

Certified Mail

July 30, 2012

Greg Chiappini
Environmental, Health & Safety Manager
Safety-Kleen Systems, Inc.
167 Mill Street
Cranston, RI 02910

Re: Safety-Kleen Systems, Inc. Renewal Permit – Permit Approval

Dear Mr. Chiappini:

The Rhode Island Department of Environmental Management (Department) has completed its review of the information submitted to date in support of your application for a permit to operate a hazardous waste treatment, storage and transfer facility at 167 Mill Street, Cranston, R.I. The Department has also completed its review of comments submitted by the public at the public hearing on April 10, 2012 and during the thirty (30) day public comment period.

As a result of our review, we have determined that the revised application materials submitted substantially comply with the requirements of the regulations.

Therefore, the Department hereby issues a permit to Safety-Kleen Systems, Inc. to operate a hazardous waste treatment, storage and transfer facility. Safety-Kleen Systems, Inc. shall maintain and update the financial assurance annually as required by the permit conditions.

The Department is imposing the attached conditions as part of the permit. Several conditions were created based on public comments received during the public hearing and public comment period. Enclosed is a copy of the response to public comments package.

Please feel free to call Yan Li, Mark Dennen or me at (401) 222- 4700 if you have any questions regarding this letter.

Sincerely,

Leo Hellested, P.E., Chief
Rhode Island Department of Environmental Management
Office of Waste Management

cc: L. Grandchamp, Y. Li, RIDEM OWM, S. Forcier, RIDEM OLS

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WASTE MANAGEMENT**

PERMIT CONDITIONS

ISSUED TO: Safety-Kleen Systems, Inc.
167 Mill Street
Cranston, RI 02910
RID040098352

EFFECTIVE DATE: January 1, 2011

EXPIRATION DATE: January 1, 2016

AUTHORITY: In accordance with the provisions of the Rhode Island Hazardous Waste Management Act of 1979 (hereinafter "the Act"), Chapter 23-19.1 of the General Laws, as amended, and the Rhode Island Rules and Regulations for Hazardous Waste Management, as amended (hereinafter "the Regulations"), Safety-Kleen Systems, Inc. (hereinafter "the Permittee") is permitted to operate a hazardous waste treatment, storage and transfer facility at 167 Mill Street, Cranston, Rhode Island.

For Hazardous and Solid Waste Act Amendments (HSWA) of 1984 requirements for which Rhode Island is not authorized, the Permittee shall comply with all of EPA's HSWA requirements.

COMPLIANCE: The Permittee shall operate the facility in strict compliance with the Act, as amended, the Regulations, and all subsequent amendments; and all Permit Conditions contained herein. No approvals granted in this permit, other than those specifically identified as variances, shall be construed as, or constitute, a waiver of, or exemption from, the Act or the Regulations. Where any part of this permit is seen to conflict with the requirements of the Act or the Regulations, and is not specifically identified as a variance, the requirements of the Act and/or the Regulations still apply. The two (2) volume permit renewal application submitted on June 2010, along with final amended revision on July 2012, is considered to be part of this permit.

Any permit non-compliance, except under the terms of an emergency permit, constitutes a violation of the Act and is a ground for enforcement action; for permit revocation, suspension, amendment, or modification.

Issuance of this permit does not relieve the permittee from the burden of compliance with all applicable local, state and federal laws and regulations.

PERMIT CONDITIONS

1. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the Permittee must apply for and obtain a new permit.
2. Permit Duration. This permit shall expire on January 1, 2016. The permittee must submit to the Department a complete application for a new permit at least 180 days prior to this expiration date.
3. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. In the event of non-compliance with the permit, the permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.
5. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
6. Permit Actions. The permit may be modified, revoked, reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
7. Property Right. The permit does not convey any property rights of any sort, or any exclusive privilege.
8. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any relevant information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
9. Inspection and Enter. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may required by law, to:

- A. Enter at reasonable times upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any locations.

10. Monitoring and Records.

- A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- B. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by 40 CFR 264.73(b)(9), and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report certification, or application. This period may be extended by request of the Director at any time. The permittee shall maintain records from all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility.
- C. Records for monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or method used; and
 - vi. The results of such analyses.

11. Signatory Requirements. All applications, reports, or information submitted to the Director shall be signed and certified in accordance with 40 CFR 270.11.

12. Reporting Requirements.

- A. Planned Changes - The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

Changes can not be effectuated until written approval from the Director is received.

- B. Anticipated Non-compliance - The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity, which may result in non-compliance with permit requirements.
13. Transfers. This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Resource Conservation and Recovery Act (RCRA) as specified in 40 CFR 270.40, as modified by Rule 7.0B 62.
14. Monitoring Reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
15. Compliance Schedules. Reports of compliance or non-compliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted not later than fourteen (14) days following each schedule date.
16. Twenty-four Hour Reporting. (For non-emergency situations: emergency situations require implementation of the Contingency Plan and Emergency Procedures, see 40 CFR 264 Subpart D, as modified by Rule 8.1A 22.
- A. The permittee shall report any non-compliance which may endanger health or the environment orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances, including:
 - i. Information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.
 - ii. Any information of a release or discharge of hazardous waste or of a fire or explosion from the Permittee's facility which could threaten the environment or human health outside the facility.
 - B. The description of the occurrence and its cause shall include:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address and telephone number of the facility;
 - iii. Date, time, and type of incident;
 - iv. Name and quantity of material(s) involved;
 - v. The extent of injuries, if any;
 - vi. An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

- vii. Estimated quantity and disposition of recovered material that resulted from the incident.

