BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

FINAL DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT

SAFETY-KLEEN SYSTEMS, INC. - WAUKESHA
EPA ID# WID981097769
FID# 268182310

GENERAL FACILITY INFORMATION

Facility Name, Operator and Address

Safety-Kleen Systems, Inc. - Waukesha
Richard Schuster, Branch General Manager
2200 South West Avenue
Waukesha, WI 53189

Facility Owner

Safety-Kleen Systems, Inc.
2200 South West Avenue
Waukesha WI 53189

Property Owner

Safety-Kleen Systems, Inc.
2200 South West Avenue
Waukesha WI 53189

Facility Location

County: Waukesha
City/Town/Village: City of Waukesha
Legal Description: NE 1/4 of the NE 1/4 of Sec 22, T6N, R19E
Lat/Long: Latitude: 43.288333 N, Longitudes: 88.2875 W

Facility Contacts

Kelly Taylor, Environmental, Health & Safety Manager, 608-298-6420, kelly. taylor@safety-kleen.com
Richard Schuster, Branch General Manager, 262-408-4070, richard.schuster@safety-kleen.com

Storage

Hazardous Waste Tank Storage (License #3246):
Hazardous wastes are stored in an aboveground, fixed roof, unpressurized, flat bottomed, vertical tank with a license storage capacity of 15,000 gallon.

Hazardous Waste Container Storage (License #6004):
Hazardous wastes are stored in the Container Storage Areas (CSAs). The license container storage capacity of the CSAs is 6,111 gallons, which is equivalent to 111.1 - 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:

1. A building with office and 5,600 square foot warehouse space which includes a container storage area.
2. One tank farm with three (3) 15,000 gallon storage tanks: one tank is used for the storage of spent parts cleaner solvent and the other tanks are used for the storage of clean parts cleaner solvent (or other bulk product for distribution).
3. A return and fill station located in the warehouse structure, which consists of a dumpster, dumpster/barrel washer and pump.
4. Metal storage shelters used for storage of transfer wastes or inventory items; one is used for storage of hazardous wastes.
5. One tank farm with three (3) 20,000 gallon storage tanks and space for three additional tanks: one tank is currently used for storage of Icebreaker™ / Bug Buster™ Windshield Washer Fluid (blended), one contains product Khameleon Antifreeze™ and one is available for used oil storage (or other bulk product).

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 August 1, 2012

General Location

Safety-Kleen is located in an industrial park on the southwest side of the City of Waukesha. The City of Waukesha is located in the County of Waukesha, which is the sixth largest county in Wisconsin. Waukesha County has a total area of 580 square miles, of which 555 square miles is land and 25 square miles is water. Waukesha County consists of eight (8) cities, twelve (12) towns, eighteen (18) villages and twenty-one (21) unincorporated communities.

The City of Waukesha has a total population of over 70,700, is situated on the Fox-Illinois River and is located approximately 20 miles west of Milwaukee. The City of Waukesha has its own police, fire and rescue services. The City of Waukesha has several industrial parks scattered throughout the city. The City of Waukesha also affords its residents with recreational opportunities such as before and after school programs, public parks, formal gardens, sports fields, public swimming pools, 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. Access to Safety-Kleen Systems is from Highway 59 to South West Avenue or from Highway 164 to South West Avenue. The distance from Highway 59 to the facility is approximately 1/3 of a mile. The distance from Highway 164 to the facility is approximately 1/3 of a 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 Waukesha facility is southeastern Wisconsin which includes Kenosha, Racine, Milwaukee, Waukesha, Washington, and Ozaukee counties. The Safety-Kleen facility that is similar to the one in Waukesha is located in Kaukauna.

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 # 3246)

The storage of hazardous waste in a tank occurs in an outdoor covered outdoor tank farm consisting of three aboveground, fixed roof, unpressurized, flat bottomed, vertical tanks. The three tanks consist of:

1. 15,000 - gallon tank used for storing clean solvents other bulk products
2. 15,000 - gallon tank used for storing clean solvents other bulk products
3. 15,000 - gallon tank used for spent solvent (hazardous waste)

The 15,000 gallon hazardous waste storage tank is 10.5 feet in diameter and 23.25 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. A March 29, 1990, letter from Jerome S. Chudzik, 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 system would need to be reinspected if it failed or suffered damage structural damage.

