of an attendant, television monitor, locked gate or other system.

65. At the time of the November 1, 1990 inspection, Safety-Kleen failed to sufficiently control access to the active portions of its site. The main gates to the facility remain unlocked during business hours and allow access to active portions of the facility.

66. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTEENTH CAUSE OF ACTION

(Warning Signs)

67. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

68. Section 67103(c) of Title 22 requires that a hazardous waste warning signs be posted at all facility entrances

and other locations.

69. At the time of the November 1, 1990 inspection, Safety-Kleen failed to post the required warning signs at one of the main gates to the facility and at the entrance to a hazardous waste storage area. unlocked during business hours and allow access to active portions of the facility.

70. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTEENTH CAUSE OF ACTION

(Training)

71. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

72. Section 67105(d) of Title 22 sets forth requirements for a facility's training records.

73. At the time of the November 1, 1990 inspection, Safety-Kleen failed to maintain adequate written job descriptions

for the Facility Branch Manager, a position related to hazardous waste or adequate written descriptions of introductory or continuing training associated with that positions.

74. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SEVENTEENTH CAUSE OF ACTION

(Inspection Logs)

75. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

76. Section 67104 of Title 22 also sets forth requirements for a facility's inspection logs, including notation of observations made during inspections.

77. At the time of the November 1, 1990 inspection, Safety-Kleen failed to include in its inspection logs a record of the remedy to a malfunction of the alarm system.

78. Each and every violation set forth in this cause

of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

EIGHTEENTH CAUSE OF ACTION

(Communication Device)

79. Paragraphs 1-8 and 38 are realleged as if fully set forth herein.

80. Sections 67121 and 67123 of Title 22 set forth requirements for emergency communication devices.

81. At the time of the March 29, 1990 inspection, Safety-Kleen had no emergency communication device in its storage area.

82. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FRESNO

83. Safety-Kleen operates its Fresno facility pursuant to permit number CAD066113465, which allows storage of mineral spirits and perchloroethylene. The facility includes a 10,000 gallon underground tank and a 1,000 gallon underground tank, each containing mineral spirits. Safety-Kleen collects drums of spent chlorinated solvents, mineral spirits, perchlorethylene, trichlorotriflouroethane, anti-freeze, and lacquer thinner from its customers for transfer to other Safety-Kleen sites for recycling.

NINETEENTH CAUSE OF ACTION

(Tank Monitoring)

84. Paragraphs 1-8 and 83 are realleged as if fully set forth herein.

85. Section 25292 of the Health and Safety Code requires that for every underground storage tank installed on or before January 1, 1984 used for storage of hazardous substances, a leak detection monitoring system must be installed by July 1, 1985. Section III.C.2a of Safety-Kleen's permit required Safety-

Kleen to implement the tank monitoring requirements within 60 days of April 17, 1987 or discontinue use of the underground tanks.

86. Since July 1, 1985, Safety-Kleen has failed to have a leak detection monitoring system for its underground tanks. Safety-Kleen has not discontinued use of the underground tanks.

87. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SYLMAR

88. Safety-Kleen operates its Sylmar facility pursuant to ISD number CAT000613992, which allows storage of mineral spirits and perchloroethylene. The facility includes underground storage tanks, each containing mineral spirits. Safety-Kleen collects drums of spent chlorinated solvents, mineral spirits, perchlorethylene, trichlorotriflouroethane, anti-freeze, and

lacquer thinner from its customers for transfer to other Safety-Kleen sites for recycling.

TWENTIETH CAUSE OF ACTION

(Storage Without a Permit)

89. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

90. Section 25201 of the Health and Safety Code prohibits storage of hazardous waste at a facility without a permit for such storage.

91. At the time of the March 15, 1990 inspection, Safety-Kleen stored numerous off-site wastes (wastes generated off-site) that were not identified in any permit or ISD or the related Part A application.

92. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-FIRST CAUSE OF ACTION

(Waste Analysis)

93. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

94. Section 67102(a)(3) of Title 22 requires that a facility repeat its waste analysis as necessary to ensure its accuracy.

95. At the time of the March 15, 1990 inspection, Safety-Kleen failed to repeat the waste analysis on sufficient occasions to ensure that it is accurate and up to date and that it matches the appropriate designation on the accompanying manifests.

96. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-SECOND CAUSE OF ACTION

(Operating Record)

97. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

98. Section 67163(b)(3) of Title 22 requires that a facility maintain in its Operating Record records and results of waste analysis.

99. At the time of the March 15, 1990 inspection, Safety-Kleen failed to maintain results of its waste analysis in its Operating Record.

100. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-THIRD CAUSE OF ACTION

(Land Disposal Restrictions)

101. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

102. Section 67740(a)(1) of Title 22 requires that a

facility notify the designated recipient of waste when the waste is subject to land disposal restrictions.

103. At the time of the March 15, 1990 inspection, Safety-Kleen failed to notify designated recipients of the restricted nature of its waste.

104. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-FOURTH CAUSE OF ACTION

(ISD)

105. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

106. Section I.2 of Safety-Kleen's ISD requires that Safety-Kleen maintain a copy of the ISD, which sets forth the conditions under which Safety may operate as a hazardous waste facility, at the site at all times.

107. At the time of the March 15, 1990 inspection,

Safety-Kleen failed to maintain a copy of its ISD at the facility.

108. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-FIFTH CAUSE OF ACTION

(Predating Manifests)

109. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

110. Section 25189(a) and 25189.2(a) of the Health and Safety Code prohibit a facility from predating manifiests.

111. On manifests submitted by Safety-Kleen on March 22, 1990, Safety-Kleen predated signature blocks before wastes were collected, so that the date appearing on the manifest was not the date the waste was collected.

112. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the

Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-SIXTH CAUSE OF ACTION

(Disposal of Hazardous Waste)

113. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

114. Sections 25189 and 25189.2 of the Health and Safety Code prohibit disposal of hazardous waste at an unauthorized location.

115. At the time of the March 15, 1990 inspection, Safety-Kleen disposed of hazardous waste in a municipal trash dumpster, a location unauthorized for such disposal.

116. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-SEVENTH CAUSE OF ACTION

(Storage Without a Permit)

117. Paragraphs 1-8 and 88 are realleged as if fully set forth herein.

118. Section 25201 of the Health and Safety Code prohibits storage of hazardous waste at a facility without a permit for such storage.

119. At the time of the April 4, 1990 inspection, Safety-Kleen stored drums containing immersion cleaner outside of the designated and permitted storage area.

120. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to

section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

LOS ALAMITOS

121. Safety-Kleen operates its Los Alamitos facility pursuant to permit number CAD066177783, which allows storage of spent solvents, mineral spirits, paint thinners, and anti-freeze. The facility includes two 10,000 gallon underground tanks, each containing mineral spirits. Safety-Kleen collects drums of spent chlorinated solvents, mineral spirits, trichlorotriflouroethane, anti-freeze, and paint thinner from its customers for transfer to other Safety-Kleen sites for recycling.

TWENTY-EIGHTH CAUSE OF ACTION

(Training)

122. Paragraphs 1-8 and 121 are realleged as if fully set forth herein.

123. Section 67105 of Title 22 sets forth requirements for a facility's training.

124. At the time of the April 12, 1990 inspection, Safety-Kleen failed to give safety training to two employees who had been handling hazardous waste for over six months at the site.

125. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for wh. Safety-Kleen is subject to civil penalties of up to $25,000 and

for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

TWENTY-NINTH CAUSE OF ACTION

(Alarm)

126. Paragraphs 1-8 and 121 are realleged as if fully set forth herein.

127. Section 67122 of Title 22 sets forth requirements for testing and maintenance of alarm systems for hazardous waste facilities.

128. At the time of the April 12, 1990 inspection, Safety-Kleen's electronic push button fire alarm system at the spent solvent dumpster area was inoperative since March 26, 1990. A temporary blowhorn system was also inoperative and disconnected at the time of the inspection.

129. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTIETH CAUSE OF ACTION

(Labels)

130. Paragraphs 1-8 and 121 are realleged as if fully set forth herein.

131. Section 66508 of Title 22 sets forth requirements for labeling of hazardous waste containers by generators of hazardous waste.

132. Safety-Kleen had the following violations:

a. At the time of the April 12, 1990 inspection, Safety-Kleen failed to label a five gallon container in the hazardous waste storage area with a hazardous waste label;

b. At the time of the December 17, 1990 inspection, Safety-Kleen failed to label a 16 gallon drum of mineral spirits and a paper box containing gloves contaminated with mineral spirits.

133. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 an

for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-FIRST CAUSE OF ACTION

(Waste Analysis)

134. Paragraphs 1-8 and 121 are realleged as if fully set forth herein.

135. Section 67102(a)(1) of Title 22 requires that a facility operator perform a detailed chemical and physical analysis of a representative sample of waste before it stores any hazardous waste.

136. At the time of the April 12, 1990 inspection, Safety-Kleen failed to perform a waste analysis for the unlabeled 5 gallon drum in its storage area.

137. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional

violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-SECOND CAUSE OF ACTION

(Open Containers)

138. Paragraphs 1-8 and 121 are realleged as if fully set forth herein.

139. Section 67243 of Title 22 requires that containers holding hazardous waste always be closed during storage except when necessary to add or remove wastes.

140. At the time of the December 17, 1990 inspection, Safety-Kleen stored gloves contaminated with mineral spirits in an open paper box.

141. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which

Safety-Kleen is liable according to proof.

THIRTY-THIRD CAUSE OF ACTION

(Land Disposal Restrictions)

142. Paragraphs 1-8 and 121 are realleged as if fully set forth herein.

143. Section 67740(a)(1) of Title 22 requires that a facility notify the designated recipient of waste when the waste is subject to land disposal restrictions.

144. At the time of the December 17, 1990 inspection, Safety-Kleen failed to notify designated recipients of the restricted nature of its waste.

145. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

ROHNERT PARK

146. Safety-Kleen operates its Rohnert Park facility

pursuant to ISD number CAT000613943. The facility has a 10,000 gallon underground storage tank and an drum storage area. Safety-Kleen collects filter cartridges, perchloroethylene, immersion cleaner, and mineral spirits from its customers for transfer to other Safety-Kleen sites for recycling. Safety-Kleen generates 1,492 tons of spent mineral spirits, 68 tons os spent immersion cleaner, and 271 tons of dry cleaner waste annually.

THIRTY-FOURTH CAUSE OF ACTION

(Modification of Facility Without Authorization)

147. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

148. Section 66389(b) of Title 22 sets forth requirements for the modification of a facility operating under an ISD. The section precludes certain changes and requires Department approval for other changes.

149. At the time of the March 29, 1990 inspection, Department inspectors observed extensive construction activity, modification, and earthwork. The Department had not been notified nor had it approved such modification of the facility.

150. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-FIFTH CAUSE OF ACTION

(Emergency Coordinator)

151. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

152. Section 67144 of Title 22 requires that at all times a facility have at least one employee on the premises or on call with responsibility for coordinating all emergency response measures.

153. On March 28, 1990, a Department inspector asked to speak to the emergency coordinator. He was told that no one was at the site and that there was no number available at which the emergency coordinator could be reached.

154. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties

of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-SIXTH CAUSE OF ACTION

(Contingency Plan)

155. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

156. Section 67141 sets forth requirements for a facility's contingency plan.

157. At the time of the March 29, 1990 inspection, Safety-Kleen's emergency procedures and emergency exit diagram in its contingency plan failed to reflect the construction changes.

158. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-SEVENTH CAUSE OF ACTION

(Disposal of Hazardous Waste, Facility Safety)

159. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

160. Section 25189 of the Health and Safety Code prohibits disposal of hazardous waste at an unauthorized location. Section 67120(a) of Title 22 requires that facilities shall be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

161. At the time of the March 29, 1990 inspection, Department inspectors observed the release of hazardous waste mineral spirits caused by splashing of the mineral spirits on the south Receive and Fill Station wall. The mineral spirits dripped from the corrugated wall to the exterior of the secondary containment rim. The corrugated wall was attached to the outside of the secondary containment, allowing dripage to flow outside of the containment area.

162. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional

violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-EIGHTH CAUSE OF ACTION

(Spill Response)

163. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

164. Section 67145(b) of Title 22 requires that in the event of a release of hazardous waste, the facility shall identify the character, source, amount, and extent of the release.

165. With respect to the release described in the Forty-Seventh Cause of Action, Safety-Kleen failed to identify the character, source, amount, and extent of the release.

166. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to

section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

THIRTY-NINTH CAUSE OF ACTION

(Eyewash)

167. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

168. Section 67121 of Title 22 sets forth requirements for decontamination equipment.

169. At the time of the March 29, 1990 inspection, Safety-Kleen had no functioning eyewash in the hazardous waste storage area.

170. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTIETH CAUSE OF ACTION

(Labels)

171. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

172. Section 66508 of Title 22 sets forth requirements for labeling of hazardous waste containers by generators of hazardous waste.

173. At the time of the March 29, 1990 inspection, Safety-Kleen's failed to label perchloroethylene with a statement of the hazardous property of the waste (i.e. flammable, reactive, corrosive, ignitable).

174. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-FIRST CAUSE OF ACTION

(Storage Without a Permit)

175. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

176. Section 25201 of the Health and Safety Code

prohibits storage of hazardous waste at a facility without a permit for such storage. A transfer facility may store off-site hazardous waste for up to 144 hours without a permit under specific circumstances.

177. At the time of the March 29, 1990 inspection, Safety-Kleen stored off-site wastes (wastes generated off-site), including 8 containers of Naptha filter power and 2 containers of Freon for over 144 hours without a permit.

178. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-SECOND CAUSE OF ACTION

(Labels)

179. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

180. Section 66508 of Title 22 sets forth requirements for labeling of hazardous waste containers by generators of

hazardous waste.

181. At the time of the October 15 and 16, 1990 inspection, Safety-Kleen's failed to label 37 drums of perchloroethylene with a statement of the hazardous property of the waste (i.e. flammable, reactive, corrosive, ignitable).

182. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-THIRD CAUSE OF ACTION

(Contingency Plan)

183. Paragraphs 1-8 and 146 are realleged as if fully set forth herein.

184. Section 67141 sets forth requirements for a facility's contingency plan, for response to hazardous waste emergencies.

185. At the time of the October 15 and 16, 1990 inspection, Safety-Kleen failed:

a. to list of all emergency equipment, its location, or capabilities;

b. to amend the plan to reflect the fact that Safety-Kleen is now using a new immersion cleaner with a different chemical formulation than the old cleaner.

186. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

OAKLAND

187. Safety-Kleen operates its Oakland facility pursuant to ISD number CAD053044053. The facility has two 6,000 gallon underground storage tanks and an drum storage area. Safety-Kleen collects a line of cleaning solvents and parts cleaners from its customers for transfer to other Safety-Kleen sites for recycling.

FORTY-FOURTH CAUSE OF ACTION

(Labels)

188. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

189. Section 66508 of Title 22 sets forth requirements for labeling of hazardous waste containers by generators of hazardous waste.

190. At the time of the October 31, 1990 inspection, Safety-Kleen's failed to label perchloroethylene with a statement of the hazardous property of the waste (i.e. flammable, reactive, corrosive, ignitable).

191. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-FIFTH CAUSE OF ACTION

(Inspections)

192. Paragraphs 1-8 and 187 are realleged as if ful.

set forth herein.

193. Section 67104 of Title 22 sets forth requirements for a facility's inspections.

194. At the time of the February/March 1990 inspection, Safety-Kleen had never physically inspected and tested its underground tanks nor had it determined the testing frequency and method of testing following an initial evaluation. Additionally, Safety-Kleen failed to remedy the following deterioration or malfunction of equipment revealed by inspection on a schedule that ensures that the problem does no lead to an environmental or human health hazard:

a. inspection logs noted on December 4, 1989 that one dumpster (which drains to the storage tank) was clogged. At the February/March 1990 inspection, the dumpster remained clogged;

b. inspection logs noted that the storage tank volume gauges were sticking on January 2, 1990. On March 8, 1990, the volume monitor was inoperable.

195. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties

of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-SIXTH CAUSE OF ACTION

(Ignitable Waste)

196. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

197. Section 67106(a) of Title 22 also sets forth requirements for a facility's storage of ignitable wastes, including the posting of "no smoking" signs and the prohibition of smoking.

198. At the time of the February/March 1990 inspection, Department inspectors observes seven cigarette butts in the area above the hazardous waste tanks containing ignitable waste. Additionally, there were no "no smoking" signs posted in the drum storage area despite the presence of ignitable waste.

199. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing

violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-SEVENTH CAUSE OF ACTION

(Contingency Plan)

200. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

201. Sections 67141 and 67143 set forth requirements for a facility's contingency plan, including the listing of the location of emergency equipment at the site and the updating of the plan for any changes in circumstances affecting emergency procedures.

202. At the time of the February/March 1990 inspection, Safety-Kleen failed to change its emergency procedures and emergency exit diagram to reflect the fact that the drum storage area is locked and that a door at the northwest corner of the building is blocked by stored products and cannot be opened in an emergency. Additionally, the contingency plan lacked a complete list and location of all emergency equipment at the site.

203. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-EIGHTH CAUSE OF ACTION

(Open Containers)

204. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

205. Section 67243 of Title 22 requires that containers holding hazardous waste always be closed during storage except when necessary to add or remove wastes.

206. At the time of the February/March 1990 inspection, Safety-Kleen kept the lids to its wet dumpsters open and the contaminated liner bags handing outside the dumpster. The dumpster container hazardous wastes and the liner bags were hazardous waste.

207. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penaltie

of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FORTY-NINTH CAUSE OF ACTION

(Ignitable Waste Storage)

208. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

209. Section 67246 of Title 22 requires that containers holding ignitable waste be located at least 50 feet from the facility's property line.

210. At the time of the February/March 1990 inspection, Safety-Kleen stored drums of ignitable waste perchloroethylene less than 50 feet from the facility's property line.

211. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which

Safety-Kleen is liable according to proof.

FIFTIETH CAUSE OF ACTION

(Availability of Records)

212. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

213. Section 67164 of Title 22 sets forth requirements for availability of records required by the HWCA regulations, including annual reports.