- C. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the non-compliance and its cause; the period of non-compliance including exact dates and times, and if the non-compliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance. The Director may waive the five-day written notice requirement in favor of a written report within fifteen days.
17. Manifest Discrepancy. If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within fifteen (15) days, the permittee must submit a letter report explaining the discrepancy, including a copy of the manifest, to the Director (See 40 CFR 264.72).
 18. Unmanifest Waste Report. The permittee must immediately report to the Director the attempted delivery of all unmanifested hazardous waste in accordance with 40 CFR 264.76. A report must be submitted to the Director within fifteen (15) days of receipt of unmanifested waste (See 40 CFR 264.76).
 19. Biennial Report. A biennial report, as required by 40 CFR 264.75, must be submitted covering facility activities during odd numbered calendar years. Said report must be submitted in electronic format.
 20. Other Non-compliance. The permittee shall report all other instances of non-compliance of previously reported under Conditions 12, 14, 15 and 16 above at the time monitoring reports are submitted, and in no case later than fifteen (15) days from the date of detection. The reports shall contain the information listed under Condition 16, "Twenty-four Hour Reporting".
 21. Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.
 22. Information Repository. The Director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in Rule 7.0 C 14 (b). The information repository will be governed by the provisions in Rule 7.0C 14 (c) through (f).
 23. Waste Analysis. The permittee shall comply with 40 CFR 264.13, as modified by Rule 8.1A 15 and 8.1A 16, as described in Section 5.00 of the permit application.
 24. Ground-water Monitoring. The permittee shall comply with 40 CFR 264.90 -100 as described in Section 14.00 of the permit application and Rule 16 for Corrective Action as described in Condition 24 A and 24 B. The Director reserves the right to require the

installation of additional wells, and/or monitoring requirements as deemed necessary to ensure protection of human health and the environment as allowed by Rule 2.2.

A) A copy of the quarterly groundwater monitoring reports under Section 14.00 of the permit application shall be submitted to both RIDEM and EPA-NE located at the 5 Post Office Square – Suite 100, Boston, MA 02109-3912.

B) The report shall compare the data to the applicable standards provided in the Rules and Regulations for the Investigation and Remediation of Hazardous Materials Releases (*Remediation Regulations*). If there is an exceedance of a particular standard set forth in the *Remediation Regulations*, the facility shall notify the RIDEM, according to the Rule set forth in Section 5.00 of the *Remediation Regulations*. The quarterly report shall also include a trend analysis of the groundwater sampling data in both graphical and numerical form. If the trend analysis suggests an increase in the level of contamination, then a corrective action plan shall be submitted to RIDEM and EPA-NE. The plan shall describe all the activities the facility will undertake to investigate any increasing trends in groundwater contamination including the identification of the source of contamination, and implementation of corrective action to protect human health and the environment. This corrective action plan shall be submitted to RIDEM and EPA-NE based on the timeframes set forth in the *Remediation Regulation*.

25. Security. The permittee shall comply with 40 CFR 264.14, as described in Section 6.00 of the permit application.
26. Inspection. The permittee shall comply with 40 CFR 264.15, as modified by 8.1A 17 and 8.1A 18, as described in Section 7.00 of the permit application.
27. Personnel Training. The permittee shall comply with 40 CFR 264.16, as described in Section 10 of the permit application.
28. Contingency Plan and Emergency Procedures/Preparedness and Prevention.
 - A. The permittee shall comply with 40 CFR 264. 17 and 40 CFR 264 Subpart C, as described in Section 9 of the permit application.
 - B. Upgrade of Building L: Within 90 days of issuance of this permit, the permittee shall submit a permit modification request to upgrade the containment, fire protection measures and closure plan to allow emergency storage of waste in Building L.
29. Manifests. The permittee shall comply with 40 CFR 264 Subpart E, as modified by Rule 8.1A 23 through 32, as described in Section 8 and Section 3 of the permit application. In addition to submitting required copies of the manifest, the permittee shall also submit manifest data at least quarterly as per Regulation 8.1A 26.
30. Operating Records. The permittee shall comply with 40 CFR 264.73, as modified by Rule 8.1A 28 through 30, as described in Section 8 of the permit application.

31. Records Availability. The permittee shall comply with 40 CFR 264.74, as modified by Rule 8.1A 31.
32. Closure and Post Closure. The permittee shall comply with 40 CFR 254 Subpart G, as modified by Rule 8.1A 35, as described in Section 11 of the permit application.
33. Financial Requirements.
 - A. The permittee shall comply with 40 CFR 264 Subpart H, as modified by Rule 8.1A 36 through 39, as described in Section 12 of the permit application. The permittee shall update the financial assurance annually (on or before October 31st), or as otherwise instructed by the Director.
 - B. The permittee shall have financial assurance for corrective action groundwater monitoring in amount equal to \$100,000.00 for 10 years of sampling and analysis, in accordance with the discussions held with the US EPA-Region I. These discussions stated that the additional financial assurance would be added to the existing financial assurance mechanism and updated annually as required by condition 33A of this permit.
34. Container Condition and Labeling. The permittee shall comply with 40 CFR 264 Subpart I, as modified by Rule 8.1A 40 through 43.
35. Tank Construction Design and Operation. The permittee shall comply with 40 CFR 264 Subpart J, as modified by Rules 8.1A 44 & 45, as described in Section 3 and 4 of the permit application. The permittee shall only use the numbered tanks for the specific purposes described in Table 3.1 of the permit application. The permittee must maintain separate secondary containment systems for all tanks containing potentially incompatible waste materials. All tanks must be maintained to the designed standards identified in Table 4.2.
36. Initiator. The permittee shall comply with Rules 5.00 - 5. 11 of the Regulations.
37. Air Emission Standards. All emissions from the facility shall be in compliance with the Department's Air Pollution Control Regulations and the facility air pollution control permit.
38. HSWA Requirement. (Requirements under the federal Hazardous and Solid Waste Act amendments (HSWA) of 1984): For HSWA requirements, which the state of Rhode Island is not currently authorized, the permittee shall comply with EPA requirements. No approvals granted in this permit shall be construed as compliance with any HSWA requirements.
39. Permit Specifications. The permittee shall operate the facility as described in the permit application. The maximum storage capacity of the facility is limited to the following:
 - i. The maximum storage capacity of the containers is 83,280 gallons.
 - ii. The maximum storage capacity of the tanks is 79,000 gallons.

