



RIDEM Response to Comments

Safety-Kleen Systems, Inc.

167 Mill Street, Cranston, RI

This document is intended as a written response to comments received relative to the Safety Kleen Systems, Inc. (hereafter *Safety-Kleen*) hazardous waste treatment, storage and transfer facility application as notice by the Rhode Island Department of Environmental Management (hereafter the *Department*). The Department issued a Notice of Intent to Issue on July 21, 2022, along with draft permit conditions regarding the operations at the facility. As required by R.I.G.L. 23-19.10 42-35, a public notice was placed in Providence Journal on July 27th, 2022. Copies of the Public Notice were sent out by certified mail to all property owners within 500 feet of perimeter of the facility, Cranston Mayor and Cranston City Council President on July 22nd, 2022. A public information workshop was held through Zoom on August 1st, 2022. A Public Hearing was held at 235 Promenade Street, Providence on September 22, 2022 also on Zoom. The Department accepted public comments for 30 days after the hearing ending, through October 22, 2022.

The Department reviewed the applications under the authority of the following statutes and regulations:

- Rhode Island General Law, Chapter 23-19.1 *Hazardous Waste Management*
- Regulation 250-RICR-140-10-1 *Hazardous Waste*

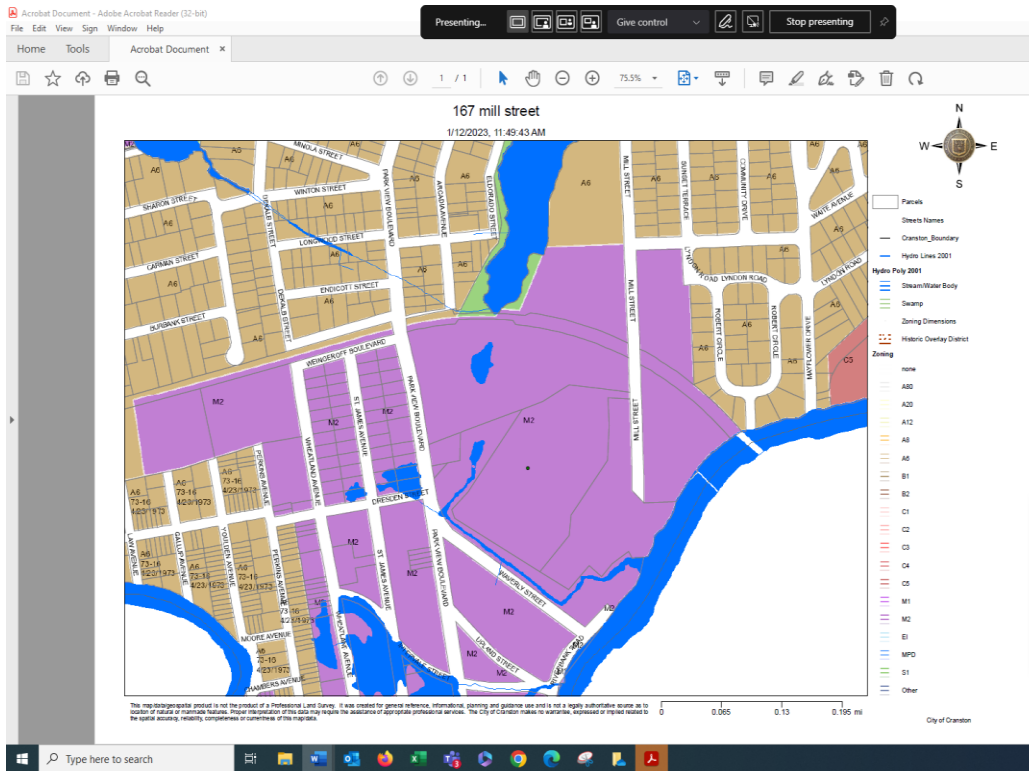
Those statutes and regulations outline the standards required for this facility in order to protect public health and the environment. They address specific operating standards including, but not limited to, standards for hazardous waste treatment facilities and hazardous waste handling procedures.

In review of this and any other application, the Department is committed to a review process grounded in sound science and within the scope of its legal authority. To this end, the Department's decisions must be both consistent and enforceable. An applicant for any permit must be able to determine from the outset, what is required under the Regulations. The Department through its Regulations and administrative procedures has carefully outlined the basis for approvals, modifications, and denials of permit application. In short, the Department must determine if this application meets the requirement of regulations.

