UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE

June 6, 2014

David P. Cabral, Compliance Manager
Clean Harbors Environmental Services
One Hill Avenue
Braintree, Massachusetts 02184-1363

Antonio Boiano, Facility Manager
Safety-Kleen Systems, Inc.
167 Mill Street
Cranston, Rhode Island 02905

Re: Clean Air Act and Resource Conservation and Recovery Act Information Request

Dear Mr. Cabral and Mr. Boiano:

The United States Environmental Protection Agency ("EPA"), Region 1, is evaluating whether the Safety-Kleen facility located at 167 Mill Street in Cranston, Rhode Island is in compliance with applicable state and federal requirements under the Clean Air Act ("CAA") and the Resource Conservation and Recovery Act ("RCRA"). The CAA requirements include the National Emission Standards for Hazardous Air Pollutant Emissions from Off-Site Waste And Recovery Operations found at 40 C.F.R. Part 63, Subpart DD ("Subpart DD") and the National Emission Standards for Hazardous Air Pollutants from Organic Liquid Distribution, found at 40 C.F.R. Part 63, Subpart EEEE ("Subpart EEEE"). The RCRA requirements include but are not limited to those found at 40 C.F.R. Part 264, Subparts AA, BB and CC.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), authorizes EPA to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the Act. Section 3007 of RCRA, 42 U.S.C. § 6927, authorizes EPA to request compliance information from any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes.

Accordingly, within 30 days of receiving this Information Request, Safety-Kleen shall submit the CAA information described in Attachment A to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Sq. Suite 100 (OES04-2)
Boston, Massachusetts 02109-3912
Attn: Joan Jouzaitis, Air Technical Unit

Also within 30 days of receiving this Information Request, Safety-Kleen shall submit the RCRA information described in Attachment B to the above address, Attn: Donald MacLeod, RCRA, EPCRA and Federal Programs Unit.

Be aware that if Safety-Kleen does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the CAA and Section 3008 of RCRA. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b) (provided below in Attachment C). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Information Request, please contact Joan Jouzaitis, Environmental Engineer, at (617) 918-1846 regarding the CAA requests or Donald MacLeod, Environmental Engineer, at (617) 918-1405 regarding the RCRA requests, or have your attorney contact Steven Viggiani, Senior Enforcement Counsel, at (617) 918-1729.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

Attachments

cc: Alicia M. Thoms, Clean Harbors Environmental Services (via e-mail)
Ted Burns, RI DEM
Tracey Tyrell, RI DEM

ATTACHMENT A: CAA QUESTIONS

For the Safety-Kleen facility ("Safety-Kleen Facility" or "Facility") located at 167 Mill Street in Cranston, Rhode Island, provide a separate numbered response to each numbered paragraph or subparagraph below. If information required to respond to a question has already been provided in response to another question in either this Attachment or Attachment B, Safety-Kleen need not duplicate the information but must clearly identify it and cross-reference the other response. If Safety-Kleen does not have requested information or documents for any question, please clearly state this in your response.

1. Provide the maximum throughput capacity (in mass or volume per unit of time) of the following equipment: storage tanks, pumps, vacuum systems, drum washing units, distillation process equipment, receiving tanks, knockout tanks and the carbon adsorption system.

2. For 2012 and 2013, provide a list of all organic liquids (as defined in 40 C.F.R. 63.2406) received at, stored at, distilled or otherwise processed at, and/or shipped from the Safety-Kleen Facility. For each organic liquid, specify:
   a. The quantity (in gallons) of organic liquids received at, stored at, distilled or otherwise processed at, and/or shipped from the Facility;
   b. The tanks, drums, totes, or other containers that the organic liquids were stored within, including:
      i. the tank, drum, tote, or other container number and capacity of the tank; and
      ii. the volume of organic liquids stored within the tank, drum, tote, or other container.
   c. The chemical composition of the organic liquids, including the mass or volume percent of each VOC and HAP contained within the organic liquid; and
   d. The vapor pressure of the product as well as partial pressure associated with each individual Table I organic HAP contained within the organic liquid, as specified in 40 C.F.R. Part 63, Subpart EEEE.