214. On February 27, 1990, Department inspectors requested a copy of the facility's annual report for 1988. Safety-Kleen could not produce the document, nor had it been submitted to the Department by March 30, 1990 when the Department inspector again requested a copy. On March 30, 1990, Safety-Kleen stated that it did not have a copy of the annual report at the Oakland facility.

215. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which

Safety-Kleen is liable according to proof.

FIFTY-FIRST CAUSE OF ACTION

(Inspections)

216. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

217. Section 67104 of Title 22 sets forth requirements for a facility's inspections. Section 67259 of Title 22 and section 265.195 of 40 C.F.R. set forth requirements for daily tank and related equipment inspections.

218. At the time of the October 31, 1990 inspection, Safety-Kleen failed to inspect the following equipment at least once a day:

a. overfill/spill control equipment to ensure that it is in good working order;

b. above ground portions of tank system to detect corrosion or release of waste;

c. data gathered from monitoring equipment and leak detection equipment to ensure that the tank system is being operated according to its design;

d. construction materials and the area immediately surrounding the externally accessible portion of the tank system.

219. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and

for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTY-SECOND CAUSE OF ACTION

(Design Capacity)

220. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

221. Section 25200.5(b)(3) of the Health and Safety Code prohibits a facility from exceeding the hazardous waste storage design capacity as set forth in the facility's ISD.

222. On April 26, 1990, May 17, 1990, and during the period from May 31, 1990 to July 20, 1990, Safety-Kleen exceed the storage capacity of 2000 gallons for its drummed waste storage area by as much as 6200 gallons.

223. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional

violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTY-THIRD CAUSE OF ACTION

(Operating Record)

224. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

225. Section 67163(b)(2) of Title 22 requires that a facility maintain in its Operating Record records of the quantity of hazardous waste stored.

226. Safety-Kleen failed to include in its operating records the quantity of hazardous waste stored in its underground storage tanks on May 2, 3, and 4, 1990 and August 24, 1990.

227. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which

Safety-Kleen is liable according to proof.

FIFTY-FOURTH CAUSE OF ACTION

(Milkrun Manifests)

228. Paragraphs 1-8 and 187 are realleged as if fully set forth herein.

229. Section 66566 of Title 22 requires that the transporter list the hazardous waste generator's EPA i.d. number on the milkrun manifest.

230. At the time of the October 31, 1990 inspection, the Department's inspectors observed that Safety-Kleen maintained numerous manifests for which Safety-Kleen was the transporter and which did not include the EPA i.d. number for the generator.

231. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SALIDA

232. Safety-Kleen operates its Salida facility pursuant to permit number CAT000613968. The facility has a 12,000 gallon underground storage tank and an drum storage area. Safety-Kleen collects a line of cleaning solvents and parts cleaners from its customers for transfer to other Safety-Kleen sites for recycling.

FIFTY-FIFTH CAUSE OF ACTION

(Open Containers)

233. Paragraphs 1-8 and 232 are realleged as if fully set forth herein.

234. Section 67243 of Title 22 requires that containers holding hazardous waste always be closed during storage except when necessary to add or remove wastes.

235. At the time of the October 23-24, 1990 inspection, Safety-Kleen kept an open barrel of mineral spirits at the mineral spirits loading dock when no waste was being added or removed.

236. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing

violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTY-SIXTH CAUSE OF ACTION

(Training Records)

237. Paragraphs 1-8 and 232 are realleged as if fully set forth herein.

238. Section 67105 of Title 22 sets forth requirements for a facility's training records.

239. At the time of the October 23-24, 1990 inspection, Safety-Kleen failed to include spill training in its training records of annual review.

240. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

RANCHO CORDOVA

241. Safety-Kleen operates its Rancho Cordova facility pursuant to permit number CAT0000613950 as an immersion cleaner and solvent recycler and transfer facility. The facility has a 12,000 and a 2,000 gallon underground hazardous waste storage tank and an drum storage area. Safety-Kleen collects a line of cleaning solvents and parts cleaners from its customers for transfer to other Safety-Kleen sites for recycling.

FIFTY-SEVENTH CAUSE OF ACTION

(Violation of Permit Storage Limits)

242. Paragraphs 1-8 and 241 are realleged as if fully set forth herein.

243. Section 66374(a) of Title 22 requires that a hazardous waste permittee follow all requirements of the applicable permit.

244. Safety-Kleen violated the requirements of its permit as follows:

a. On March 5 and 6, April 10, and October 19, 1990, Safety-Kleen exceeded its total permitted storage capacity of 216 16 gallon containers of immersion cleaner and 31 16 gallon containers of mineral spirit mud;

b. At the time of the October 30-31, 1990 inspection, Safety-Kleen was using the entire area of building C for its hazardous waste operations. According to its approved operation plan, incorporated into the facility permit, Safety-Kleen's hazardous waste operations are

to take place only in the 6000 square foot area at the eastern end of building C.

245. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTY-EIGHTH CAUSE OF ACTION

(Labels)

246. Paragraphs 1-8 and 241 are realleged as if fully set forth herein.

247. Section 66508 of Title 22 sets forth requirements for labeling of hazardous waste containers by generators of hazardous waste.

248. At the time of the October 30-31, 1990 inspection, Safety-Kleen's failed to label containers of waste perchloroethylene as toxic.

249. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of tne

Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

FIFTY-NINTH CAUSE OF ACTION

(Land Disposal Restrictions)

250. Paragraphs 1-8 and 241 are realleged as if fully set forth herein.

251. Section 67740 requires that if a generator is generating a land ban restricted waste as defined by the regulations, it must submit and maintain a copy of a notice and certification stating that the waste meets the applicable treatment standards of the regulations. The generator must maintain a copy of the notice and certification on-site for at least five years.

252. At the time of the October 30-31, 1990 inspection, Safety-Kleen failed to maintain the required land ban restriction notice and certification for two shipments of land ban restricted wastes, manifest numbers 87946627 and 87948371.

253. Each and every violation set forth in this cause

of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

EL MONTE

254. Safety-Kleen operates its El Monte facility pursuant to ISD number CAT000613893 as a transfer station and storage facility for hydrocarbon and chlorinated solvents, dry cleaning waste and used antifreeze. The facility has a 10,000 and a 1,000 gallon underground hazardous waste storage tank and an drum storage area. Safety-Kleen collects a line of cleaning solvents and parts cleaners from its customers for transfer to other Safety-Kleen sites for recycling.

SIXTIETH CAUSE OF ACTION

(Waste Analysis)

255. Paragraphs 1-8 and 254 are realleged as if fully set forth herein.

256. Section 67102(a)(1) of Title 22 requires that

facility operator perform a detailed chemical and physical analysis of a representative sample of waste before it stores any hazardous waste.

257. At the time of the January/February, 1990 inspection, Safety-Kleen failed to perform a waste analysis for antifreeze stored at the site.

258. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTY-FIRST CAUSE OF ACTION

(Decontamination Equipment)

259. Paragraphs 1-8 and 254 are realleged as if fully set forth herein.

260. Section 67121(c) of Title 22 requires that the facility be equipped with adequate decontamination equipment, including safety showers.

261. At the time of the January/February, 1990

inspection, Safety-Kleen had no safety shower in the wet dumpster area where waste mineral spirits are stored.

262. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTY-SECOND CAUSE OF ACTION

(Operating Record)

263. Paragraphs 1-8 and 254 are realleged as if fully set forth herein.

264. Section 67163(b)(2) of Title 22 requires that a facility maintain in its Operating Record records of the quantity and location of hazardous waste stored.

265. At the time of the January/February, 1990 inspection, Safety-Kleen failed to include in its operating records the quantity and location of hazardous waste stored.

266. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the

Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTY-THIRD CAUSE OF ACTION

(Ignitable Waste Storage)

267. Paragraphs 1-8 and 254 are realleged as if fully set forth herein.

268. Section 67246 of Title 22 requires that containers holding ignitable waste be located at least 50 feet from the facility's property line.

269. At the time of the January/February 1990 inspection, Safety-Kleen stored drums of ignitable waste less than 50 feet from the facility's property line.

270. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or

alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTY-FOURTH CAUSE OF ACTION

(Transporter Manifests)

271. Paragraphs 1-8 and 254 are realleged as if fully set forth herein.

272. Section 66541 of Title 22 sets forth requirements for sending to the Department copies of manifests when the waste is transported out of state.

273. At the time of and before the January/February, 1990 inspection, Safety-Kleen's failed to submit to the Department any copies of manifests for hazardous waste transported out of California.

274. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing

violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTY-FIFTH CAUSE OF ACTION

(Training Records)

275. Paragraphs 1-8 and 254 are realleged as if fully set forth herein.

276. Section 67105 of Title 22 sets forth requirements for a facility's training records.

277. At the time of the January/February, 1990 inspection, Safety-Kleen failed to include in its training records any record of training for the training coordinator.

278. Each and every violation set forth in this cause of action constitutes a negligent or intentional violation of the Health and Safety Code or the Department's regulations, for which Safety-Kleen is subject to civil penalties of up to $25,000 and for continuing violations, $25,000 per day, for each violation, pursuant to Section 25189(b) of the Health and Safety Code; or alternatively constitutes a non-negligent and non-intentional violation, for which Safety-Kleen is subject to civil penalties of up to $25,000 for each violation, and for continuing violations, $25,000 per day, for each violation pursuant to section 25189.2(b) of the Health and Safety Code; for which Safety-Kleen is liable according to proof.

SIXTY-FIFTH CAUSE OF ACTION

(Statutory Action for Injunction)

279. Paragraphs 1-278 are realleged as if fully set forth herein.

280. Health and Safety Code section 25181 provides that when the Department:

> "determines that any person has engaged in, is engaged in, or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or any rule, regulation, permit, covenant, standard, requirement, or order issued, promulgated, or executed thereunder, . . . the Attorney General may make application to the superior court for an order enjoining such acts or practices, or for any order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted."

281. Health and Safety Code section 25184 provides that in civil actions brought pursuant to section 25181 in which an injunction or temporary restraining order is sought:

> "it shall not be necessary to allege or prove at may stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall iss

without such allegations and without such proof."

282. Pursuant to Health and Safety Code sections 25181 and 25184, Safety-Kleen is subject to temporary restraining orders, preliminary injunctions, permanent injunctions, or other orders enjoining each practice or violation that continues and directing compliance with these requirements.

PRAYER

WHEREFORE, plaintiffs pray that the Court:

1. Grant civil penalties according to proof against Safety-Kleen pursuant to the First through Sixty-Fifth Causes of Action; and

2. Require that the civil penalty assessed be paid from the proceeds of the sale by Safety-Kleen of Safety-Kleen stock; and

3. Pursuant to the Sixty-Sixth of Action enter such temporary restraining orders, preliminary injunctions, permanent injunctions, or other orders prohibiting non-compliance and requiring compliance with the Department's rules, regulations, permits, covenants, standards, requirements, and orders issued, promulgated and executed thereunder, including, but not limited to, violations of treatment, storage, transportation, and disposal requirements as plaintiffs shall specify in further application to the court with respect to all defendants; and

4. Grant plaintiffs their costs of investigation; and

5. Grant plaintiffs their costs of suit herein; and.

6. Grant such other and further relief as the court deems just and proper.

DATED: 10/9/91

Respectfully submitted,

DANIEL E. LUNGREN, Attorney General
of the State of California
THEODORA BERGER
Assistant Attorney General
KEN ALEX
Supervising Deputy Attorney General

By: Ken Alex
KEN ALEX
Sup. Deputy Attorney General

Mark Schollenberger

George Hamper
5HR-13

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SAFETY-KLEEN CORP,	)	
	)	
Appellant,	)	
	)	
vs.	)	**PCB No.**
	)	**(Chicago, Illinois)**
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Appellee.	)	
	)	

RECEIVED
OCT 23 1991
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

NOTICE OF APPEAL OF PARTIAL DENIAL OF SAFETY-KLEEN CORP.'S APPLICATION FOR MODIFICATION OF 1983-113-SP FOR GENERIC WASTE STREAM AUTHORIZATIONS

NOW COMES Appellant, Safety-Kleen Corporation, by its attorneys, and hereby files Notice of Its Appeal of the Illinois Environmental Protection Agency's (IEPA) Partial Denial of Safety-Kleen's Application for Modification of its Supplemental Permit to Add Generic Waste Stream Authorization pursuant to 35 Ill. Adm. Code Sections 105, 705.212 and 709.603.

A copy of this Notice and the subject Appeal has been sent or delivered to:

Mary Gade, Director
Illinois Environmental
Protection Agency
2200 Churchill Road
Springfield, IL 62706

Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Building
Suite 11-500
100 West Randolph Street
Chicago, IL 60601

Respectfully submitted,

SAFETY-KLEEN CORP.

By: Barbara Magel
One of its attorneys

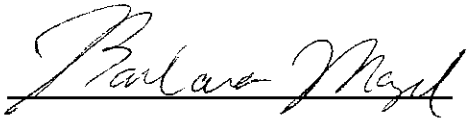
Bruce White
Barbara A. Magel
Ellen Lois Zisook
Karaganis & White Ltd.
414 North Orleans Street/Suite 810
Chicago, Illinois 60610
312/836-1177

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **NOTICE OF FILING OF APPEAL OF PARTIAL DENIAL OF SAFETY-KLEEN'S APPLICATION FOR MODIFICATION OF 1983-113-SP FOR GENERIC WASTE STREAM AUTHORIZATION** was served upon the Board and upon all parties to the above cause by enclosing same in an envelope addressed to said parties at their business addresses via United States mail, first class and postage prepaid on October 16, 1991, or delivery to such parties as follows:

VIA FIRST CLASS MAIL
Mary Gade, Director
Illinois EPA
2200 Churchill Road
Springfield, Illinois 62706

VIA HAND DELIVERY
Dorothy Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
Suite 11-500
100 West Randolph Street
Chicago, Illinois 60601



A. Bruce White, Esq.
Barbara A. Magel, Esq.
Ellen Lois Zisook
Karaganis & White Ltd.
414 North Orleans Street
Suite 810
Chicago, Illinois 60610
312/836-1177

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

SAFETY-KLEEN CORP,	)	
	)	
Appellant,	)	
	)	
vs.	)	**PCB No.**
	)	**(Chicago, Illinois)**
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
	)	
Appellee.	)	
	)	

APPEAL OF PARTIAL DENIAL OF SAFETY-KLEEN CORP.'S APPLICATION FOR MODIFICATION OF 1983-113-SP FOR GENERIC WASTE STREAM AUTHORIZATIONS

NOW COMES Appellant, **SAFETY-KLEEN CORP.**, by its attorneys, pursuant to 111 1/2 Ill. Rev. Stat. 1042 and 35 Ill. Adm. Code Sections 105, 705.21 and 709.603, and hereby appeals the Illinois Environmental Protection Agency's ("IEPA") partial denial of Safety-Kleen's Application for Modification of 1983-113-Supplemental Permit to add generic waste stream authorizations. That application was submitted on or about June 13, 1991. A copy of that written Application is attached hereto as Exhibit A. The IEPA approved that application in part and denied it in part with respect to waste codes D005, D009, D010, D011, D018, D019, D023, D024, D025, D030, D034, D035, D037, D038, D039, D040, D041, D042 and D043 on September 13, 1991.

Participation in Public Comment

No public comment period was required or held with respect to this application for Modification of Supplemental Permit 1983-113-SP to add generic waste stream authorizations. Safety-Kleen has discussed the application with the Agency several times and provided the IEPA with responses to each of their requests for additional

information. Safety-Kleen has participated in commenting on this Modification Application to the extent required by regulation and raised each of the matters addressed in this appeal with IEPA during the permitting process.

Timeliness of Appeal

Section 1042 of the Illinois Environmental Protection Act, 111 1/2 Ill. Rev. Code 1042, provides thirty-five (35) days in which an appeal of an IEPA final permit decision may be filed. The IEPA partial denial of Safety-Kleen's application was dated September 13, 1991. Therefore this appeal is filed within the thirty-five (35) days required by statute and regulations and must be viewed as timely.

Background

Safety-Kleen Corp. owns and operates an interim status hazardous waste recycling facility at 1445 West 42nd Street, Chicago, Illinois 60609 (facility identification number 0316000053). That recycling facility received its revised Operating Permit for storage and treatment of various hazardous wastes on September 10, 1990. Since issuance of that operating permit, U.S.EPA has promulgated new regulations defining a "toxic concentration leaching procedure" (TCLP) method for identifying various wastes as regulated hazardous wastes. As part of those regulations, U.S.EPA created additional waste codes denoting TCLP hazardous wastes. Safety-Kleen filed its Application for Modification of Supplemental Permit 1983-113-SP to add generic waste stream authorizations in order to add these new TCLP codes to the existing permitted waste streams already approved for receipt at the Chicago Recycle Center.

Safety-Kleen Corp. filed its request for Modification of the Supplemental Permit which is the subject of this appeal on or about June 13, 1991. In that Application, Safety-Kleen sought authorization to receive waste codes D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.

Following submission of its written request to modify its Supplemental Permit

generic waste stream authorizations, Safety-Kleen discussed the need to revise that permit to incorporate TC waste codes with the Agency. After a meeting with the Agency on July 16, 1991, Safety-Kleen was asked through an Agency letter dated July 18, 1991, to provide additional materials concerning the modification request. Safety-Kleen provided the requested responsive information on July 29, 1991. The IEPA granted Safety-Kleen's application for modification as to codes D004, D006, D007, D008, D021, D022, D026, D027, D028, D029, D032, D033, and D036. In granting authorization to Safety-Kleen to receive those waste codes at the Chicago Recycle Center, the IEPA stated that it was allowing Safety-Kleen to receive these wastes because such materials had been managed at the facility previously. (*See* IEPA approval and partial denial letter attached hereto as Exhibit B.)

In partially denying Safety-Kleen's application for modification of its Supplemental Permit, the IEPA refused to allow Safety-Kleen to receive certain wastes saying the company had not provided:

1. documentation that you have previously managed wastes with the same hazardous characteristic; or

2. a detailed description of the processes used to manage the waste, including operating practices, waste analysis and compatibility of the waste with the equipment.