I. Land Use

Some commenters raised the concerns that the facility is in a residential area. The Department researched the zoning around the facility located at 167 Mill Street in Cranston. The city of

Cranston has zoned the Safety-Kleen's property as an Industrial M-2 for General industry (See attached map).



Safety-Kleen started its operation in 1978. In 1984 the facility submitted its treatment and storage of hazardous waste application and received it's RCRA Part B Permit in 1986. Given the City's zoning is entirely under the jurisdiction of local authority, it is not appropriate for the Department to override local zoning ordinances.

II. Flooding Concerns, Fire Incident and Contingency Plans

Some commenters expressed their concerns that there were releases of hazardous waste during the flood events in 2010. They asserted that neighboring properties were subjected to release of hazardous materials and sewage and are continuing to be endangered by the proximity of the facility and its subject to flooding.

As can be observed by the site plan, part of facility, specifically buildings (A, B, C, and D) are located within the 100 year flood plain of the Pawtuxet River. The storage and recycling/treatment areas are potentially subject to flooding.

The Department believes that given its proximity to the river, to private homes and a fire on November 2, 2022, a detailed review of the Contingency Plan and Emergency Procedures was warranted. This review resulted in a delay of the final decision. The issues are discussed below:

1. Review of Flooding in 2010 and issues related to flooding
 - a. Extensive release of sewage/hazmat/oil during event from many sources. The result of this event was a release of a wide variety of sewage, oil, hazardous waste and hazardous products stored at a number of facilities on or near the Pawtuxet River.
 - b. Prior to the incident, the Department contacted the facility due to the weather forecast of severe flooding. It was agreed at that time that the facility would closely monitor the water level, stop accepting waste into facility and remove waste either offsite to other facilities or move the waste containers onsite to Building L that was located at higher elevation. The latter required written permission from the Department.
 - c. RIDEM Emergency Response team as well as the Cranston Fire Department were on site during and after the flood. Although many areas of the facility were completely flooded resulting in damage to equipment, offices and records, inspection showed that there was not a release of hazardous waste from the facility due to the pro-active steps to ensure there was no waste located in buildings that were prone to flooding.

In conclusion, many areas, including a mall and residential neighborhoods were immersed by flood waters contaminated with septage, oil and hazardous materials unrelated to the operations at the Safety-Kleen facility.

2. Review of the onsite fire (11/2/2022) and preparedness/prevention
 - a. Summary of incident: A fire occurred around 6:00 AM inside of a trailer that was staged in the staging area of the facility on November 2, 2022. The facility emergency coordinator was notified approximately 6:10 AM. The employees from facility called 911 at 6:19AM and Cranston Fire Department responded at 6:24 AM. The Department was also notified that day at 6:40 AM. To prevent potential spread of the fire to the other trailers located in the area, after consulting with the Cranston Fire Department, the trailer was moved outside the staging area. The fire was contained. As a result of the investigation, it is believed the fire was caused by a malfunction of one or more lithium-ion batteries in a container of electronic waste. The Department's Emergency Response Office was on-scene throughout the incident and regularly communicated with the Office of Land Revitalization & Sustainable Materials Management (OLRSMM). The facility followed the emergency chain of command that is in the permit.
 - b. The personnel from the OLR&SMM conducted a site visit/inspection of the facility on November 3, 2022.
 - c. The OLR&SMM coordinated an inter-agency Zoom meeting on December 8th, 2022 between USEPA, Cranston Fire Department and RIDEM emergency response office to discuss the incident. As a follow-up, these agencies also met at the facility on January 11, 2023, to discuss measures that could improve the safety procedures and environmental safeguards at the facility.

In conclusion, the Department decided to make the following additional requirements to the permit to better protect the public and the environment:

i. The facility shall expand and increase the existing asphalt containment berm as depicted in plan 7422-9000-500 within four months of receiving this permit. The improved berm should provide more protection against runoff to the river in the event of a fire. The plan and as-built drawing must be approved and stamped by a professional engineer.

ii. The facility shall modify the facility layout plan 97422-SP00-010 to allow easier access for trucks containing E-waste in the event of emergency within four months of receiving this permit. This will prevent a fire from spreading to other trailers and make it easier for fire department personnel to spray foam from all sides. The plan must be approved by a professional engineer.

