

**BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**FINAL DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT**

**SAFETY-KLEEN SYSTEMS, INC. - KAUKAUNA
EPA ID# WID981187297
FID# 445097400**

GENERAL FACILITY INFORMATION

Facility Name, Operator and Address

Safety-Kleen Systems, Inc. - Kaukauna
Bill Kleiser, Branch General Manager
2100 Badger Road
Kaukauna, WI 54130

Facility Owner

Safety-Kleen Systems, Inc.
2100 Badger Road
Kaukauna WI 54130

Property Owner

B & B Enterprises
W3110 Creek View Lane
Appleton, WI 54915

Facility Location

County: Outagamie
City/Town/Village: City of Kaukauna
Legal Description: NE 1/4 of the NE 1/4 of Sec 13, T21N, R18E
Lat/Long: Latitude - 44.3 N Longitudes - 88.257222 W

Facility Contacts

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Bill Kleiser, Branch General Manager, 920-766-4266, bill.kleiser@safety-kleen.com

Storage

Hazardous Waste Tank Storage (License #3248):

Hazardous wastes are stored in an aboveground, fixed roof, unpressurized, conical bottomed, vertical tank with a license storage capacity of 13,500 gallon.

Hazardous Waste Container Storage (License #6003):

Hazardous wastes are stored in the Container Storage Area (CSA). The license container storage capacity of the CSA is 790 gallons, which is equivalent to 14.3 - 55 gallon drums.

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FACILITY DESCRIPTION AND OPERATION

Introduction

Safety-Kleen is an international service-oriented company whose customers are primarily engaged in automotive repair, industrial maintenance, and dry cleaning services. The company has been operating since 1968, offering solvent collection and reclamation services for its 270,000 customers, many of whom generate less than 100 kilograms (220 pounds) of hazardous waste per month. In 2011, Safety-Kleen (companywide) reclaimed more than 206 million gallons of used oil, and over 14 million gallons of used parts washer solvent. Safety-Kleen is also a provider of containerized waste services, vacuum services, total project management, and other environmental services to a wide array of customers in the automotive, metalworking, manufacturing, and other end markets.

Safety-Kleen's facility is used as an accumulation point for wastes generated by Safety-Kleen's customers. These wastes are ultimately transported to a Safety-Kleen recycling facility or a contract reclaimer for processing. There is no on-site hazardous waste processing. At the facility, spent solvent is received in 5, 16, and 30 gallon containers. The contents of these containers are transferred to the bulk storage tank via the return and fill station. The emptied drums are then cleaned and refilled with clean product for the next day's services. All other wastes received at the facility are stored in the original shipping container. When sufficient quantities are accumulated (usually twice per week), a box trailer is dispatched to deliver products needed and to transport the wastes stored on-site to a Safety-Kleen Service/Recycle Center for processing.

Safety-Kleen typically operates Monday through Friday from 6:00 AM to approximately 7:00 PM. The Service Center Manager (Branch General Manager) has the ultimate responsibility of the facility's operations. In the event of his/her absence, a qualified designate will assume the responsibility. The facility consists of the following:

2100 Badger Road (South Side), which is owned by B & B Enterprise (located at W3110 Creek View Lane, Appleton, WI 54915).

1. 1.22 acre site
2. A building with office and warehouse space which includes a container storage area.
3. One tank farm with three storage tanks: one 13,500 gallon tank is used for the storage of spent parts cleaner solvent and the other two tanks, a 13,500 gallon tank and a 15,000 gallon tank are used for the storage of clean parts cleaner solvent (or other bulk product for distribution).
4. A return and fill station.
5. Four metal storage shelters (two (2) 200 square feet each, one (1) 300 square feet and one (1) 135 square feet) used for storage of transfer wastes or inventory items.
6. Graveled and asphalted parking areas
7. A fence surrounds the areas associated with the hazardous waste storage area.

2201 Badger Road (North Side)

1. 4.13 acre site
2. One building with office and warehouse space.
3. One tank farm with three 20,000 gallon storage tanks and space for three additional tanks. These tanks are currently unused but may be utilized for storage of bulk product for distribution or for storage of used oils, oily water, or used antifreeze.
4. Graveled and asphalted parking areas

There are no non-hazardous or hazardous waste activities currently being conducted at 2201 Badger Road. Notification will be made to the Wisconsin Department of Natural Resources (Department) if waste activities will be implemented at this address.

Safety-Kleen only receives wastes transported directly from the original generator on Safety-Kleen operated route vehicles. At no time will the facility accept:

1. Infectious, medical wastes (such as blood or body fluids) or human tissue.

2. Compost material; construction or demolition wastes.
3. Household waste as defined in NR 500.03(105) (including garbage, trash and sanitary waste in septic tanks which is derived from households, hotels, motels, etc.).
4. Municipal solid waste as defined in NR 500.03(150) (household waste, or solid waste from commercial or industrial sources that does not contain any process waste which is the direct or indirect result of the manufacturing of a product or the performance of a service such as dry cleaners or paint shops).
5. Putrescible waste as defined in NR 500.03(185) (solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of supporting a vector population or attracting or providing food for birds).

The complete list of the designated hazardous waste codes for the hazardous waste that can be handled at Safety-Kleen can be found in the most recent Hazardous Waste Permit Application, Part A, submitted to the Department with a cover letter dated October 10, 2012.

General Location

Safety-Kleen is located within the City of Kaukauna. The City of Kaukauna is located in the County of Outagamie, which is the sixth largest county in Wisconsin. Outagamie County has a total area of 644 square miles, of which 640 square miles is land and 4 square miles is water. Outagamie County consists of four (4) cities, twenty (20) towns and eleven (11) villages.

The City of Kaukauna has a total population of over 15,500 and is situated on the Fox River, approximately 100 miles north of Milwaukee. The City of Kaukauna has its own police, fire and rescue services. The City of Kaukauna boasts a 350 acre industrial park network, complete with rail and heavy truck access. The City of Kaukauna also affords its residents with recreational opportunities such as the historic Grignon Mansion, the 1000 Islands Environmental Center, fourteen private parks, eight sports fields, a public swimming pool, downtown farmers market and a public library.

Truck Traffic

Safety-Kleen has four (4) completely enclosed cargo-box straight trucks (GVW of 33,000 pounds) that are used daily to manage containers of wastes from Safety-Kleen's customers and products to Safety-Kleen's customers. Approximately once a week Safety-Kleen's Dolton Illinois Recycle Center dispatches an 18-wheel, 5-axle tractor-trailer (GVW of 80,000 pounds) to the facility. The tractor-trailer is used to deliver a load of clean solvent and then used to collect the spent solvent that has been collected in the hazardous waste storage tank at the facility. Safety-Kleen also has three (3) bulk tanker trucks (GVW of 54,000 and 56,000 pounds) that are used every 20 working days to deliver the fresh solvent and pick up spent solvent. These waste and product transfer activities are conducted at the aboveground tank farm located south of the building and at the overhead door located on the west side of the building. Safety-Kleen's access to interstate 41 is by Highway 55 from Badger Road. The distance from interstate 41 to Safety-Kleen's facility is approximately 1 mile. The traffic generated by the Safety-Kleen does not have a major impact on the traffic volume of adjacent and nearby roadways or the routes the trucks travel.

Service Area

The approximate service area for Safety-Kleen's Kaukauna facility is northeastern Wisconsin and includes Wisconsin Counties: Sheboygan, Fond du Lac, Manitowoc, Calumet, Brown, Kewaunee, Door, Waushara, Winnebago, Outagamie, Portage, Waupaca, Marathon, Shawano, Lincoln, Langlade, Oconto, Florence, Forest, and Vilas and Michigan Counties: Delta, Schoolcraft, Luce, Menominee, Iron, Marquette, and Dickinson. The Safety-Kleen facility that is similar to the one in Kaukauna is located in Waukesha.

On-site Hazardous Waste Generation

Periodically, it is necessary to remove sediment from the bottom of the hazardous waste storage tank. A vacuum truck is used for this purpose and can collect up to 4,000 gallons of sediment. Sediment also accumulates in the bottom of the drum washer in the return and fill station. This sediment is removed manually, containerized, and

the containers are stored in the CSA. The chemical composition of this waste is analogous to that of the bottom sediment from the tank. These waste sediments are transported to a Safety-Kleen Recycle Center or other properly permitted facility. The sediment may be ignitable (D001) and may exhibit the following characteristics (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, D043).