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 (49.54 feet by 18.54 feet by 3.79 feet), which provides a secondary containment system capacity of 20, 657 gallons (includes displacement). The secondary containment system has sufficient strength and thickness to prevent failure due to pressure gradients, physical contact with the waste, 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 StonChem 501.

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 by facility personnel. 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 # 6004)

The storage of hazardous waste in containers occurs in two (2) CSA areas. CSA-1 is 27.17 feet by 27.75 feet with a maximum license storage capacity of 3,927 gallons (equivalent to 71.4 55 gallon drums). CSA-2 is 15 feet by 20 feet with a maximum license storage capacity of 2,184 gallons (equivalent to 39.7 55 gallon drums). CSA-1 is located in the warehouse, which is locked unless occupied by Safety-Kleen personnel. CSA-2 is a metal storage shelter south of the warehouse building. Access to this area is only through either the controlled-access warehouse area or through the lot which has access controlled by the locked gates and fence. 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 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 StonChem 501 which is an impervious coating used to prevent wastes from migrating into the concrete.

CSA-1 has a trench and curbing secondary containment system approximately 1.4 feet by 3.9 feet by 10.0 feet. The total secondary containment capacity is 418 gallons. The permitted use of the CSA-1 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 nonhazardous materials or non-regulated wastes, and Safety-Kleen products may also be stored in this area provided the materials are compatible.

No more than 3,927 gallons of hazardous and non-hazardous waste will be stored in the CSA-1 at any time.

CSA-2 uses metal pans for the secondary containment system. The six (6) metal pans are approximately 5 feet by 10 feet by .5 feet (187 gallons each or 1,122 gallons total). The permitted use of the CSA-1 is for the storage of:

1. Paint wastes.
2. Spent immersion cleaner.
3. Dry cleaning wastes.
4. Sediment from cleaning the drum washer/dumpsters in the return and fill station.
5. 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 2,184 gallons of hazardous and non-hazardous waste will be stored in the CSA-2 at any time.

The possibility of a total release from the CSA areas of all the 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 by facility personnel, 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

There are two (2) return and fill stations at the Waukesha Safety Kleen Facility. One return and fill station is located in the warehouse and is regulated as a piece of ancillary equipment to the tank farm. The second return and fill station is used to collect and return used parts washer solvents to the waste storage tank by a hard pipe. Both return and fill stations consist of a dock structure with a concrete secondary containment system, 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 1,863 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 waste material in the dumpsters/barrel washer is then pumped into the hazardous waste tank. The flow of used parts washer solvents into the tank can be halted simply by discontinuing the drum emptying process.

Both return and fill stations are inspected each operating day, typically Monday through Friday, for sediment buildup and leaks by facility personnel.

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 c*ontainment 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 a*ny 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 # 11299)

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 reclaimere 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, unused truck bay area and the return and fill area. Universal wastes are then transported to a Safety-Kleen recycle center or other reclaimers for processing or disposal.

Solid Waste/Recyclables Transporter (license # 12898)

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, CSA areas and the staged trailer area and loading dock. Solid wastes are then transported to a Safety-Kleen recycle center or other reclaimers for processing or disposal.

Solid Waste Processing (license # 3762)

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
September 28, 1989	Original FPOR approval.
June 1, 1990	Initial hazardous waste storage operating license issued
September 30, 1993	Interim license to store waste antifreeze and other newly listed toxicity characteristic wastes. A Department letter dated December 4, 1994, revoked the interim license.
January 10, 1994	Class 1 plan modification to add premium solvent and request copies of laboratory analysis.
March 31, 1994	Class 1 plan modification to update 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.