III. Community Notification in the Event of Emergency

The issue has been raised that there needs to be a system in place to notify the neighborhood in the event of an emergency. The Department feels that this is a reasonable request. However, since the Department does not have access to the reverse 911 system as part of the Incident Command System, this issue has been referred to the Cranston Fire Department for their consideration.

IV. Traffic/Noise

The issue has been raised that the traffic required for delivery and removal of waste from the facility is disruptive to the neighborhood. As with zoning, traffic is clearly within the local jurisdiction and ordinances. This is entirely appropriate as only the municipality has the authority and expertise to meaningfully decide how much traffic this use generates versus other non-waste related commercial operations in the area.

Some commenters have also brought up the issue of noise, both of trucks and the facility equipment. Noise ordinances are also a local issue and as such we will defer to their judgement on this issue.

V. Odor Issues

There were comments that there are objectionable odors emanating from the facility and that the application should be rejected because of a suspicion that either the treatment process or storage practices are creating odor issues. In looking at the records, the Department had not received any complaints in the past several years regarding odors. Furthermore, the Department has done a number of inspections at the facility and has not detected objectionable odors beyond the property boundary. This is not to say, that it has not happened; however, the Department cannot revoke or deny a permit renewal for non-compliance when such noncompliance has not been observed.

ORAL COMMENTS RECEIVED DURING PUBLIC HEARING OF 9/22/2022

Richard Nelson,

MR. NELSON: Actually, I'm disappointed in Safety-Kleen for asking for a hazardous waste license to operate on the Pawtuxet River. In 2010 there was a flood, high waters. Your company lost minerals and spirits in the water and flooded over onto my side of the river. Our property was contaminated with all kinds of mineral and spirits. I was out there day and night trying to keep the chemical flowing so it wouldn't settle into the ground. With no prevail from you guys, no help from you guys. It aggravates the hell out of me to think that you didn't offer any help. I know you said on the interview that you had, on the phone interview that, on voicemail (inaudible) producing a different system now. No matter what system you put over there, if there's a problem going on, it's going to affect all the land owned and surrounding. A hazardous waste in a residential area, which I am in, not in an industrial area. You happen to be in the industrial area in the old (inaudible) Nike site. It, pardon me.

We've had nothing but problems over there. And there are all kinds of things from traffic noise, your trucks backing up, that beeping sound going constantly, especially in the evening time. They want to sit down and relax at the end of the day and you have these trucks pulling in making all kinds of noise. I counted seven minutes for one truck with a beep, beep, beep yesterday. It goes on all the time. Aggravating.

Now, you talk about smells. I've had people come to me and say, 'Do you have a gas leak?' I know what it is. It's your process (inaudible). We do from time to time get smells. Tell the people, no, it's not a gas leak. I've had the gas company down (inaudible) to check for leaks. Excuse me for one second.

I don't feel as if your company is worthy of this permit. I know a little about OAC Safety-Kleen operates but I don't know the whole process. The last time you applied for a permit I was in the hospital, I couldn't come. I would have loved to have come to hear what was going. After today's meeting, I will write a formal complaint to DEM. Just from what I know (inaudible) here today, I want to hear what you guys have to say. (inaudible)

History of Safety-Kleen Corporation in Massachusetts is not good. I don't want the same thing to happen here. (Inaudible) documentation here of Massachusetts Safety-Kleen. I asked a question from DEM (inaudible) phone conversation that you guys produced, has Safety-Kleen Corporation caused, had any problems at all and you guys said no. Said they have good record. I would like to see the records from fire departments from Warwick's side as well as Cranston's side, how many times they've been visited, what they went for, why they went. Everybody just passes the buck. Oh, yeah, it's wonderful. You know, it's a great company. I don't think it's such a great company. That noise, traffic, beeping of horns, the beeping of the trucks backing up. It's very, very annoying. I can't stand the noise of those trucks backing up. It aggravates me. It's got to the point where it's so much so I want to go over and shut the key off on the trucks, stand there and just shut the key off on the trucks. There's no need of them backing up that long. Find a different route if you're going to do that. Find a

different way of pulling the trucks in. No need of the noise. Those are some of the complaints that I got and I will make more. And I (inaudible) this conversation.