Hazardous Waste Storage in Tanks (license # 3248)

The storage of hazardous waste in a tank occurs in a covered outdoor tank farm (51.92 feet by 19.75 feet) consisting of three aboveground, fixed roof, unpressurized, conical bottomed, vertical tanks located at 2100 Badger Road. The three tanks consist of:

1. A 12,000 - gallon tank used for storing clean solvents
2. A 13,500 - gallon tank used for spent solvent (hazardous waste)
3. A 15,000 - gallon tank used for clean parts cleaner

The 13,500 gallon hazardous waste storage tank is 12 feet in diameter and 21.67 feet in height and is constructed in accordance with the UL 142 standards - sides are 3/16 inch carbon steel and bottom and the lower 1/3 of the tank is constructed of 1/4 inch thick carbon steel plate with significant steel bracing to support the tank. The tank is painted white to prevent corrosion and to reflect light and energy in order to keep the tank cooler.

The hazardous waste storage tank stores waste mineral spirits, which has an average vapor pressure of 0.2 per square inch absolute (psia) and does not exceed .75 psia. Since the waste mineral spirits has a vapor pressure that is lower than the maximum threshold of 11.1 psia (76.6 kPa) and the hazardous waste storage tank has a design capacity of less than 19,789 gallons the hazardous waste storage tank is subject to Level 1 controls. As a level 1 hazardous waste storage tank all openings in the tank systems must be closed except when adding, removing or conducting routine maintenance on the tank. For pressure control all three tanks are vented to the atmosphere through a safety device (Morrison 548 three (3) inch pressure/vacuum vent) which is designed to operate with no detectable organic emissions when the safety device is in the closed position. The pressure/vacuum vent operates at two (2) ounces of pressure and one (1) ounce of vacuum. In addition, these tanks are designed with a long-bolted manway pressure relief device which remains in the closed position when not in use to relieve pressure. In order to prevent releases from the hazardous waste storage tank, the tank is equipped with a high level alarm that is activated by a float. If the level in the tank is 95% of capacity, the float activates a switch which activates both visual and audible alarms. The transfer pump is also disabled so that the tank will not overflow.

The tank farm is placed on a foundation that is capable of providing support to the tanks, the secondary containment system, resisting pressure gradients above and below the secondary containment system and capable of preventing failure due to settlement, compression or uplift. An April 13, 1990, letter from Jerome S. Chudzick, an independent, qualified, registered PE at Graef, Anhalt, Schloemer & Associates, Inc., verified the structural integrity and suitability of the hazardous waste storage tank and secondary containment system for the handling of hazardous waste.

The tank farm's secondary containment system consists of a monolithically poured steel reinforced six (6) inches thick concrete slab and eight (8) inches thick dike walls (49.58 feet by 18.42 feet by 4.0 feet), which provides a secondary containment system capacity of 27, 325 gallons. The secondary containment system has sufficient strength and thickness to prevent failure due to pressure gradients, physical contact with the waste from the environment, climatic conditions and stress of daily operation. The tank farm's secondary containment system is designed and operated to collect all precipitation from a 24-hour, 25-year storm event and to remove accumulated liquids through a sump located in the secondary containment system. To limit migration of liquids into the secondary containment system's concrete floor, the floor is coated with ChemTec One, which is a reactive silicate concrete densifier, hardener, and sealer.

Accumulated precipitation in the secondary containment system is removed in a timely basis after detection. A visual inspection is conducted of the accumulated precipitation in the secondary containment system for a sheen and discoloration. If no sheen or discoloration is noted, the accumulated precipitation is discharged from the tank

farm's secondary containment system to the surface of the facility. If a sheen or discoloration is noted, the accumulated precipitation will be pumped into an onsite storage tank for offsite management. If a solvent spill occurs within the secondary containment system, the spilled material will be completely removed. Should a spill occur and there is water present, a waste determination will be made the material will also be taken offsite for management. Accumulated liquids will be removed by use of a portable electric pump that must be placed into the sump. An automatic pump is not present in the tank farm.

The tank farm is inspected each operating day, typically Monday through Friday. The inspection consists of looking for signs of leaks, cracks, corrosion or deterioration that would threaten the integrity of the tank system or secondary containment system, checking the high level alarm and of the tank's volume (according to the gauge) held in the tank. Sudden deviations in the solvent volumes will be investigated and the cause determined. If necessary, repairs will be initiated immediately. A visual inspection of the tank's closure devices is conducted on an annual basis.

Hazardous Waste Storage in Containers (license # 6003)

The storage of hazardous waste in containers occurs in the CSA, which is an enclosed room (20.5 feet wide by 19.67 feet deep) located in a totally enclosed warehouse building (60 feet wide by 80 feet deep) located at 2100 Badger Road.

The license container storage capacity of the CSA is 790 gallons - equivalent to 14.3 55 gallon drums. The aisle spacing between the drum rows and drums is at least two (2) feet. Container can be stacked no more than two (2) high and are required to be on pallets, which prevents containers from contacting standing liquids and provides easier movement of containers by mechanical means. The permitted use of the CSA is for the storage of:

1. Sediment from cleaning the drum washer/dumpsters in the return and fill station.
2. Solid/liquid debris generated by Service Center operations and activities.
3. Spent immersion cleaner.
4. Dry cleaning wastes.
5. Aqueous parts cleaner solvent.
6. Other non-hazardous materials or non-regulated wastes, and Safety-Kleen products may also be stored in this area provided the materials are compatible. No more than 790 gallons of hazardous and non-hazardous waste will be stored in the CSA at any time.

The floor, curbing and collection trench for the CSA are made of steel reinforced concrete and the concrete has been poured so that no cracks or gaps exist between them. The concrete will contain spills until the material can be detected and removed. The concrete is covered with Corro-Shield Corro-Cote which is an impervious coating used to prevent wastes from migrating into the concrete. The secondary containment system consists of a trench approximately 0.65 feet x 2.04 feet x 8.0 feet trench and curbing around the floor. The total secondary containment capacity of the trench is 79 gallons. The possibility of a total release of all containers is very remote, since only one or two drums of waste/material would normally be involved in a spill. If cracks or leaks are detected in the secondary containment system repairs will be initiated immediately.

The container storage area is inspected each operating day, typically Monday through Friday. The inspection consists of looking for evidence of leaking containers, proper container management (dated, labeled, closed, etc), number of containers and signs of corrosion or deterioration that would threaten the integrity of the secondary containment system. The contents of any leaking or suspect leaking containers are placed in a container of adequate integrity.

Return and Fill Station

The return and fill station is adjacent to the tank farm and is regulated as a piece of ancillary equipment to the tank farm. The return and fill station is used to collect and return the used parts washer solvents to the waste storage tank by a hard pipe. The two (2) return and fill stations consist of a dock structure with steel secondary containment pans, dumpster, 163 gallon dumpster/barrel washer and a pump. Any spills at the return and fill station are contained by secondary containment system which has a capacity of 959 gallons.

Incoming 5, 16 and 30 gallon containers of used parts washer solvents are emptied in the return and fill station. Each container is manually emptied allowing the waste to flow into one of the dumpsters. The flow of used parts washer solvents into the tank can be halted simply by discontinuing the drum emptying process. The return and fill station is equipped with a drum washer. After the container has been emptied and rinsed, it is allowed to drip-dry on a rack located within the unit. Once the waste solvent reaches a certain level within the unit, it is pumped out of the return and fill station and into the hazardous waste storage tank. At the end of operation, the operator pumps out any remaining solvent, and closes the lid. All sludge is removed at the end of each operating day. Approximately two gallons of solvent remain in the sump after each cycle.

The return and fill station inspected each operating day, typically Monday through Friday, for sediment buildup and leaks.

Regulatory Status of the Return and Fill Station

U.S. Environmental Protection Agency (EPA), Region 5, brought to the Department's attention an issue related to the regulatory status of return and fill stations at Safety-Kleen Systems' permitted hazardous waste storage facilities. EPA regulates the return and fill stations as miscellaneous units; however, the Department is regulating the return and fill stations as equipment ancillary to the storage tanks.