Date of Decision	Description of Decision
May 26, 1995	Class 1 plan modification to manage new formula immersion cleaner, revise contingency plan personnel notification and reconfigure the tank farm loading and unloading box, valves and piping.
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 nonhazardous premium solvent with waste solvent 105 and hazardous premium solvent and limit the holding times of the nonhazardous waste before it is added to the hazardous waste storage tank.
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 the license until a final determination is made on the FPOR.
January 21, 2003	FPOR approval.
April 24, 2003	Hazardous waste storage operating license re-issued
October 16, 2003	Class 1 plan modification to update contingency plan emergency contact list and to notify of relocation of corporate office.
October 31, 2003	Class 1 plan modification was for updating the emergency coordinator and corporate address information. Class 2 plan modification was for amending the WAP to allow for field testing rather than lab analysis for initial screening for contaminants. This is a preliminary approval.
January 8, 2004	The Class 1 plan modification was for the administrative changes referenced in the 10/31/2003 mod approval. Also included as a Class 1 plan modification was changing the language of 2 Conditions (#13, 17) to update the mailing address for some annual reports to the Department. The Class 2 plan modification was the final conditional approval for the WAP mod for which the preliminary approval was given 10/31/2003.
August 2, 2004	Class 1 plan modification to update the list of emergency coordinators
September 20, 2004	Class 1 plan modification to update the list of emergency coordinators
April 27, 2005	Class 1 plan modification to update the list of emergency coordinators and to update site plan (for removal of an unused storage shed)
May 5, 2005	Class 1 plan modification to update the list of emergency coordinators
October 24, 2005	Class 1 plan modification to update the list of emergency coordinators and to update addition of a union in the waste solvent line
October 31, 2005	Class 1 plan modification to update the list of emergency coordinators
September 4, 2007	Class 1 plan modification to update the list of emergency coordinators
January 20, 2010	Class 1 plan modification to update the list of emergency coordinators
March 24, 2010	Class 1 plan modification to update the list of emergency coordinators
February 16, 2011	Class 1 plan modification to update the list of emergency coordinators
August 24, 2012	Class 1 plan modification to update the list of emergency coordinators

FPOR Licensing History – 1990 FPOR Submittal

The Department received a feasibility report from Safety-Kleen on June 4, 1986, with revisions and additions received on July 17, 1986 and October 24, 1986. In response to the feasibility report the Department issued a notice of incompleteness (NOI) letter dated January 16, 1987. The feasibility report was deemed complete by the Department on March 31, 1987. A favorable feasibility determination was issued by the Department on August 20, 1987. The Department received plan of operation reports dated October 28, 1986 and October 19, 1987. The plan of operation report was deemed complete by the Department on July 5, 1989. The Department approved the FPOR on September 28, 1989, and issued a hazardous waste storage operating license on June 1, 1990. The U.S. Environmental Protection Agency (EPA) issued a Federal Hazardous Waste Operating Permit on June 1, 1990.

FPOR Relicensing History – 2003 FPOR Submittal

The Department received a FPOR from Safety-Kleen on December 1, 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 Feasibility and Plan of Operation Report was deemed to be complete on October 29, 2002. The Department published the decision and the preliminary determination to conditionally approve the FPOR in the Wisconsin State Journal and Waukesha Freeman on November 12, 2002. A radio announcement of the Department's decision and preliminary determination was made on radio station WFMR-FM on November 12, 2002. The Department approved the FPOR on January 21,

2003, and re-issued a hazardous waste storage operating license on April 24, 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 August 17, 1987 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

Safety-Kleen is located within the Fox-Illinois River drainage basin. The drainage basin has a rolling terrain shaped by the underlying bedrock surface topography and by glacial deposition and subsequent erosion. In the Waukesha area, these deposits are 50 to 100 feet thick. Glaciers originating in northeastern Canada and Greenland moved across the area from the northeast. Large quantities of rock material entrained within the ice scoured the area during the advance of the glaciers. As the glaciers retreated, much of the entrained rock material was deposited as sand, gravel, and boulders. This period of deposition resulted in many glacial land forms such as kettle lakes, moraines, and drumlins.

The immediate vicinity of the Service Center is an outwash area of mostly stratified silt, sand, and gravel. Most of the area is also covered by a few feet of loess, a wind-blown silt. The actual site is relatively flat with a ground elevation of 815 feet above sea level. The land around the facility generally slopes to the south.

