

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
8001 NATIONAL DRIVE, P.O. BOX 9583
LITTLE ROCK, ARKANSAS 72209
PHONE: (501) 562-7444



April 23, 1990

Ms. Mickey Flowers
Mail Code 6H-HS
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RE: Safety-Kleen Service Center
Fort Smith, Arkansas
ARD000709733

Dear Ms. Flowers:

On April 20, 1990, the Department faxed to Don Webster our intent to deny Safety-Kleen Corporation's (Fort Smith) RCRA Part B permit application. With the April 20th notification to Mr. Webster, the requirement of a five (5) day advance notice to the EPA for the Department's intent of decision for this Facility should be met, as stipulated in the Joint Permitting Agreement between the two agencies.

If you have any questions or concerns, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Mike Bates".

Mike Bates
Chief
Hazardous Waste Division

DW:LTR129

cc: Gary Martin, Manager, Technical Branch, HWD
Derick Warrick, Engineer II, Tech Branch, HWD

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Certified Mail, Return Receipt Requested

April 23, 1990

Rob Omiecinski
Environmental Permit Writer
Safety-Kleen Corporation
777 Big Timber Road
Elgin, IL 60123

RE: Safety-Kleen Corporation
Fort Smith Service Center
ARD000709733

Dear Mr. Omiecinski:

This letter shall serve as the Arkansas Department of Pollution Control and Ecology's notification of intent to deny Safety-Kleen Corporation's (Fort Smith) final Resource Conservation and Recovery Act Part B permit application, dated February 21, 1990, presently on file with the Department. The intent to deny the permit and terminate the permitting process for the RCRA hazardous waste container and tank storage units is due to the Facility's failure to submit a complete RCRA Part B Permit Application.

Enclosed please find the facility permit application disposition Fact Sheet and a copy of the Public Notice as it will appear in the Southwest Times Record. The Public Notice is scheduled for April 27, 1990 with a required forty-five (45) day public comment period which will end on June 11, 1990. Should no significant comments be received nor Public Hearing be scheduled, the Director will issue a Final Determination on this permit after that time. Safety-Kleen Corporation should be aware of the provisions of 40 CFR Part 124 (Procedures For Decisionmaking) for this Departmental notification.

Sincerely,



Mike Bates, Chief
Hazardous Waste Division

DW:LTR117

ENCLOSURES

: Gary Martin, Manager, Technical Branch, HWD
Derick Warrick, Engineer II, Tech Branch, HWD
Sammy Bates, Manager, Enforcement Branch, HWD
Don Webster, EPA Region 6, Dallas, TX

NOTICE OF DRAFT PERMIT DECISION

Pursuant to the provisions of the Arkansas Hazardous Waste Management Act of 1979, as amended, and the Arkansas Hazardous Waste Management Code, the Arkansas Department of Pollution Control and Ecology (ADPC&E) issues a notice of intent to deny a Resource Conservation and Recovery Act (RCRA) Part B permit application for a hazardous waste management facility owned and operated by Safety-Kleen Corporation, in Sebastian County, Arkansas. By denying the permit application for the facility, the Department also terminates interim status for all operations at the Facility.

Copies of the permit application and permit decision fact sheet for this action are available for public review during the comment period that begins with the issuance of this notice and continues for a period of forty-five (45) days. These documents will be available in the Central File Room of the Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas.

Persons desiring to comment on the proposed permit decision may submit written comments to the Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209. These comments must be received no later than 5:00 p.m., June 11, 1990. Persons may also request a public hearing on the proposed decision for the facility. This request must be in writing and shall state the nature of the issues to be raised at any hearing to be scheduled.

Dated this 27th day of April, 1990.

Randall Mathis, Director
Arkansas Department of Pollution
Control and Ecology

SAFETY-KLEEN CORPORATION

PART B PERMIT APPLICATION

Fort Smith, Arkansas
ARD000709733
December 1989

Deficiency List

1. All buildings, structures, etc. must be clearly depicted 1000 feet around the facility.
2. The map delineating the 100 year floodplain must 1) clearly mark the extent of the floodplain, 2) the key must reference the 100 year floodplain, and 3) the scale and north arrow must be provided.
3. The application must indicate the source of data used for determining the facility is above the projected 100 year floodplain.
4. All interim status units not included with this application located on the facility must have complete closure/post closure plans with the application.
5. All technical data, such as design drawings and specifications shall be certified by an Arkansas registered professional engineer.
6. The application must address the requirements of 40 CFR 264.176 in respect to ignitable wastes. Any changes in the management of containers for complying with this regulation must be incorporated into the application.
7. The requirements of 40 CFR 264.175 (b)(1) requiring an impervious base for container storage areas must be addressed.
8. The applicant must conform to the requirements of Section 59(d) of the Arkansas Hazardous Waste Management Code concerning siting criteria or provide substantial information documenting that the hazardous waste management facility will not cause "unacceptable risk to the public health or safety due to the nature, design and/or operation of the facility described in the permit application". All information pertaining to the above must be incorporated into the Part B permit application for documentation of decision. The Department will require information justifying that an "unacceptable risk" would be inappropriate for the current siting criteria at the facility in respect to utility systems, public roads, access to nearby properties, vandalism, odors, fire hazards, etc.