New tank installations require a 72 hours notice to the Rhode Island Department of Environmental Management prior to the installation and all work must be certified by a professional engineer.

40. Wastewater Discharges. All discharges to the Pawtuxet River by the facility shall be in compliance with its discharge permit approved by the Office of Water Resource of this Department.
41. Waste Limitations. The permittee shall be prohibited from accepting and treating any inorganic waste streams that equal or exceed the Table 3.4 constituent concentrations of the permit application.
42. Temporary Storage and Transfer Area: A seventy-two (72) hour temporary storage and transfer area is hereby approved at the facility in accordance with Rule 6.14. Said temporary storage and transfer area must be operated in accordance with the terms and conditions of the approved permit, as described in Section 3 of the permit application.
43. Compliance with Local Ordinances: It shall be the permittee's responsibility to ensure compliance with all applicable zoning requirements and local ordinances of the City of Cranston. The granting of this permit shall in no way restrict the City's right or ability to enforce all applicable ordinances and zoning requirements. In the event that local zoning limits the operation of the permittee to more stringent conditions that provide in this permit, the permittee shall submit a proposed amendment to the permit within twenty one days of the effective date of those conditions to reflect consistency with the conditions imposed by the City.
44. Permit Posting. This permit is the property of the State of Rhode Island and it is loaned to the permittee. It shall be maintained at the facility and kept legible.

Date

Director, Department of Environmental Management

Attachment A

**PUBLIC COMMENTS AND DEPARTMENT RESPONSES
TO
COMMENTS RECEIVED
DURING THE PUBLIC HEARINGS AND THE PUBLIC COMMENT PERIOD
FOR THE PERMITTING OF THE SAFETY-KLEEN SYSTEMS INC.
HAZARDOUS WASTE TREATMENT FACILITY APPLICATION**

July 2012

This document was prepared by the Department of Environmental Management (the Department) to address the concerns and comments submitted from the residents of Cranston, City Officials and other concerned parties regarding the proposed permit renewal application submitted by Safety-Kleen Systems, Inc., located at 167 Mill Street, Cranston, Rhode Island

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Clarification of Terminology

For readability, the Department’s response uses the following terms:

The *Application* refers to the Safety-Kleen Systems, Inc. RCRA Part B Renewal Application originally submitted in July of 2010, and last revised in July of 2012.

The *Applicant (also referred to as the permittee)* refers to Safety-Kleen Systems, Inc. and any consultants, attorneys or other personnel working on their behalf.

The *Facility* refers to the Safety-Kleen Systems, Inc. facility located at 167 Mill Street, Cranston, Rhode Island.

The *Department* refers to the Rhode Island Department of Environmental Management.

The *Regulations* refers to the Department’s *Rules and Regulations for Hazardous Waste Management*.

Introduction

Safety-Kleen Systems, Inc. operates a commercial hazardous waste recycling, storage and transfer facility at 167 Mill Street, Cranston, Rhode Island. Safety-Kleen Systems, Inc. receives, stores and processes a variety of hazardous and non-hazardous waste including ignitable and halogenated solvents, used oil, spent filters, corrosive and reactive wastes, universal wastes and electronic equipment.

The facility began operating under the name Chem-Pak in 1978 while owned by Gerald Gannon. In 2003, the Facility was purchased by United Oil Recovery Inc. In 2007, United Oil Recovery sold the Facility to Safety-Kleen Systems, Inc.

Department's Generic Response to Comments

1. Overview of the Department's Role in the Permitting Process

The Department reviewed the Application under the authority of Rhode Island General Laws, Chapters 23-19.1-10 and the *Rules and Regulations for Hazardous Waste Management* (the *Regulations*). These Regulations outline the standards required for this facility to protect public health and the environment. They address specific operating standards and siting requirements including, but not limited to, standards for managing hazardous waste, restrictions on siting in environmentally sensitive areas (such as wellhead protection areas), emergency preparedness and contingency planning and closure plan with financial assurance.

In reviewing 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 that end, the Department's decisions must be both predictable 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 applications. The Department's actions on an application (approval or denial) must have a basis in reasons codified in the Regulations.

To that end, the statute (23-19.1-10) does not authorize the Department to determine if an applicant has chosen the best location for a facility. The Department is only charged with determining if the site is allowed by conditions laid out in the statute and regulations. Similarly, it is important to bear in mind that the Department is empowered to make judgments on **this application only**, not the industry as a whole.

