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SK-F 1201 1991
04/09/91 azz

MEMORANDUM

TO: CHARLES STEELE
Program manager
OHSA Bureau

FROM: ELIZABETH GORDON *EG*
Permitting supervisor
H&RW Bureau

DATE: April 9, 1991

RE: Response to comments submitted on Safety-Kleen
Farmington Service Center(SK-F)

Attached is the response-to comments letter sent with the SK-F permit. I hope the responses satisfy some of your concerns. What I would like to do in the future is notify your group of the permit applications we are actively reviewing to that we can address some of your concerns earlier in the process. David Englert has suggested that perhaps we could be given a presentation/briefing regarding OHSA concerns and perhaps we could go over the health and safety issues that must be addressed in the permit application and ultimately in the permit.

The Albuquerque Service Center has not yet been permitted, but the responses will be just about the same because your comments addressed both service centers.

If you have any questions, please call me at -2862.

Thanks.

Response to Comments on the Draft Hazardous Waste Storage Permit for the Safety-Kleen Farmington Service Center

The New Mexico Environment Department proposed to issue a permit to the Safety-Kleen Farmington Service Center for storage of hazardous waste in containers and in an above-ground storage tank. The draft permit was submitted for public comment from January 7, 1991 to February 21, 1991. This letter contains responses to comment received from: Safety-Kleen; Hazardous and Radioactive Waste Bureau; Occupational Health and Safety Bureau; U.S. Environmental Protection Agency-Region 6.

Comments from Safety-Kleen

1. **Comment:** III.B.- Toxicity Characteristic Leaching Procedure(TCLP) waste codes should be added to those already listed for the wastes to be stored in the container storage area. **Response and Permit modification:** The TCLP waste codes and D001 waste code for ignitable wastes were contained in the Part A which was Attachment A. However, these waste codes were added to Permit Condition III.B.1. to make the section more specific. They were also added to Permit Condition IV.B.1. for the tank for the same reason.

2. **Comment:** A.2.1.- On page A-6, the statement is made that Safety-Kleen does not believe the new immersion cleaner is a hazardous waste when in fact it is a TCLP waste (it was not a hazardous waste prior to TCLP regulations coming into effect). Therefore, the second sentence of section II on this page should be reworded to indicate the new immersion cleaner became a hazardous waste when the TCLP regulations came into effect. **Response and Permit modification:** This sentence has been reworded to read "Safety-Kleen believes that the new immersion cleaner is a hazardous waste under the Toxicity Characteristic Leaching Procedure."

3. **Comment:** Section A.3.- The Denton Recycle Center performs analyses in accordance with the waste analysis plan in its Part B permit and Safety-Kleen believes there may conflicts between the plan specified in the draft permit for the Farmington site and that authorized by the Texas Water Commission. You should note that each waste stream accepted by the service centers is recharacterized (i.e., a detailed analysis is performed to insure the wastes' consistency) on an annual basis by a Safety-Kleen or contract laboratory. Therefore, Safety-Kleen believes the language in section A.1. should be changed to indicate that: 1) the service center will maintain on file the recycle center's analytical results for shipments of waste, and 2) the analytical results of the annual recharacterization will be kept on file. Safety-Kleen does not believe specific information on the analyses to be performed at the recycle center should be included. **Response:** The New Mexico Hazardous Waste Management

Regulations(HWMR-6), Part V, 40 CFR sections 264.13(b)(1) and (2) require the waste analysis plan to specify the parameters that will be analyzed for and the test methods that will be used. These components cannot be removed from the waste analysis plan. The parameters and test methods indicated in the draft permit are those submitted by Safety-Kleen in the permit application. However, because PCBs are not hazardous waste, all reference to PCB analysis have been removed. **Permit modification:** References to PCB analysis have been removed from the following sections in Attachment A: Waste Analysis Plan: page A-9, under sections Mineral Spirits and Immersion Cleaner Solvent; page A-10, under section Cleaning Solvent/Still Bottoms.

Comments from the Hazardous and Radioactive Waste Bureau

1. **Comment, Response and Permit modification:** The new revision of the New Mexico Hazardous Waste Management Regulations(HWMR-6) became effective on March 13, 1991 and superseded HWMR-5, as amended 1989. All references to HWMR-5 have been replaced with references to HWMR-6.
2. **Comment, Response and Permit modification:** The New Mexico Environment Department was created this month and its Secretary appointed. All references to the Director of the Environmental Improvement Division have been replaced with references to the Secretary of the New Mexico Environment Department. Additionally, the Bureau has a new mailing address and all references to the old address have been changed to the new one.
3. **Comment and Response:** The tank system at the Farmington Service Center contains an solvent product tank and a hazardous waste solvent tank. The permit applies only to the hazardous waste solvent tank and wording must be added to description of the tank system in Module IV to clarify that. **Permit modification:** The following sentence was inserted before the last sentence of the first paragraph of Permit Condition IV.A.: "The tank containing the spent solvent is the only tank regulated by this Permit." In the first sentence of the second paragraph of Permit Condition IV.A., the word "tank" was replaced with "waste solvent tank."
4. **Comment:** The D001 waste code was inadvertently left out of the permit sections regarding the permitted and prohibited wastes. **Response and Permit modification:** The D001 waste code was added to the Permit Conditions III.B.1. and IV.B.1. (See Comment 1 under Comments from Safety-Kleen.)
5. **Comment:** The Compliance & Enforcement/Hydrogeology Section would like the inclusion of a brief contingency section on groundwater monitoring. **Response:** Storage facilities are not required to address groundwater requirements. However, they are required to address releases and the Permit details the required