3. For all organic liquids identified in Question 1, specify:
   a. Whether organic liquids have arrived in drums, trucks, or within other types of containment;
   b. Whether the receiving tanks for organic liquids have conservation or pressure vacuum relief vents, and if so, the pressure setting of such vents;
   c. Whether organic liquids have been transferred from transport trucks to tanks, drums, totes, or other containers;
   d. If organic liquids are transferred from transport trucks to tanks, drums, totes, or other containers, describe the measures the Facility has taken, at any time from 2012 to May 2014, to restrict VOC and/or HAP emissions during such transfer, including, but not limited to: submerged loading, vapor balancing, etc.; and
   e. Indicate if the tanks, drums, totes, or other containers have been vented to an air emission control device and/or a closed vent system.

4. For 2012 and 2013, provide a list of all off-site materials (as defined in 40 C.F.R. 63.681) received at, stored at, or shipped from the Safety-Kleen Facility, including but not limited to petroleum distillates, perchloroethylene, methylene chloride, and trichloroethylene. For each off-site material, specify:
    a. The quantity (in gallons) of off-site materials received at, stored at, distilled or otherwise processed at or shipped from the Facility;
    b. The tanks, drums, totes, or other containers, that the off-site materials were stored within, including:
        i. the number and capacity of the tank, drums, totes, or other containers; and
        ii. the volume of off-site materials stored within the tank, drums, totes, or other containers.
    c. Indicate whether the off-site material is currently accepted for on-site processing;
    d. If the off-site material is no longer accepted for on-site processing, provide the last date of acceptance of the off-site material for on-site processing; and
    e. If the off-site material is currently accepted at the Safety-Kleen Facility, but shipped to another facility for processing (including via truck to truck transfers), indicate where the off-site materials are shipped for processing. Include the name of the facility, city/town, and state.

5. Regarding the carbon adsorption system, provide:
    a. The date of installation;
    b. The design capacity of the system, including the design flow rate and the chemicals and concentration ranges the system is designed to handle;
    c. The frequency of regeneration of the carbon, and a description how the regeneration process works;
    d. If the Safety-Kleen Facility has the capability to by-pass the carbon adsorption system in the processing of waste materials, explain why and when a by-pass would occur;
    e. An explanation of how the head space vapors from tanks 10-14 located in building C are controlled when the fan associated with the carbon adsorption system is not running; and
    f. Copies of any emission testing protocols and final reports associated with all emission testing conducted on the system, including, but not limited to, testing conducted by Process Engineering.

ATTACHMENT B: RCRA QUESTIONS

For the Safety-Kleen facility located at 167 Mill Street in Cranston, Rhode Island ("Safety-Kleen Facility" or "Facility"), provide a separate numbered response to each numbered paragraph or subparagraph in accordance with the instructions below. If information required to respond to a question has already been provided in response to another question in either this Attachment or Attachment A, Safety-Kleen need not duplicate the information but must clearly identify it and cross-reference the other response. If Safety-Kleen does not have requested information or documents for any question, please clearly state this in your response.

Definitions:

Whenever the terms listed below are used in this request, the following definitions shall apply:

"Waste determination documentation" refers to all documented efforts undertaken by Safety-Kleen to determine if a particular solid waste stream corresponds to a federal or state hazardous waste stream.

"Contents" shall mean any gas, liquid, or solid held in tanks, equipment or other container utilized as part of the operation.

Questions:

1. For each person providing information that responds to these items, provide:
    a. Full name;
    b. Title;
    c. E-mail address (if available);
    d. Business address;
    e. Business telephone number; and
    f. Dates of employment with Safety-Kleen (or Clean Harbors).