- See comment # I regarding land use,
- See comment # II regarding flooding
- See comment #IV regarding traffic /noise
- See comment #V for odor.
- The commenter makes reference to Safety-Kleen operations in other states. Through our membership in the Northeast Waste Management Officials Association, OLRSM staff regularly speak with our state counterparts in New England, New York and New Jersey regarding Safety-Kleen and similar facilities and what actions and concerns are being acted upon. That being said, even if there were an enforcement action in another state, the Department cannot use such action as a basis for shutting down a facility in Rhode Island unless there is a basis for action at that facility.

MR. WADNOWSKI: Good morning. My name is Joseph Wadnowski. (Inaudible) my employer. I state that my comments are my own. I do not represent anyone else besides myself. My thoughts and words represent myself and no one else. So, I state that first.

You know, our concerns are, you know, my daughter, son-in-law, and granddaughter live right at the fence line to the property. And there was some dumpsters there in the past. They were eventually moved, but our concern in the past with those dumpsters is we didn't know what was in them, what could be placed in them. I've been shocked with DEM for allowing to let dumpsters get so close to the water, water that carries down to the bay. You guys can put anything you want in them, you know. I see, I looked on your website. I see that, you know, you pick up computer screens and other types of pieces of equipment that could contain, you know, lead or other types of contamination that could get into, you know, waterway or into the ground there. They also pick up hazardous material. Obviously, where you, where your company goes, it's to clean up areas that contain hazardous materials, hazardous chemicals, or whatever. Possibly from the ground or other areas of someone's land or business. It's, you know, you take it out because they don't want it on their property. You're there to clean it up. Where you're bringing it is to someone else's property, someone else's back yard. So, our concern is it, you know, leaks into the ground and, you know, now that's going to affect the growth of the children and, you know, the land that's in the area. How it can affect the air and, you know, getting into the grass, and the gardens, and going into the windows of, you know, homes in that area. So, those are some of the concerns that we have.

We have things that come out of the water already, you know, living animals, rodents and things like that. Obviously, if they can find other homes, that would be, you know, a super place to live. So, you know, it's just not a good thing. Sleeping, sleeping is very hard over there in that house. I know that my daughter's called me, you know, practically crying because of the noise and scared of what's coming out of those dumpsters, in the past not knowing what was in them. And it's just nerve wracking for the family to live there. And she's, you know - - I know, she's going to speak, but she's spoken to many of her neighbors and they have the

same concerns. Obviously, the time of day for this is not good for many people that have to work today. I took the day off to be here, but everyone else doesn't really have that privilege. So, 10:00 in the morning is hard for most workers. I'm sure that, you know, all of you were at work today but took some time to be here. But I think if it was 6:00 or 7:00 at night the room would be full of people who'd say that they don't want this to happen.

I realize we moved into a building that was already there for many years and it seems like it is a good place to be in an industrial area. But I don't think in the back yards of people's homes is where Safety-Kleen belongs. I know that your company is needed. I'm not saying they're not. If I had an oil spill at my house, I'd probably need you too. But I just don't think in the back yards of people's homes is where Safety-Kleen belongs. It belongs in some other industrial area away from homes, a place away from the water. I know that land was just redeveloped. Water moved into there, the house and some of the land is fenced off so it doesn't get reused for things that it shouldn't. And that's why the dumpsters ended up so close to her property. She also has a problem with the landowner there not taking care of the property behind the fence. I know that's not your problem, but the fence is constant falling, which, you know, it allows the animals that would live in there, you know, could be fox or, you know, skunks, racoons, whatever it is to get into her property easier, and that's a problem that Safety-Kleen maybe needs to take up with their landlord. But those are some of our concerns and I'll leave it at that. Thank you.

- See comment # I regarding land use, comment
- See comment # II regarding flooding
- See comment #IV regarding traffic /noise
- See comment #V for odor.
- The commenter makes reference to Safety-Kleen storing containers along the road. The next commenter provides more detail on this issue and the facility's response is shown in reference to that comment.