The specific waste codes for which IEPA has refused to grant Safety-Kleen a generic waste stream authorization for are D005, D009, D010, D011, D018, D019, D023, D024, D025, D030, D034, D035, D037, D038, D039, D040, D041, D042 and D043. It is from the IEPA's denial of the modification application with respect to those waste codes that this appeal is taken.

Argument

The issuance of waste stream authorizations by IEPA is governed by 35 Ill. Adm. Code Section 709. That Section defines the application procedures for obtaining a waste stream authorization, as well as the general standards for issuance and modification of such authorizations. Under these regulatory provisions, an existing waste stream authorization "*shall* be modified to make it consistent with newly adopted provisions of the Act or Board regulations." (*emphasis added*) 35 Ill Adm. Code 709.601. Given that general regulatory mandate, it is clear that the Agency improperly denied Safety-Kleen's modification application with respect to the nineteen TCLP codes listed above.

In this instance, Safety-Kleen has applied for modification of its Supplemental Permit generic waste stream authorizations to conform the Chicago Recycle Center's existing generic authorizations to the newly adopted TCLP waste codes. As its approval of Safety-Kleen's Supplemental Permit modification application respecting the approved thirteen other TCLP codes demonstrates, the IEPA has adopted those codes for use in this State. Through its requested modification, Safety-Kleen was seeking to make its existing Supplement Permit consistent with IEPA's new regulatory waste stream identifications. Given the Section 709.601 non-discretionary modification provision, IEPA may not now deny Safety-Kleen's application to modify its Supplemental Permit to include the TCLP waste codes. Such a denial of a request to conform to the new regulations is clearly improper.

The Agency's partial denial of Safety-Kleen's application to conform its Supplemental Permit to the newly adopted TCLP waste identification code requirements is particularly inappropriate under the circumstances of this case. In its partial denial letter, IEPA listed nineteen TCLP waste codes which the Agency refused to include within a modified Supplemental Permit generic waste stream authorizations. All of the waste constituents represented by those nineteen TCLP codes have one essential element in common. All have been managed at the Chicago Recycle Center for some time. The nineteen codes for which IEPA denied generic waste stream

authorizations can be divided into two groups contingent on a particular waste constituents past status under the Chicago Recycle Center's existing permits.[1]

A. Hazardous Wastes Previously Permitted for Treatment and Storage at the Chicago Recycle Center.

Of the nineteen waste code authorizations which the Agency denied, nine denote hazardous waste streams for which the Chicago Recycle Center already had a valid waste stream authorization within its permits under some previously adopted hazardous waste code designation. For example, under Operating Permit No. 1980-39-OP, benzene, carbon tetrachloride, cresols, methyl ethyl ketone, pyridine, tetrachloroethylene and trichloroethylene are all specifically approved for management at the Chicago Recycle Center, and have in fact been managed at that facility for over four years. Yet, the Agency denied Safety-Kleen's application to use the required TCLP codes for these very same waste streams the Chicago Recycle Center was already managing under the permitted F-codes. Clearly the Agency can have no valid reasons for disallowing management of a waste stream already approved for handling at the facility simply because its regulatory identification code has been changed.

Through its application to modify its Supplemental Permit as to these nine codes, Safety-Kleen sought not only to conform its permit provisions with the TCLP requirements but also to obtain approval to manage the identified compounds in waste streams not specifically listed under the F-codes. For example, a benzene hazardous waste may derive from a degreasing operation and therefore may fall within the F-code definitions. However, certain benzene waste streams may be generated through other

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1/ Among the nineteen TCLP waste codes IEPA included within its partial denial were four which correspond to metals (D005, D009, D010 and D011). While Safety-Kleen did not have prior generic authorization to receive these particular hazardous wastes, the metals themselves are present in streams already managed by the Chicago Recycle Center under other hazardous waste designation or as non-hazardous special wastes. The metals are not a primary constituent of these waste streams and so have not impacted management or receipt of these substances in the past. Under the TC procedures however, the metals may exceed the regulatory level for hazardous designation and therefore the TCLP waste stream authorizations are applicable. The Chicago Recycle Center should be authorized to receive these newly identified TCLP waste streams which have in fact been previously managed at the facility.

processes and therefore not be considered F-listed wastes, despite the fact that the hazardous compound of interest, benzene, remains the same. Through its application for modification, Safety-Kleen sought authorization to handle these non-F-code wastes identified as hazardous due to the presence of the same compounds the Chicago facility was already managing.

In its partial denial letter, IEPA refused to allow Safety-Kleen to manage these compounds under the TCLP designations. No finding was made that the facility could not safely or legally handle these compounds; the Agency simply denied Safety-Kleen's application. Given the fact that the Chicago Recycle Center has been managing these materials for years and will continue to manage these same compounds under the permitted F-code designations, it is apparent that the IEPA acted arbitrarily in denying Safety-Kleen's request for inclusion of these TCLP codes among its generic waste stream authorizations.

B. Wastes Previously Stored and Treated as Non-Hazardous Special Wastes at the Chicago Recycle Center.

The remaining ten TCLP waste codes for which the IEPA also denied Safety-Kleen's modification application also related to waste streams already managed at the Chicago Recycle Center. These codes correspond to non-hazardous special wastes or non-hazardous constituents which Safety-Kleen had also been managing at the Chicago Recycle Center for some years. With the adoption of the TC procedure, some of these non-hazardous waste streams or constituents were now deemed to be present at hazardous levels, and therefore required hazardous waste stream authorizations.[2/] Consequently, Safety-Kleen applied for a modification of its Supplemental Permit to

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2/ The constituents represented by the D005, D009, D010, D011, D030, D034, D037, D041, D042 and D043 waste codes could be present in very low concentrations in the wastes already permitted and managed at the Chicago Recycle Center. Therefore the presence of these substances would not impact the management practices for the waste as a whole. However, with the adoption of the TCLP codes, the Chicago Recycle Center must include these codes in its manifesting and land disposal restriction procedures. The purpose of the application to modify the generic waste stream authorizations within the Supplemental Permit was to allow the Chicago Recycle Center to implement those compliant procedures.

include the newly required codes. The managed wastes themselves had not changed; nor had the Chicago Recycle Center's ability to safely and properly manage them. Again the Agency may not rely solely on a regulatory redesignation as a basis to deny a waste stream authorization for materials already properly managed at a facility. Clearly, such a denial contravenes the requirement of 35 Ill. Adm. Code Section 709.601.

In granting Safety-Kleen's waste stream Supplemental Permit modification request with respect to several waste codes, the Agency specifically stated that its intent was to:

> allow Safety-Kleen *to accept wastes which they previously managed as non-hazardous* under authorization number 000280. (*emphasis added*)

Yet, as noted above, the Agency denied Safety-Kleen's application for authorization for the very streams or waste codes the Chicago Recycle Center had previously managed as non-hazardous streams or constituents. For example, the Agency denied Safety-Kleen's request to include D023 which denotes a o-cresol waste. However, Safety-Kleen had already been permitted to handle that compound in hazardous waste streams under an F004 designation in its existing Operating Permit. As stated above, the same is true of eight of the other waste codes which Safety-Kleen applied to add to its Supplemental Permit.[3/] Clearly, with its denial of a modified authorization to manage these nine codes, the Agency deviated from its own stated intent, as well as the waste stream authorization regulatory provisions.

With respect to the ten other TCLP codes for which the IEPA denied Safety-Kleen's request for Supplemental Permit Modification, the Agency's issuance of a denial

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3/ D008 - benzene - previously managed in F005 wastes.
D019 - carbon tetrachloride - previously managed in F001 wastes.
D024 - M - cresol - previously managed as F004 wastes.
D025 - P - cresol - previously managed as F004 wastes.
D035 - methyl ethyl ketone - previously managed as F005 wastes.
D038 - pryidene - previously managed as F005 wastes.
D039 - tetrachloroethylene - previously managed as F001 wastes.
D040 - trichloroethylene - previously managed as F001 wastes.

was equally incorrect. In its Application for the Modification, Safety-Kleen stated that each of these codes related to non-hazardous special wastes already managed at the Chicago Recycle Center. As part of its Application for the Modification, Safety-Kleen described how each of the requested codes is associated with a waste stream already managed at the Chicago Facility. (*See* Application Exhibit 1, attached hereto as Exhibit A).

For example, Safety-Kleen explained that n-methyl Pyrrolidone containing less than 10% of perchloroethylene had been managed at the Chicago facility as a special waste for some time. However, under the TCLP requirements, that waste would now be considered hazardous due to its perchloroethylene content. Therefore Safety-Kleen sought to revise its generic waste stream authorizations to make its permit consistent with the change in status by adding waste code D039 to its waste stream authorizations. Yet, IEPA denied Safety-Kleen's request for this modification.

This particular code denial is doubly confusing since as the IEPA was aware, the Chicago Recycle Center was also already permitted to manage perchloroethylene wastes from specific sources under an F001 designation. Safety-Kleen had clearly met the Agency's only stated pre-requisite for approval of its entire Supplemental Permit modification request that is, that the wastes covered by the TC waste codes had been previously managed as non-hazardous at the Chicago Recycle Center. Further, Safety-Kleen was already safely managing the constituent of concern under another Agency issued generic waste stream authorization. The Agency may not simply ignore its own explicit standards and regulations, and the history of the Chicago Recycle Center permitting and operations to deny waste stream authorizations as it has done here.

Conclusion

Under the Agency's own regulations, waste stream authorizations are to be granted unless there is some evidence that the wastes will not or cannot be safely or legally managed at the requesting facility. 35 Ill. Rev. Code Part 709. Clearly, no such evidence exists in this instance. As the Agency is well aware, the Chicago Recycle Center has managed all of the substances identified by the requested TCLP codes under its existing Agency issued permits or as authorized non-hazardous special waste. The Agency itself has stated its intent to allow Safety-Kleen to have authorization for any wastes it had previously managed as non-hazardous. Given these facts, the Agency must grant Safety-Kleen's application to modify its Supplemental Permit to incorporate these newly mandated waste codes for the company's existing waste streams.

WHEREFORE, Safety-Kleen respectfully prays that the Board reverse the IEPA's partial denial of Safety-Kleen's Application for Modification for Supplemental Permit 1983-113-SP and remand the Application to the Agency for issuance of the generic waste stream authorizations.

Respectfully submitted,

By: _____
One of its Attorneys

By: _____
One of its Attorneys

By: _____
One of its Attorneys

Bruce White
Barbara A. Magel
Ellen Lois Zisook
Karaganis & White Ltd.
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312/836-1177
SMSK367

safety-kleen®

Federal Express

July 29, 1991
DMC 91-729

Mr. Douglas Clay, P.E.,
Permit Section
IEPA- Division of Land Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

RE: Safety-Kleen Corp. Chicago Recycle Center
SUP/OP Permit #1983-113-SP
ILD 005450697

Dear Mr. Clay:

On June 13, 1991, Safety-Kleen Corp. submitted the application to modify the Generic Waste Stream permits for the Chicago Recycle Center. Specifically, the permit application was a new generic permit to incorporate TCLP waste codes.

This permit modification was submitted at the verbal request of the Agency so that the facility could continue to manage the newly identified TCLP waste streams under the existing generic waste stream permit numbers.

As requested by the Agency during the meeting on July 16, 1991 and confirmed in the letter dated July 18, 1991, we are hereby providing the range for each TCLP waste codes that are expected to be present in each of the waste streams that are included in the permit modification request. We have also included the waste analysis reports for the waste streams and the waste management procedures for these waste streams.

With respect to the specific deficiency items set forth on the Agency's letter of July 18th, the response is provided in the following exhibits:

Item 1.a. Major waste components, range of contaminants and the analysis
Exhibit 2 and Exhibit 3

EXHIBIT A

777 BIG TIMBER ROAD ELGIN, ILLINOIS 60123

Item 1.b. Waste management units
Exhibit 1

Item 2. Waste management procedures
Exhibit 1

Item 3. Documentation of compliance with USEPA requirements
Exhibit 1

We believe that the additional information provided in the attachments satisfy the Agency's requirements to approve the new generic waste stream permit. We would greatly appreciate the Agency's expedited review and approval of this permit modification.

It is our understanding that the Agency will inform the Manifesting department regarding Safety-Kleen's applications to modify the generic waste stream permits to include TCLP waste codes. Under separate cover we will be furnishing the Agency the Company's response to the July 18th letter that the Company has not properly manifested certain wastes after the TCLP regulations went into effect.

If you have any questions, please contact me at 708/468-2579.

Sincerely,

Desi M. Chari

Desi M. Chari
Regional Environmental Engineer

Attachment

cc: Ted Dragovich, IEPA
Alfred Aghaiepour
Bruce White
~~Chicago -IEPA-Generic Waste Stream Permit~~

EXHIBIT 1

Safety-Kleen corp. Chicago Recycle Center
ID# 0316000053 ; ILD 005450697

Application for modification to 1983-113-SP ;
Generic Waste Stream Authorization

1. Background

The Safety-Kleen Corp. Chicago Recycle Center is a waste Recycling facility where used solvents and organic chemicals are received from other Safety-Kleen facilities and from Industrial and Commercial generators. The waste materials are stored in the permitted storage units prior to recycling for reuse. The Chicago facility has received Operating permit and Generic Waste Stream permits from the Illinois EPA for storage and processing.

The Chicago Recycle Center recycles chemicals and solvents that are listed as F-and K- wastes. In addition the facility recycles several waste streams that are hazardous for Toxicity Characteristics for metals and organics. Furthermore, the facility recycles several waste streams that are non-hazardous under the RCRA regulations but are regulated as Special Wastes by the Illinois EPA.

Prior to the promulgation of the Toxicity Characteristics Regulations by the USEPA in September ,1990, the Chicago Recycle Center managed the wastes that were contained organic constituents as non-hazardous Special wastes. Subsequent to the new regulations, Safety-Kleen corp. submitted applications to USEPA, Region 5 and Illinois EPA to modify the Interim Status for the Chicago Recycle Center for the continued management of the newly regulated hazardous wastes.

TCLP Wastes

Safety-Kleen Corp. has conducted TCLP analysis on several of the waste steams that were non-hazardous prior to the promulgation of the TC regulations in September, 1990. The results showed that these waste streams contain contaminants above the TC regulatory levels thus making them hazardous. Example analytical reports for some of these waste streams are provided in Exhibit 3. These waste streams are many of the streams the Company has received in the past at the Chicago Recycle Center.

The Chicago Recycle Center manages a wide variety of chemicals that are received from several generators. Owing to the diverse nature of the generators, Safety-Kleen Corp. expects to receive a wide range of metals and organics contaminants in the waste streams. In addition, it is not practical to predict or provide analysis for the range of contamination for each waste stream.

In the future,we expect to receive waste streams containing up to 10% of several of the organic constituents that were not regulated prior to the TC regulations. The reason for this 10% range is that wastes that contained less than 10% of the organic solvents were not regulated under F-listed non specific sources category prior to the promulgation of the TC regulations. Now that these materials containing less than 10% organics and chlorinated are regulated, customers are expected to send them to Sfaety-Kleen for processing.

For example, waste stream such as N-Methyl Pryrrolidone containing 9.99% of Perchloroethylene was not regulated as a hazardous waste under 40 CFR 264.31 (F-Code Wastes). However, this waste stream is now regulated as a TC hazardous waste.

Similarly, wastes containing metals below the previous Extraction Procedure tests are shown to contain contaminant levels above the TC regulatory levels owing to the rigorous TCLP testing procedures. Therefore, Safety-Kleen Corp. is requesting the Agency to include the TC metal codes to the generic waste stream permit being modified for the Chicago Recycle Center.

Based on this reasoning, Safety-Kleen Corp. is requesting that the Generic Waste Stream permit be modified to include TC waste codes with the ranges specified in the application.

Current Status

The Chicago Recycle Center is presently managing the hazardous wastes including the TC wastes in the units that are permitted to store hazardous wastes. The waste materials are managed in compliance with the requirements of the RCRA regulations.

Anticipated Volume of wastes to be received under this modified generic waste stream permit is 2,000,000 gallons per year.

The Chicago Recycle Center has Generic Waste Stream permits to receive non-hazardous wastes (Authorization #000280). It is necessary to maintain this generic permit for the continued management of the waste streams that are non-hazardous under the TC regulations.

EXHIBIT 2

Safety-Kleen Corp. Chicago Recycle Center
Generic Waste Stream Permit

Site Code : 0316000053 **Generic W/S permit Number:xxxxxx**

Generic Waste Name : Hazardous Waste For Treatment/Disposal

Waste Classification : Hazardous Waste Subject to Fee

IEPA Hazard Waste Number(s) :

Handling Code(s) : S01,S02,T61,T63,T54,T44

Principal Wastes	Range
N-Methyl Pyrrolidone	0 - 100 %
N-Ethyl Pyrrolidone	0 - 100 %
Ethylene Glycol	0 - 100 %
Diethylene Glycol	0 - 100 %
Ethylene Glycol Mono Methyl Ether	0 - 100 %
Propylene Glycol	0 - 100 %
Gamma Butyrolactone	0 - 100 %
1,4 Dioxane	0 - 100 %
Dimethyl Acetamide (DMAC)	0 - 100 %

EPA Waste Codes that could be present in these Waste Streams and the expected concentration ranges

EPA Haz.Waste No.	Contaminant	Conc. Range
D004	Arsenic	0 - 4 %
D005	Barium	0 - 4 %
D006	Cadmium	0 - 1 %
D007	Chromium	0 - 10 %
D008	Lead	0 - 3 %

D009	Mercury	0 - 0.08 %
D010	Selenium	0 - 4 %
D011	Silver	0 - 2 %
D018	Benzene	0 - 5 %
D019	Carbon Tetrachloride	0 - 10 %
D021	Chlorobenzene	0 - 10 %
D022	Chloroform	0 - 3 %
D023	O-Cresol	0 - 10 %
D024	M-Cresol	0 - 10%
D025	P-Cresol	0 - 10 %
D026	Cresol	0 - 10 %
D027	1,4 - Dichlorobenzene	0 - 10 %
D028	1,2 - Dichloroethane	0 - 3 %
D029	1,2 - Dichloroethylene	0 - 1 %
D030	2,4 - Dinitrotoluene	0 - 2 %
D032	Hexachlorobenzene	0 - 5 %
D033	Hexachlorobutadiene	0 - 1 %
D034	Hexachloroethane	0 - 10 %
D035	Methyl ethyl ketone	0 - 10 %
D036	Nitrobenzene	0 - 10 %
D037	Pentachlorophenol	0 - 1 %
D038	Pyridine	0 - 10 %
D039	Tetrachloroethylene	0 - 10 %
D040	Trichloroethylene	0 - 10 %
D041	2,4,5-Trichlorophenol	0 - 5 %
D042	2,4,6-Trichlorophenol	0 - 5 %
D043	Vinyl chloride	0 - 1 %

P: Ch 10 - IEPA OP. PERMIT

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

217/782-6762

Refer to: 0316000053 -- Cook County
Safety Kleen Chicago Recycle Center
ILD005450697
Permits
Log No. 1990-273

September 10, 1990

Safety Kleen
Chicago Plant
1445 West 24th Street
Chicago, Illinois 60609

Safety Kleen
777 Big Timber Road
Elgin, Illinois 60120

Gentlemen:

Enclosed is a revised copy of Permit No. 1980-39-OP which is the operating permit for the above-referenced facility. This permit has been revised to allow operation of Tanks 102, 103 and 104 and add new waste streams LN-ethy 2-pyrrolidone, 1,4-Dioxane, ethylene glycol, ethlene glycol dimethyle ether, gamma butryro-lactone, diethylene glycol, propolene glycol, industrial and lubricating oils as requested in the application submitted by Mr. Desi M. Chari, Safety Kleen corporation under a June 13, 1990 cover letter.