PERMIT FACT SHEET

INTENT TO DENY PERMIT FOR A RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) COMMERCIAL HAZARDOUS WASTE STORAGE FACILITY

FACILITY NAME: Safety-Kleen Corporation
EPA I.D. NUMBER: ARD000709733
LOCATION: Fort Smith, Arkansas
ACTIVITY: Commercial Hazardous Waste
Storage Facility
LANDOWNER: Safety-Kleen Corporation
FACILITY OPERATOR: Safety-Kleen Corporation

SUMMARY OF FACT SHEET

In October, 1987 Safety-Kleen Corporation filed a Part B Resource Conservation and Recovery Act (RCRA) permit application to obtain permits pursuant to the Solid Waste Disposal Act as amended by the RCRA, as amended (42 U.S.C. 6901 et. seq.) and the Arkansas Hazardous Waste Management Act and Code (Code) (Ark. Code Ann. Section 8-7-101, et. seq.)

In 1980 Safety-Kleen Corporation applied for and received interim status under RCRA to operate a hazardous waste storage facility (Facility). The U.S. Environmental Protection Agency, Region VI (EPA) and the Arkansas Department of Pollution Control and Ecology (ADPC&E) have now adopted final standards for the operation of hazardous waste management facilities, and Safety-Kleen Corporation requested a permit pursuant to these final standards. The adequacy of Safety-Kleen's application has been measured against the specific requirements contained in 40 CFR 260, 261, 264, 266, 268, 270 and 124 as adopted by the Code as well as other specific requirements of the Code. A tentative decision has been made to deny Safety-Kleen's request for a hazardous waste management permit to operate a storage facility.

FACILITY DESCRIPTION

Safety-Kleen Corporation's Fort Smith Service Center is located in Sebastian County about one and one third miles northeast of Routes 22 and 59 on Johnson Street. Safety-Kleen is a commercial service-oriented company whose customers are primarily engaged in automotive repair, industrial maintenance and dry cleaning. Safety-Kleen retains ownership of the parts cleaning machines and the solvent, thereby providing a "closed loop" system which allows the Company to maintain control of the solvent.

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Safety-Kleen offers three (3) services which involve the accumulation and storage of spent solvent. The listed hazardous wastes which are stored at the facility include Parts Cleaner Solvent, Dry Cleaner Solvent, and Paint Wastes. These wastes are shipped from the service center to one of seven (7) Safety-Kleen recycle centers or to an independent reclaimer and are then returned to the customers as usable product.

The original service offered by the Company was the parts cleaner service and it remains the primary business activity. This service involves the leasing of a small parts degreasing unit which consists of a sink affixed to a 16 or 30 gallon drum containing Safety-Kleen 105 solvent (mineral spirits). On a regularly scheduled basis, a Safety-Kleen sales representative cleans and inspects the parts washer machine and replaces the drum with one of clean product. Safety-Kleen also offers a service for the collection of filter cartridges and still bottoms contaminated with dry cleaning solvents (usually perchloroethylene). These wastes are drummed or boxed on the customer's premises and are periodically collected by a sales representative. A paint waste reclamation program was initiated to service the automobile body repair businesses. Wastes containing various thinners and paints are collected in 5 and 16 gallon drums on the customer's premises and are periodically collected by a sales representative.

REGULATORY BACKGROUND

Subtitle C of the RCRA of 1976 created a management system intended to ensure that hazardous waste is safely treated, stored, and disposed. Owners and operators of treatment, storage, and disposal facilities were to comply with standards that "may be necessary to protect human health and the environment" which are established by EPA under Section 3004 of RCRA, and by the State of Arkansas under the Arkansas Hazardous Waste Management Act (Act 406 of 1979 as amended). Under RCRA, facilities in existence when the law was passed could apply for and receive interim status to operate until a permit could be issued. Operation under interim status required facilities to comply with interim regulations and standards which provided an intermediate step to the stringent conditions of a full permit. In 1980, Safety-Kleen Corporation applied for and received interim status to operate a hazardous waste management facility. Upon final determination of the permit application, interim status will end for the operations of which a permit decision is made.

EPA promulgated regulations to fulfill Section 3005 of RCRA establishing the permit system governing the treatment, storage, and disposal of hazardous wastes. These regulations include design and operating standards for storage, treatment and disposal facilities applicable to these waste management units. Under the authority of the Arkansas Hazardous Waste Management Act, the State of Arkansas has adopted by reference in the Arkansas Hazardous Waste Management Code (Code) applicable Federal Regulations pertaining to the treatment, storage, and disposal of hazardous wastes.

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In addition to the Federal Regulations adopted under the Code, the Code requires more stringent permit criteria and information regarding location standards, commercial operations, operator training, and licensing and business information.