Katarina Rodriguez

MS. RODRIGUEZ: Good morning. My name is Katarina Rodriguez. I am a resident, I actually live on Roberts Circle. My property backs that. So, it goes my house, my backyard, my fence, and then the property between where the train used to run. So, there's old train tracks there, a fence, your property. Okay. So, we're very close, I'm directly right.

I'm here today because back in November there were red hazardous dumpsters put behind my fence directly. There was no permit. There was no warning. There was no anything. It was just me being awoken, along with my child and my husband, 6:00 in the morning, 6:30, 7:00, all very early hours that are not within city ordinance. And, like my father said, I have cried and I apologize for being a little all over the place but this does not sit very well with me. I have called my father many times because within the time of November, December, January, February, and March with no permit, no warning, no anything there was hazardous dumpsters. And I have pictures and I have videos of them being dumped, dropped, shaking my house.

Okay. Waking me, and my child up, my husband. And this is all throughout the day or early in the morning. This is very - - I understand that you guys have a business, but it is not directly behind my house, it is not directly behind my neighbors. This was not set up very well. You only sent - - and I just found this out this morning. When I got here they only sent it within 500 feet of where this is going to be, which means it doesn't reach my neighbors directly across the street that are on Roberts Circle, who are also affected by this. They have been woken up. They can't see what I can see because their house, my house is blocking that. But they can hear it, they can feel it, they're affected by it. When I shared what was going on they had no idea, also. What I had done is called City Hall. City Hall had no idea what was going on. Okay. I spoke with Ernie who is in charge of constituent affairs. I had to work with him multiple times. He did not know what was going on. I had to get in touch with this person, that person. It was a runaround. Basically, after, you know, speaking with him and getting very upset, trying to figure out what was going on and how your dumpsters landed right behind my fence, the fire inspector was sent over there to investigate. And what he found was that you were storing hazardous materials there. So, as a homeowner and as a mother of a small two and a half year old, I get very scared of what can be in there and what it can put off onto my family because of how close it is.

I was aware in 2018 of what the company used to be and what they are now. But what I was told before purchasing this house and what I was promised is that you guys would clean up there area that separates my house, the field that's in front of your main building, it would all be cleaned up, beautiful, like, put trees, flowers, I believe it was a dog park. And that did not happen. And I've been there almost four years. It will be four years in December and never has the dumpsters been put there. All of a sudden, they showed up in November of last year. I don't understand why there is a need to bring them that close to the residential area when you guys have tons of land behind, in front, and that big area that was supposed to be a dog park. If you guys need the storage you can keep it back there. There's no reason why it should be that close. The videos that I have of the noise that this makes and the shaking of my house, it's crazy. You wouldn't believe me. I'm glad I have it on video. And I have it on video because it was that close to my property that you can see it on my camera that is recording my property.

There's train tracks, as I mentioned, directly behind my house where these dumpsters were being literally slammed. The truck person would back up, and this was at all hours of the day, back up, drop the empty containers, also along with full containers. The train is going and backing up. There's an actual train hooked up going to the property to pick up the waste, I'm sure that's how you get rid of it. But it is, again, at all hours of the night. It's very loud. I can hear it directly. This wasn't a problem when I had first bought my house. This wasn't happening. So, I don't understand what happened within the last three and a half years but it's become very - - I'm uneasy being there because of all this. I don't understand why. I hope that today maybe I can get some more answers. I'm not sure if that's on there, if we're going to be talking about, I know that you said it's statements today, but I would like a little more answers. I have tons of questions. I am not for this. All my neighbors would be here if you had issued it to people in the neighborhood because they are affected, too. But that is pretty much what I wanted to say. I have a lot more that I will go ahead and bring or put into my written form, also. But I am very against this. I don't think it is very good for the health of

people around in the neighborhood on both sides, Warwick and Cranston. I just, I don't understand how this would even be considered.

- The Department reviewed the photos provided by Ms. Rodriguez. If the containers had contained hazardous waste, it would have been a violation. However, because the top was covered in the photographs and the Department was not made aware of the situation at the time, there is no way to determine if the containers were filled with waste or empty. We did also ask the facility to respond to this comment. Their response is below:

Email response (dated April 21, 2023) from Don Smith, P.E., Sr. Environmental Compliance Manager for Safety-Kleen (donald.smith@safety-kleen.com).