Subpart CC air emission requirements are applicable to hazardous waste stored in tanks and in some containers at the Safety-Kleen facilities. Subpart CC requirements are not applicable to ancillary equipment; however, they are applicable to miscellaneous units. Because the majority of the air emissions from the Safety-Kleen facilities are associated with the return and fill stations, it appears that EPA is attempting to regulate the stations under Subpart CC by designating them as miscellaneous units. The push to designate the return and fill stations as miscellaneous units is also related to consistency, as currently, the units are regulated differently from State to State, and Region to Region.

The Department's decision to regulate the return and fill stations as equipment ancillary to the storage tanks is based on the following:

The return and fill stations are not hazardous waste storage units. Section 291.01(18), Wis. Stats., defines storage as "*Means the containment of hazardous waste for a temporary period in a manner that does not constitute disposal.*"

In the information presented, Safety-Kleen indicates that the units are pumped down to their lowest practical level after each unloading cycle. Approximately 2 inches, or 2 gallons of solvent remain in the unit between cycles. EPA Region 4's draft position paper states that hazardous waste is stored in the return and fill stations because waste remains in the sump between cycles. An August 31, 1982, EPA memorandum from J.H. Skinner, Office of Solid Waste to T. W. Devine, Air and Waste Division, [RCCP # 9453.1982(01)] indicates that a tank is considered empty when it has been "*drained to the fullest extent possible,*" and "*designs do not allow for the complete drainage....it is not expected that 100% of the wastes will always be removed.*" Consistent with EPA guidance, The Department does not believe that the 2 gallons of solvent left in the units between cycles represents hazardous waste storage.

EPA Region 5 has also indicated that the return and fill stations could be considered storage units because waste is temporarily stored in the units during operation. The Department allows facilities to store waste up to 24 hours before requiring a storage license. This is consistent with EPA's response to the 24-hour storage issue, outlined in a March 27, 1989, letter to SAFCO Environmental, RPC # 9441.1989(11).

The return and fill stations are not hazardous waste treatment units. Section 291.01(21) Wis. Stats defines treatment as: "*Means any method, technique or process, including neutralization, which follows generation and which is designed to change the physical, chemical or biological character or composition of any hazardous*

waste so as to neutralize the hazardous waste or so as to render the waste non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume.”

In addition, treatment includes any method, technique or process, including neutralization, which follows generation and which is designed to change the physical, chemical or biological character or composition of any hazardous waste so as to render the waste less hazardous.

The EPA Region 4 draft position paper states that the evaporation that takes place during operation of the unit is considered hazardous waste treatment. The Department disagrees with this interpretation, as the stations are not designed to evaporate the solvent; rather, any evaporation that takes place during operation of the unit is incidental. The purpose of the unit is to convey used solvent from the containers to the tank, rinse the drums, and convey clean solvent back into containers, or refill the containers. Evaporation of solvent is incidental to these activities.

Some States consider the return and fill stations treatment units because of the grate or screen within the unit. The Department believes that the purpose of the grate is to protect the pump by removing materials and debris that are not intended to be in the waste stream. The grate is not designed to change the physical, chemical or biological character or composition of any hazardous waste so as to render the waste less hazardous; and, therefore, is not treating the waste.

It is the Department's determination that the return and fill stations are not storing, treating, or disposing of hazardous waste; and, are therefore, not hazardous waste management units. As such, the return and fill stations cannot be regulated as a miscellaneous unit. Even though the Department has determination that the return and fill stations are not hazardous waste management units, the Department has included license conditions that would reduce potential emissions from the return and fill stations.

NR 664 Subchapter AA Standards

Subchapter AA standards apply to air emissions from process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 parts per million weight (ppmw). Safety-Kleen has none of the above, therefore subchapter AA standards do not apply to Safety-Kleen.

NR 664 Subchapter BB Standards

Subchapter BB standards apply to air emissions from equipment that contains or contacts hazardous waste with organic concentrations of at least 10 percent by weight. There are specific monitoring and reporting requirements based on the type of equipment. However applicable equipment that contains or contacts hazardous waste for less than 300 hours per calendar year is excluded from the inspection and monitoring requirements of these standards. The equipment that is subject to subchapter BB standards is identified in the master equipment List, which is located in Exhibit B-24 of the FPOR. All equipment subject to subchapter BB is regulated under NR 664 subchapter BB Wis. Admin. Code.

NR 664 Subchapter CC Standards

Subchapter CC standards apply to air emissions from tanks, surface impoundments and containers that manage hazardous wastes containing an average organic concentration of greater than or equal to 500 ppmw at the point of waste origination. Containers of hazardous wastes that are transferred through the facility that are still in the course of transportation are exempt from subchapter CC. Specific exemptions to these requirements are outlined in NR 664 subchapter CC Wis. Admin. Code.

Containers typically received and managed at this facility include, but not limited to 5 gallon, 15 gallon, 30 gallon, 55 gallon and 250 gallon containers. These containers typically meet applicable DOT specifications and/or authorizations. Therefore, these containers are acceptable for use in accordance with Level 1 controls. Containers greater than 26 gallons managing site generated hazardous waste will be visually inspected upon their initial

filling and within one year if the container is not completely emptied of its contents. Hazardous waste containers less than 26 gallons in capacity are exempt under subchapter CC.

Safety-Kleen manages waste mineral spirits with 500 ppmw greater volatile organic (VO) concentration in the hazardous waste storage tank. Therefore, this tank is subject to Level 1 controls. Note that there are other storage tanks at facility, but are not utilized to store hazardous waste and therefore are exempt from regulation under Subpart CC.

Hazardous Waste Transporter/PCB Full Service Contractor (license # 11244)

Safety-Kleen offers collection services for hazardous wastes. Closed containers of hazardous wastes are delivered to the facility and are accumulated prior to offsite shipment. Some of the types of hazardous wastes managed include: degreasing solvents, photographic wastes, PCB-contaminated materials (primarily used oils), industrial liquid waste (i.e. combustible liquids, corrosive liquid), used photographic solutions, used photographic silver flake/silver sludge, scrap films (medical and from print industry), etc. This list is not exclusive, but is representative of hazardous wastes that are managed through the facility. Hazardous wastes in transport are accumulated up to ten (10) days in a semi-trailer staged at the loading dock. Hazardous wastes are then transported to a Safety-Kleen recycle center or other reclaimers for processing or disposal.

Universal Wastes

Safety-Kleen offers collection services for universal wastes. Closed containers of universal wastes are delivered to the facility and are accumulated prior to offsite shipment. Some of the types of universal wastes managed include spent lamps and bulbs, batteries and mercury-containing devices. This list is not exclusive, but is representative of the universal wastes that are managed through the facility. Universal wastes are accumulated in the general warehouse area, trailers and the CSA. Universal wastes are then transported to a Safety-Kleen recycle center or other reclaimers for processing or disposal.

Used Oil and Antifreeze

Safety-Kleen also offers collection services for used oil and spent antifreeze. These wastes are typically managed as non-hazardous wastes in the CSA. Used oil and spent antifreeze can also be managed as non-hazardous waste in the bulk tanks located at 2201 Badger Road.

Solid Waste/Recyclables Transporter (license # 12894)

Safety-Kleen offers collection services for solid wastes. Closed containers of solid wastes are delivered to the facility and are accumulated prior to offsite shipment. Some of the types of solid wastes managed include: oil, oil filters, inks, paint filters, paint powders, paint sludge, pit sludge, greases, absorbents, oil sludge, spent filters, aqueous cleaning solutions, fiberglass resins, dibasic esters, polymers, industrial wastewaters, rags, coolants, used aluminum plates from printing operations, etc. This list is not exclusive but is representative of the solid wastes that are managed through the facility. Solid wastes are accumulated in the general warehouse area, trailers and the CSA. Solid wastes are then transported to a Safety-Kleen recycle center or other reclaimer for processing or disposal.

Solid Waste Processing (license # 12894)

A non-hazardous spent parts washer solvent (SK Premium Gold/150) from customers is transferred to the hazardous waste storage tank via the return and fill station. Each container is manually emptied allowing the waste to flow into one of the dumpsters.

Past Department Hazardous Wastes Decisions

Since the original Feasibility and Plan of Operation Report (FPOR) approval was issued, a number of approvals, determinations and modifications have been issued to Safety-Kleen. The dates and a summary of the approvals, determinations and modifications are listed in table 1.