Rule 8.0 of the *Department's Groundwater Quality Regulations* prohibit locating a facility in an area where the groundwater is classified GAA, within a wellhead protection area and within areas where the groundwater is classified GA but where public water is not available to all surrounding properties. The area in question does not fall into this classification. Furthermore, the *Hazardous Waste Regulations* incorporate by reference federal rules, specifically 40 CFR 270.14 which give specific guidelines on the criteria for facilities located within a 100-year flood plain. The Department's review indicated the facility meets the requirements set out in regulation for operation in a 100-year flood plain. To promulgate specific standards for operation in a 100-year flood plain, and then deny the permit on the basis of it being in a flood plain would be both unfair and not legally justifiable. This is because the Department, by law, cannot create a new Regulation in the course of reviewing a permit application, but must determine if the application meets the requirement of the current regulations.

2. Contingency Plan and Flooding Related Issues

The Department, as well as the USEPA, have very stringent requirements for Contingency Planning, that include notification of the local fire department, placement and inspection of emergency equipment, proper training of facility personnel, and secondary containment of waste so that a spill does not threaten human health or the environment. The Department extensively

reviewed these requirements over the past year, and has determined they meet with all the appropriate standards.

Additionally, there was a severe flood at the site in 2010. The facility provided the summary below of their response activities related to the flood:

Facility Response (Antonio Boiano) : On Tuesday March 30th 2010 at approximately 7am the Pawtucket River begun to flood its banks resulting from almost 10 inches of rain that fell on the region in less than a 2 day span.

To prepare, we initiated our contingency plan the prior night which consisted of sandbagging, staging trash-pumps, shipping material offsite, securing whatever material was still onsite, and notifying the appropriate state agencies.

The facility was inundated with approximately 5 feet of water.

The contingency plan worked well enough to prevent any releases of any material outside the facility.

The RIDEM and LEPC oversaw every aspect of the incident and recovery. The LEPC was very pleased with the outcome and if formally asked, I believe would convey those very same [sentiments] as well.

The Department believes the above response from the facility is accurate. The Department and local and state emergency officials frequently visited the site during this unprecedented 500 year flood event. The Department, as well as other officials concluded that no release of hazardous waste occurred from this facility. In this event, their contingency plan worked as intended to mitigate threats to human health and the environment.

As a result of concerns that were raised in the comment period, the Department arranged a meeting on June 13, 2012 to conduct a coordinated review of the Contingency Plan with the Cranston Fire Department and the Department's Emergency Response Staff and the Department's Disaster Debris Management Coordinator. These attendees were all involved with the flooding event in 2010. As a result of this meeting, Safety-Kleen amended its contingency plan. The revised contingency plan was received on June 28, 2012 and includes the following additional measures:

- Removal of hazardous and universal waste out of the 100 year flood plain in a hierarchy based on environmental risk.
- Measures for water management related to the overhead doors to mitigate risk of flood damage.
- Relocation of empty drums to a trailer at the site and limited inventory of empty drums.
- Removal of vehicles to higher ground.

The Department is also adding the following into the permit conditions:

- Within 90 days of issuance of this permit, the permittee shall submit a permit modification request to upgrade the containment, fire protection measures and closure plan to allow emergency storage of waste in Building L.

3. Local Government and Community Issues

A number of local government and community issues were raised during the public comment period. These issues generally involve zoning and traffic.

The statutes and Regulations recognize local/municipal control over all zoning and other municipal issues, and the Department's approval in no way affects the right or ability of the City of Cranston to enforce its local laws. More specifically, the issuance of a permit by the Department does not override local zoning or other municipal laws, and a facility's right to operate pursuant to a Department issued permit is conditioned on compliance with local laws. The City of Cranston has the sole jurisdiction and authority to enforce its own requirements and municipal ordinances.

• Zoning

There have been many concerns raised that this industrial activity is too close to a residential neighborhood and school. The Department believes many of the conflicts have arisen due to the zoning of the Facility in an industrial park that is very close to a residential neighborhood. However, as explained above, we also understand this is entirely a local issue outside of the Department's jurisdiction.

To clarify that this is the case, the Department has included the following as a condition of the permit:

Compliance with Local Ordinances: It shall be the permittee's responsibility to ensure compliance with all applicable zoning requirements and local ordinances of the City of Cranston. The granting of this permit shall in no way restrict the City's right or ability to enforce all applicable ordinances and zoning requirements. In the event that local zoning limits the operation of the permittee to more stringent conditions than provided in this permit, the permittee shall submit a proposed amendment to the permit within twenty one days of the effective date of those conditions to reflect consistency with the conditions imposed by the City.

• Traffic

There was a concern raised regarding traffic that such a heavily congested area should not be the hub for a transportation business and that truck traffic has increased in recent years.

While the Department does have the right to inspect vehicles transporting hazardous waste, and regularly exercises that right, the Department's authority does not allow it to control local traffic patterns. As explained above, traffic is a local issue under the control of the City of Cranston and the Department has put the condition quoted above to clarify that.

4. Adequacy of Public Hearing

There were a number of comments that the timing and location of the public hearing served to minimize public comment. Specifically, the meeting was at the Department's Headquarters in Providence during normal business hours.

Meetings are usually scheduled at the DEM headquarters during working hours. Having these meetings at locations under the Department's control and during working hours, is the most efficient and cost effective way to maximize the Department's resources, save taxpayer monies and still provide reasonable and ample opportunity for the public to voice support, objections or concerns. Furthermore, since the Department's Headquarters are approximately 10 minutes driving time from the site, it does not present a geographic barrier to participation.

The Department also accepted formal comments in writing, by email and at the public hearings. The comment period was open for 30 days following the meeting to allow any interested party to bring their issues to the Department's attention. All comments, received by any means are made part of the public record and are given equal consideration in the responses.