actions and reports. However, to emphasize the concern the Section has for any release that could impact groundwater, a section on releases that refers the Permittee to the appropriate sections of the Permit has been added. **Permit modification:** The following was added to Module II of the Permit:

II.Q. REQUIREMENTS FOR RELEASES

II.Q.1. Releases from the Container Storage Area or Tank Storage Area

If, based on information contained in reports required by Module I, Permit Conditions I.E.13.a., b. and d., the Director determines that a release from the container and/or tank storage area is of such a quantity, duration or repeated occurrence that further assessment is required, he may direct the Permittee to conduct the sampling and analysis required pursuant to HWMR-6, Pt. IX, sec. 270.14(d).

II.Q.2. Releases from Newly Identified Solid Waste Management Units (SWMUs)

For newly identified SWMUs, the Permittee shall fulfill the requirements of Module V, Permit Condition V.E.

Comments from the Occupational Safety and Health Bureau

1. **Comment:** The Safety-Kleen Corporation collects spent chemicals from New Mexico commercial establishments. Route employees visit the establishment, pour the spent chemicals into secondary containers and transport the waste to any of the two repositories. The waste is held until there is enough material to be transported to a recycling plant for reclamation. The following are some of the chemicals to be handled:

1. Perchloroethylene
2. Methylene chloride
3. Cresylic acid
4. Paint and paint thinners
5. Mineral spirit solvents
6. Chlorinated solvents

Response: The above wastes are collected by Safety-Kleen and

stored at the Albuquerque facility. The only waste that is poured into a second container after delivery to the facility is the mineral spirits. That waste is transferred to an underground storage tank via the return and fill station. This station is located outdoors and is enclosed on three sides and has secondary containment to prevent spills from escaping to the environment. The other wastes remain in the original containers collected from Safety-Kleen customers and these containers remain unopened until delivered to the recycling centers. **Permit modification:** None.

2. **Comment:** Some of the chemicals being collected are toxic to the skin, respiratory system and central nervous system. The employees of Safety-Kleen Corporation are required to manually pour the spent chemicals into secondary containers, clean spills and fight fire should the chemicals ignite. There is reasonable possibility for employee exposure to the chemicals through direct contact or vapor.

Although the Company has submitted a detailed waste analysis plan, it does not sufficiently address employee safety and health protection in the following areas:

1. Respiratory protection program - 1910.134
2. Fire protection -1910.156
3. Hazard Communication Program - 1910.1200(e)
4. Hazardous Waste Operation and Emergency Response Program - 1910.120

Respiratory Protection Program:

The spent chemicals will produce vapor that can be inhaled while being transferred from one container to another. Potentially hazardous atmospheres will again be present during confined space entry to clean the tanks, spills, fire and storage of the chemicals at the company warehouse. These conditions require the Safety-Kleen Corporation to develop a written operating procedure for the safe use of respirators.

The waste analysis plan submitted by the company acknowledges the need for a respirator (pages F-7 and F-9) but failed to specify what employees need the equipment and how the program will be administered. **Response:** Again, the transfer of chemicals from one container to another occurs only at the return and fill station which is located outdoors and is fully ventilated; other wastes are retained in their original container when removed from the customers' facilities and remain unopened until they arrive at the designated recycling center. Although the containers remain unopened in the container storage building, the potential exists that toxic vapors may accumulate. Safety-Kleen prevents the accumulation of vapors through effective engineering and institutional controls: providing ventilation and requiring that fans be turned on five minutes before anyone enters the waste storage areas.

The tank is not entered for cleaning and will be entered only when the tank is closed (process by which the tank is decontaminated and removed). The Closure Plan, Attachment II-7, describes in detail the procedures used to ensure that toxic vapors do not accumulate. The measures include purging the tanks, testing the air and monitoring tank cleaning procedures. In regard to spills, Safety-Kleen provides protective clothing and respirators to its employees. Major spills, pipeline breaks or tank overfills would be expected to occur outdoors, and although the service center employees would be expected to respond by stopping flow and beginning retrieval of wastes, additional help from Safety-Kleen's environmental contractor would be required for clean-up. During a fire or explosion event local emergency response departments would be called and they have been notified of the hazards, proper fire fighting techniques, and have knowledge of the workplace. If a fire does occur and cannot be immediately extinguished the service center employees are instructed to evacuate the premises. **Permit modification:** None.