If you have any questions regarding this revised permit, please contact Ted Dragovich of my staff at 217/782-6762.

Very truly yours,

Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:TJD:lab/sp/3211n, 1

Enclosure

cc: Division File (W/Enclosure)
Maywood Region (W/Enclosure)
Compliance (W/Enclosure)
DAPC (W/Enclosure)

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

217/782-6762

Refer to: 0316000053 -- Cook County
Safety-Kleen, Chicago Recycle Center
ILD005450697
Permits
Permit No. 1980-39-OP
Log Nos.: 1990-273; 1989-142 (also includes Log Nos. 1988-136; 1988-129; 1987-229; 1986-189; 1986-31; 1980-39-OP (11/21/80); 1980-39-DE (4/7/80, 8/29/80, 10/20/80, 10/24/80))

December 15, 1987
Revised September 10, 1990

Safety-Kleen
Chicago Plant
1445 W. 24th Street
Chicago, IL 60609

Safety-Kleen
777 Big Timber Road
Elgin, IL 60120

Gentlemen:

Permit is hereby granted to Safety-Kleen Corporation, as owner and operator, to operate a solid waste management facility at 1445 West 24th Street, Chicago, IL 60609. Specifically, this permit allows Safety-Kleen to (1) develop thirty storage tanks and two container storage areas, and (2) operate an additional thirty storage tanks, two container storage areas and eleven processing units for the storage (prior to transferring to another Safety Kleen facility), blending (into supplemental fuels) and recovery of waste solvents.

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the above heading.

This permit is subject to the Standard Conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. This permit allows Safety-Kleen (Chicago) to construct and develop the units listed below. No material may be received at these units for treatment and/or storage until such time as an operating permit for these units is issued by this Division. Procedures for operating in Container Storage Areas 2 and 3 shall also be established when an operating permit is issued for these units.

A. Container Storage Areas

Storage Area	Dimensions	Capacity (Gals)	Location
2	36'x74'	73,260	Next to Storage Area #1
3	26.5'x10'	6,250	South of Tank Farm #5

2. This permit allows Safety-Kleen (Chicago) to operate the following units:

A. Tank Storage

Tank No.	Location	Capacity (gals)	Use
T-1	TF-4	12,500	Waste Solvent Storage
T-2	TF-4	12,500	Waste Solvent Storage
T-3	TF-4	12,500	Waste Solvent Storage
T-4	TF-4	12,500	Waste Solvent Storage
T-5	TF-4	8,000	Waste Solvent Storage
T-6	TF-4	8,000	Waste Solvent Storage
T-11	TF-4	3,500	Waste Solvent Storage
T-12	TF-4	3,500	Waste Solvent Storage
T-13	TF-4	3,500	Waste Solvent Storage
T-14	TF-4	3,500	Waste Solvent Storage
T-15	TF-4	3,500	Waste Solvent Storage
T-16	TF-4	3,500	Waste Solvent Storage
T-17	TF-4	3,500	Waste Solvent Storage
T-18	TF-4	3,500	Waste Solvent Storage
T-19	TF-4	3,500	Waste Solvent Storage
T-20	TF-4	1,000	Waste Solvent Storage
T-21	TF-4	500	Waste Solvent Storage
T-22	TF-4	3,500	Waste Solvent Storage
T-23	TF-4	3,500	Waste Solvent Storage
T-100	TF #1	11,000	Product Storage
T-101	TF #1	11,000	Product Storage
T-102	TF #1	12,500	Waste Solvent Storage
T-103	TF #1	12,500	Waste Solvent Storage
T-104	TF #1	8,000	Waste Solvent Storage
T-105	TF #1	12,500	Waste Solvent Storage
T-106	TF #1	12,500	Waste Solvent Storage
T-107	TF #1	12,500	Waste Solvent Storage
T-108	TF #1	12,500	Waste Solvent Storage
T-109	TF #1	12,500	Waste Solvent Storage
T-110	TF #1	12,500	Waste Solvent Storage
T-111	TF #1	12,500	Waste Solvent Storage
T-112	TF #1	12,500	Waste Solvent Storage
T-113	TF #1	12,500	Waste Solvent Storage
T-114	TF #1	12,500	Waste Solvent Storage
T-140	Main Bldg	550	In-Process

T-141	Main Bldg	450	In-Process
T-142	Main Bldg	1,700	In-Process
T-143	Main Bldg	1,500	In-Process
T-144	Main Bldg	3,095	In-Process
T-145	Main Bldg	800	In-Process

Tank No.	Use Location	Capacity (gals)	
T-146	Main Bldg	3,095	In-Process
T-147	Main Bldg	800	In-Process
T-155	Main Bldg	4,000	Product Sodium Hydroxide Storage
T-156	Main Bldg	2,500	In-Process
T-157	Main Bldg	2,500	In-Process
T-158	Main Bldg	2,500	In-Process
T-159	Main Bldg	1,100	In-Process
T-160	Main Bldg	1,100	In-Process
T-161	Main Bldg	130	In-Process
T-162	Main Bldg	200	In-Process
T-163	Main Bldg	1,100	In-Process
T-164	Main Bldg	1,100	In-Process
T-165	Main Bldg	1,200	In-Process
T-166	Main Bldg	1,200	In-Process
T-170	TF-2	3,500	Waste Solvent Storage
T-171	TF-2	3,095	Waste Solvent Storage
T-172	TF-2	5,335	Waste Solvent Storage
T-173	TF-2	5,335	Waste Solvent Storage
T-174	TF-2	4,500	Waste Solvent Storage
T-175	TF-2	3,095	Waste Solvent Storage
T-176	TF-2	5,335	Waste Solvent Storage
T-177	TF-2	5,335	Waste Solvent Storage
T-178	TF-2	6,500	Waste Solvent Storage
T-179	TF-2	6,500	Waste Solvent Storage
T-180	TF-2	6,500	Waste Solvent Storage
T-190	TF-3	8,300	Waste Solvent Storage
T-191	TF-3	8,300	Waste Solvent Storage
T-192	TF-3	14,400	Waste Solvent Storage
T-193	TF-3	10,185	Waste Solvent Storage
T-194	TF-3	11,835	Waste Solvent Storage
T-195	TF-3	20,000	Waste Solvent Storage
T-199	Container Area #1	7,600	Waste Solvent Storage
PCT1	TF #4	10,000	Pollution Control Tank (87-62000-504)
PCT2	TF #4	10,000	Pollution Control Tank (87-62000-504)
PCT3	Outside Main Bldg	10,000	Pollution Control Tank (87-62000-504)
PCT4	Outside Main Bldg	10,000	Pollution Control Tank (87-62000-504)

T148	Main Bldg.	3,095	Waste N-Methyl Pyrolidone
T-30*	TF #5	15,000	Halogenated Product Storage
T-31	TF #5	15,000	Halogenated Product Storage
T-32	TF #5	15,000	Halogenated Product Storage
T-33	TF #5	15,000	Waste Halogenated Solvent Storage
T-34*	TF #5	15,000	Waste Halogenated Solvent Storage
T-35*	TF #5	15,000	Waste Halogenated Solvent Storage
T-36	TF #5	15,000	Halogenated Product Storage
T-37*	TF #5	15,000	Product Solvent Storage
T-38	TF #5	15,000	Product Solvent Storage
T-39	TF #5	15,000	Waste Halogenated Solvent Storage
T-40*	TF #5	15,000	Waste Halogenated Solvent Storage
T-41*	TF #5	15,000	Waste Halogenated Solvent Storage
T-42	TF #5	15,000	Intermediates Receiver Tank
T-43	TF #5	15,000	Intermediates Receiver Tank
T-44	TF #5	15,000	Intermediates Receiver Tank
T-45	TF #5	15,000	Halogenated Product Storage
T-46*	TF #5	15,000	Waste Solvent Storage
T-47*	TF #5	15,000	Waste Solvent Storage
T-48*	TF #5	15,000	Intermediates Receiver Tank
T-49*	TF #5	15,000	Intermediates Receiver Tank
T-50	TF #5	15,000	Intermediates Receiver Tank
T-51	TF #5	15,000	Waste Solvent Storage
T-52*	TF #5	15,000	Waste Solvent Storage
T-53*	TF #5	15,000	Waste Solvent Storage
T-54	TF #5	15,000	Chlorinated Product Storage
T-55	TF #5	15,000	Chlorinated Product Storage
T-56	TF #5	15,000	Quality Check Holding Tank
T-57*	TF #5	15,000	Quality Check Holding Tank
T-58	TF #5	15,000	Quality Check Holding Tank
T-59	TF #5	20,000	Chlorinated Product Storage
T-60	TF #5	20,000	Chlorinated Product Storage

B. Container Storage Areas

	Storage Capacity Area Location	Dimensions	(Gals)	
1	150'x50'		133,650 (138,600 after T-199 is certified closed)	West of DMAC Building

*Actually consists of two (2) 7,500-gallon tanks (A & B). One tank is located on top of the other.

C. Processing Units

Unit	Location
1. LUWA Thin Film Evaporator	DMAC Building
2. 15 Cell Liquid/Liquid Extractor	DMAC Building
3. 10 Cell Liquid/Liquid Extractor	Main Building
4. 5 Cell Liquid/Liquid Extractor	Main Building
5. 34 Tray W/Packing Fractionation Column	DMAC Building
6. 30 Tray Fractionation Column	DMAC Building
7. 49 Tray Fractionation Column	Main Building
8. 17 Tray Fractionation Column	Main Building
9. Packing Mat'l Fractionation Column (2)	Main Building
10. Industrial Boilers (3)	Boiler House Northeast of Main Building
11. Resin Bed Solvent Dryer	DMAC Building

12. All corresponding sumps, pumps, piping controls, loading and unloading areas and appurtenances.

3. Waste solvents (including still bottoms, tank bottoms and washwater residues which contains these solvents) accepted for recovery, fuel blending and/or storage (prior to transferring to another Safety-Kleen for recovery) shall be limited to the following:

A. Amides

1. B-Picoline
2. Dimethylacetamide
3. Dimethylformaldehyde
4. N-Methylpyrolidone
5. N-Ethyl 2-Pyrrolidone

B. Alcohols

1. Butanol
2. Ethanol
3. 2-Ethoxyethanol
4. Methanol
5. Propanol

C. Chlorinated Solvents

1. Carbon tetrachloride
2. Chlorobenzene
3. Freons
4. Methylene Chloride
5. Orthodichlorobenzene
6. Tetrachloroethylene
7. 1,1,1-Trichloroethane
8. 1,1,2-Trichloroethane
9. Trichloroethylene
10. 1,1,2-Trichloro-1,2,2-Trifluoroethane
11. Trichlorofluoromethane
12. Perchloroethylene

D. Ethers

1. Ethyl acrylate
2. Ethyl ether
3. Furfural
4. Tetrahydrofuran
5. 1,4 Dioxane

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E. Ketones

1. Acetone
2. Cyclohexanone
3. Methyl ethyl ketone
4. Methyl isobutyl ketone

F. Non-Halogenated Aliphatics

1. Acetonitrile
2. Cyclohexane
3. Furan
4. Glycerine
5. Lacquer thinner
6. Mineral spirits
7. Naphtha
8. 2-Nitropropane

G. Non-Halogenated Aromatics

1. Benzene
2. Cresols
3. Cresylic acid
4. Ethylbenzene
5. Nitrobenzene
6. Pyridine
7. Toluene
8. Xylene

H. Hazardous Waste from Specific Source

EPA Hazardous Waste Number	Waste
K048	DAF float
K049	Slop oil emulsion solids
K052	Leaded tank bottoms
K085	Bottoms from the production of chlorobenzene
K086	Ink formulation wastes
K095	Distillation bottoms from the production of 1,1,1-trichloroethane

I. Other Waste

1. Acetic acid
2. Carbon disulfide
3. Industrial oils
4. Ink waste and resins
5. Metal working fluids
6. Paint waste and resins
7. Gama Butryp Lactone (BLO
8. Lubrication Oils

Glycols

1. Ethylene Glycol
2. Diethylene Glycol
3. Glycol Ether

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

217/782-6762

Refer to: 0316000053 -- Cook County
Safety-Kleen -- Chicago Recycling Center
Supplemental Permit No. 1983-113-SP
Log No. 1991-211
State Permit File

September 13, 1991

Safety-Kleen
Chicago Plant
1445 West 42nd Street
Chicago, Illinois 60609

Safety-Kleen
777 Big Timber Road
Elgin, Illinois 60123

Gentlemen:

Your Supplemental Permit No. 1983-113-SP has been revised to include acceptance of characteristically hazardous waste under authoriziation number 000303. The intent of this authorization is to allow Safety Kleen to accept wastes which they previously managed as nonhazardous under authorization number 000280. The portion of your application requesting to accept D005, D009, D010, D011, D018, D019, D023, D024, D025, D030, D034, D035, D037, D038, D039, D040, D041, D042 and D043 on a generic basis is denied.

You have failed to provide proof that granting this permit would not result in violations of the Illinois Environmental Protection Act. Section 39(a) of the Illinois Environmental Protection Act (Ill. Rev. Stat., Ch. 111 1/2, par. 1039(a)) requires the Agency to provide the applicant with specific reasons for the denial of permit. The following reason(s) are given:

You have failed to demonstrate that you can safely manage these wastes. This demonstration must include 1) documentation that you have previously managed wastes with the same hazardous characteristic or 2) a detailed description of the processed used to manage the waste including operating practices, waste analysis, and compatability of the waste with the equipment.

Alternately, you may apply for a special waste stream permit for each characteristically hazardous waste stream not covered by this permit.

If you have any further questions please contact Ted Dragovich, P.E. at 217/782-6762.

Very truly yours,

Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:TD:dls/2605k/6/sp

cc: Maywood Region
Division File

EXHIBIT B

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

217/782-6762

Refer to: 0316000053 -- Cook County
Safety-Kleen -- Chicago Recycling Center
Permit No. 1980-39-OP
Supplemental Permit No. 1983-113-SP
Log No. (1991-211, 1988-256; 477)
Expiration Date: November 2, 1993
State Permit File

August 19, 1983
Revised September 13, 1991

Safety-Kleen
Chicago Plant
1445 West 42nd Street
Chicago, Illinois 60609

Safety-Kleen
777 Big Timber Road
Elgin, Illinois 60123

Gentlemen:

Supplemental Permit Number 1983-113-SP is hereby granted to the above-referenced facility to accept the waste solvents listed in Attachment 1 to this permit from any IEPA registered generator for storage recovery and/or fuel blending.

Final plans, specifications, application and supporting documents as submitted and approved shall constitute part of this permit and are identified in the records of the Illinois Environmental Protection Agency, Division of Land Pollution Control by the permit number(s) and log number(s) designated in the heading above.

This permit is issued subject to the standard conditions attached hereto and incorporated herein by reference, and further subject to the following special conditions:

1. This permit allows the Safety-Kleen Chicago Recycling Center to accept the wastes identified in Attachment 1 to this permit on a generic basis for storage, recovery and/or fuel flending, subject to the conditions herein. If Safety Kleen desires to accept wastes other than those identified in Attachment 1 on a generic basis, an Application of Supplemental Permit must be submitted to the Agency requesting modification of this generic permit to allow the acceptance of these additional wastes. Generic permits can only be issued for those wastes which can be accepted under the operating permit for a facility. Therefore, if in the future Safety Kleen desires to receive wastes other than those identified in Permit No. 1980-39-OP on a generic basis, Safety Kleen must first request that the operating permit be modified to allow the acceptance of these additional wastes before submitting a request to receive these wastes under a generic permit.

2. Wastes received under this generic permit must meet the limitations contained in the Waste Stream Permit Attachments for Generic W/S Permit Numbers 000026, 000223, 000224, 000225, 000279, 000280 and 000303 incorporated herein by reference.

3. A waste which does not meet the limits set forth in the Generic Waste Permit Attachments referenced in Condition 2 above is not specifically prohibited from being accepted at this facility. Such waste streams may be accepted at the facility provided the Permittee demonstrates to the Agency that the waste can be properly managed at the facility. This demonstration must be submitted to the Agency in the form of a Special Waste Stream Application. The Agency will review this application and determine whether or not the waste can be accepted at the Safety-Kleen Chicago Recycling Center. If the Agency determines that the waste can be properly managed at the facility, a Supplemental Waste Stream Permit will be issued.