Comments Received at the Safety-Kleen System's Public Hearing and the Department's Responses:

MR. Sheldon BELMAIN: I really wish they weren't there. Nothing against you. We had City-Solve in there. We fought him for years. And now, we have another problem. That's all I have to say.

Department Response: No response needed.

MS. BELMAIN: I -- my concern was the registered letter, was the first time we received the registered letter, it didn't even acknowledge Safety-Kleen or anything about it. I've seen the trucks every day. And it seems like they're increasing the number of trucks coming and going as we walk our animals up and down the streets and all. So we're concerned, and I wasn't really informed as to what Safety-Kleen's purpose is there or anything like that. We're concerned to know more about the company, and what their intent is for the future. I was under the impression they're trying to expand.

Department Response: As per the Regulations the Department did, as required, send a certified letter to all property owners within 500 feet of the site, as well as to the City of Cranston. The Department also published a Legal Notice of the Public Comment Hearing in the Providence Journal on February 2, 2012.

In this renewal application, no increase in capacity was proposed or approved beyond increasing the amount of oil filters crushed.

See also [Local Government and Community Issues- Traffic.](#)

MS. LAMP: I was just concerned about the flood that we had, and if the storage facility was inside or outside. That's basically what -- I said I was concerned about the flood and where the waste is going to be stored because they had to move all the trucks up. So basically that's what my comment is.

Department Response: See [Contingency Plan and Flooding Related Issues](#)

MR. LAMP: I'm requesting that the Department of Environmental Management deny their application for a permit to store hazardous wastes there, even though it's been there since 1978. It's a heavily congested area, all right. There's a tremendous amount of kids that play in that area down there. There's a school that is very close by there. There's a lot of houses. City-Solve, who was there -- It's not a situation where a chemical plant was put there and then a neighborhood grew up around, which was what happened back in the day. What's happened now is, there's a tremendous amount of people that live right in that area where a spillage can cause some tremendous damage, not only to the people who -- I don't know if anyone remembers the paint that actually blistered off the boats during the AA war, or the explosion at City-Solve that caused a tremendous amount of problems down there. So I understand that, you know -- I mean, they want to stay there. But I mean, I'm sure if they made a phone call to the general landfill, they could find a nice cozy little corner where they can put their hazardous wastes up there. It's a situation that if it were a -- if it were a, for example, let's say if it were a -- a strip club or a liquor store that the state would have applied for in the neighborhood, the public outrage would be tremendous. I mean, this is a hazardous waste facility. And a hazardous facility at the headwaters of the Narragansett Bay just seems to me absolutely ludicrous that the Department of Environmental Management would allow that to remain there. I mean, back in the 80's when Steve Baggey (phonetic) [Department clarification- City Geigy] was spilling their -- all their hazardous wastes into the bay, they found those trace chemicals in the shellfish as far down as Newport. So the bay -- the bay is, without a doubt, the last -- one of the last resources that this state has. And to allow someone to store hundreds and thousands of gallons of -- or hundreds of gallons of hazardous waste right in an area where it could get into that -- into that downstream, just seems to be unthinkable. I mean, I can't imagine why the Department of Environmental Management would just rubber stamp an approval just because they had it since '78. It's time for them to leave. It's time to find a different place that's safer for the state and safer for our community. And so we, you know -- again, I just ask for you to deny the permit.

*Department Response: As explained above in the [Department's Role in the Permitting Process](#), the Department has determined the location is allowable under the Federal and State Regulations and it is not within our authority to determine if it is the **best** location. See also [Local Government and Community Issues- Traffic](#). The Department's review indicates the fire in question was located at a different facility.*

The Ciba-Geigy facility, a former chemical manufacturer, had a release of hazardous waste that has resulted in EPA and the Department being involved and requiring corrective action to clean up the site. The Ciba-Geigy Facility was never permitted for treatment or storage of hazardous waste. Furthermore, it was a separate operation and a separate legal entity that does not now, nor has ever had, a relationship with the Safety-Kleen Facility or any of its previous owners. Therefore, the Ciba-Geigy status and operations have no relevance to this permit.

Ms. Kathleen MULLEN: My name is Kathleen Mullen. I live on Robert Circle. What I was a little surprised at was that I also lived in another area that we have always been notified. And one of my main things and questions is, why we weren't notified five years ago? And this is the first time -- and it is a great concern. And I understand that Environmental Waste Management does their job very well. But there's still that threat, and it's a big threat to the community, no matter how we look. And we have young children. The neighborhood consists of a very diverse neighborhood but a young population of children. And whether it be children or old, no one wants to be to exposed to all this contamination one way or another. So that's what my main concern is. Thank you.

Department Response: As per the Regulations the Department did, as required, send a certified letter to all property owners (based on a list provided by the applicant) within 500 feet of the site, as well as to the City of Cranston. The Department also published a Legal Notice of the Public Hearing in the Providence Journal on February 2, 2012. There is a question here about previous notifications for the previous permit. The Department has always followed these rules including notification of nearby residents. To that end, a list of owners notified in 2006 by certified mail is shown in Appendix A.

Regarding facility siting see the [Department's Role in the Permitting Process](#).

MS. Ann SANDOVAL: My main concern is the hazardous wastes in the community. And the type of community we are. And in where I live, right next to Sunset, there is many children and also elderly. And when we hear something like that, you think of spill, who's going to be watching over that, making sure there is no leakage or any sort -- there is schools right near by. So my concern is the young population as well as the elderly and to keep them safe.