Table 1: Past Department Decisions

| Date of Decision | Description of Decision |
|--------------------|---|
| December 28, 1989 | Original FPOR Approval |
| June 29, 1990 | Initial hazardous waste storage operating license issued |
| September 30, 1993 | Interim License to allow the storage of waste antifreeze and other newly listed toxicity characteristic wastes |
| January 10, 1994 | Class 1 plan modification for addition of premium solvent and request copies of laboratory analysis. |
| March 31, 1994 | Class 1 plan modification to revise the list of emergency coordinators |
| May 19, 1994 | Class 2 plan modification to eliminate color coding of drums and expand the number of container sizes handled |
| July 7, 1995 | Minor plan modification to manage new formula immersion cleaner. |
| August 31, 1995 | Class 2 plan modification to reduce the minimum number of waste mineral spirits samples analyzed during the annual sampling program |
| March 19, 1997 | Class 1 plan modification to allow the commingling of non-hazardous premium solvent with waste solvent 105 and hazardous premium solvent. |
| May 20, 1997 | Class 2 plan modification to move the two tank access boxes and their associated piping inside of the tank farm diked wall. |
| November 17, 1998 | Class 1 plan modification for change in legal ownership. |
| April 26, 2000 | Class 1 plan modification to extend the effective period of license until a final determination on the FPOR is made |
| January 7, 2003 | FPOR Approval |
| April 15, 2003 | Hazardous waste storage operating license re-issued |
| June 17, 2003 | Class 1 plan modification to update the list of emergency coordinators |
| March 19, 2004 | Class 1 plan modification to update the list of emergency coordinators |
| December 5, 2007 | Class 1 plan modification to update the list of emergency coordinators |
| January 26, 2011 | Class 1 plan modification to update the list of emergency coordinators |

FPOR Licensing History – 1990 FPOR Submittal

The Department received a FPOR from Safety-Kleen on August 26, 1986. In response to the FPOR the Department issued a notice of incompleteness (NOI) letters dated August 15, 1989 and October 19, 1989. In response to the NOI the Department received information from Safety-Kleen on September 15, 1989, September 26, 1989 and November 2, 1989. The Department approved the FPOR on December 28, 1989, and issued a hazardous waste storage operating license on June 29, 1990. EPA issued a Federal Hazardous Waste Operating Permit on June 29, 1990.

FPOR Relicensing History – 2003 FPOR Submittal

The Department received a FPOR from Safety-Kleen on November 30, 1999. In response to the FPOR the Department issued a NOI letter dated February 16, 2001. In response to the NOI Safety-Kleen submitted a revised FPOR on June 27, 2001. The Department requested additional information by e-mail on December 14, 2001, which was submitted by Safety-Kleen on January 24, 2002. The Department approved the FPOR on January 7, 2003, and re-issued a hazardous waste storage operating license on April 15, 2003. EPA issued a Federal Hazardous Waste Operating Permit on August 15, 2003.

Environmental Assessment (EA)

An analysis of the need for an environmental impact statement (EIS) was performed by the Department as part of the initial facility hazardous waste licensing in 1990. The analysis of the expected impacts of the proposal for the initial EA dated April 3, 1989 and the 2013 EA concluded that it was not a major action that would significantly affect the quality of the environment. As such, an environmental impact statement was not required for the initial license issuance for the current facility. The EA also showed that the facility is not located in an environmental justice area.

Physical Environment

Site Geology: Safety-Kleen is located within the Fox-Wolf River drainage basin. The surface terrain and drainage are influenced by the bedrock surface topography and have been modified by glacial deposition and subsequent erosion. The general topography of the basin includes broad, relatively flat plains, and some generally north-south-oriented ridges. Regional highs and lows on the bedrock surface generally underlie and influence the present-day surface terrain in the basin.

Safety-Kleen is located approximately one and one-quarter miles north of the Fox River. The immediate vicinity of the site is a lacustrine plain which is comprised of fine-textured silt and clay. The area has an average surface elevation of approximately 700 feet above mean sea level.

Bedrock Geology: The Prairie du Chien and St. Peter sandstone and Cambrian units are the deepest principal bedrock aquifers in the area. Wells completed in these aquifers commonly yield approximately 500 gallons per minute (gpm) and are a source of water for many municipalities and industries. Above the Cambrian units is Galena dolomite and undifferentiated Platteville formation of the Sinnipee Group from the Ordovician Period. The bedrock slopes to the east toward Lake Michigan. The Platteville-Galena bedrock unit, which ranges from about 100 to 300 feet thick, generally yields ground water at a rate of less than 50 gpm to wells but is still used as an aquifer for domestic and farm wells. The lacustrine deposits above the Platteville-Galena unit are not good sources of ground water due to the clay and silt deposits, which restrict permeability and therefore water movement. These lacustrine deposits are approximately 80 feet thick.

Surface Soils: The major soil association in the vicinity of the Safety-Kleen is in the Winneconne-Manawa Association. These soils which are underlain by glacial till, silty clays, or lacustrine clay sediments are well drained to somewhat poorly drained, nearly level, and slowly permeable to very slowly permeable soils. The soil on which the Kaukauna Safety-Kleen facility is located is a Winneconne silty clay loam, two to six percent slopes. This soil series is a well-drained to moderately well drained material. The available water capacity is moderate and permeability is slow to very slow.

Hydrogeology: Ground water in Outagamie County moves in two systems: a shallow water table system and a deep artesian system. Locally, flow within the lacustrine deposits is toward the Fox River, where it is discharged. Ground water flow within the artesian sandstone and dolomite aquifers is generally from west to east. The effect of large scale municipal and industrial pumpage from the sandstone aquifer can be seen in the region's larger towns. Pumpage locally increases the hydraulic gradient, creating a cone of depression in the piezometric surface that causes ground water to flow to the center of pumpage. In the area of the Kaukauna Safety-Kleen Service Center there is no significant pumping to alter the general flow of ground water to the Fox River.

The saturated zone was encountered between four feet and six feet below the ground surface in the four monitoring wells installed at the site. The shallow water table system at the site flows south towards the river and has a horizontal hydraulic gradient of 9.6×10^{-3} ft/ft as indicated by water level measurements made at the site in October 1991.

Ground water quality within the shallow water table system in the vicinity of the Safety-Kleen Service Center is generally suitable for most domestic/ municipal, and industrial uses. U.S. Geological Survey National Water Summary, 1986, indicates that ground water within these lacustrine sediments is high in calcium and magnesium. It is moderately "hard" and has locally high concentrations of iron. The level of dissolved solids is high, ranging from 300 to 400 parts per million (ppm).

Within the sandstone aquifer the water is also high in calcium and magnesium. This water is hard, with high concentrations of sulfate, chloride, sodium, and, locally, iron. Dissolved solids are also high, with ranges from 800 to 1,000 ppm. According to the National Secondary Drinking Water Regulations, a maximum acceptable level for total dissolved solids is 500 ppm [40 Code of Federal Regulations (CFR) 143.3, Secondary Maximum Contaminant Levels]. Ground water from the sandstone aquifer may require treatment for some special purposes.

Surface Waters: The amount of surface water leaving the facility is minimized by having grassy areas located in the front and back of the property. Any surface water leaving the property would be conveyed primarily by the driveways into the Heart of the Valley storm water management system.

There are no surface waters in the immediate vicinity of Safety-Kleen. A wetland is located approximately three quarters of a mile west of the site. Runoff in the immediate area of the service center generally drains northwest to a storm sewer system. The storm sewer then flows into Apple Creek, which ultimately discharges into the Fox River.

Climate: Climate for the area is large annual temperature range and frequent short-period temperature changes. The winters are long, cold, and snowy, and the summers are warm and occasionally humid. Prevailing winds are northwesterly in winter and southwesterly in summer. About 30 inches of precipitation occur annually. The majority of this precipitation occurs as rainfall between the months of May and September.

Determination of Needs

Safety-Kleen provides efficient and economical waste management and recycling options to the automotive repair, industrial maintenance, and dry cleaning businesses in Wisconsin. While there are other hazardous waste management companies in Wisconsin, they generally do not service parts washing equipment or manage the relatively small amounts of waste produced by Safety-Kleen customers. Alternatives for managing these waste solvents would include having the individual generators recycle their own waste solvents on-site or shipping the waste solvents to an out-of-state TSD facility for handling. Facilities like Safety-Kleen are therefore critical to properly managing waste solvents and keeping the waste solvents out of the environment as improperly managed solvents can pose a very real health risk to people when soils and groundwater are impacted.