A Silurian Dolomite lies approximately 50 feet below the Safety Kleen's Waukesha Service Center and slopes toward Lake Michigan. Dolomite is a calcium-magnesium carbonate mineral. This Silurian Dolomite is known as the Niagara aquifer and is used as a source of local drinking water. Maquoketa shale underlies the Silurian Dolomite and is an aquiclude. The Sinnepee Group, an Ordovician formation which is mostly dolomite, lies below this shale. The St. Peter Sandstone, which is also a source of local drinking water, is located below Sinnepee Group.

The major soil association in the vicinity of the Safety-Kleen Service Center is in the Houghton-Palms-Adrian Association. These are very poorly drained organic soils formed in ancient lake beds and floodways. Soils surrounding this ancient floodway are of the Hochheim-Theresa Association. These well-drained soils have a subsoil of clay loam and silty clay loam, and were formed in thin loess and loamy glacial till.

Safety Kleen's Waukesha Service Center is located in Houghton Muck, a poorly drained organic soil typically underlain by peat and peaty muck. Groundwater is near the surface most of the year.

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 Waukesha's storm water management system.

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 $74,482.

Corrective Action

EPA conducted a RCRA Facility Assessment (RFA) soil sampling program at Safety-Kleen in October 1989. Based on the RFA, EPA identified the above ground used mineral spirits storage tank and former solvent loading/unloading pad as areas of concern (AOC). As a condition of the 1990 permit, Safety-Kleen conducted a Release Assessment (RA) in October 1991 to determine the necessity for future corrective action activities and to confirm the RFA soil data. Wells MW-1 through MW-4 were installed as part of the October 1991 facility assessment. As a result Safety-Kleen began coordinating completion of corrective action activities with EPA and the Department.

Based on results of these investigation activities, Safety-Kleen submitted a case summary and close out form for the facility to Department on November 13, 2001. The Department conducted a facility inspection and reviewed the case summary and close out form to evaluate this facility for possible closure. In a letter dated October 16, 2002, the Department denied case closure and identified additional AOCs based on the facility inspection and the Department required further investigation activities to be conducted.

Safety-Kleen submitted an investigation work plan to address corrective action condition #33 of the January 21, 2003 approval. The investigation work plan was approved in correspondence dated September 22, 2003. Safety-Kleen performed a facility investigation at the facility in November 2003 to assess potential impacts associated with identified AOCs and the Solid Waste Management Units (SWMUs) at the facility. A total of sixteen (16) soil borings and one (1) monitoring well (MW-5) were installed as part of the November 2003 investigation. No constituents were detected in any of the November 2003 soil samples at concentrations exceeding applicable health-based standards. Two (2) constituents (cis-1,2-dichloroethene and vinyl chloride) were detected in the November 2003 groundwater samples from Well MW-5 at concentrations slightly exceeding respective Department groundwater enforcement standards (ES) and/or preventative action limits (PAL). Results of the November 2003 facility investigation were submitted to the Department in a facility investigation report, dated February 17, 2004.

Safety-Kleen performed a confirmation groundwater quality monitoring event at the facility on February 10, 2004 in order to verify the November 2003 groundwater hydrology and quality results. The concentration of cis-1,2-dichloroethene and vinyl chloride were detected in the February 2004 groundwater sample from Well MW-5 and were comparable to the November 2003 groundwater quality results. The detected concentration of cis-1,2-dichloroethene (0.0094 mg/L) in the February 2004 sample from Well MW-5 was slightly above the respective PAL, but below the ES. The detected concentration of vinyl chloride (0.0032 mg/L) slightly exceeded both the respective PAL and ES. Results of the February 2004 monitoring event were submitted to the Department as a facility investigation report addendum, dated April 5, 2004.

As part of the April 5, 2004, facility investigation report addendum, Safety-Kleen proposed to conduct two semiannual groundwater quality monitoring events in June and December 2004. The stated objective of the semiannual groundwater monitoring events was to confirm residual groundwater quality and verify that the defined extent of groundwater quality impacts at this facility is stable or decreasing. Safety-Kleen performed the first of two semiannual events on June 23, 2004. No constituents were detected in the groundwater samples above the PAL or ES limits in the June monitoring event.