Department Response: The Department performs regular inspections of all aspects of the Facility's operation and will continue to do so. See also the [Department's Role in the Permitting Process](#)

MR. Ray PASCIUTO: I'd like request the Department does not grant the permit. We're talking about hazardous wastes, toxic wastes. It doesn't belong in a community like this. If it's been there, it shouldn't have been. And I don't want to it see perpetrated or put out there anymore. So I know we're all concerned about it. This meeting actually was at 10:00 when a lot of people are working, and we all made a concession to be here. Don't let it happen. Thank you.

Department Response: See the [Department's Role in the Permitting Process](#). Regarding timing of the hearing see [Adequacy of Public Notice](#).

MR. Tim MCGRATH: I just want to echo everything that really what everyone has said already. This is a residential neighborhood that's really -- it's relatively dense in population wise. And a hazardous waste storage facility, in my eyes, doesn't have a place in this type of environment. If the proposal was to keep or put a plant of this nature on the East Side of Providence, there would be, you know -- there would be television stations and newspaper articles all over the place, but because our section in Cranston is a little bit under the radar, in many ways, it's not getting a lot

of the light shed on, in my opinion, that it should get. And I'd like to be clear that I'd like to oppose the advancement of this project.

Department Response: See the [Department's Role in the Permitting Process](#).

MS. Beryl SUTTON: No, I'm just going to echo what everyone else here said.

Department Response: No response needed.

MR. Joseph DUGAWL: I live in the neighborhood. I should first say that this meeting should have been held at 6:00 or 7:00 down in the neighborhood not in the convenience of DEM at 10:00 in the morning. That's the first thing I should say. So I object to -- because you would get five times or 10 times as many people as you got here. So setting it at your convenience -- but you got to try in setting it at the peoples' convenience. Second, I don't -- I don't even know what -- what's going to be done there because there's been no specifics laid out as to precisely what -- what's in mind? How much? What's going on? But the fact is, that this is not the place for -- for the placement of any further hazardous wastes disposal sites. I don't think you would like it in your neighborhood. And people live there, and we don't want it there. And I suggest that before any further actions taken to approve this, that a meeting be held in the neighborhood and not down here in your convenience.

Department Response: See the [Department's Role in the Permitting Process](#). Regarding timing of the hearing, see [Adequacy of Public Notice](#).

The application was provided at the hearing, and has been and continues to be available for the public to review. The application is very specific about the nature and quantity of waste as well as all aspects of how it is handled and tracked. Thus far, there have been no requests to review the permit application.

Comments Received by Email and the Department's Response

Received 5/2/2012 from John Lamp (Mr. Lamp also commented at the public hearing): The renewal application for a hazardous waste storage facility on the banks of the Pawtuxet River must be denied. The concept of 15-20,000 gallons of toxic waste sitting at the headwaters of Narragansett Bay is so foreign to what we know today as compared to when the facility was originally granted a license that it boggles the mind that the DEM would even consider approving the renewal application.

During the recent flood the entire facility was immersed in flood plain waters from the Pawtuxet. The building was under water. The storage tanks were completely immersed. The water in their building is the very same water that feeds Narragansett Bay. The very same Bay that DEM has worked so long and so hard to clean.

If there were no storage facility on that site and a company applied for the same permit on the same site, there would be no possible way the DEM would grant the permit. Not in a million

years!

Just because it is there doesn't make it right. The DEM is charged with protecting the best interests of the environment of the State of Rhode Island. A toxic waste storage facility located in the middle of a flood plain cannot possibly be in those best interests.

At the recent permit meeting held a few weeks ago, the Safety Kleen representative said on the record that their business could operate at that location without the storage facility at the same location. It doesn't have to be there. Please do not allow it to remain.

At the Public meeting for the future of the old Ceiba Geigy site held last night at Park View Jr High in Cranston, both the representative for BASF, the new owner of the site, and Frank Battaglia of the EPA agreed that having that facility at that location was a disaster waiting to happen and would never be permitted to open with today's standards applied. Just because it is there doesn't make it the right thing to do.

The permit is granted for a specified period of time for a reason. Things change. Knowledge bases grow. Accidents happen. You have the right to deny based upon present conditions. My grandfather grew up in a different era. Things were different two generations ago. Some of the acceptable things people from that era did would never be acceptable today. The same common sense analogy applies to this outdated dangerous toxic waste storage facility located where it should never have been allowed to be.

Do the right thing for the State and the environment. Have Safety Kleen move the facility to a cozy nook at the landfill or another more suitable location. Have the strength and courage to say no.

Department Response: Department Response: In Mr. Lamp's comment he accurately describes how severe the flooding was, however this flooding resulted in no release of hazardous waste from this facility. See also [Contingency Plan and Flooding Related Issues](#).

Regarding siting requirements as explained in the [Department's Role in the Permitting Process](#) the location meets the requirements set forth in the Regulations. The commenter is not correct in his assertion that a new facility would never be allowed at this location. All applicants are required to meet the same siting requirements.

The Ciba-Geigy facility, a former chemical manufacturer, had a release of hazardous waste that has resulted in EPA and the Department being involved in requiring corrective action to clean up the site. The Ciba-Geigy Facility was never permitted for treatment or storage of hazardous waste. Furthermore, it was a separate operation and a separate legal entity that does not now, nor has ever had a relationship with the Safety-Kleen Facility or any of its previous owners. Therefore the Ciba-Geigy status and operations have no relevance to this permit.