Exposure to solvents can cause cancers, tumors and impair the functions of the central nervous system. Solvent neurotoxicity symptoms can be characterized by fatigue, memory impairment, irritability, difficulty in concentrating, mild mood disturbance, sustained personality or mood change and impairment in intellectual function, global deterioration in intellectual and memory functions (dementia). Exposure to solvents typically occurs through inhalation, ingestion and dermal contact. Wisconsin and federal law forbids the land filling of any hazardous waste solvents that have not been treated to the regulatory standards identified in ch. NR 668, Wis. Admin. Code.

Closure

Safety-Kleen expects to operate the facility for the foreseeable future. The FPOR includes a detailed closure plan and cost estimates for completing closure of the entire facility. The closure plan includes the cost estimates of the money needed to remove the maximum allowable quantity of hazardous waste stored at the facility and decontamination procedures for all of the surfaces and equipment in the licensed tank and container storage areas. The current cost estimate to close and decontaminate the hazardous waste storage activities covered by this determination is \$50,038.

Corrective Action

In conjunction with EPA's issuance of Safety-Kleen's operating permit in 1990, Safety-Kleen was required to conduct a release assessment (RA) due to the 1989 investigation showing soil and ground water contamination at the site. The soil and ground water contamination was likely caused by release from the damaged drums storage area. This RA consisted of the installation of monitoring wells, sampling of the wells, and collection of soil samples.

Results of the RA investigation indicated that no significant releases had occurred at the site. Tetrachloroethene (PCE) was detected in three of the 1989 soil samples, which were collected by EPA near the return and fill station. PCE was detected at levels that exceeded the Wisconsin RCL for the groundwater pathway (0.006 mg/kg) in shallow soil samples S29, S31 and S33. Monitoring wells MW-1 and MW-2 are located less than 50 and 80 feet down-gradient of the return/fill station and the 1989 soil sample locations. PCE has not been detected in the

groundwater samples (1991 to 1999) from these wells, or from MW-3 and MW-4. Based on these results, PCE does not appear to have migrated to groundwater. Acetone was also detected in soils at slightly above the method detection level and is most likely a laboratory introduced contaminant. No other VOCs, mineral spirits, or semi-volatile compounds were detected. Overall, metals concentrations are consistent with naturally occurring background ranges for glacial sediments typical of those at the Kaukauna site.

All ground water samples are free of volatile and semi-volatile compounds. The two metals detected in the ground water (chromium and zinc) occur randomly and cannot be related to the site soils or site activities. The only metal on the target analyte list (lead) that would normally be associated with Safety-Kleen products was not detected in the ground water.

In a letter dated September 20, 2000, Safety-Kleen requested closure for the site. The Department issued a case close out letter dated July 18, 2001 with no further action required.

Owner Financial Responsibility

The cost estimate for the final closure of Safety-Kleen's hazardous waste storage licensed activities is \$50,038. The closure cost estimate must be adjusted annually for inflation. Safety-Kleen is required to maintain on file with the Department adequate proof of financial responsibility to cover the cost of closure. Currently Safety-Kleen has on file a certificate of insurance for proof of financial responsibility needed for closure. Safety-Kleen must also maintain a pollution liability insurance policy for sudden environmental releases of at least \$1,000,000 per occurrence and \$2,000,000 annual aggregate.

FINDINGS OF FACT

The Department finds that:

1. Safety-Kleen Systems, Inc. - Kaukauna (Safety-Kleen) owns and operates a hazardous waste storage facility at 2100 Badger Road, Kaukauna, Wisconsin.
2. On June 18, 1985, Safety-Kleen filed a notice of hazardous waste activity. An EPA RCRA Part A hazardous waste permit application was received on July 8, 1985 and amended on September 15, 1989 and October 31, 1989.
3. An October 28, 1986, stipulated judgment required Safety-Kleen to acquire a hazardous waste storage license or cease operations.
4. The Department received a Feasibility and Plan of Operation Report (FPOR) from Safety-Kleen on August 26, 1986. In response to the FPOR the Department issued notice of incompleteness (NOI) letters dated August 15, 1989 and October 19, 1989. In response to the NOI the Department received information from Safety-Kleen on September 15, 1989, September 26, 1989 and November 2, 1989. The Department conditionally approved the FPOR on December 28, 1989, and issued a hazardous waste storage operating license on June 29, 1990. EPA issued a Federal Hazardous Waste Operating Permit on June 29, 1990.
5. In conjunction with EPA's issuance of Safety-Kleen's operating permit on June 29, 1990, Safety-Kleen was required to conduct a release assessment (RA) due to the 1989 investigation showing soil and ground water contamination at the site.
6. Safety-Kleen was issued conditional Plan of Operation Modifications dated March 9, 1995, August 3, 1995 and September 19, 1996 to address the corrective actions required for the contamination on the site. The Department issued to Safety-Kleen a conditional case closure letter dated July 18, 2001.

7. The Department received a FPOR from Safety-Kleen on November 30, 1999. In response to the FPOR the Department issued a NOI letter dated February 16, 2001. In response to the NOI Safety-Kleen submitted a revised FPOR on June 27, 2001. The Department requested additional information by e-mail on December 14, 2001, which was submitted by Safety-Kleen on January 24, 2002. The Department conditionally approved the FPOR on January 7, 2003, and re-issued a hazardous waste storage operating licenses on April 15, 2003. The U.S. Environmental Protection Agency (EPA) issued a Federal Hazardous Waste Operating Permit on August 15, 2003.
8. On October 24, 2011, the Department issued a call-in letter to Safety-Kleen requiring them to either pursue relicensing by submitting FPOR or notify the Department of its intent to close the facility.
9. On October 11, 2012, the Department received a FPOR from Safety-Kleen dated October 10, 2012, for the storage of hazardous waste in containers and tanks. The FPOR requested to relicense the storage facility. On November 14, 2012, the Department received the required amount of \$10,400 for the plan review fees.
10. On November 20, 2012, a class 1 public notice was placed in the Wisconsin State Journal and the Appleton Post-Crescent. The class 1 public notice was to inform the public that Safety-Kleen has submitted a FPOR.
11. On December 21, 2012, the Department issued a Notice of Incompleteness (NOI) to Safety-Kleen for the October 11, 2012, FPOR. The Department received the following responses to the NOI
 - a. On February 19, 2013, the Department received a submittal dated February 18, 2013. The submittal was in regard to the missing items identified in the December 21, 2012, NOI.
 - b. On March 4, 2013, the Department received a submittal dated March 4, 2013. The submittal was in regard to an updated EPA RCRA Part A hazardous waste permit application.
 - c. On June 6, 2013, the Department received an updated signature page for the Part A application.
 - d. On August 22, 2013, the Department met with Safety-Kleen to discuss deficiencies in the waste analysis plan (WAP) that was submitted in the FPOR.
 - e. On September 27, 2013, the Department received an updated WAP dated September 26, 2013.
12. The Department made the following request for additional information to Safety-Kleen for the October 11, 2012, FPOR
 - a. On May 9, 2013, the Department sent an email to Safety-Kleen for clarification on nine (9) issues. Safety-Kleen responded to the email on May 17 and 21, 2013.
 - b. On June 17, 2013, the Department sent an email to Safety-Kleen for clarification on waste analysis issues. Safety-Kleen responded to the email on July 15.
13. The Department's Environmental Analysis (EA) decision showed that there are no special ethnic or cultural groups in the immediate area nor are there highly sensitive facilities (hospitals, elder care facilities, child day care, etc.) in the immediate area that could be impaired by an air release or a spill from the facility. The EA also showed that the facility is not located in an environmental justice area.
14. On November 8, 2013, the Department determined the FPOR to be complete.
15. On October 24, 2013, the preliminary determination was submitted to Safety-Kleen for comment. The Department received comments back from Safety-Kleen on November 1, 2013.
16. On November 14, 2013, a class 1 public notice was published in the Wisconsin State Journal and the Appleton Post-Crescent, a radio announcement on WVBO, WNAM and WPCK/WPKR and the Department's website at <http://dnr.wi.gov/topic/Waste/Comment.html> informed the public that the FPOR, the preliminary determination, the initial environmental assessment, the preliminary notice of the reaffirmation of the initial environmental assessment dated April 3, 1989, and the fact sheet are available for review by the public. The 45 day public comment period ends on December 30, 2013.