4. The following items shall be documented in the operating record for the subject facility regarding each load of waste received for storage recovery and/or fuel blending:

   a. Date that the load is received;

   b. Generic waste stream permit number and manifest number associated with the load of waste;

   c. Waste name and EPA Hazardous Waste Number;

   d. Generator name, location and identification numbers (IEPA and USEPA);

   e. Volume of waste received;

   f. The results of all chemical analyses conducted on the load of waste;

   g. Documentation as to whether the waste will be (1) stored prior to being shipped off-site (2) processed for recovery or (3) placed in the fuel blending program at the facility;

   h. Documentation of the location where the load of waste is placed (e.g., in Container Storage Area No. 1 or in a certain tank).

5. All waste accepted under this generic permit shall be managed in accordance with the requirements set forth in Permit No. 1980-39-OP.

6. Any request for renewal of this permit must be submitted at least 180 days prior to the expiration date specified in the heading of this supplemental permit. This request must contain sufficient documentation to demonstrate compliance with the terms and conditions of this supplemental permit.

7. All wastes shall be transported from each generator to the Safety Kleen Chicago Recycling Center under a properly completed manifest.

8. Special wastes generated at the site which must be disposed, incinerated or further treated off-site shall be transported to the receiving facility utilizing the Agency's supplemental waste stream permit system and manifest system.

9. An analysis of each waste stream accepted from each generator under this generic permit shall be maintained on file at the facility for review by the Agency.

10. All waste accepted under this generic waste stream permit for storage only at this site shall be shipped off-site to a facility permitted to receive such waste for treatment, storage or disposal. These wastes shall be transported to the receiving facility utilizing the Agency's supplemental waste stream permit system and manifest system.

11. Discharge of any process water to Waters of the State or to a sanitary sewer shall be carried out in accordance with the procedures set forth in 35 IAC, Subtitle C: Water Pollution. The entities responsible for ensuring compliance with these requirements are the Division of Water Pollution Control of this Agency (IEPA, DWPC) and the Greater Chicago Water Reclamation District.

12. In addition to the waste codes specifically identified in the generic waste stream attachment 000303, the following additional waste codes may also be accepted under authorization number 000303: D027, D028, D029, D032, D033, D036.

Except as modified above, this site shall be operated in accordance with the terms and conditions of Permit No. 1980-39-OP and any subsequent permit.

Very truly yours,

Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:JM:dls/2604k,sp,1-3

Attachments

cc: Collinsville Region
Division File
Compliance Monitoring
Bruce White
Enforcement

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000026

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1983113SUP

DATE RECEIVED: 06/30/83

APPROVAL DATE: 08/17/83
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0017

GENERIC WASTE NAME: SPENT SOLVENT - AMINES

WASTE CLASSIFICATION: NON-HAZARDOUS NOT SUBJECT TO FEE

IEPA NON-HAZARD WASTE NUMBER(S): 0001

HANDLING CODE(S): T63,T54,T61,T57,T31,T40,T50,D21

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): N/A F PH (MIN): N/A PH (MAX): N/A

-------- CRITERIA FOR WASTE CONSTITUENTS --------

CODE	NAME	MAX LIMITS
0057	N - METHYL 2-PYRROLIDONE	0100. % VOL
0001	WATER	0090. % VOL
0131	TOTAL SOLIDS	0090. % VOL

DISPOSAL METHOD: RECYCLE, REUSE, OR RECLAMATION

TREATMENT METHOD: SOLVENTS RECOVERY

TJD

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000223

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1983113SP

DATE RECEIVED: 08/16/88

APPROVAL DATE: 11/02/88
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0059

GENERIC WASTE NAME: NON-HALOGENATED SOLVENTS AND LIQUIDS

WASTE CLASSIFICATION: HAZARDOUS NOT SUBJECT TO FEE

USEPA HAZARDOUS WASTE NUMBER(S): F003,F005,D001

HANDLING CODE(S): T38,T50,S01,S02

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): N/A F PH (MIN): N/A PH (MAX): N/A

-------- CRITERIA FOR WASTE CONSTITUENTS --------

CODE	NAME	MAX LIMITS
0194	TOTAL NON-HALOGENATED SOLVENTS	0100.% VOL
0002	OIL	0090.% VOL
0001	WATER	0090.% VOL
0131	TOTAL SOLIDS	0090.% VOL

DISPOSAL METHOD: RECYCLE, REUSE, OR RECLAMATION

TREATMENT METHOD: SOLVENTS RECOVERY

TJD

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000224

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1983113SP

DATE RECEIVED: 08/16/88

APPROVAL DATE: 11/02/88
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0060

GENERIC WASTE NAME: HALOGENATED SOLVENTS AND LIQUIDS

WASTE CLASSIFICATION: HAZARDOUS NOT SUBJECT TO FEE

USEPA HAZARDOUS WASTE NUMBER(S): F001,F002

HANDLING CODE(S): T38,T50,S01,S02,D21

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): N/A F PH (MIN): N/A PH (MAX): N/A

-------- CRITERIA FOR WASTE CONSTITUENTS --------

CODE	NAME	MAX LIMITS
0160	TOTAL HALOGENATED SOLVENTS	0100. % VOL
0092	OIL	0090. % VOL
0001	WATER	0090. % VOL
0131	TOTAL SOLIDS	0090. % VOL

DISPOSAL METHOD: RECYCLE, REUSE, OR RECLAMATION

TREATMENT METHOD: SOLVENTS RECOVERY

TJO

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000225

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1983113SP

DATE RECEIVED: 08/16/88

APPROVAL DATE: 11/02/88
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0084

GENERIC WASTE NAME: WASTE THAT IS HAZ DUE TO SPECIFIC SOURCES

WASTE CLASSIFICATION: HAZARDOUS NOT SUBJECT TO FEE

USEPA HAZARDOUS WASTE NUMBER(S): K048,K049,K052,K085,K086,K095

HANDLING CODE(S): T38,T50,S01,S02,D21

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): N/A F PH (MIN): N/A PH (MAX): N/A

-------- CRITERIA FOR WASTE CONSTITUENTS --------

CODE	NAME	MAX LIMITS
0132	RECOVERABLE ORGANIC WASTE	0100.% VOL
0002	OIL	0090.% VOL
0001	WATER	0090.% VOL
0131	TOTAL SOLIDS	0090.% VOL

DISPOSAL METHOD: RECYCLE, REUSE, OR RECLAMATION

TREATMENT METHOD: SOLVENTS RECOVERY

TJD

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000279

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1983113SP

DATE RECEIVED: 06/14/90

APPROVAL DATE: 09/13/90
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0057

GENERIC WASTE NAME: USED,WASTE,OFF-SPEC AND SURPLUS OILS

WASTE CLASSIFICATION: NON-HAZARDOUS NOT SUBJECT TO FEE

IEPA NON-HAZARD WASTE NUMBER(S): 0002

HANDLING CODE(S): S02

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): >N/A F PH (MIN): >N/A PH (MAX): <N/A

-------- CRITERIA FOR WASTE CONSTITUENTS ---------

CODE	NAME	MAX LIMITS
0002	OIL	0100. % VOL
0250	TOTAL CHLORINE	1000. PPM
0117	PCB	0005 PPM

DISPOSAL METHOD: WASTE STORAGE

STORAGE METHOD: TANK

TJD

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000280

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1983113SP

DATE RECEIVED: 06/14/90

APPROVAL DATE: 09/13/90
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0086

GENERIC WASTE NAME: NON-HAZARDOUS WASTE FOR TREATMENT ONLY

WASTE CLASSIFICATION: NON-HAZARDOUS NOT SUBJECT TO FEE

IEPA NON-HAZARD WASTE NUMBER(S): 0001,0003,0016

HANDLING CODE(S): S02,T61,T63,T54,T44

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): > 140F PH (MIN): > 2.0 PH (MAX): <12.5

-------- CRITERIA FOR WASTE CONSTITUENTS --------

CODE	NAME	MAX LIMITS
0057	N - METHYL 2-PYRROLIDONE	0100 % VOL
0087	ETHYLENE GLYCOL	0100 % VOL
0089	DIETHYLENE GLYCOL	0100 % VOL
0103	ETHYLENE GLYCOL METHYL ETHER	0100 % VOL
0085	PROPYLENE GLYCOL	0100 % VOL
0132	RECOVERABLE ORGANIC WASTE	0100 % VOL

DISPOSAL METHOD: RECYCLE, REUSE, OR RECLAMATION

TREATMENT METHOD: FUEL BLENDING

TJD

GENERIC WASTE STREAM PERMIT ATTACHMENT

SITE CODE: 0316000053

GENERIC W/S PERMIT NUMBER: 000303

SITE NAME: SAFETY-KLEEN CORP

SUP/OP PERMIT NUMBER: 1991211SP

DATE RECEIVED: 06/19/91

APPROVAL DATE: 09/03/91
EXPIRATION DATE: 11/02/93

GENERIC WASTE CODE: 0082

GENERIC WASTE NAME: WASTE THAT IS HAZ DUE TO CHARACTERISTICS

WASTE CLASSIFICATION: HAZARDOUS NOT SUBJECT TO FEE

USEPA HAZARDOUS WASTE NUMBER(S): D004,D006,D007,D008,D021,D022,D026

HANDLING CODE(S): S02,T61,T63,T54,T44

---------- CRITERIA FOR WASTE PROPERTIES ----------

FLASH POINT (MIN): > 140F PH (MIN): > 2.0 PH (MAX): <12.5

-------- CRITERIA FOR WASTE CONSTITUENTS --------

CODE	NAME	MAX LIMITS
0024	ARSENIC	0004 % VOL
0025	CADMIUM	0001 % VOL
0031	CHROMIUM	0010. % VOL
0030	LEAD	0003 % VOL
0256	CHLOROFORM - TCLP	0003 % VOL
0260	CRESOL - TCLP	0010. % VOL
0261	1,4-DICHLOROBENZENE - TCLP	0010. % VOL
0262	1,2-DICHLOROETHANE - TCLP	0003 % VOL
0263	1,1-DICHLOROETHYLENE - TCLP	0001 % VOL
0266	HEXACHLOROBENZENE - TCLP	0005 % VOL
0267	HEXACHLOROBUTADIENE - TC	0001 % VOL
0270	NITROBENZENE - TCLP	0010. % VOL
0255	CHLOROBENZENE - TCLP	0010. % VOL

DISPOSAL METHOD: RECYCLE, REUSE, OR RECLAMATION

TREATMENT METHOD: SOLVENTS RECOVERY

TJD

STANDARD CONDITIONS FOR CONSTRUCTION/DEVELOPMENT PERMITS
ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

July 1, 1979

The Illinois Environmental Protection Act (Illinois Revised Statutes, Chapter 111-1/2, Section 1039) grants the Environmental Protection Agency authority to impose conditions on permits which it issues.

These standard conditions shall apply to all permits which the Agency issues for construction or development projects which require permits under the Divisions of Water Pollution Control, Air Pollution Control, Public Water Supplies, and Land and Noise Pollution Control. Special conditions may also be imposed by the separate divisions in addition to these standard conditions.

1. Unless this permit has been extended or it has been voided by a newely issued permit, this permit will expire two years after date of issuance unless construction or development on this project has started on or prior to that date.

2. The construction or development of facilities covered by this permit shall be done in compliance with applicable provisions of Federal laws and regulations, the Illinois Environmental Protection Act, and Rules and Regulations adopted by the Illinos Pollution Control Board.

3. There shall be no deviations from the approved plans and specifications unless a written request for modification of the project, along with plans and specifications as required, shall have been submitted to the Agency and a supplemental written permit issued.

4. The permittee shall allow any agent duly authorized by the Agency upon the presentation of credentials:

   a. to enter at reasonable times the permittee's premises where actual or potential effluent, emission or noise sources are located or where any activity is to be conducted pursuant to this permit.

   b. to have access to and copy at reasonable times any records required to be kept under the terms and conditions of this permit.

   c. to inspect at reasonable times, including during any hours of operation of equipment constructed or operated under this permit, such equipment or monitoring methodology or equipment required to be kept, used, operated, calibrated and maintained under this permit.

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d. to obtain and remove at reasonable times samples of any discharge or emission of pollutants.

e. to enter at reasonable times and utilize any photographic, recording, testing, monitoring or other equipment for the purpose of preserving, testing, monitoring, or recording any activity, discharge, or emission authorized by this permit.

5. The issuance of this permit:

a. shall not be considered as in any manner affecting the title of the premises upon which the permitted facilities are to be located;

b. does not release the permittee from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the proposed facilities;

c. does not release the permittee from compliance with other applicable statutes and regulations of the United States, of the State of Illinois, or with applicable local laws, ordinances and regulations;

d. does not take into consideration or attest to the structural stability of any units or parts of the project;

e. in no manner implies or suggests that the Agency (or its officers, agents or employees) assumes any liability, directly or indirectly, for any loss due to damage, installation, maintenance, or operation of the proposed equipment or facility.

6. Unless a joint construction/operation permit has been issued, a permit for operating shall be obtained from the Agency before the facility or equipment covered by this permit is placed into operation.

7. These standard conditions shall prevail unless modified by special conditions.

8. The Agency may file a compliant with the Board for modification, suspension or revocation of a permit:

a. upon discovery that the permit application contained misrepresentations, misinformation or false statements or that all relevant facts were not disclosed; or

b. upon finding that any standard or special conditions have been violated; or

c. upon any violation of the Environmental Protection Act or any Rule or Regulation effective thereunder as a result of the construction or development authorized by this permit.

MLK:dh/17

USEPA

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: 0316000053 -- Cook County
Safety Kleen (Chicago Recycling Center)
ILD005450697
Compliance File

July 10, 1991

Safety Kleen Corporation
Attn: Paul Pederson
777 Big Timber Road
Elgin, Illinois 60123

Dear Mr. Pederson:

The Agency is in receipt of your June 13, 1991 response(s) to our April 22, 1991 Compliance Inquiry Letter. Your response(s) has been reviewed and the apparent violation(s) of Section(s) 725.242(b), 725.243(c)(4) and 724.251 are now considered resolved.

If you have any questions, please contact Andrew Vollmer at 217/782-6761.

Sincerely,

Brian S. White, Manager
Compliance Unit
Planning and Reporting Section
Division of Land Pollution Control

BSW:LS:jab/2111q/17

cc: Division File
Maywood Region
Bill Ingersoll
USEPA Region V
Andrew Vollmer
Lizz Schwartzkopf

USEPA

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: 0316000053 -- Cook County
Safety Kleen (Chicago Recycling Center)
ILD005450697
Compliance File

COMPLIANCE INQUIRY LETTER

Certified #

April 22, 1991

Safety Kleen Corp.
Attn: Paul Pederson
777 Big Timber Road
Elgin, Illinois 60123

Dear Mr. Pederson:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 Ill. Adm. Code Part 725 and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations. The Agency's findings of apparent non-compliance listed in Attachment A are based on a April 4, 1991 review of documents submitted to the Agency to demonstrate compliance with the requirements of Subpart H.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response to this letter should be sent to the following:

Lizz Schwartzkopf
Compliance Unit
Planning and Reporting Section
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Further, take notice that non-compliance with the requirements of the Illinois Environmental Protection Act and rules and regulations adopted thereunder may be the subject of enforcement action pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.

If you have any questions regarding the above, please contact Andrew Vollmer at 217/782-6761.

Sincerely,

Brian S. White, Manager
Compliance Unit
Planning and Reporting Section
Division of Land Pollution Control

BSW:AV:bjh/1099q/26,27

cc: Division File
Maywood Region
Bill Ingersoll
USEPA
Andy Vollmer
Lizz Schwartzkopf

Attachment A

1. Pursuant to 35 Ill. Adm. Code 725.242(b), during the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 725.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 725.243(e)(5). The adjustment may be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

   1. The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

   2. Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

   You are in apparent violation of 35 Ill. Adm. Code 725.242(b) for the following reason(s): You failed to submit your increased closure cost as required.

2. Pursuant to 35 Ill. Adm. Code 725.243(c)(4), the letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: The EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

   You are in apparent violation of 35 Ill. Adm. Code 725.243(c)(4) for the following reason(s): You failed to submit the cover letter as required.

3. Pursuant to 35 Ill. Adm. Code 724.251, the Agency shall promulgate standardized forms based on 40 CFR 264.151 with such changes in wording as are necessary under Illinois law. Any owner or operator required to establish financial assurance under this Subpart shall do so only upon the standardized forms promulgated by the Agency. The Agency shall reject any financial assurance document which is not submitted on such standardized forms. The Agency has rejected your financial assurance document(s) for failure to use the Illinois standardized forms.

   The certificate of insurance fails to list the type of coverage.

BSW:AV:bjh/1099q/28

Illinois Environmental Protection Agency · P.O. Box 19276, Springfield, IL 62794-9276

217/782-6761

Refer to: 0316000053 -- Cook
Safety-Kleen Corporation (Chicago RC)
Closure Plan Approved April 26, 1990
Closure Log #: C-501
ILD005450697
RCRA CLOSURE

CERTIFIED # P 367 388 109

RECEIVED
MAR 27 1991
OFFICE OF RCRA
Waste Management Division
U.S. EPA, REGION V

March 26, 1991

Safety-Kleen Corporation
Attn: Alfred Aghaiepour
1445 West 42nd Street
Chicago, Il 60609

Dear Mr. Aghaiepour:

The subject hazardous waste management facility was inspected by a representative of this Agency February 21, 1991. The inspection revealed that the closure activity was completed in accordance with the approved closure plan dated February 1990.

Certification that the hazardous waste tank storage units (S02) had been closed in accordance with the approved closure plan by the owner/operator, Safety-Kleen Corp., and an independent registered professional engineer, Lawrence Helish, of Illinois was received at this Agency February 4, 1991.

The Agency has determined that the closure of the tank storage units has apparently met the requirements of Interim Status Standards, 35 Ill. Admin. Code, Part 725 (40 CFR, Part 265).

This facility must continue to meet requirements of the 35 Ill. Admin. Code, Subtitle G, Parts 703 through 728.

If you have any questions, please contact John Maher at 708/531-5900.