2. If you have reason to believe that there are persons other than those listed in your response to Question 1 who may be able to provide additional information or documents in response any of the questions set out in this Attachment, identify each such person (using the Question 1 format) and indicate the additional information or documents they may have.

3. For drum/container/tank #120602053483, #130323033580, #130413543910, #130413550382, #130420690822, #130420690829, #130420690831, #130426795042, #130502901889, #130503938641, #130509072962; for Tank 11, Tank 12, Tank 13, Tank 14, Tank 30, Tank 33; and for Truck-Tanker SKT 282/ DOT label UN 1993, all of which were observed during an EPA inspection at the Safety-Kleen Facility on May 13-15, 2013, please provide the following information for each drum/container/tank at the time of the EPA inspection:

a. A description of the drum/container/tank, including size, material type and condition;
b. The quantity of waste in the drum/container/tank (in pounds, gallons or other standard unit of measure);
c. Applicable EPA and/or RIDEM waste code(s) for any waste contained in the drum/container/tank;
d. Any determination concerning the applicability of the RCRA hazardous waste characteristics of ignitability, corrosivity, reactivity and toxicity for any wastes contained in the drum/container/tank, including the date such determination was made, the basis for the determination, and the results and documentation of such determination;
e. For federal hazardous wastes, any applicable treatment standard(s) set forth in 40 C.F.R. Part 268, Subpart D;
f. Any incoming and outgoing manifests for the contents of the drum/container/tank; and
g. For Containers #130413550382 and #130420690831 only, any waste identification information marked on the container labels. If the containers were not marked with waste identification information or if the information is unknown, provide the generic name of the waste(s) in these containers, if known.

4. For the Facility's carbon adsorption system, provide the following information:
   a. The system's manufacturer, make and model number;
   b. Any product or user manuals, operating instructions or other descriptive material provided by the manufacturer;
   c. A description of the system's monitoring parameters; a description of all monitoring equipment (e.g., pressure gauges, flow indicators, exhaust vent stream monitors) associated with the system, including monitor installation dates; and a diagram showing the location of the monitors;
   d. All information and data supporting determinations of process vent emission and emissions reductions achieved by the carbon adsorption system, including operating parameter values (see 40 C.F.R. 264.1035(b)(2)(ii)), and any test data used to determine removal efficiency (see 40 C.F.R. 264.1035(b)(3)), with the dates that such supporting information, data, or testing was produced;
   e. All design analysis records (see 40 C.F.R. 264.1035(b)(4)(iii)(F)), with dates of when the records were produced;
   f. Any certified statements made in accordance with 40 C.F.R. 264.1035(b)(4)(iv) and (v);
   g. Description and date of modifications made to the system from 2011 to May 2014;
   h. Dates, times and duration of any periods of control device operation when any system monitoring parameter was exceeded from 2011 to May 2014 (see 40 C.F.R. 264.1035(c)(4));
   i. Dates when the carbon in the system was replaced from 2011 to May 2014, other than the previously reported carbon replacement in May 2013 (see 40 C.F.R. 264.1035(c)(6));

j. Documentation that hazardous waste carbon removed from the carbon adsorption system from 2011 to May 2014 was managed in accordance with 40 C.F.R. 264.1033(n); and
k. Identification of any "unsafe to monitor" components (see 40 C.F.R. 264.1033(o) and 40 C.F.R. 264.1035(c)(9)).

5. For all process vents (as that term is defined in 40 C.F.R. Part 264, Subpart AA) at the Safety-Kleen Facility that were associated with any of the processes identified in 40 C.F.R. § 264.1030(b) and subject to Subpart AA at the time of EPA's May 2013 inspection, provide the following information:
   a. A complete list of the process vents, and provide one or more diagrams showing the location of the process vents and hazardous waste management units at the Facility (with the vents and units clearly labeled);
   b. Estimated emission rates for each process vent identified above (see 40 C.F.R. 264.1035(2)(i); and
   c. A description of any detection instruments and calibration methods used for compliance with Subpart AA by the Facility.