17. The Department did not receive any public comments from the November 14, 2013, class 1 public notice that was published in the Wisconsin State Journal and the Appleton Post-Crescent.

CONCLUSIONS OF LAW

The Department concludes that:

1. The Department promulgated chs. NR 660 through 670, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of chs. 289 and 291, Wis. Stats.
2. The Department has the authority to conditionally approve a FPOR if the conditions are necessary to ensure compliance with chs. NR 660 through 670, Wis. Adm. Code, pursuant to s. 289.30(6), Wis. Stats.
3. Pursuant to s. 289.31, Wis. Stats., and s. NR 670.050, Wis. Adm. Code, the Department may issue annual renewals of hazardous waste operating licenses for an effective period of up to ten (10) years. If the licensee chooses to operate or maintain a hazardous waste facility after the ten (10) year effective period ends, the licensee must submit, at least 180 days before the end of the effective period, a new operating license application consisting of a Part A application form, the feasibility and plan of operation report and any supplemental information, as specified in s. NR 670.010(1), (3) and (8), Wis. Adm. Code and the applicable sections of chs. NR 660 to 670, Wis. Adm. Code.
4. The Department promulgated ch. NR 103, Wis. Adm. Code to preserve and protect the water quality of wetlands.
5. Pursuant to s. 289.30(6), Wis. Stats., and ch. NR 670, Wis. Adm. Code, the Department has the authority to issue hazardous waste facility plan approvals.
6. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 660 through 670, Wis. Adm. Code.
7. S. 291.37 Wis, Stats and NR 664, Subch. F, Wis. Adm. Code authorizes the Department to require corrective action when a release has occurred from a solid waste management unit at a facility.

DETERMINATION

In accordance with s. 289.28(3), Wis. Stats., the Department has determined that there is a need for the facility to store hazardous waste as approved. The Department has further determined that there is no need for an environmental impact report or environmental impact statement for this facility at this time, pursuant to s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, and that the existing facility conforms to wetlands water quality standards pursuant to ch. NR 103, Wis. Adm. Code.

Based on the Findings of Fact and Conclusions of Law, the Department hereby approves the hazardous waste feasibility and plan of operation report for Safety-Kleen Systems, Inc. - Kaukauna submitted on October 11, 2012, and amended on February 19, 2013, March 4, 2013, June 6, 2013 and September 27, 2013, subject to compliance with ch. 291, Stats., chs. NR 660 through NR 670, Wis. Adm. Code, and the following conditions.

CONDITIONS OF APPROVAL

Safety-Kleen Systems, Inc. - Kaukauna (Safety-Kleen) is subject to the following conditions:

General Conditions

1. The storage facility shall be operated in accordance with the approved Feasibility and Plan of Operation Report (FPOR), the requirements of ch. 291, Wis. Stats., chs. NR 660 to 670, Wis. Adm. Code, and the conditions of this approval. The approval conditions, Wisconsin Statutes or the Wisconsin Administrative Code shall take precedence over any discrepancies with the FPOR.
2. All prior hazardous waste approvals and hazardous waste modifications issued by the Department relating to the operation of the hazardous waste storage facility at Safety-Kleen (does not include corrective action decisions) are hereby nullified or superseded by this approval.
3. The Department retains the jurisdiction either to require the submittal of additional information or to modify this approval at any time if, in the Department's opinion, conditions warrant further modifications. Nothing in this conditional approval shall relieve Safety-Kleen of the legal obligation to comply with applicable federal, state and local approvals.
4. The requirements set out in s. NR 670.030, Wis. Adm. Code, apply to this facility and are hereby incorporated by reference and made a part of this approval and of any operating licenses which may be issued for the facility based upon this approval.
5. Safety-Kleen shall at all times maintain in good working order and operate efficiently all facilities and systems of treatment or control and related appurtenances which are installed or used to achieve compliance with the terms and conditions of the license. Proper operation and maintenance includes, but is not limited to, effective performance based on preventive maintenance, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.
6. The licenses for operating the container storage unit and the tank storage unit are subject to the annual renewal of operating license fees listed in Appendix II, ch. NR 670, Wis. Adm. Code.
7. Safety-Kleen shall comply with all applicable requirements of the Department's air pollution control rules stated in chs. NR 400 to 499, Wis. Adm. Code, and directives including but not limited to obtaining all necessary permits to operate in accordance with these rules. Safety-Kleen shall notify the Department of any change in operation that results in an increase in the maximum potential emissions of an air contaminant or which results in the emission of an air contaminant not previously emitted.
8. If at any time Safety-Kleen becomes aware that there was a failure to disclose relevant facts in any reports, plans, or other documents submitted, or that incorrect information was submitted, Safety-Kleen shall promptly submit such facts or correct information to the Department.
9. Safety-Kleen shall install and maintain a bonding and grounding system in all areas of the facility where a static discharge could result in a fire or explosion that would impact the license storage areas.
10. Safety-Kleen shall operate the facility in a manner that prevents discharges from the facility from impacting the facility and the environment.
11. Should a fire, explosion or other incident that requires implementation of the contingency plan occurs, Safety-Kleen shall do the following:
 - a. Take colored photo documentation of incident.

- b. Identify the employees who have knowledge of, or were involved in the incident.
- c. Retain and secure any data associated with the incident.
- d. Retain and secure any equipment and/or parts that were involved in the incident.
- e. Retain and secure wastes or residues that were involved in the incident.

Safety-Kleen shall obtain Department concurrence prior to releasing any items obtained in 11.c - e.

- 12. Safety-Kleen shall submit to the Department within thirty (30) days of the date of the final determination (2) two 'clean' printed and bound copies and a PDF file of the FPOR as approved by the Department.
- 13. The Department reserves the right to inspect the facility with notice provided no later than upon arrival of a Department employee.

Storage Conditions

- 14. All hazardous waste storage activities shall be confined to the areas specified for those purposes in the approved FPOR. The only hazardous wastes that can be stored in these areas are the hazardous wastes identified on the most recent Part A notification form dated June 5, 2013. Wastes with similar characteristics, but different hazardous waste codes, may only be managed at the facility after receiving written approval from the Department following a modification to this determination and the submission of a revised Part A application.
- 15. Safety-Kleen shall segregate waste types as follows:
 - a. Used immersion cleaner, dry cleaning waste, and paint waste shall remain in its original container while being stored at the service center except in an emergency. All emergencies of this sort (container is leaking, damaged during storage, etc.) shall be clearly documented in the operating records.
 - b. The spent parts cleaner dumpster mud and tank bottoms shall not be combined with any other waste streams.
 - c. Containers of dumpster mud and tank bottoms shall be stored in a licensed storage area until they are transported off-site.
 - d. Containers of sampled spent parts cleaner solvent awaiting lab results shall remain in a licensed storage area until analysis confirms acceptance or until the waste is shipped to another approved hazardous waste facility.
 - e. Containers of waste shipped from the customer to the service center shall be appropriately marked with a label indicating the customer as the generator.

- 16. Safety-Kleen may not store hazardous waste in locations or quantities greater than those stated below:

Table 2: Storage Summary

| Unit ID | Unit Type | Location | Capacity |
|------------------------------|-------------------|-----------|----------------|
| Container Storage Area (CSA) | Container Storage | Warehouse | 790 gallons |
| Hazardous Waste Tank | Tank Storage | Tank Farm | 13,500 gallons |

- 17. Waste received from off-site shall be processed or moved into a container or tank storage area within twenty-four (24) hours of the hazardous waste arriving at the facility.
- 18. Safety-Kleen shall sign off on the uniform hazardous waste manifests within twenty-four (24) hours of receipt of the wastes.
- 19. Signs and/or placards shall be used to identify the different types of wastes stored, such as poisons, reactives, corrosives, ignitables, etc.
- 20. The identity and location of all stored hazardous wastes shall be known throughout the entire storage period.