I reviewed the photos and videos with the facility General Manager and he confirmed that this was an isolated occurrence that was not done prior to November 2021 and has not been repeated. The roll-off containers were staged by the Clean Harbors Field Services Group prior to being deployed for use at other locations and were confirmed empty, at the time, by representatives from the Cranston Fire Department and the City. At no time was hazardous waste stored in any of the roll-off containers.

- See comment # I regarding land use, comment
- See comment # II regarding flooding
- See comment #IV regarding traffic /noise
- See comment #V for odor.

WRITTEN COMMENTS RECEIVED DURING PUBLIC COMMENT PERIOD

Rep-mcnamara@rilegislature.gov

From: Rep. McNamara, Joseph M. <Rep-McNamara@rilegislature.gov>

Sent: Thursday, September 29, 2022 4:23 PM

To: Hellested, Leo (DEM) <leo.hellested@dem.ri.gov>

Cc: Mayor Frank J. Picozzi <frank.j.picozzi@warwickri.com>; rixforwarwick@gmail.com; 'William Foley' <wafoley2@gmail.com>; Rep. Handy, Arthur <rep-Handy@rilegislature.gov>; Sen. Miller, Joshua <sen-miller@rilegislature.gov>; Sen_Miller <joshua.miller@cox.net>

Subject: [EXTERNAL] : Written Testimony-Safety-Kleen Systems Permit



Island

State of Rhode

HOUSE OF REPRESENTATIVES

REPRESENTATIVE JOSEPH M. MCNAMARA, *District 19*
Chairman, Committee on Education

September 29, 2022

Leo Hellested, PE, Administrator
Office of Land Revitalization & Sustainable Material Management
Dept. of Environmental Management
235 Promenade Street
Providence, RI 02908
Leo.hellested@dem.ri.gov

Dear Administrator Hellested:

In accordance with 23-19.1-10 of the Rhode Island General Law, I would request that this letter be admitted as written testimony for the intent to issue a permit for Safety-Kleen Systems, Inc. at

167 Mill Street, Cranston. This permit to operate a hazardous waste treatment and storage facility that is currently operated by Safety-Kleen Systems at 167 Mill Street.

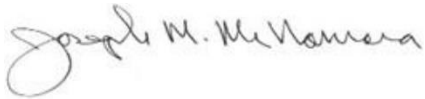
I would like to request that before any permit is issued, that Safety-Kleen Systems and DEM fulfill the following requirements:

1. List the chemicals and compounds that will be handled on this site.
2. Present a detailed contingency plan for notification of abouters property and business owners, downstream on the Pawtuxet River of potential contamination due to flooding.
3. The contingency plan shall include provisions to assist members of the adjacent communities in the removal and remediation of conanimated sediment that is associated with the Pawtuxet River flooding.

The legacy of toxic industrial pollution is a threat to the health and safety of the citizens that live in the Pawtuxet River Watershed neighborhoods. During the 2010 flooding, residents in the Dryden Heights neighborhood were left on their own to shovel chemical infused sludge from their driveways and property. I strongly believe that it's time to hold industries that contribute to polluting our environment accountable for their actions.

Thank you for submitting this letter into the record.

Sincerely,



Joseph M. McNamara
Chairman, Committee on Education
Representative District 19-Cranston/Warwick
State House, Room 135
Providence, RI 02903
(401) 222-2296
Rep-mcnamara@rilegislature.gov

JMM/lac

cc: Frank J. Picozzi, Mayor
Jeremy Rix, Councilman
William Foley, Councilman
Arthur Handy, Representative
Josh Miller, Senator

23 Howie Avenue, Warwick, Rhode Island 02888
State House, Room 135, Providence, Rhode Island 02903

- See comment # I regarding land use
- See comment # II regarding flooding, fire and Contingency Plan,
- See comment III regarding community notification,
- See comment IV regarding traffic /noise and
- See comment #V for odor.
- The commenter requests a list of all the waste that facility is allowed to manage. This information has been posted and can be found in Section 2.0 that is linked here at : <https://dem.ri.gov/sites/g/files/xkgbur861/files/2023-05/sec-wastes-accepted-description.pdf>
- As discussed in the comments, septage and hazmat contaminated neighborhoods, but the source of these was not this facility, so it is beyond the scope of the permit review to provide assistance for issues not related to facility operations.