In correspondence dated April 26, 2004, the Department provided Safety-Kleen with comments on the facility investigation report and subsequent groundwater quality monitoring completed at the facility. The letter indicated that Safety-Kleen had substantially addressed the AOCs and SWMUs outlined as part of Condition #33 of the January 21, 2003, FPOR approval, including the used oil transfer pad and associated sump, discharge point of the used oil transfer pad sump, and sumps located within the warehouse building. Additionally, the April 2004, letter requested that Safety-Kleen conduct additional soil assessment down-gradient (south) of the return/fill station in order to further define the potential extent of impacts identified as part of the November 2003 activities. As part of the September 3, 2004, facility investigation progress report, Safety-Kleen provided a work plan to install three (3) soil borings down-gradient from the return/fill station.

The second semiannual groundwater quality monitoring event and additional soil boring investigation were implemented December 28, 2004. The results of the December 2004 groundwater monitoring event were generally consistent with those reported from previous monitoring events. No free-phase hydrocarbons were detected in any of the groundwater monitoring wells gauged as part of the December 2004 confirmation groundwater quality monitoring event. Two (2) VOCs, cis-1,2-dichloroethene (0.0062 mg/L) and vinyl chloride (0.0017 mg/1), were detected in the December 2004 sample from Well MW-5 at concentrations slightly above the respective ES and/or PALs. No other VOCs were detected in any of the other December 2004 groundwater samples from the facility.

Similar to previous soil investigations at the facility, the results of the December 2004 soil quality results were evaluated relative to the Department residual contaminant levels (RCLs) for both industrial and non-industrial soil published in Table 2 of Chapter NR 720 (WDNR-RCL-TND and WDNR_RCL-RES, respectively); suggested generic RCLs for industrial and nonindustrial contact pathways, taken from "*Soil Cleanup Level for Polycyclic Aromatic Hydrocarbons (PAHs) Interim Guidance*," April 1997 (PAH-RCL-TND and PAH-RCL-RES, respectively); and/or WDNR RCLs calculated via inputting Wisconsin default industrial and non-industrial parameters into the EPA Soil Screening Level (SSLs) Model (EPA-RCL-IND and EPA-RCL-RES, respectively). None of the detected soil concentrations were above the applicable risk-based standards for industrial and nonindustrial soils. Results of the December 2004 soil and groundwater sampling activities were submitted to WDNR as part of facility investigation progress report, dated March 3, 2005.

Results of the investigation activities have indicated that potential impacts to soil quality are below applicable EPA/Department RCLs for both industrial and non-industrial soils.

The nature, degree, and extent of potential groundwater quality impacts have also been defined at this site. Potential residual groundwater impacts above respective Department PALs and/or ESs arc limited to two constituents (cis-1,2-dichloroethcne and vinyl chloride) at one on-site well (MW-5). The groundwater concentrations of VOCs at the site are stable or decreasing due to natural attenuation. Mann-Kendall statistical analysis was completed on the groundwater data for monitoring Well MW-5. The statistical analysis required four (4) data points, which were entered from the last four (4) sample results from Well MW-5. Two (2) constituents (cis-1,2-dichloroethene, and vinyl chloride) were evaluated using the Mann-Kendall statistical analysis. Both constituents displayed decreasing trends (non statistically significant) with cis-1,2-dichloroethene decreasing at 0.002 mg/L per year and vinyl chloride decreasing at 0.0006 mg/L per year.

There is one off-site production well (Wisconsin unique # CE173) within a 1,200 foot radius of the Safety-Kleen facility. Well CE173 lies approximately 1,200 feet to the south-east of the facility. The predominant flow direction across the facility is to the south. This production (non-community/industry) well is cased through the

overburden to a depth of 43 feet and continues to a total depth of 363 feet. On-site monitoring wells are screened in the overburden with a total depth ranging between l0 and 20 feet deep. Since no VOCs have been detected over ES or PALs in the on-site down-gradient sentinel well (MW-4) since the Well was installed in 1991, the potential for off-site groundwater impacts is limited.