21. When storing non-hazardous waste in the licensed hazardous waste storage units the non-hazardous waste shall be managed as if it were a hazardous waste (secondary containment, inspection, license storage capacity, etc).
22. Sufficient aisle space shall be maintained in all of the storage and staging areas to allow for unobstructed movement of personnel and equipment in an emergency and to allow for inspections of the storage area.
23. Sufficient lighting shall be maintained in all of the storage areas to allow for inspections of the storage area.

Transfer Facility

24. Safety-Kleen shall not move hazardous waste from an on-site hazardous waste transfer facility to the storage facility or from the storage facility to an on-site transfer facility.
25. Safety-Kleen waste received from off-site shall be stored in either a designated 10-day transfer facility areas or in the licensed storage areas.

Container Conditions

26. Safety-Kleen shall store waste in structurally sound (undamaged) U.S. DOT approved containers.
27. Lines shall be clearly marked and maintained on the floor to delineate the rows of containers from the aisles. Containers shall be stored within the lines that delineate the rows.
28. Containers shall be placed in the storage areas so that labels are visible from the aisles.
29. When storing containers two (2) or more high on pallets, containers of equal or larger size or quantity shall be stored on the bottom level.
30. Safety-Kleen shall stack containers in a stable manner so that the containers do not tip over.
31. Safety-Kleen shall stack containers no more than three (3) high.
32. Safety-Kleen shall maintain a minimum of two (2) feet of aisle space.
33. Safety-Kleen shall not stack containers when the stacking would compromise the structural integrity of the container.
34. When containers greater than twenty (20) gallons in size are stored two (2) high, pallets shall be used to separate the first level from the second level.
35. Containers shall be covered/closed except when adding or removing wastes.

Tank Conditions

36. All incoming nonhazardous high-flash premium naphtha parts cleaner solvent waste to be mixed with hazardous waste naphtha parts cleaner solvent shall be added to the licensed hazardous waste tank on the same day the nonhazardous waste is accepted at the Kaukauna service center. Exceptions shall be reported to the Department within five (5) business days.
37. Safety-Kleen shall maintain records detailing the quantities of hazardous and nonhazardous high-flash premium naphtha parts cleaner solvent waste stored in the licensed above ground storage tank. This information shall be maintained as part of the facility's hazardous waste operating record.

38. Safety-Kleen shall not place hazardous wastes in a tank if the wastes could cause the tank, its ancillary equipment, or the containment structure to rupture, leak, corrode, overflow or otherwise fail.
39. Safety-Kleen shall maintain and have operational a high level alarm system for the hazardous waste tank. If the high level alarm system is not operational waste may not be added to the tank.
40. All electrical equipment inside the hazardous waste tank shall be intrinsically safe.

Return and Fill Station

41. Standing free liquid shall be removed from the drip/spill pan below the return and fill station by the end of each operating day.
42. To the extent practicable, liquid and sludge shall be removed from the return and fill sump at the end of each operating day.
43. The return and fill station shall be equipped with a cover and closure devices that forms a continuous barrier over the unit so that when the cover and closure devices are secured in the closed position, there are no visible holes, gaps, or other open spaces into the interior of the container.
44. The closure devices for the return and fill station will be promptly secured in the closed position within fifteen (15) minutes of the completion of batch loading after which no additional material will be added to the unit; before the person performing the loading operation leaves the immediate vicinity of the unit; or, at the time of shutdown of the return and fill operations, whichever occurs first.
45. The drum washer unit shall not be operated for more than twelve (12) hours in any day. Safety-Kleen shall keep records documenting the dates and the number of hours the drum washer operates. This record shall become part of the written operating record and maintained until closure of the facility.

Secondary Containment Conditions

46. The secondary containment systems shall be operated to prevent any migration of wastes or accumulated liquid out of the system into the air, soil, groundwater or surface water at any time.
47. The secondary containment system shall be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.
48. The secondary containment structures shall be maintained to be liquid tight and free of cracks and gaps.
49. The secondary containment structures shall be promptly resealed or repaired with a chemically resistant material to maintain an impervious surface.
50. All uncontained wastes and liquids located within the secondary containment systems shall be removed from the secondary containment systems area daily and properly managed and disposed of.
51. Safety-Kleen may not store materials or equipment whose volume will adversely affect the secondary containment capacity of the storage units, other than the equipment considered in the secondary containment system calculations included in the FPOR.
52. If a spill occurs in a containment pallet or on the floor, the containment pallet or floor shall be decontaminated before another type of waste is stored on the containment pallet or floor.

Spill Reporting Conditions

53. Safety-Kleen shall comply with all applicable statutes and rules relating to spills, leaks, or other releases of hazardous waste or other hazardous substances, including ch. 292, Wis. Stats., ch. NR 664 subch. D Wis. Adm. Code and chs. NR 700 to 754, Wis. Adm. Code.
54. Safety-Kleen shall implement conditions 55 and 56 of this approval when any of the following conditions occur:
 - a. General spills reporting requirement: If a discharged substance has adversely impacted or threatens to adversely impact the air, lands or waters of the state; caused or threatens to cause acute or chronic human health impacts if immediate actions, such as evacuation or in-place sheltering, are not taken; or presents or threatens to present a fire or explosion hazard or other safety hazard, in accordance with Wis. Admin. Code s. 706.07(2) (b).
 - b. Spills occurring inside the buildings: Greater than five (5) gallons of hazardous materials.
 - c. Spills occurring outside the buildings on paved areas that drains to the stormwater collection system: Greater than one (1) gallon of hazardous materials.
 - d. All spills occurring outside of the buildings and on non-paved areas.
55. Safety-Kleen shall provide immediate telephone notification to the Division of Emergency Government (Spills Line - 800-943-0003).
56. Safety-Kleen shall submit a spill report to the Department's designated Hazardous Waste Inspector that is assigned to Safety-Kleen and to the Department's designated Hazardous Waste plan review staff person that is assigned to Safety-Kleen and to the Department's designated Spills Coordinator within fifteen (15) days of incident.
57. Safety-Kleen shall submit quarterly reports listing all visible spills of hazardous material greater than one gallon that occurred at the facility over the previous three (3) months. The report shall include the type and quantity of waste spilled, the location of the release, the source of the release, what actions were taken to clean up the release and what actions will be taken to prevent a release from recurring. The quarterly report shall be submitted to the Department's designated Hazardous Waste Inspector by the 15th day of April, July, October and January of each year that Safety-Kleen maintains a hazardous waste operating license.

Corrective Action

58. The Department reserves the right to require additional corrective action by Safety-Kleen under the authority of s. 291.37, Wis. Stats., and chs. NR 664, subch. F, Wis. Adm. Code.

Hazardous Waste Air Emissions NR 664 – Subchapter CC Conditions

59. Safety-Kleen shall visually inspect the potential leak interface areas of each container used to store waste subject to CC for compliance with ch. NR 664 subch. CC, Wis. Adm. Code.
60. Safety-Kleen shall maintain in the facility operating record a record of all tests used to comply with the air emissions standards, visual inspections and monitoring, organic vapor determinations, and other documentation demonstrating compliance with ch. NR 664 subch. CC, Wis. Adm. Code.
61. Safety-Kleen shall comply with all applicable requirements of any active Department air pollution control permit document, and air management rules contained in chs. NR 400 to 499, Wis. Adm. Code, as well as directives including, but not limited to, obtaining all necessary permits to operate in accordance with these rules. Safety-Kleen shall notify the Department's Northeast Region hazardous waste investigator if any proposed changes (through air quality construction permits) to units subject to Subchapter AA, BB, CC, or other RCRA rules pertaining to air emissions.

62. Safety-Kleen shall comply with all applicable air management permit conditions, air management requirements and hazardous waste licensing conditions. When two (2) or more operating limitations apply, the most stringent operating limitations take precedence.

Waste Analysis Conditions

63. Beginning in 2014 and every year thereafter, Safety-Kleen shall collect samples from the following waste streams (if managed at the facility) that will be included in the analysis of Safety-Kleen's national annual waste re-characterization program:

- a. Three (3) samples collected from the Parts Washer Solvent waste stream.
- b. One (1) sample collected from the bottom sediment from the Spent Parts Washer Solvent tank each time the tank is cleaned and emptied.
- c. One (1) sample collected from the Immersion Cleaning waste stream.
- d. One (1) sample collected Paint and Paint Gun Cleaning waste stream.
- e. One (1) sample collected from Aqueous Brake Cleaning waste stream.
- f. One (1) sample collected from the Dry Cleaning waste stream.