3. Comments: Fire Protection:

The contingency plan (pages F-5 and F-9) seems to imply that company personnel may fight fire until it spreads beyond their control. A written fire safety policy which establishes a fire brigade and its function at the work place is necessary. An alternative will be to implement a total evacuation of employees from the workplace during a fire. **Response:** The contingency plan details the measures to be taken by each employee if there is a fire or other emergency. Fire extinguishers are available at each waste handling area and in each route vehicle. If the fire is not immediately extinguished, all employees are to evacuate the building, and the local emergency response departments will be called. Those departments (Police Department, Fire Department, and hospitals) have been informed of the properties of the hazardous materials and associated hazards, locations where facility personnel normally work, layout of the facility, entrances to and roads inside the facility and possible evacuation routes. The hospitals have been informed of the types of injuries or illnesses which could result from the fires, explosions, or releases at the facility. Additionally, there is an emergency coordinator and he or she must: assess the character, exact source, amount, and extent of any contamination and notify the proper authorities. He must also assess possible hazards to human health or the environment and immediately notify the appropriate authorities. **Permit modification:** None.

4. Comment: Hazard Communication Program:

There was no mention of a hazard Communication Program in the waste analysis plan submitted by the company. The Hazard Communication Standard is necessary to inform the employees of the chemicals they may be exposed to. and the protective measures

that are available. **Response:** Safety-Kleen has not written a specific Hazard Communications Program for their Hazardous Waste Storage Permit, but they do address all the components of a Hazard Communications Program in the permit and do review the program yearly.

All containers, including product and waste are labeled according to U.S. Department of Transportation (49 CFR 172) and New Mexico Hazardous Waste Regulations. Warning signs are also posted at the entrance and at each waste handling area. The wastes and products are also stored in color-coded containers and are inspected daily for complete label information. Inventory of wastes and products are also posted in each storage area and updated daily.

Material safety data sheets are provided and reviewed by the service center and all employees annually. **Permit modification:** None.

5. **Comment:** Hazardous Waste Operation and Emergency Response Program:

The company handles hazardous waste chemicals and there is a possibility for employee exposure to the waste. The company should fully comply with the requirements of CFR 1910.120. Although the company waste analysis plan currently incorporates some requirements of the hazardous waste operation and emergency response program, it did not include a written safety and health program for the employees. Specifically lacking were:

1. Medical surveillance program
2. Safety and health training program
3. Air monitoring program
4. Personal protective equipment to be used by employees for each task and operation being conducted.

It is Mr. Ajuziem's opinion that the present waste analysis plan was written to satisfy the permit conditions of the Hazardous Waste Bureau. It does not address in any detail employee health and safety. The company should be encouraged to comply fully with CFR 1910.120, and provide a safety handbook for its employees that explains how each task is to be performed. **Response:** Many of these items are addressed as required by RCRA although not to the degree that OSHA may need. The scale of the Safety-Kleen facility is relatively small and the operations are controlled. Uncontrolled scenarios, in which the exposures are unknown and uncontrolled, are responded to by environmental contractors or Safety-Kleen headquarters personnel. Personal protection during routine handling of wastes and small scale clean-up are addressed by the permit. **Permit modification:** None.

Comments from EPA-Region 6

1. **Comment:** Page IV-6: There needs to be a condition placed in the draft permit requiring Special Tank Provisions for Incompatible Wastes (40 CFR 2642.197 sic.) in case the facility would handle those waste types in the future. **Response:** The wastes presently being stored in the tanks are compatible; they are incompatible only with strong oxidizers and reactive metals. None of those are being stored in the tank (Permit Attachment A: Waste Analysis Plan, p. A-1.). The storage of an incompatible waste would indicate another hazardous waste and would be a violation of the permit until it was modified for that new waste code. **Permit modification:** None.

2. **Comment:** HSWA permit; Waste Minimization V-2: Although the waste minimization provisions drafted in the permit are clarifications of the current requirements, the Agency and the Region have recently begun implementing a waste minimization approach which further clarifies the waste minimization requirements. These provisions developed by the Region require the permittee to address additional waste minimization items. Attached are some provisions which illustrate this approach. **Response:** Several of the suggested provisions were already included in the HSWA draft permit although they were worded differently. The Environment Department also found the some of the suggested provision to apply to facilities having process streams, not a commercial facility accepting wastes from generators and therefore did not add them to this Permit. The provision requiring the facility to identify the factors preventing the implementation of source reduction and/or recycling was added to the Permit. **Permit modification:** The following was added to Permit Condition V.B.1.(b), page V-2.: "a discussion of the factors that have prevented implementation of sourcereductionand/orrecycling."

3. **Comment:** Page V-6: Attached is the most recent updated language pertaining to Emission Standards for Process Vents and Equipment Leaks. Please use this language for the final permit and all future draft permits. **Response and Permit modification:** The proposed language was added at Permit Condition V.F., page V-6.