In a letter dated September 9, 2005, Safety-Kleen requested closure for the site. The Department issued a case close out letter dated February 14, 2006 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 $74,482. 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. – Waukesha (Safety-Kleen) owns and operates a hazardous waste storage facility at 2200 South West Avenue, Waukesha, Wisconsin.

2. On July 2, 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.

3. An interim license was not ·issued to the Safety-Kleen. Safety-Kleen was allowed to operate under a stipulated agreement with the State of Wisconsin dated October 18, 1986.

4. The Department received a feasibility report from Safety-Kleen on June 4, 1986, with revisions and additions received on July 17, 1986 and October 24, 1986. In response to the feasibility report the Department issued a notice of incompleteness (NOI) letter dated January 16, 1987. The feasibility report was deemed complete by the Department on March 31, 1987. A favorable feasibility determination was issued by the Department on August 20, 1987. The Department received plan of operation reports dated October 28, 1986 and October 19, 1987. The plan of operation report was deemed complete by the Department on July 5, 1989. The Department approved the FPOR on September 28, 1989, and issued a hazardous waste storage operating license on June 1, 1990. The U.S. Environmental Protection Agency (EPA) issued a Federal Hazardous Waste Operating Permit on June 1, 1990.

5. The Department received a FPOR from Safety-Kleen on December 1, 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 Feasibility and Plan of Operation Report was deemed to be complete on October 29, 2002. The Department published the decision and the preliminary determination to conditionally approve the FPOR in the Wisconsin State Journal and Waukesha Freeman on November 12, 2002. A radio announcement of the Department's decision and preliminary determination was made on radio station WFMR-FM on November 12, 2002. The Department approved the FPOR on January 21, 2003, and re-issued a hazardous waste storage operating licenses on April 24, 2003. EPA issued a Federal Hazardous Waste Operating Permit on August 15, 2003.

6. EPA conducted a RCRA Facility Assessment (RFA) soil sampling program in October 1989. The used mineral spirits storage tank area and the solvent loading/unload area for the tanks were identified as solid waste management units (SWMUs). Conditions in the June 1990 federal permit required Safety-Kleen to

conduct a release assessment (RA) to determine the necessity of future corrective action activities and confirm the RFA soil data.

7. On April 10, 2002, the Department conducted an inspection to evaluate appropriate corrective action requirements as a result of that inspection additional areas of concern (AOCs) were discovered. Condition 33 of the January 21, 2003, final determination required Safety-Kleen to submit a work plan by February 19, 2004.

8. In a letter dated September 9, 2005, Safety-Kleen requested closure for the site. The Department issued a case close out letter dated February 14, 2006 with no further action required.

9. 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.

10. On October 23, 2012, the Department received a FPOR from Safety-Kleen dated October 22, 2012, for the storage of hazardous waste in containers and a tank. The FPOR requested to relicense the hazardous waste storage container and tank facility. On November 14, 2012, the Department received the required amount of $10,400 for the plan review fees.

11. On November 20, 2012, a class 1 public notice was placed in the Wisconsin State Journal and the Waukesha Freeman. The class 1 public notice was to inform the public that Safety-Kleen has submitted a FPOR.

12. On February 1, 2013, the Department issued a Notice of Incompleteness (NOI) to Safety-Kleen for the October 22, 2012, FPOR. The Department received the following responses to the NOI
    a. On April 2, 2013, the Department received a submittal dated March 28, 2013. The submittal was in regard to the missing items identified in the February 1, 2013, NOI.
    b. 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.
    c. On September 27, 2013, the Department received an updated WAP dated September 26, 2013.

13. The Department made the following request for additional information to Safety-Kleen for the October 22, 2012, FPOR
    a. 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.
    b. On July 15, 2013, the Department sent an email to Safety-Kleen regarding the management of solid and universal waste and paved parking. Safety-Kleen responded to the email on July 24, 2013.
    c. On October 23, 2013, the Department sent an email to Safety-Kleen for information on plan approvals. Safety-Kleen responded to the email on October 24, 2013.