If a waste stream is phased out of the annual waste re-characterization it will not be necessary to sample that waste stream if concurrence is granted by the Department.

64. Safety-Kleen shall follow the waste analysis plan as detailed in the FPOR submittal.
65. Safety-Kleen shall retain records of all analytical information, including all calibration and maintenance records of laboratory instrumentation and copies of all required for this license, for a period of at least three (3) years from the date the waste was analyzed.
66. Safety-Kleen shall indicate on the hazardous waste manifest, prepared for sending waste off site, all waste codes applicable to the hazardous waste prior to the commingling, re-containerization or bulking of hazardous waste on-site.
67. Safety-Kleen shall follow the sampling collection guidance as outlined in U.S. EPA's SW-846, "*Volume II, Field Manual*". Sampling methods not covered by SW-846 must be acceptable to the Department.
68. Safety-Kleen shall ensure that all samples collected are representative of the waste stream from which the samples are collected.
69. Safety-Kleen shall ensure that the person(s) collecting the samples are trained in proper sample collection.
70. Safety-Kleen shall only combine wastes that are compatible.
71. Safety-Kleen shall use a laboratory that is certified or registered by the State of Wisconsin.
72. Safety-Kleen shall perform a physical and chemical analysis of a waste stream when:
- a. Safety-Kleen is notified that the process or operation generating the waste has changed.
 - b. Safety-Kleen has reason to believe that the process or operation generating the waste has changed.
 - c. Results of an inspection indicate that the waste to be collected does not match the waste designated.
73. Safety-Kleen shall not modify the random selection process unless Safety-Kleen has obtained Department concurrence.

Manifests

74. Within forty-five (45) days of receiving a uniform hazardous waste manifest, Safety-Kleen shall send one copy of the uniform hazardous waste manifest information to the Department in an electronic format specified by the Department in accordance with s. NR 664.0071(1)(b)4 Wis. Admin. Code.

75. Upon notification of a uniform hazardous waste manifest data quality issue by the Department, Safety-Kleen, shall within five (5) business days, make the correction(s) and resubmit the uniform hazardous waste manifest information to the Department.
76. Safety-Kleen's submittal of the uniform hazardous waste manifest information shall be identical to the information as describe on the uniform hazardous waste manifest.
77. Beginning in 2014, Safety-Kleen shall begin quarterly, random, checks of five (5) percent of the paper manifests against Safety-Kleen's electronic submittals to the Department for accuracy of the electronic data.
78. Safety-Kleen shall submit quarterly reports of the manifest review. The report shall include the uniform manifest tracking number and the results of the review and what actions, if any, were taken to correct inaccurate data. The quarterly report shall be submitted to the Department's assigned hazardous waste inspector and hazardous waste permit writer by the 15th day of April, July, October and January of each year that Safety-Kleen maintains a hazardous waste operating license or until Safety-Kleen demonstrates there is consistently good agreement between paper manifests and electronic data, then the Department will consider reducing this to an annual requirement covering one (1) percent of the paper manifests.

Closure

79. Safety Kleen shall follow the closure plan as submitted in the FPOR when closing all or part of the hazardous waste activities covered by this plan approval.
80. Closure confirmation samples shall be grab samples. Closure confirmation sampling must show that all areas of a unit have been successfully cleaned and that no contamination above the wastewater standards identified in table 1 of s. NR 668.40 Wis. Admin. Code.
81. Field sampling methods shall follow the guidance in EPA's SW-846, "*Volume II, Field Manual*". Field sampling methods not covered by SW-846 must be acceptable to the Department before they are used to close the hazardous waste storage area(s).
82. Sampling methods and equipment, as well as laboratory analytical methods, shall follow the guidance in U.S. EPA's SW-846, "*Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Third Edition*" (see 40 CFR 260.11).
83. Safety Kleen shall use the lowest possible analytical Method Detection Limit (MDL) for the hazardous constituents associated with listed hazardous wastes.
84. Safety Kleen shall report all concentration data, even if it is estimated, for compounds or elements that have been positively identified in the sample. Some target analytes are present at concentrations which are above the level that can be reliably detected but below the level that they can be reliably quantified. These data are referred to as "qualified" and will be reported as a number which has been "flagged" by the laboratory. Although less reliable than data which are reported above the Estimated Quantitation Limit (EQL), these qualified data must nevertheless be evaluated carefully by the Department.
85. The closure report shall include a discussion/evaluation of the secondary containment area. This discussion/evaluation of the secondary containment area shall include any observations of visible contamination (i.e., staining caused by waste consisting of light shadows, slight streaks, or minor discolorations), cracks, crevices, and pits in the floor and any defects of the impervious coating used on the floor. Soil sampling will be required if defects are discovered in the secondary containment area that would allow the waste to penetrate the secondary containment area and affect the underlying soils.
86. The closure report shall include a discussion/evaluation of how the cleaning methods and the surfactants chosen are suitable for the contaminants. If detergent washing and water rinsing are selected, the closure

report should show that the detergent solution will remove the contaminants of concern. This may be demonstrated with solubility data from product specification sheets or standard chemical tables. The length of time solutions are in contact with the surface and whether or not scrubbing or other physical efforts are used will affect the accuracy of the decontamination demonstration. Other useful considerations might include the temperature of the wash water and the pressure/nozzle that would be used to apply it to clean the surface. The effectiveness of chemical and physical decontamination will also depend on the unit's design, the cleaning solutions, and the constituents to be removed.

87. The closure report shall include a discussion/evaluation on the equipment used to clean the hazardous waste storage area(s), how this equipment was decontaminated and how the residues from the decontamination were handled.
88. The closure report shall include a discussion/evaluation of how waste materials (i.e., rinsate, debris, disposable equipment, etc.) from decontamination were managed and the volumes / quantity of waste materials that were generated by the decontamination efforts. The waste materials will need to be managed as a hazardous waste per s. NR 664.0178, Wis. Admin. Code.
89. The closure report shall include a drawing of the hazardous waste storage area(s) that are being closed. The drawing should show, at a minimum, dimensions and other construction details, appurtenant structures and relationship to other significant points or structures on the facility property. All drawings shall provide a specified scale, legend, and north arrows.
90. The closure report shall include a discussion on the types and quantities of hazardous wastes and materials that were stored in hazardous waste storage area(s).
91. The closure report shall include a photo log documenting the decontamination of the hazardous waste storage area(s) and photos showing the 'clean' hazardous waste storage area(s). Each photo should be numbered, dated and include a description of what was photographed.
92. The closure report shall include a discussion/evaluation of the sampling strategy (i.e., sample collection, sample locations, number of samples collected, how the sample was collected and analytical considerations).
93. The closure report shall include waste disposal documentation (e.g. bills of lading, uniform hazardous waste manifest, waste profile information).
94. The closure report shall include a table summarizing the data reported by the lab. The table needs to include concentration data, even if it is estimated, for compounds or elements that have been positively identified in the sample.
95. The closure report shall include a discussion/evaluation of any spills that have occurred in the hazardous waste storage area(s).
96. Safety Kleen shall demonstrate that any residual contamination remaining in the hazardous waste storage area(s) is below regulatory or health based standards. To achieve clean closure, Safety Kleen will need to meet the wastewater standards identified in table 1 of s. NR 668.40 Wis. Admin. Code for the hazardous wastes that were stored in the hazardous waste storage area(s).

Financial Responsibility

97. Safety-Kleen shall maintain up to date closure cost estimates and financial proof mechanism covering closure and liability requirements as defined in ch. NR 664, Subch. H, Wis. Adm. Code. The owner financial proof mechanism shall be updated annually for inflation.

This approval is based on the information available to the Department as of the date of approval. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity. Likewise, the Department accepts proposals to modify approvals, as provided for in state statutes and administrative codes.

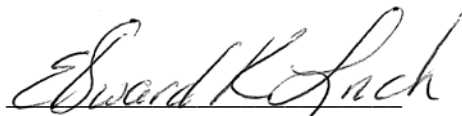
NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: January 22, 2014

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Edward K Lynch, PE, Chief
Hazardous Waste & Mining Section
Bureau of Waste and Materials Management



Michael J. Ellenbecker
Licensing and Policy Review Coordinator
Hazardous Waste & Mining Section
Bureau of Waste and Materials Management