As a clarification, the Department did discuss this renewal-permitting issue with Frank Battaglia of USEPA. On May 9, 2012, Mr. Battaglia sent an email that offered the following clarification: "No references or statement were made on my part to revoke or terminate the

Safety Kleen permit for any reason.” Mr. Battaglia said the statement about building a new facility in wetlands was a reference to the Department’s wetlands permitting requirements for new buildings (this is an existing building). These permitting requirements are related to construction activities on new buildings and improvements and are unrelated to Hazardous Waste Regulations. Therefore the Wetlands Regulations are not applicable to this issue.

Received 5/10/2012 from Tom Kutcher, Save the Bay

Save The Bay submits these comments on the reissuance of the operations permit for the Safety-Kleen facility at 187 Mill Street in Cranston, based on our concern that the facility poses a serious threat to the surrounding community, Bellafont Brook, the Pawtuxet River, and Narragansett Bay.

Save The Bay is very concerned that Safety-Kleen is operating a hazardous-waste storage facility on the banks of the Pawtuxet River, particularly given the fact that the facility was completely flooded during the flood event of March 31, 2010. It is further concerning that Safety-Kleen was found to be in violation of RIDEM’s Rules and Regulations for the Management of Hazardous Waste prior to that event, according to Hazardous Waste File 2009-78 HW. This indicates that Safety-Kleen has not been diligent in its safety protocols, even as it operates in such a highly-vulnerable area.

Safety-Kleen provides industrial equipment cleaning services and waste-oil recycling, Hazardous wastes associated with Safety-Kleen’s operations likely include conservative environmental toxins such as petroleum hydrocarbons, metals, and synthetic organic compounds, These compounds pose immediate and long-term threats to the health of humans and our aquatic environments, A release of these toxins into the Pawtuxet River during a flood event would present an immediate health hazard to the densely-populated neighborhoods adjacent to and across-river from the site. Additionally, such conservative toxins can remain viable in riverine and estuarine sediments for centuries, posing a perpetual threat to humans and aquatic life through bioaccumulation and biomagnification. Cleanup efforts for toxic wastes in aquatic environments are often hindered by the increased health threats associated with resuspension of toxins into the living water column. In short, a release of industrial hazardous waste into the Pawtuxet River and Bay could have significant, long-term environmental impacts.

The Safety-Kleen facility is located partly within a FEMA 100-year flood zone, and entirely within the 500-year flood zone. Flooding has become more intense in recent years, and the precipitation rate in Rhode Island has increased by 25% in the past century. It is predicted by climatologists that this increase will continue or accelerate under the new models that integrate climate change. Although the Safety-Kleen facility may have seemed to present a low or moderate risk in the past, these recent flood events and predictions require a reevaluation of the safety of the operation to be conducted through RIDEM’s permit renewal process. Save the Bay urges RIDEM to avoid the risks of a hazardous waste release contaminating the Pawtuxet River and Narragansett Bay by requiring Safety Kleen to move their hazardous materials storage units to an area outside of the 500-year flood zone, whether this is located on or off-site.

Department Response: Regarding issue with the flood plain see the [Department's Role in the Permitting Process](#). The Notice of Violation referenced was the result of the Department's regular, unannounced inspections on 9/23/2008 and 9/15/2009. Prior to the Notice being issued, the company was informed of the problem and took appropriate action regarding labeling and aisle space. While the Department took and will continue to take appropriate action to ensure proper management of materials, to deny a permit based on a resolved issue would be arbitrary and capricious.

The commenter brings up important issues relative to the hazardous of such waste in surface water bodies. These issues are addressed in [Contingency Plan and Flooding Related Issues](#).

Received by email on May 2012 from Kathleen C. Mullen,

Thank you for sending the name of the contact person at the **EPA** for **CIBA_GEIGY**.

I also, had a few additional questions regarding **Safety-Clean**:

Are there any other hazardous waste plants in a residential area in Providence, Cranston, Warwick or for that matter the State of Rhode Island?

Are there any pending lawsuits against **Safety-Clean**?

Department Response: Currently there are 2 permitted Hazardous Waste Facilities in RI- The Safety-Kleen Facility and Northland Environmental LLC on 275 Allens Avenue in Providence. Both of these facilities have residential areas located within 1000 feet of the property. Additionally, there are 3 Authorized Hazardous Waste Transfer Stations in Rhode Island.

Currently, the Department is not involved in any litigation involving Safety-Kleen. The Department is not privy to any third party private litigation involving this company.

Received by Email on May 9, 2012 from Steven Stycos, Cranston Councilman, Ward One

I am writing as the member of the Cranston City Council who represents the neighborhood surrounding Safety Kleen. I understand that their operating permit is up for renewal. Until our recent meetings on the Ciba Geigy site, I was unaware of the size of Safety Kleen.

My hope is that strong safeguards are established to protect the neighborhood from a spill, particularly given the location of the plant in a flood plain. I expect the flood of 2010 will be repeated and question the wisdom of allowing a business that handles toxic waste to operate in a flood plain. The Pawtuxet River is particularly dangerous, I believe, because it can flood so quickly. Has DEM considered the time it would take to secure the waste in the plant and compared it to the time it takes the river to flood?

I have also learned that a previous toxic waste operator on Mill Street was forced by RIDEM to move illegally stored barrels of waste. At a minimum, I hope DEM will institute a system of frequent unannounced inspections, especially during the winter and spring.

Finally, I also worry about the railroad connection to the site. Previous operators used the rail line to transport toxic waste, but it is currently overgrown. If the rail line is reactivated, RIDEM needs to insure it is in safe operating condition prior to its reuse.

Thank you for your consideration of my comments.