14. 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.

15. On November 14, 2013, the Department determined the FPOR to be complete.

16. 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.

17. On November 14, 2013, a class 1 public notice was published in the Wisconsin State Journal and the Waukesha Freeman, public service announcements of the opportunity for public comment were placed with radio stations WCCX 104.5, WUWM 89.7, WHAD 90.7, and WISN 1130 on the same date during morning and evening drive times, and public notice was placed on the Department's website at

http://dnr.wi.gov/topic/Waste/Comment.html that 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 August 17, 1987 and the fact sheet are available for review by the public. The 45 day public comment period ends on December 30, 2013.

18. 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 Waukesha Freeman.

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. - Waukesha submitted on October 23, 2012, and amended on April 2, 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. - Waukesha (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.

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 August 1, 2012. 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-1)	Container Storage	Warehouse	3,927 gallons
Container Storage Area (CSA-2)	Container Storage	Metal Shed	2,184 gallons
Hazardous Waste Tank	Tank Storage	Tank Farm	15,000 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) containers 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 Waukesha 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.

41. Safety-Kleen shall take measures to protect the above ground piping between the return and fill station and the above ground storage tank from vehicular traffic.

Return and Fill Stations

42. Standing free liquid shall be removed from the drip/spill pan below the return and fill station by the end of each operating day.

43. To the extent practicable, liquid and sludge shall be removed from the return and fill sump at the end of each operating day.

44. 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.

45. 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.

46. 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

47. 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.

48. The secondary containment system shall be capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

49. The secondary containment structures shall be maintained to be liquid tight and free of cracks and gaps.

50. The secondary containment structures shall be promptly resealed or repaired with a chemically resistant material to maintain an impervious surface.

51. 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.

52. 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.

53. 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

54. 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.

55. Safety-Kleen shall implement conditions 56 and 577of 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.

56. Safety-Kleen shall provide immediate telephone notification to the Division of Emergency Government (Spills Line - 800-943-0003).

57. 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.

58. 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

59. 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

60. 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.

61. 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.

62. 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.

63. 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

64. 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.

65. Safety-Kleen shall follow the waste analysis plan as detailed in the FPOR submittal.

66. 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.

67. 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, recontainerization or bulking of hazardous waste on-site.

68. 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.

69. Safety-Kleen shall ensure that all samples collected are representative of the waste stream from which the samples are collected.

70. Safety-Kleen shall ensure that the person(s) collecting the samples are trained in proper sample collection.

71. Safety-Kleen shall only combine wastes that are compatible.

72. Safety-Kleen shall use a laboratory that is certified or registered by the State of Wisconsin.

73. 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.

74. Safety-Kleen shall not modify the random selection process unless Safety-Kleen has obtained Department concurrence.

Manifests

75. 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.

76. 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.

77. 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.

78. 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.

79. 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

80. 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.

81. 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.

82. 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).

83. 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).

84. Safety-Kleen shall use the lowest possible analytical Method Detection Limit (MDL) for the hazardous constituents associated with listed hazardous wastes.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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.

91. 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).

92. 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.

93. 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).

94. The closure report shall include waste disposal documentation (e.g. bills of lading, uniform hazardous waste manifest, waste profile information).

95. 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.

96. The closure report shall include a discussion/evaluation of any spills that have occurred in the hazardous waste storage area(s).

97. 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

98. 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.

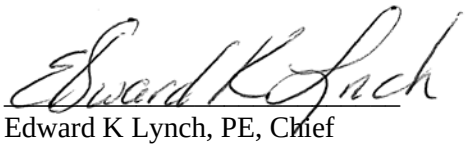
NOTICE OF APPEAL RIGHTS

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.

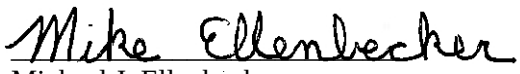
To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve 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 Prevention & Management Section
Bureau of Waste and Materials Management



Michael J. Ellenbecker
Licensing and Policy Review Coordinator
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c: SE Region File
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