Sincerely,

Glenn D. Savage

Glenn D. Savage, Manager
Field Operations Section
Division of Land Pollution Control

GDS:JM:sd

PRINTED ON RECYCLED PAPER

cc: Division File
Maywood Region
USEPA Region V, George Hamper
USEPA Region V, Marilyn Sabadaszka
USEPA Region V, Judy Kertcher
Lawerence Helish, P.E.
Brian White
Charlie Zeal

MAR 0 9 1990

5HR-12

Tom Hillstrom, Facility Manager
Safety-Kleen Corporation
Chicago Recycle Center
1445 West 42nd Street
Chicago, Illinois 60609

Re: Land Disposal Restrictions
Safety-Kleen Corporation
ILD 005 450 697

Dear Mr. Hillstrom:

On January 19, 1990, the Illinois Environmental Protection Agency (IEPA), representing the United States Environmental Protection Agency (U.S. EPA), conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above referenced facility. The purpose of the inspection was to determine the facility's compliance with the applicable hazardous waste management requirements of RCRA, including the Federal land disposal restrictions. The land disposal restrictions for F001-F005 spent solvents and dioxin-containing wastes became effective on November 8, 1986, for California List hazardous wastes on July 8, 1987, for the First Third of hazardous wastes on August 8, 1988, for the Second Third of hazardous wastes on June 8, 1989 (40 CFR Part 268 and revisions to 40 CFR Parts 260-265 and 270-271).

With respect to the land disposal restrictions section of the inspection, your facility was found to be in compliance with the requirements. A copy of the inspection report is enclosed for your records.

If you have any questions regarding this correspondence, please contact Ms. Sharon Travis of my staff at (312) 886-6533.

Sincerely yours,

Paul E. Dimock, Chief
IL/MI/WI Enforcement Program Section

Enclosure

cc: Harry Chappel, IEPA-CMS
Glenn Savage, IEPA-FOS
Donna Czech, IEPA-EPS-Maywood

bcc: Compliance file
5HR-12:S. TRAVIS:disk #4:ev:3-7928:03/07/90/:PC FILENAME: Hillstrom

3-8-90

RCRA ENFORCEMENT	RCRA STAFF	[illegible]	RCRA CHIEF
INIT. DATE	3-8-90	3-8-90	

Illinois Environmental Protection Agency · P. O. Box 19276, Springfield, IL 62794-9276

File

217/782-6761

Refer to: 0316000053 -- Cook County
Safety Kleen (Chicago Recycling Center)
ILD005450697
Compliance File

COMPLIANCE INQUIRY LETTER

Certified # P 115 239 843

February 22, 1990

Mr. Paul Pederson
Safety Kleen
777 Big Timber Road
Elgin, Illinois 60123

Dear Mr. Pederson:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 IL. Adm. Code 725 and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations. The Agency's findings of apparent non-compliance on Attachment A are based on a February 20, 1990 review of documents submitted to the Agency to demonstrate compliance with the requirements of Subpart H.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response, and a copy of all documents submitted in reply to this letter, should be sent to the following:

Angela Aye Tin, Manager
Technical Compliance Unit
Compliance Section
Illinois Environmental Protection Agency
Division of Land Pollution Control
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

Further, take notice that non-compliance with the requirements of the Illinois Environmental Protection Act and rules and regulations adopted thereunder may be the subject of enforcement action pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.

If you have any questions regarding the above, please contact Andrew Vollmer.

Sincerely,

Angela Aye Tin

Angela Aye Tin, Manager
Technical Compliance Unit
Compliance Section
Division of Land Pollution Control

AAT:AV:lab/0628m, 30-77

cc: Division File
Maywood Regional Office
USEPA - Mary Murphy
HWRC
Andrew Vollmer
Enforcement - Gary King

Attachment A

1. Pursuant to 35 Ill. Adm. Code 725.242(b), during the active life of the facility, the owner or operator shall adjust the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with Section 725.243. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year and before submission of updated information to the Agency as specified in Section 725.243(e)(5). The adjustment may be made by recalculating the closure cost estimate in current dollars, or by using an inflation factor derived from the most recent annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business as specified in subsections (b)(1) and (b)(2). The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

   1. The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

   2. Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

   You are in apparent violation of 35 Ill. Adm. Code 725.242(b) for the following reason(s): You failed to adjust your closure cost as required. The last closure cost was submitted in 1988.

2. Pursuant to 35 Ill. Adm. Code 725.243(c)(4), the letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date and providing the following information: The EPA Identification Number, name and address of the facility, and the amount of funds assured for closure of the facility by the letter of credit.

   You are in apparent violation of 35 Ill. Adm. Code 725.243(c)(4) for the following reason(s): You failed to submit the letter with the increased closure cost.

3. Pursuant to 35 Ill. Adm. Code 725.247(a), an owner or operator of a hazardous waste treatment, storage or disposal facility, or a group of such facilities, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence with an annual aggregate of at least $2 million, exclusive of legal defense costs. This liability coverage may be demonstrated in one of three ways, as specified in subsections (a)(1), (a)(2) and (a)(3).

You are in apparent violation of 35 Ill. Adm. Code 725.247(a) for the following reason(s): Your certificate of insurance is inadequate, it fails to list the type of coverage for each facility and it also fails to list the out of State facilities. If this certificate is for Illinois facilities, please indicate.

AAT:AV:lab/0628n, 30-77

c c USEPA 2-90

FACILITY TRACKING SHEET

(Subpart H Financial Assurance Review Sheet)

File

Facility Name: Safety Kleen chi Ridge ctr USEPA ID #: ILD005450697 IEPA ID #: 0316000053

LDF: _____ Non-LDF: ✓ Reviewer: APV (Initials) 2-21-90 (Date)

Facility in Compliance with Subpart H _____ (Date)

Type of Instruments: LC STF Liability Coverage? Yes ✓ No ____

CIL Sent 2-22-90 Response Received _____ PECL Sent _____ PEC Held _____

Referred to EDG _____

COMMENTS The Certificate of ins is inadequate Vio of 725-247(a) also Vio of 725-242(b) LC NOT increased for inflation

06 SEP 1989

5HR-12

Mr. Tom Hillstrom
Safety Kleen Corporation
1445 W. 42nd Street
Chicago, Illinois 60609

Re: Land Disposal Restrictions
Safety Kleen Corporation
ILD 005 450 697

Dear Mr. Hillstrom:

On July 25, 1989, the Illinois Environmental Protection Agency (IEPA), representing the U.S. Environmental Protection Agency, conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above-referenced facility. The purpose of the inspection was to determine the facility's compliance with the applicable hazardous waste management requirements of RCRA, including the Federal land disposal restrictions. The land disposal restrictions for F001-F005 spent solvents became effective on November 8, 1986, (40 CFR Part 268 and revisions to 40 CFR Parts 260-265 and 270-271) and for "California List" hazardous wastes on July 8, 1987, (52 Federal Register 25760: revisions to 40 CFR Parts 262, 264, 265, 268, and 270-271). Additionally, the land disposal restrictions for First Third of Scheduled Wastes became effective on August 8, 1988, (532 Federal Register 31138: revisions to 40 CFR Parts 264, 265, 266, 268, and 271).

With respect to the land disposal restrictions section of the inspection, your facility was found to be in compliance with the requirements. A copy of the inspection report is enclosed for your records.

If you have any questions regarding this correspondence, please contact Gertrud Matuschkovitz of my staff at (312) 353-7921.

Sincerely yours,

Paul E. Dimock, Chief
IL/MI/WI Enforcement Program Section

Enclosure

cc: Harry Chappel, IEPA
Glenn Savage, IEPA

E.V. 9-6-89

RCRA ENFORCEMENT	REB STAFF	REB SECTION CHIEF	REB CHIEF
INIT.	gm	ARN	
DATE	9/6/89	9/6/89	

5HR-12:G. Matuschkovitz:ev:3-7928:09/05/89:DISK# 3:PC FILENAME:Hillstrom

1 7 MAR 1989

5HR-12

Mr. Tom Hillstrom
Safety Kleen Corporation
1445 West 42nd Street
Chicago, Illinois 60609

Re: Land Disposal Restrictions
Safety-Kleen Corp.
ILD 005 450 697

Dear Mr. Hillstrom:

On January 31, 1989, the Illinois Environmental Protection Agency (IEPA), representing the U.S. Environmental Protection Agency, conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above-referenced facility. The purpose of the inspection was to determine the facility's compliance with the applicable hazardous waste management requirements of RCRA, including the Federal land disposal restrictions. The land disposal restrictions for F001-F005 spent solvents became effective on November 8, 1986, (40 CFR Part 268 and revisions to 40 CFR Parts 260-265 and 270-271) and for "California List" hazardous wastes on July 8, 1987, (52 Federal Register 25760: revisions to 40 CFR Parts 262, 264, 265, 268, and 270-271). Additionally, the land disposal restrictions for First Third of Scheduled Wastes became effective on August 8, 1988, (53 Federal Register 31138: revisions to 40 CFR Parts 264, 265, 266, 268 and 271).

With respect to the land disposal restrictions section of the your facility was found to be in compliance with the requirements. A copy of the inspection report is enclosed for your records.If you have any questions regarding this correspondence, please contact Ms. Gertrud Matuschkovitz of my staff at (312) 353-7921.

Sincerely yours,

O.R. 3/14/89

RCRA ENFORCEMENT	REB STAFF	REB SECTION CHIEF	REB CHIEF
INIT.	gm	P.S.N.	
DATE	3/14/89	3-15-89	

Paul E. Dimock, Chief
IL/MI/WI Enforcement Program Section

Enclosure

cc: Harry Chappel, IEPA, CMS
Glen Savage, IEPA, FOS

5HR-12:G. MATUSCHKOVITZ:or:3-7925:03/13/89:DISK# 2:PC FILENAME:HILLSTROM

Yellow

15 SEP 1988

5HR-12

Mr. Tom Hillstrom
Safety-Kleen Corporation
1445 West 42nd Street
Chicago, Illinois 60609

Re: Land Disposal Restrictions
Safety-Kleen Corp.
ILD 005 450 697

Dear Mr. Hillstrom:

On July 14, 1988, the Illinois Environmental Protection Agency (IEPA), representing the U.S. Environmental Protection Agency, conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above-referenced facility. The purpose of the inspection was to determine the facility's compliance with the applciable hazardous waste amanagement requirements of RCRA, including the Federal land disposal restrictions. The land disposal restrictions for F001-F005 spent solvents became effective on November 8,1986, (40 CFR Part 268 and revisions to 40 CFR Parts 260-265 and 270-271) and for "California List" hazardous wastes on July 8, 1987, (52 Federal Register 25760: revisions to 40 CFR Parts 262, 264, 265, 268, and 270-271).

With respect to the land disposal restrictions section of the inspection, your facility was found to be in compliance with the requirements. A copy of the inspection report is enclosed for your records.

If you have any questions regarding this correspondence, please contact Ms. Sharon R. Travis of my staff at (312) 886-6533.

Sincerely yours,

Paul E. Dimock, Chief
IL/MI/WI Enforcement Program Section

Enclosure

cc: Harry Chappel, IEPA
Glen Savage, IEPA

	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O.R. A.D.D.	W.M. D.P.
INIT. DATE	O-R 9/9/88	9/13/88				PLD 9-13-88				

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

5HS-12

21 APR 1988

Mr. Mario Romero
Safety-Kleen
1445 W. 42nd Street
Chicago, Illinois 60609

Re: Land Disposal Restrictions
Safety-Kleen
ILD 005 450 697

Dear Mr. Romero:

On January 14, 1988, the Illinois Environmental Protection Agency (IEPA), representing the U.S. Environmental Protection Agency, conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above-referenced facility. The purpose of the inspection was to determine the facility's compliance with the applicable hazardous waste management requirements of RCRA, including the Federal land disposal restrictions. The land disposal restrictions for F001-F005 spent solvents became effective on November 8, 1986, (40 CFR Part 268 and revisions to 40 CFR Parts 260-265 and 270-271).

With respect to the land disposal restrictions section of the inspection, your facility was found to be in compliance with the requirements. A copy of the inspection report is enclosed for your records.

If you have any questions regarding this correspondence, please contact Ms. Gertrud Matuschkovitz of my staff at (312) 353-7921.

Sincerely yours,

Paul E. Dimock, Chief
IL/MI/WI Enforcement Programs Section

Enclosure

cc: Harry Chappel, IEPA
Glenn Savage, IEPA

5HS-12:GMATUSCHKOVITZ:4/20/88:ev DISK 2

CONCURRENCES

SYMBOL								
SURNAME	E.V.	GM	4/21/88					
DATE	4-20-88	4-20-88						

EPA Form 1320-1 (12-70) OFFICIAL FILE COPY

*U.S. GPO : 1984-436-836

5HS-12

MAR 1 8 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mario Romero
Safety Kleen
1445 West 42nd Street
Chicago, Illinois 60609

Re: Notice of Violation
Safety Kleen
ILD 005 450 697

Dear Mr. Romero:

On June 19, 1987, the Illinois Environmental Protection Agency (IEPA), representing the U.S. Environmental Protection Agency, conducted a Resource Conservation and Recovery Act (RCRA) inspection of the above-referenced facility. The purpose of the inspection was to determine the facility's compliance with the applicable hazardous waste management requirements of RCRA, including the Federal land disposal restrictions on F001-F005 spent solvents. The land disposal restrictions became effective on November 8, 1986, (40 CFR 268, and revisions to 40 CFR 260-265 and 270-271).

With respect to the land disposal restrictions section of the inspection, your facility was found to be in violation of the following:

1. Failure to properly classify hazardous waste, as required by Section 268.7(a); and

2. Failure to include a written notice for each shipment of F-solvent wastes with the U.S. EPA hazardous waste numbers, and the applicable treatment standards, as required by Section 268.7(a)(1);

A copy of the inspection report is enclosed for your records. Please submit to this office, within thirty (30) days of receipt of this Notice of Violation, documentation demonstrating that the above-cited violations have been corrected

R. Brown 5HS-12
P-571 916 646
EPS #1

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to Mr. Mario Romero	
Street and No. 1445 W 42nd St.	
Chicago, Il 60609	
Postage	$ 73
Certified Fee	75
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	70
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$ 218
Postmark or Date	

CHICAGO, ILL. MAR 1 8 1988 USPO

U.S.G.P.O. 153-506

PS Form 3800, June 1985

and indicating what measures have been initiated to assure future compliance. Failure to correct the violations may subject the facility to further Federal enforcement action.

If you have any questions regarding this correspondence, please contact Mr. Ronald Brown of my staff at (312) 886-4463.

Sincerely yours,

ORIGINAL SIGNED BY
WILLIAM E. MUNO

William E. Muno, Chief
RCRA Enforcement Branch

Enclosure

cc: Harry Chappel, IEPA
Glenn Savage, IEPA

TYPIST	AUTHOR				
O.R 3/14/88	R.E.B. 3-14-88		P.E.J 3/14/88	3/15/88	WEM 3/16/88

safety-kleen®

Gen, TRS, PA

August 27, 1987

Illinois EPA
Land Pollution Control Division
2200 Churchill Road
Springfield, IL 62706

US EPA Region V
RCRA Activities
P.O. Box A3587
Chicago, IL 60609

Re: Safety-Kleen Corp. - Chicago RC
Site ID: 0316000053 - Cook County; EPA ID: ILD005450697

Gentlemen:

Recent development in the management of hazardous waste spent solvents are projected to result in increased volumes for handling at our Chicago Recycling Center. These developments are summarized:

- Federal regulations now prohibit most land disposal of listed spent solvents and other halogenated organic compounds. State of Illinois regulations prohibit most land disposal of any regulated hazardous waste.

- Effective April 1, 1987, Safety-Kleen acquired additional facilities formerly operating under name "McKesson Envirosystems Company". The former McKesson units feature significant operations with hazardous waste fuels.

The impact at the Chicago facility will require changes in operations plus reassignment of service use for various bulk storage tanks. Certain tanks now assigned for product or process use (not regulated as a hazardous waste use) will need reassignment for waste service.

RECEIVED
SEP 15 1987
SWD - RIC
U.S. EPA. REGION V

777 BIG TIMBER ROAD ELGIN, ILLINOIS 60123 PHONE 312/697-8460 TELEX 910 251 4479

The appropriate RCRA Part A forms have been revised to reflect an increase in tank storage capacity assigned for waste service. The revised forms are forwarded herewith. These changes do not amount to a reconstruction of the facility.

If you have any questions about these changes, please contact me at 312/697-8460.

Sincerely,

Stanley A. Walczynski
Environmental Manager
Treatment Operations

SAW/ber

Enclosure

cc: Scott Fore
Clark Rose
Mario Romero
File: Chicago RC - Notification/Part B

Please print or type in the unshaded areas only
(fill-in areas are spaced for elite type, i.e., 12 charact[illegible]nch).

Form Approved OMB No. 158-R0175

U.S. [illegible]RONMENTAL PROTECTION AGENCY

EPA GENERAL INFORMATION

Consolidated Permits Program
(Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER

1	I L D 0 0 5 4 5 0 6 9 7

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the items that should appear), please provide it in the appropriate fill-in area below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B and VI-F below). If the label is incorrect in any respect, you must complete all items. If no label has been provided, complete all items.

NOTE: Section B of the instructions for additional information.