Department Response: As a result of the concerns regarding the river, the Department held a joint review of the Contingency Plan at the facility as explained in [Contingency Plan and Flooding Related Issues](#). Councilman Stycos brings up a very good point about the timing of flood emergencies given how quickly waters can rise in the Pawtuxet. This is partly why some of the additional measures are proactive instead of reactive.

DEM believes that regular, unannounced, thorough inspections are critical to ensure Facilities are in compliance with their permit. Therefore, the Department will continue with this effort.

Regarding the railroad connection, on July 5, 2012, the facility submitted a revision of the application to remove any railcar loading/unloading activities.

Appendix A

**PUBLIC NOTICE AND NOTIFICATION LETTER
AND LIST OF ABUTTERS WHO RECEIVED LETTERS**

FROM

2006 PERMIT NOTIFICATION

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF WASTE MANAGEMENT

**NOTICE OF PUBLIC COMMENT HEARING ON
A SOLID WASTE MANAGEMENT FACILITY LICENSE**

In accordance with 23-19.1-10 of the Rhode Island General Laws, the Department of Environmental Management ("Department") announces its intent to issue a permit to Unite Oil Recovery, Inc., at 167 Mill Street, Cranston, Rhode Island to operate a Hazardous Waste Treatment, Storage and Disposal facility (TSDF). Unite Oil Recovery, Inc. currently operates a TSDF at the location.

An informational workshop on this facility will be held in Room 300 of the DEM headquarters building at 235 Promenade Street, Providence, R.I. on **July 18, 2006** at 2:00 PM. Representatives of the Department will be available to discuss the facility, the type and quantity of wastes to be processed, a summary for the basis of the draft license, proposed conditions to be placed on the permit, and a description of the procedures for reaching a final decision on the license application. The discussion of administrative procedures shall also include the beginning and ending period for public comment, the address where comments will be received, information on the public comment hearing, the procedures by which the public may participate in the final decision, and the contact person for further information. The application and draft permit may be reviewed, upon appointment, at the following address: **Department of Environmental Management, Office of Waste Management, 235 Promenade Street, Providence, RI 02908. (401) 222-2797.**

The public comment hearing will be held on the license application in Room 300 on the third floor of the DEM headquarters building at 235 Promenade Street, Providence, R.I. on **September 21, 2006** at 1:30 PM. Following the public hearing, the Department will continue to accept written comments from all interested parties on the application for an additional thirty (30) days following the close of the hearing, at the following address: **Department of Environmental Management, Office of Waste Management, 235 Promenade Street, Providence, RI 02908. (401) 222-2797.**
Attention: Yan Li.

The Department's final decision on the application will be made within ninety (90) days after the close of the public comment period. The DEM headquarters is accessible to the handicapped. The DEM will provide interpreter service to the hearing impaired, provided that a request for this service is made in writing to the above address or by calling 222-2797 at least forty-eight hours prior to the hearing.

Date: 7-7-06 

Leo Hellested, Chief,
Office of Waste Management

**Property Owners Within 500 Feet of
United Oil Recovery of RI, Inc.
(as of June 30, 2006)**

	Plat Number	Lot Number	Property
CRANSTON			
	4-3	1107	GMG Management Corp. P.O. Box 6126 Warwick, RI 02887
	4-3	1748, 2554	Mill Development Corp. 111 Wayland Avenue Providence, RI 02905
	4-3	2682	Ciba Specialty Chemicals Corporation P.O. Box 71 Toms River, NJ 08754
	4-3	1102	Ciba Specialty Chemicals Corporation P.O. Box 71 Toms River, NJ 08754
	4-3	2696	Patrick T. Conley 1445 Wampanaug Trail Suite 203 East Providence, RI 02915
	4-3	Streets	City of Cranston 869 Park Avenue Cranston, Rhode Island 02910
WARWICK			
	289	561	Jorge S. and Angelina D. Frias 9 Byron Boulevard Warwick, RI 02888
	289	320	Donald E. Groham 31 Milton Road Warwick, RI 02888
	289	273	Violet Ajootian 200 Smith Street Providence, RI 02903
	289	51	Brian C. Cockshutt 5 Ennis Place Warwick, RI 02888
	290	396	Herff Jones, Inc. 150 Herff Jones Way Warwick, RI 02888
	289	321	James and Marjorie Adams 23 Milton Road Warwick, RI 02888
	289	270,271,272	Mount Development Group 132 Old River Road Suite 103 Lincoln, RI 02865

Plat Number	Lot Number	Property
289	Streets	City of Warwick 3275 Post Road Warwick, RI 02886
289	322	Silvino P. Escaler 19 Milton Road Warwick, RI 02888
289	55	City of Warwick 3275 Post Road Warwick, RI 02886
289	269	Jon D. Traversie 20 Byron Boulevard Warwick, RI 02888
289	224	Elizabeth Pendlebury & Richard J. Nocera 3 Byron Boulevard Warwick, RI 02888
289	179	William J. and Lucia Morris 6 Tennyson Road Warwick, RI 02888
289	371	Richard D. and Linda M. Nelson 32 Milton Road Warwick, RI 02888
289	178	Donna J. Goodwin 14 Tennyson Road Warwick, RI 02888
289	222	Bradford S. Knight 23 Byron Boulevard Warwick, RI 02888
289	56	Theresa Parton 3 Tennyson Road Warwick, RI 02888
289	223	Kyle Wandyes 15 Byron Boulevard Warwick, RI 02888
289	323	Jeffrey & Stephanie Lessard 15 Milton Road Warwick, RI 02888