FACILITY OPERATION

Safety-Kleen Corporation's permit application includes various administrative and technical designs and information regarding hazardous waste management practices which fall under RCRA permit regulation. A permit requires the Facility to operate, maintain, and monitor the process in a manner which fulfills the intent of RCRA and the regulations promulgated thereunder. A permitted operation is required to maintain support operations and plans which assure safe and compliant handling of hazardous wastes during operations. Safety-Kleen Corporation has applied for a permit to operate two (2) container storage areas and a 20,000 gallon tank storage unit for the management of listed hazardous wastes, with respect to the requirements of RCRA regulations.

DECISION ON THE APPLICATION

The Department issued a Notice of Deficiency to Safety-Kleen Corporation's April 12, 1988 Part B application on October 2, 1989. Safety-Clean responded to the Notice of Deficiency on November 22, 1989. Safety-Kleen did not fully address the deficiencies cited. A second Notice of Deficiency was issued by the Department to Safety-Kleen Corporation's Part B application on January 2, 1990, which contained many of the same deficiencies cited previously. In the January 2, 1990 deficiency letter, the Department required Safety-Kleen to submit a complete revised Part B application which contained any and all changes necessary to comply with the Department's present and past submitted deficiencies and any other unsolicited changes made by the applicant. The Department received the final Part B application dated February 21, 1990 from Safety-Kleen Corporation on February 27, 1990.

A tentative decision has been made to deny a permit for container and tank storage for Safety-Kleen Corporation. This tentative decision is based upon the lack of substantial information in all portions of Safety-Kleen Corporation's final Part B Permit Application dated February 21, 1990.

Upon final determination regarding the decision, interim status will terminate for all operations at the facility. The following list details the Department's basis of decision to tentatively deny Safety-Kleen Corporation's RCRA Part B permit application:

1. The signatory requirement, as required by 40 CFR 270.11 for a Corporation, is not included.
2. The Table of Contents do not correlate with the respective page numbers as presented in the application.

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3. A final complete Part A application, containing information required under 40 CFR 270.13, is not included with the Part B application.
4. The Process Flow Diagrams, as referenced, are not included.
5. The Site Survey and Plot Plan, as referenced, is not included.
6. The Plat Map, as referenced, is not included.
7. A map depicting surface contours, as required by 40 CFR 270.14, is not provided.
8. The Zoning Map, as referenced, is not included.
9. A map depicting surrounding land uses, as required by 40 CFR 270.14, is not provided.
10. The Water Main Map, as referenced, is not included.
11. The Sanitary Sewer Map, as referenced, is not included.
12. A Wind Rose is not provided, as required by 40 CFR 270.14.
13. All Analytical Data, as referenced, is not included.
14. All equipment information, as referenced, is not included.
15. The specific Part B information requirements for containers, as required by 40 CFR 264.170 and 40 CFR 270.15 is not included for the two (2) container storage areas, in respect to construction details and design.
16. The specific Part B requirements for tank systems, as required by 40 CFR 270.16, are not included for the regulated 20,000 gallon tank, in respect to construction details and design.
17. Letters to the local authorities, as referenced, are not included.
18. The Material Safety Data Sheets, as referenced, are not included.
19. The Spill Report Telephone Log, as referenced, is not included.
20. The testing procedures for verifying "clean closure" was not provided for the regulated tank, Drum Storage Area, Flammable Storage Container Unit and the Return and Fill Station. The procedures to decontaminate all associated cleaning equipment was not provided. A detailed closure schedule for each unit is not provided.
21. The Closure Schedule, as referenced in the Appendix, is not included.

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- . The Closure Cost Estimate, as referenced, is not included, as required by 40 CFR 270.14.
23. The Financial Assurance Documentation, as referenced, is not included, as required by 40 CFR 264.143.
24. The Certificate of Liability Insurance, as referenced, is not included, as required by 40 CFR 270.14.

VARIANCES AND WAIVERS

Safety-Kleen Corporation has requested a variance to the Siting Criteria stipulated in Section 5(d) of the Arkansas Hazardous Waste Management Code. This section states the active portion of the facility must not be less than 200 feet from the facility's property line and not less than 300 feet from a public road, a service pipeline, and power transmission lines.

PURPOSES OF THE PERMITTING PROCESS

The purpose of the permitting process is to afford ADPC&E, EPA and interested citizens the opportunity to evaluate the ability of the Permittee to comply with the applicable hazardous waste management requirements promulgated under the Solid Waste Disposal Act and the Arkansas Hazardous Waste Management Act.

ADPC&E is required to prepare a notice of intent to issue or deny a permit which explains to the permit applicant and the public the regulatory deficiencies and the technical deficiencies that apply to the permit application.

ADMINISTRATIVE RECORDS

The ADPC&E administrative records will be maintained at the ADPC&E Central Files, 8001 National Drive, Little Rock, Arkansas.

COMMENT PERIOD

All persons, including the applicant, who wish to comment on the tentative decision to deny the permit will be given a 45 day comment period. The Public Notice will be published in the Southwest Times Record on April 27, 1990. Any person interested in commenting on the application or the tentative decision must submit the comments in writing no later than 5:00 p.m. on June 11, 1990 to:

Richard Merritt, Information Officer
Arkansas Department of Pollution Control and Ecology
8001 National Drive
Post Office Box 9583
Little Rock, Arkansas 72219
Telephone: (501) 562-7444

April 23, 1990