PLEASE PLACE LABEL IN THIS SPACE

II. FACILITY CHARACTERISTICS

Questions A through J are to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any question, you must submit one of these forms. You may also be required to submit other forms. If you answer "no" to each question, you need not submit any of these forms. You may also be required by other parts of this application to submit information. See Section C of the instructions. See also, Section D of the instructions for definitions of terms used in this section.

specific questions	MARK 'X' YES	MARK 'X' NO	MARK 'X' ATTACHED	specific questions	MARK 'X' YES	MARK 'X' NO	MARK 'X' ATTACHED
A. Is this a facility which currently results in discharges to waters of the U.S. other than those described in Part A of this form? (FORM 2A)		X		B. Does or will this facility dump pollutants or other materials into waters of the U.S. or other waters of the U.S. which are subject to the ocean dumping regulations? (FORM 2C)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in Part A or B above? (FORM 2D)		X		D. Is this a proposed facility (other than those described in A or B above) which will result in discharges to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	X			F. Do you or will you inject at this facility industrial or hazardous wastes through wells or through septic tanks, sewers, or other similar conveyances, where the injection zone contains water which is within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids or gases for processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of coal fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1	S A F E T Y - K L E E N C O R P - C H I C A G O R C

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)	B. PHONE (area code & no.)
2 W A L C Z Y N S K I , S T A N L E Y E N V E N G	3 1 2 6 9 7 8 4 6 0

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX

3	7 7 7 B I G T I M B E R R O A D

B. CITY OR TOWN	C. STATE	D. ZIP CODE
4 E L G I N	I L	6 0 1 2 3

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER

5	4 4 5 W 4 2 n d S T R E E T

B. COUNTY NAME

	C O O K

C. CITY OR TOWN	D. STATE	E. ZIP CODE	F. COUNTY CODE (if known)
6 C H I C A G O	I L	6 0 6 0 9	

CONTINUE ON REVERSE

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST	B. SECOND
7399 (specify) Business Services n.e.c. Solvent Recovery Services	(specify)
C. THIRD	**D. FOURTH**
(specify)	(specify)

VIII. OPERATOR INFORMATION

A. NAME: SAFETY-KLEEN CORP

B. Is the name listed in Item VIII-A also the owner? [X] YES [ ] NO

C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)
F = FEDERAL, S = STATE, P = PRIVATE, M = PUBLIC (other than federal or state), O = OTHER (specify)

P (specify)

D. PHONE (area code & no.): A 312 697 8460

E. STREET OR P.O. BOX: 777 BIG TIMBER RD

F. CITY OR TOWN: ELGIN

G. STATE: IL

H. ZIP CODE: 60123

IX. INDIAN LAND: [ ] YES [X] NO

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)		D. PSD (Air Emissions from Proposed Sources)	
B. UIC (Underground Injection of Fluids)		E. OTHER (specify)	
C. RCRA (Hazardous Wastes)		F. OTHER (specify)	
		9 1980-39-OP	(specify) IEPA Solid Waste Facility
		9 1983-113-SUP	(specify) IEPA Waste Auth.

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)

This facility is engaged in the resource recovery of organic chemicals from spent or off spec streams. Components are separated and purified in the facility's process units which include simple and fractional distillation, neutralization, liquid-liquid extraction and resin drying.

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
Kenneth R. Gordon Vice President, Techical Services	[signature]	8-28-87

COMMENTS FOR OFFICIAL USE ONLY

C

Please print or type in the unshaded areas only
(fill-in areas are spaced for elite type, i.e., 12 charact[illegible]nch).

Form Approved OMB No. 158-S80004

FORM 1 RCRA

USE EPA GENERAL PROTECTION AREA

EPA HAZARDOUS WASTE PERMIT APPLICATION

Consolidated Permits Program

(This information is required under Section 3005 of RCRA.)

EPA I.D. NUMBER: I L D 0 0 5 4 5 0 6 9 7 — PAGE 1

FOR OFFICIAL USE ONLY

APPLICATION RECEIVED	DATE RECEIVED (yr., mo., & day)	COMMENTS

II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below *(mark one box only)* to indicate whether this is the first application you are submitting for your facility or a revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item I above.

A. FIRST APPLICATION *(place an "X" below and provide the appropriate date)*

[X] 1. EXISTING FACILITY *(See instructions for definition of "existing" facility. Complete item below.)*

FOR EXISTING FACILITIES, PROVIDE THE DATE *(yr., mo., & day)* OPERATION BEGAN OR THE DATE CONSTRUCTION COMMENCED *(use the boxes to the left)*

C	YR.	MO.	DAY
8	6 9	1 0	3 1

[ ] 2. NEW FACILITY *(Complete item below.)*

FOR NEW FACILITIES, PROVIDE THE DATE *(yr., mo., & day)* OPERATION BEGAN OR IS EXPECTED TO BEGIN

YR.	MO.	DAY

B. REVISED APPLICATION *(place an "X" below and complete Item I above)*

[X] 1. FACILITY HAS INTERIM STATUS

[ ] 2. FACILITY HAS A RCRA PERMIT

III. PROCESSES — CODES AND DESIGN CAPACITIES

A. PROCESS CODE — Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, then describe the process *(including its design capacity)* in the space provided on the form *(Item III-C)*.

B. PROCESS DESIGN CAPACITY — For each code entered in column A, enter the capacity of the process.

1. AMOUNT — Enter the amount.
2. UNIT OF MEASURE — For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Storage:		
CONTAINER *(barrel, drum, etc.)*	S01	GALLONS OR LITERS
TANK	S02	GALLONS OR LITERS
WASTE PILE	S03	CUBIC YARDS OR CUBIC METERS
SURFACE IMPOUNDMENT	S04	GALLONS OR LITERS
Disposal:		
INJECTION WELL	D79	GALLONS OR LITERS
LANDFILL	D80	ACRE-FEET *(the volume that would cover one acre to a depth of one foot)* OR HECTARE-METER
LAND APPLICATION	D81	ACRES OR HECTARES
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Treatment:		
TANK	T01	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	T02	GALLONS PER DAY OR LITERS PER DAY
INCINERATOR	T03	TONS PER HOUR OR METRIC TONS PER HOUR; GALLONS PER HOUR OR LITERS PER HOUR
OTHER *(Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)*	T04	GALLONS PER DAY OR LITERS PER DAY

UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE
GALLONS	G	LITERS PER DAY	V	ACRE-FEET	A
LITERS	L	TONS PER HOUR	D	HECTARE-METER	F
CUBIC YARDS	Y	METRIC TONS PER HOUR	W	ACRES	B
CUBIC METERS	C	GALLONS PER HOUR	E	HECTARES	Q
GALLONS PER DAY	U	LITERS PER HOUR	H		

EXAMPLE FOR COMPLETING ITEM III *(shown in line numbers X-1 and X-2 below)*: A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

C DUP T/A C I

LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY 1. AMOUNT (specify)	2. UNIT OF MEASURE (enter code)	FOR OFFICIAL USE ONLY	LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY 1. AMOUNT	2. UNIT OF MEASURE (enter code)	FOR OFFICIAL USE ONLY
X-1	S 0 2	600	G		5				
X-2	T 0 3	20	E		6				
	S 0 1	496,210	G		7				
2	S 0 2	890,000	G		8				
3	T 0 1	518,000	U		9				
4	T 0 4	345,600	U		10				

Continued from the front.

C. SPACE FOR ADDITIONAL PROCESS CODES OR FOR DESCRIBING OTHER PROCESSES *(code "T04")*. FOR EACH PROCESS ENTERED HERE INCLUDE DESIGN CAPACITY.

T04 Includes: T44 (Sedimentation)
T54 (Distillation)
T63 (Solvent Recovery)
T61 (Liquid-Liquid Extraction)
T31 (Neutralization)

IV. DESCRIPTION OF HAZARDOUS WASTES

A. EPA HAZARDOUS WASTE NUMBER — Enter the four-digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four-digit number from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of these hazardous wastes.

B. ESTIMATED ANNUAL QUANTITY — For each listed waste entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each characteristic or toxic contaminant entered in column A estimate the total annual quantity of all the non-listed waste(s) that will be handled which possess that characteristic or contaminant.

C. UNIT OF MEASURE — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. PROCESSES

1. PROCESS CODES:
   For listed hazardous waste: For each listed hazardous waste entered in column A select the code(s) from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.
   For non-listed hazardous wastes: For each characteristic or toxic contaminant entered in column A, select the code(s) from the list of process codes contained in Item III to indicate all the processes that will be used to store, treat, and/or dispose of all the non-listed hazardous wastes that possess that characteristic or toxic contaminant.
   Note: Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code(s).

2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form.

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B,C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
2. In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM IV *(shown in line numbers X-1, X-2, X-3, and X-4 below)* — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non-listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES 1. PROCESS CODES (enter)	D. PROCESSES 2. PROCESS DESCRIPTION (if a code is not entered in D(1))
X-1	K054	900	P	T03 D80	
X-2	D002	400	P	T03 D80	
X-3	D001	100	P	T03 D80	
X-4	D002				included with above

 CONTINUE ON PAGE 3

Continued from page 2.
NOTE: Photocopy this page before completing if you [illegible] more than 26 wastes to list.

Form Approved OMB No. 158-S80004

EPA I.D. NUMBER (enter from page 1): W 1 L 0 0 0 5 4 5 0 6 9 7 — T/A 1

FOR OFFICIAL USE ONLY: W DUP — T/A 2 — DUP

IV DESCRIPTION OF HAZARDOUS WASTES (continued)

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES 1. PROCESS CODES (enter)				2. PROCESS DESCRIPTION (if a code is not entered in D(1))
1	D001	375,000	T	S01	S02	T01	T04	
2	D002							Included with above
3	D003							Included with above
4								
5	F001	3,000	T	S01	S02	T01	T04	
6	F002	5,000	T	S01	S02	T01	T04	
7	F003	17,500	T	S01	S02	T01	T04	
8	F004	3,000	T	S01	S02	T01	T04	
9	F005	17,500	T	S01	S02	T01	T04	
10								
11	K029	500	T	S01	S02	T01	T04	
12	K095	500	T	S01	S02	T01	T04	
13	K096	500	T	S01	S02	T01	T04	
14	K030	500	T	S01	S02	T01	T04	
15	K086	500	T	S01	S02	T01	T04	
16								
17	U001	500	T	S01	S02	T01		
18	U002	500	T	S01	S02	T01	T04	
19	U009	500	T	S01	S02	T01	T04	
20	U019	500	T	S01	S02	T01		
21	U031	500	T	S01	S02	T01		
22	U037	500	T	S01	S02	T01	T04	
23	U044	500	T	S01	S02	T01	T04	
24	U052	500	T	S01	S02	T01	T04	
25	U056	500	T	S01	S02	T01		
26	U057	500	T	S01	S02	T01		

EPA Form 3510-3 (6-80)

CONTINUE ON REVERSE

(Use "A", "B", "C", etc. behind the "3" to identify photocopied pages)

Continued from page 2.
NOTE: Photocopy this page before completing if you more than 26 wastes to list.

Form Approved OMB No. 158-S80004

EPA I.D. NUMBER (enter from page 1): W ILD005450697 T/A C 1

FOR OFFICIAL USE ONLY: W DUP T/A C 2 DUP

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

LINE NO.	A. EPA HAZARD. WASTE NO (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES 1. PROCESS CODES (enter)				D. PROCESSES 2. PROCESS DESCRIPTION (if a code is not entered in D(1))
1	U108	500	T	S01	S02	T01		
2	U112	500	T	S01	S02	T01	T04	
3	U124	500	T	S01	S02	T01	T04	
4	U080	500	T	S01	S02	T01	T04	
5	U140	500	T	S01	S02	T01		
6	U154	500	T	S01	S02	T01		
7	U159	500	T	S01	S02	T01	T04	
8	U161	500	T	S01	S02	T01	T04	
9	U191	500	T	S01	S02	T01	T04	
10	U196	500	T	S01	S02	T01	T04	
11	U210	500	T	S01	S02	T01	T04	
12	U213	500	T	S01	S02	T01	T04	
13	U220	500	T	S01	S02	T01		
14	U226	500	T	S01	S02	T01	T04	
15	U228	500	T	S01	S02	T01	T04	
16	U239	500	T	S01	S02	T01		
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								

Continued from page 2.
NOTE: Photocopy this page before completing if you have more than 26 wastes to list.

Form Approved OMB No. 158-S80004

ILD005450697

EPA Form 3510-3 (6-80)

CONTINUE ON REVERSE

C

(enter "A", "B", "C", etc. behind the "3" to identify photocopied pages)

Continued from the front.

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

E. USE THIS SPACE TO LIST ADDITIONAL PROCESS CODES FROM ITEM D(1) ON PAGE 3.

EPA I.D. NO. (enter from page 1)

I L D 0 0 5 4 5 0 6 9 7 | 6

V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility (see instructions for more detail).

VI. PHOTOGRAPHS

All existing facilities must include photographs (aerial or ground—level) that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas (see instructions for more detail).

VII. FACILITY GEOGRAPHIC LOCATION

LATITUDE (degrees, minutes, & seconds)	LONGITUDE (degrees, minutes, & seconds)
41 48 050	087 40 000

VIII. FACILITY OWNER

☐ A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER	2. PHONE NO. (area code & no.)
Safety-Kleen Corp.	312-697-8460

3. STREET OR P.O. BOX	4. CITY OR TOWN	5. ST.	6. ZIP CODE
777 Big Timber Road	G Elgin	IL	60123

IX. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
KENNETH R. GORDON, Vice President, Technical Services	[signature]	August 28, 1987

X. OPERATOR CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME (print or type)	B. SIGNATURE	C. DATE SIGNED
KENNETH R. GORDON, Vice President, Technical Services	[signature]	August 28, 1987

CONTINUE ON PAGE 5

TITLE

FACILITY SITE PLAN & PROPERTY SURVEY INFORMATION

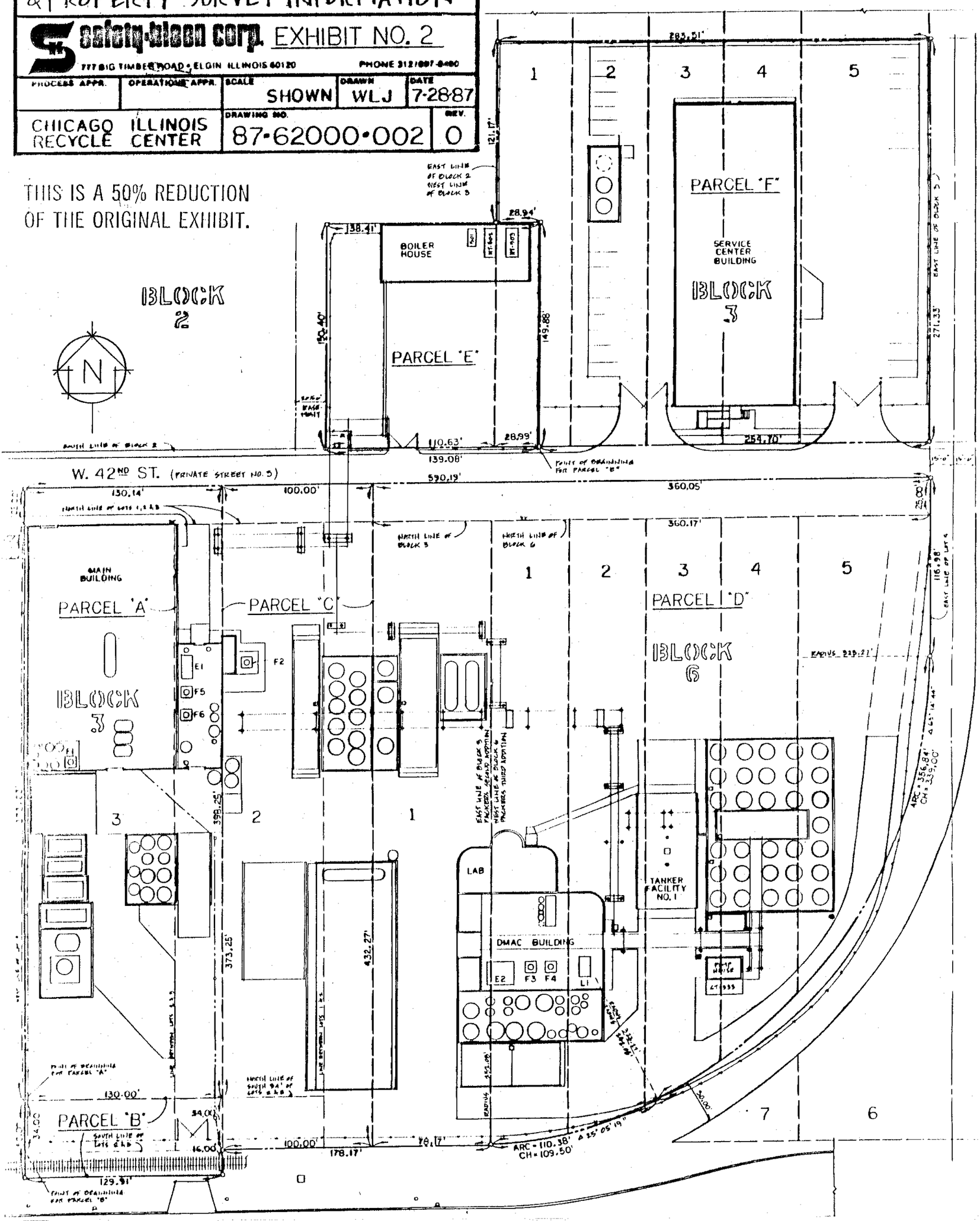
safety-kleen corp. EXHIBIT NO. 2

777 BIG TIMBER ROAD • ELGIN ILLINOIS 60120 PHONE 312/697-8460

PROCESS APPR.	OPERATIONS APPR.	SCALE	DRAWN	DATE
		SHOWN	WLJ	7-28-87

CHICAGO RECYCLE	ILLINOIS CENTER	DRAWING NO.	REV.
		87-62000-002	0

THIS IS A 50% REDUCTION OF THE ORIGINAL EXHIBIT.



GENE P

Illinois Environmental Protection Agency · 2200 Churchill Road, Springfield, IL 62706

217/782-6761

ILD 005450697
COMPLIANCE FILE

FA 170

Refer to: 0316000053 -- Cook County
Chicago/Custom Organics
ILD005450697

July 11, 1985

Custom Organics, Inc.
Attention: James Ostrowski
1445 West 42nd Street
Chicago, Illinois 60609

Dear Mr. Ostrowski:

The Agency is in receipt of your June 4th and 28th, 1985 response to our Pre-Enforcement Conference Letter dated January 28, 1985. Your response has been reviewed and resolves the apparent violation(s) of Section(s) 725.243; 725.247; 725.174; 725.242.

Also, as a reminder, your updated instrument(s) for the year ending April 20, 1986, will be due by June 20, 1986.

If you have any questions or if we can be of assistance, please do not hesitate to contact Andrew A. Vollmer or the writer at the above number.