   In addition:
   d. Provide updated information responsive to Question 5.a above for all process vents and hazardous waste units subject to Subpart AA as of May 2014;
   e. Provide information responsive to Question 5.b above regarding estimated emission rates for any additional process vents identified in Question 5.d; and
   f. Provide a description of any other detection instruments and calibration methods used for compliance Subpart AA by the Facility since EPA's May 2013 inspection, and the date(s) on which they were first used.

6. During EPA's inspection of the Safety-Kleen Facility conducted on December 4, 2013 (which focused on Clean Air Act compliance), EPA was provided with copies of the following diagrams illustrating 40 C.F.R. Part 264, Subpart BB air monitoring points:

Name of Diagram	Date of Diagram	Date of Last Modification to Diagram
Building C Vapor Recovery System Diagram	9/6/13	9/6/13
Building C Distillate Tanks Diagram	8/28/13	12/3/13
Building C Solvent Stills Diagram	8/29/13	9/6/13
Building C Fuel Blending Diagram	7/15/13	12/3/13
Building C Waste Solvent Tanks Diagram	8/27/13	12/3/13

In addition, EPA inspectors at the December 2013 inspection were provided with a chart that identified 'equipment ID", "approx. location," "haz waste mgmt. unit ID" and "equipment type". This chart identified equipment ID locations 1 through 1229.5.

With respect to this RCRA Subpart BB monitoring, provide the following information:

a. Indicate whether any leak monitoring locations had been identified prior to the "date of diagram" specified above. If so, provide documentation that shows the earlier-identified leak monitoring locations;
b. Indicate whether any additional leak monitoring locations have been identified from December 5, 2013 to May 2014. If so, provide updated documentation (diagram as well as chart) that shows each of those additional locations;
c. Provide the make and model number of the detection instrument(s) which had been used to monitor each of these locations and the date upon which the company began using each piece of equipment for monitoring;
d. Provide copies of any inspection logs and operating records generated and maintained by the Facility in accordance with the recordkeeping requirements 40 C.F.R. 264.1064 for equipment subject to Subpart BB for the calendar years 2011, 2012 and 2013;
e. Provide a description, including the hazardous waste state (e.g., gas/vapor or liquid), of the percent-by-weight total organics in the hazardous waste stream that are contained by or in contact with the equipment subject to Subpart BB; and
f. Identify and list any "unsafe to monitor" or "difficult to monitor" valves (see 40 C.F.R. 264.1064(h)).

7. For all hazardous waste tanks and containers at the Safety-Kleen Facility with air pollutant emissions controlled in accordance 40 C.F.R. Part 264, Subpart CC at the time of EPA's May 2013 inspection, provide the following information:
   a. A complete list of the hazardous waste tanks and containers.

   In addition:
   b. Provide updated information responsive to Question 7.a above for all tanks and containers subject to Subpart CC as of May 2014; and
   c. Provide copies of any inspection logs and operating records generated and maintained at the Facility in accordance with recordkeeping requirements of 40 C.F.R. 265.1090 for tanks and containers subject to Subpart CC for the calendar years 2011, 2012 and 2013.

8. Provide copies of records documenting the initial and annual review of personnel training for 2011, 2012 and 2013, as required by Rhode Island's Rules and Regulations for Hazardous Waste Management ("Rhode Island Rules"), Rule 9.06, which incorporates by reference 40 C.F.R. § 264.16.

9. Provide a copy of any Contingency Plan in effect at the time of EPA's May 2013 inspection, as required by Rhode Island Rule 9.09, which incorporates by reference 40 C.F.R. Part 264, Subpart D.

ATTACHMENT C: CBI CLAIMS

40 C.F.R. - CHAPTER I - PART 2
§ 2.203(b) Method of asserting business confidentiality claim

Method and time of asserting business confidentiality claim. A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret, proprietary*, or *company confidential.* Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.