Very truly yours,

Ramo K. Chaturvedi, P.E., Manager
Permit Program Development Unit
Permit Section
Division of Land Pollution Control

RKC:ED:rd1516E/6

cc: Division File
Compliance
Maywood Region
Michelle Tebrugge -- Coordinator

Date: July 9, 1985

Facility Name: Custom Organics, Inc

Facility USEPA ID ILD 005 450 697

Reviewer: EWD

The response received from the facility on June 7 and July 1, 1985 as a result of our Compliance Inquiry Letter (CIL)/Pre-Enforcement Conference Letter (PECL) dated Jan 28 1985 has been reviewed. The result of the technical review is following:

1. Financial assurance accepted (725.243) - OK
2. Liability insurance received (725.247) - OK
3. Closure plan received as requested under 725.174 - OK
4. Closure cost estimate received (725.242) - OK

Since all waste is disposed of properly and the facility and equipment are decominated properly, thus minimizing threats to human health and to the environment, I recommend that this facility be accepted as in compliance.

AAV:tk/29

1/31/85

Illinois Environmental Protection Agency : 2200 Churchill Road, Springfield, IL 62706

217/782-6762

Certified P 731 919 107
Log # FA170

Refer to: 03160053 -- Cook County
Chicago/Custom Organics
ILD 005450697
Pre Enforcement Conference Letter

January 28, 1985

Mr. Gilbert Gavlin, President
Custom Organics, Inc.
1445 West 42nd Street
Chicago, Illinois 60609

Dear Mr. Gavlin:

The Agency has previously informed you of apparent violations and non-compliance with the Illinois Environmental Protection Act and the Rules and Regulations adopted thereunder. These apparent violations are listed below:

1. Failed to provide financial assurance as required by Subtitle G 725.243 (40 CFR 265.143). All owners or operators of each facility must establish financial assurance for closure of the facility.

2. Failed to provide liability insurance as required by Subtitle G 725.247 (40 CFR 265.147). All facilities must have liability coverage for sudden accidental occurrences in the amount of $1 million per occurrence and $2 milion annual aggregate.

3. Failed to submit your closure and/or post closure plan as requested under Subtitle G 725.174, (40 CFR 265.74). All records, including plans required under this part must be furnished upon request.

4. Failed to provide the cost estimate for closure/and or post closure as required by 725.242, (40 CFR 265.142). The owner or operator must prepare a written estimate, in current dollars, of the cost of closing the facility in accordance with the closure plan.

As a result of these apparent violations, it is our intent to refer this matter to the Agency's legal staff for the preparation of a formal enforcement case. The Agency's legal staff will, in turn, refer this matter to the Attorney General's Office for the filing of a formal complaint.

Prior to taking such action, however, you are requested to attend a Pre-Enforcement Conference to be held at 2200 Churchill Road, Springfield, Illinois. The purpose of this Conference will be:

1. To discuss the validity of the apparent violations noted by Agency staff, and

2. To arrive at a program to eliminate existing and/or future violations.

You should, therefore, bring such personnel and records to the Conference as will enable a complete discussion of the above items. We have scheduled the Conference for February 26, 1985, at 10:00 a.m.. If this arrangement is inconvenient, please call Rama K. Chaturvedi, Manager, Permit Development Unit at 217/782-6762 for an alternative date and time.

In addition, please be advised that this letter constitutes the notice required by Section 31(d) of the Illinois Environmental Protection Act prior to the filing of a formal complaint. The cited Section of the Illinois Environmental Protection Act requires the Agency to inform you of the charges which are to be alleged and offer you the opportunity to meet with appropriate officials within thirty days of this notice date in an effort to resolve such conflict which could lead to the filing of formal action.

Very truly yours,

Lawrence W. Eastep, P.E., Manager
Permit Section
Division of Land Pollution Control

LWE:AV/maw/0184E/1-2
Attachment

cc: Division File
Gary King, Senior Attorney
Maywood Region

JUL 15 1982

5HW-TUB

Mr. Gilbert Gaulin
President
Custom Organics, Inc.
1445 West 42 nd Street
Chicago, Illinois 60609

Re: Custom Organics, Inc
Consent Agreement and
Final Order
V-W-81-R-014

Dear Mr. Gaulin:

This is to acknowledge receipt of the Consent Agreement and Final Order signed by you. A fully executed copy of the Consent Agreement and Final Order is enclosed for your files.

Your cooperation in resolving this matter is appreciated.

Very truly yours,

William H. Miner, Chief
Technical, Permits and Compliance Section

Enclosure

cc: Robert Kuykendall, Director
Land/Noise Pollution Control Division
Illinois Environmental Protection Agency

bcc: Swanson, w/enclosure
Stone, w/enclosure
Schulteis/Neudel, w/enclosure
Regional Hearing Clerk, w/original

MINER/dmr 6-6135 7-16-82 5HW-TUB

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO ATTENTION OF:
5CE-13

JUN 21 1982

C.T. Corporation System
Registered Agent for
Custom Organics, Inc.
Jay S. Riskind
30 N. LaSalle Street
Chicago, Illinois 60602

Re: Custom Organics, Inc.
V-W-81-R-014

Dear Mr. Riskind:

Enclosed please find an original and one copy of a Consent Agreement and Final Order regarding the above-referenced case. The Agency is proposing this Consent Agreement and Final Order to terminate the above-referenced administrative proceeding. I believe it is consistent with our previous oral agreements. If you have no objection to this Order, please execute the original and forward the Agreement and Order to this office within two weeks from receipt of this letter. It is important that the signed document be returned to this office within this time period.

Upon our receipt of the executed Consent Agreement, a fully executed copy will be returned for your file. If you have any question on this matter please call Marian Neudel, who is an attorney on my staff. Her phone number is 312/353-2094.

Very truly yours,

Basil G. Constantelos

Basil G. Constantelos
Director, Waste Management Division

Enclosure

July 2, 1982

Gentlemen:
The enclosed papers have been executed as requested.

Sincerely yours,
Gilbert Gaulin

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-81-R-014
CUSTOM ORGANICS, INC.	)	
CHICAGO, ILLINOIS	)	CONSENT AGREEMENT

CONSENT AGREEMENT

WHEREAS,

1. This civil proceeding for the assessment of a penalty was initiated pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6928;

2. A Complaint and Notice of Opportunity for Hearing was filed by the Complainant on December 5, 1980, charging that Respondents violated certain Federal regulations addressing the storage of hazardous waste, 40 CFR § 265.251;

3. The parties have informally discussed settlement of this action and desire to enter into a Consent Agreement for the purpose of resolving the issues set forth in the Complaint;

4. Respondents have fully complied with the order issued on December 5, 1980, as to proper storage of hazardous waste

WHEREFORE, for the purpose of this proceeding only, and without prejudice

5. This Agreement shall not preclude the Director, Waste Management Division, Region V, of the United States Environmental Protection Agency from taking appropriate legal action against said Respondents for any other violations of the Resource Conservation and Recovery Act, 42 U.S.C. 6921 et seq.

6. Respondents hereby consent to the issuance of the following Order. The Waste Management Division, Environmental Protection Agency, Region V, hereby recommends that the Regional Administrator issue the following Order:

ORDER

1. Respondent shall maintain all contingency plans and emergency arrangements required in the order issued December 5, 1980;

2. Respondent shall maintain all security and alarm systems required in the Order issued December 5, 1980.

Basil G. Constantelos
Director, Waste Management Division
Region V
United States Environmental Protection Agency
Chicago, Illinois 60604

Date: 7/13/82 At: Chicago, Ill.

GG Gilbert Gavlin, pres.
for Custom Organics

Date: 7/2/82 At: _____

It is so ordered. This order shall become effective immediately.

Valdas V. Adamkus
Regional Administrator
U.S. EPA, Region V
Chicago, Illinois

7/14/82

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:	)	DOCKET No. V-W-81-R-014
	)	
Custom Organics, Inc.	)	FINDINGS OF VIOLATION
	)	AND
Chicago, Illinois	)	COMPLIANCE ORDER
	)	
EPA ID. NO.	)	

Pursuant to 42 U.S.C. 6928(a) it has been determined that the above-named "person" is in violation of the Resource Conservation and Recovery Act of 1976, as amended. Specifically, it has been determined that Custom Organics, Inc. is in violation of Subtitle C of RCRA, Section 3004, 42 U.S.C. 6924 and Regulations 40 C.F.R. 265.14(b)(2), 265.14(c), 265.16(d)(a), 265.32(a), 265.35, 265.52(c),(e), & (f) adopted thereunder.

FINDINGS

This determination is based upon the following findings of violation:

1. The facility handles hazardous wastes as defined in 42 U.S.C. 6903(5).

2. Pursuant to 40 C.F.R. 265.14(b)(2), all hazardous waste storage facilities are required to be completely surrounded by artificial or natural barriers. The operator was found to be in violation in that no such barrier was present.

3. Pursuant to 40 C.F.R. 265.14(c), the owner or operator must post danger signs at all entrances. The operator was found to be in violation in that danger signs were posted only at vault entrances, rather than facility entrances.

4. Pursuant to 40 C.F.R. 265.16(d)(1) employee job titles and descriptions of employee safety training are required to be kept on file. The operator was found to be in violation in that no training descriptions were on file.

5. Pursuant to 40 C.F.R. 265.32(a), the owner or operator must provide an alarm system for the facility. The operator was found to be in violation in that there was no such alarm system on site.

6. Pursuant to 40 C.F.R. 265.35, the owner or operator must maintain adequate aisle space for unobstructed movement of emergency vehicles. The operator was found to be in violation, in that aisle space was inadequate for that purpose.

7. Pursuant to 40 C.F.R. 265.52(c),(e), &(f), the owner or operator must maintain a contingency plan containing, inter alia, arrangements agreed to by local police & fire departments & other emergency response agencies, to coordinate emergency services; a list of all the emergency equipment at the facility, including locations and descriptions; and an evacuation plan for facility personnel. The operator was found to be in violation that the contingency plan contained none of the above elements.

The State of Illinois' duly authorized officials have been notified of the above-described violations prior to the issuance of this Compliance order.

ORDER

It is hereby ordered that Custom Organics, Inc. take the following corrective action within the specified time for achieving compliance with Subtitle C of RCRA, Section 3004, 42 U.S.C. 6924 and Regulation 40 C.F.R. 265:

1. The operator shall submit to the Director, Enforcement Division, Region V, United States Environmental Protection Agency, Attention: Compliance Section, at 230 South Dearborn Street, Chicago, Illinois 60604, within 15 days of receipt of this order, a written detailed explanation of the steps to be taken to comply with this order.

2. The operator, within 30 days of receipt of this order, shall achieve compliance with the following requirements:

The facility shall be completely enclosed by a fence or other appropriate barrier, and danger signs shall be posted at all entrances;

Employee job titles & training descriptions shall be placed on file;

An alarm system must be installed and maintained;

Adequate aisle space shall be cleared for emergency vehicles;

A contingency plan must be prepared, to include, inter alia,

arrangements agreed to by local police and fire departments and other emergency response agencies, to coordinate emergency services;

a list of all emergency equipment at the facility, including locations and descriptions;

an evacuation plan for facility personnel.

A civil penalty of $200.00 is assessed for each day of noncompliance with the dates specified for taking corrective action and achieving compliance as specified in this order.

This order is entered this 5th day of December.

NOTICE OF OPPORTUNITY FOR HEARING

The above named person is hereby notified that the above Order shall become final unless said person has requested in writing a public hearing on the Order no later than 30 days from the date this Order is served. Please address any such request to Director, Enforcement, Region V, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. Should a hearing be requested within the specifed time, a public hearing will be promptly conducted.

Dated this 5th day of December, 1980.

John McGuire, Regional Administrator
U.S. Environmental Protection Agency
Region V

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

IN THE MATTER OF:	)	DOCKET NO. V-W-81-R-014
CUSTOM ORGANICS, INC.	)	
	)	CONSENT AGREEMENT
CHICAGO, ILLINOIS	)	

CONSENT AGREEMENT

WHEREAS,

1. This civil proceeding for the assessment of a penalty was initiated pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6928;

2. A Complaint and Notice of Opportunity for Hearing was filed by the Complainant on December 5, 1980, charging that Respondents violated certain Federal regulations addressing the storage of hazardous waste, 40 CFR § 265.251;

3. The parties have informally discussed settlement of this action and desire to enter into a Consent Agreement for the purpose of resolving the issues set forth in the Complaint;

4. Respondents have fully complied with the order issued on December 5, 1980, as to proper storage of hazardous waste

WHEREFORE, for the purpose of this proceeding only, and without prejudice to any other proceedings:

1. Respondent admits the jurisdictional allegations contained in the complaint;

2. Respondent neither admits nor denies the specific factual allegations set forth in the complaint;

3. Respondent hereby explicitly waives the right to request a hearing on any of the allegations of the complaint and further withdraws any previous request for a hearing on the same;

4. Respondent has agreed to cooperate fully with the Complainant to conciliate this matter without the necessity of a formal hearing and, therefore consents to the issuance of the Order hereinafter recited.

5. This Agreement shall not preclude the Director, Waste Management Division, Region V, of the United States Environmental Protection Agency from taking appropriate legal action against said Respondents for any other violations of the Resource Conservation and Recovery Act, 42 U.S.C. 6921 et seq.

6. Respondents hereby consent to the issuance of the following Order. The Waste Management Division, Environmental Protection Agency, Region V, hereby recommends that the Regional Administrator issue the following Order:

ORDER

1. Respondent shall maintain all contingency plans and emergency arrangements required in the order issued December 5, 1980;

2. Respondent shall maintain all security and alarm systems required in the Order issued December 5, 1980.

Basil G. Constantelos
Director, Waste Management Division
Region V
United States Environmental Protection Agency
Chicago, Illinois 60604

Date: 7/13/82 At: Chicago, Ill.

Gilbert Gavlin, pres.
for Custom Organics

Date: 7/2/82 At: _____

It is so ordered. This order shall become effective immediately.

Valdas V. Adamkus
Regional Administrator
U.S. EPA, Region V
Chicago, Illinois

7/14/82

RECEIVED

DEC 5 1980 DEC 0 1980 SENNHE

WASTE MANAGEMENT BRANCH
EPA, REGION V.

C.T. Corporation System
Registered Agent for
Custom Organics, Inc.
Jay S. Riskind
30 N. LaSalle St.
Chicago, Illinois 60602

Re: Finding of Violation &
Compliance Order
Custom Organics, Inc.

Dear Mr. Riskind:

Enclosed please find a Compliance Order which specifies this Agency's determination of certain violations by your company of the Resource Conservation & Recovery Act (RCRA) as amended, 42 U.S.C. 6901 et seq., based on inspection of your facility at 1445 W. 42nd Street, Chicago, Illinois, on November 20, 1980. The Compliance Order states the reason for such a determination, establishes a compliance schedule, and assesses civil penalties which are collectible should you fail to meet the time specified in the Order for corrective action. This Compliance Order is issued pursuant to Section 3008 of RCRA (42 U.S.C. 6928).

Accompanying the Compliance Order is a Notice of Opportunity for Hearing. Should you desire to contest the Compliance Order, a written request for a hearing is required 30 days from receipt of this Compliance Order.

If you have any questions or desire to request an informal conference, for the purpose of settlement, with Enforcement Division staff, please contact Ms. Marian H. Neudel, Attorney, Enforcement Division, Water & Hazardous Materials Enforcement Branch, 230 South Dearborn Street, Chicago, Illinois 60604. Phone 312-886-6735.

Very truly yours,

Sandra S. Gardebring
Director, Enforcement Division

bcc: Hak Cho,
Grimes
Fenner

SENNHE:MNEUDEL:mj:3-2094:12-04-80

ROUTING SLIP
SECTION CHIEFS

Info

Todd

HAMPER, GEORGE GH
CHO, HAK
TRAUB, RICH
~~SLAUGHTAS, CHUCK~~ Trad
PIERARD, LISA
TSCHAMPA, ANDY

ENTAL PROTECTION AGENCY
ION V

y-Kleen Service Centers

FROM: Karl E. Bremer, Chief
RCRA Permitting Branch

ORIGINAL SIGNED BY
KARL E. BREMER

TO: Joseph Boyle, Chief
RCRA Enforcement Branch

Safety-Kleen Corporation (S-K) has recently expanded its operation to include the collection of ethylene glycol. This operation begins by collecting spent ethylene glycol from automotive service centers and taking it to a S-K service center for temporary storage. The glycol is stored in either a tank or tanker truck until a sufficient volume is accumulated for transfer to another S-K facility or shipped directly to a buyer for further processing. S-K does not recycle ethylene glycol itself but serves as a broker.

S-K manages glycol as a hazardous waste and has made a campaign promoting it as a hazardous waste. Data generated by S-K has shown that several Toxicity Characteristic constituents (i.e., lead, tetrachloroethylene and benzene) exceed the regulatory level under the TC Rule, thereby making it a characteristic waste. S-K submitted revised Part A's for its service centers in September 1990, identifying that all of its service centers (7) in Ohio were handling ethylene glycol as a TC waste, as required by the rule. However, after conducting VSIs at 6 of the 7 facilities in 1991, it was discovered that although the S-K service centers were gearing up to handle ethylene glycol, none had been handled at 4 of the facilities at the time the Part A's were submitted and after the effective date of the TC rule (September 25, 1990). There is some information to suggest that the 1 service center in which a VSI was not conducted most likely did not handle ethylene glycol before the effective date of the rule. At 1 of the other 2 remaining service centers, glycol was being stored in a tanker truck until April 1991, at which time storage took place in a 20,000-gallon tank. There is insufficient information about the remaining service center to determine when it began receiving ethylene glycol.

The TC Rule allows for facilities which were handling nonhazardous waste prior to the effective date of the rule, and which became hazardous as a result of the rule, to continue managing the waste under interim status conditions. However, it does not allow facilities to manage such wastes if they were not doing so prior to the effective date of the rule unless they obtain a modification to their Part A or Part B. What S-K has done is to try to use the TC Rule as a means of adding a waste stream and increasing capacity at its sites without going through the modification procedures for interim status facilities as required under 40 CFR 270.72. It has also submitted modified Part A's that did not represent the hazardous waste activities at these sites.

It is the opinion of the RCRA Permitting Branch that 5 S-K service centers are in violation of the interim status regulations under 40 CFR 270.72(a)(2) for not obtaining approval from the U.S. EPA Director for increasing design capacity at a facility before such capacity changes are implemented. It is recommended that a Section 3008(a) Order be issued against S-K for violations of its interim status requirements at 5 of its service centers.

Please contact Daniel Patulski at 6-0656 for additional information.