

## HAZARDOUS WASTE FACILITY PERMIT

In compliance with the provisions of the Vermont Waste Management Act, as amended,  
(10 V.S.A. Chapter 159)

**Safety-Kleen Systems, Inc.**  
**23 West 2<sup>nd</sup> Street**  
**Barre, VT 05641**

is authorized to operate a hazardous waste storage facility at the above location in accordance with the conditions and requirements set forth in this permit.

This permit shall become effective on the date of signing.

Signed this 26<sup>th</sup> day of September, 2007



P. Howard Flanders, Director  
Waste Management Division  
Department of Environmental Conservation  
103 South Main Street/West Building  
Waterbury, Vermont 05671-0404

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### LIST OF APPENDICES

State of Vermont  
Agency of Natural Resources

**HAZARDOUS WASTE FACILITY PERMIT**

**10 V.S.A. Chapter 159**

**Vermont Hazardous Waste Management Regulations § 7-504**

**Applicant:** Safety-Kleen Systems, Inc.  
6741 VIP Parkway  
Syracuse, NY 13211

**EPA ID No:** VTD000791699

**Facility:** Safety-Kleen Systems, Inc.  
23 West 2<sup>nd</sup> Street  
Barre, VT 05641

**Permit Period:** Five years from date of signing

**FINDINGS OF FACT**

1. The Safety-Kleen Barre facility (hereafter called "Safety-Kleen Barre") is a commercial hazardous waste storage and transfer facility located at 23 West 2<sup>nd</sup> Street, Barre, VT 05641. Safety-Kleen Barre is leased from the John L. Lague Living Trust and Esperanza C. Lague Living Trust and operated by Safety-Kleen Systems, Inc., located at 5400 Legacy Drive, Cluster II, Bldg 3, Plano, TX 75024. A description and drawings of Safety-Kleen Barre are provided in Appendix B of this permit.
2. Safety-Kleen Barre is a hazardous waste collection, storage and transfer facility which provides hazardous waste management services to customers primarily engaged in automotive repair, industrial maintenance, manufacturing, photo processing and dry-cleaning. The facility leases and services parts washing equipment, provides customers with clean hydrocarbon and water-based solvent products, and removes and collects spent solvents for reclamation. Immersion cleaners, paint-related wastes, dry-cleaning wastes, spent antifreeze, used oil, used oil filters, and universal wastes/recyclable materials are also collected and stored at the facility prior to being sent to out-of-state recycling/processing centers.
3. The Safety-Kleen Barre facility was first issued a hazardous waste facility permit on March 25, 1987. The facility was issued a renewal permit on February 28, 1995, that was scheduled to expire on February 28, 2000. Through Safety-Kleen's submittal of a timely and administratively complete renewal application, the permit issued on February 28, 1995, was continued in full force and effect pursuant to the VHWMR § 7-504(h).
4. This permit will govern the hazardous waste storage, treatment and transfer activities at the Safety-Kleen Barre facility pursuant to 10 V.S.A. Chapter 159 and the VHWMR.

5. Safety-Kleen has submitted information determined by the Agency to be equivalent to a RCRA Facility Assessment (RFA) and RCRA Facility Investigation (RFI). This information is included in the administrative record for the Barre Facility within the Waste Management Division's Sites Management Section file # 77-0095. This information describes whether any releases or likely releases have occurred.
6. Between 1985 and 2004, corrective action was performed at Safety-Kleen Barre to address contamination that resulted from small releases of dry-cleaning waste stored on-site and releases of mineral spirits from an underground storage tank and associated piping located on-site. Corrective Action required under the previous permits included removal of soil contaminated with mineral spirits and sampling of groundwater at the site semi-annually. In 2004, following five consecutive semi-annual monitoring events in which levels of contaminants were below Vermont groundwater enforcement standards, groundwater monitoring was discontinued and subsequently, the monitoring wells were properly closed. Corrective action for the above releases is considered complete.
7. Safety-Kleen uses a portion of the Barre Facility to operate a 10-day transfer area for hazardous wastes. These wastes are transferred through the facility within 10 days to designated facilities or recycle/process facilities.
8. A list of permits issued to the Safety-Kleen Barre Facility is found in Appendix B, Attachment B-2 of the application.
9. Safety-Kleen has established a service that collects and stores used oil on-site. The used oil is collected in a tanker truck from industrial and automotive related businesses. The truck returns to the Barre facility, and the collected oil is transferred to a bulk storage tank for temporary storage prior to shipment to an out-of-state oil re-refinery or processing center.
10. On July 13, 2006, the Vermont Waste Management Division (WMD) requested sampling and analysis of the following core waste streams terminated at the Barre facility for inclusion within the national Safety-Kleen Annual Recharacterization (AR) program.
  - Aqueous Brake Cleaner
  - Immersion Cleaner
  - 105 Parts Washer Solvent
  - 150 Parts Washer Solvent
  - Automotive Paint Related Waste
  - Paint Gun Cleaner Waste

Sampling took place on August 8, 2006. The purpose of the sampling and analysis was to ensure that the composition of the Barre branch waste was consistent with national AR data.

The results of this sampling event are located in Appendix C, Attachment C-1 of the permit. All of the above waste streams, with the exception of the 105 Parts Washer Solvent Waste, were determined to be consistent with the national AR data. However, since analysis of the 105 parts washer waste indicated tetrachloroethylene levels of 41,000 ppm, well in excess of the median value of 990 ppm, Safety-Kleen shall include the six core waste streams above in the annual AR program for the duration of this permit pursuant to Condition 4.15.

## **PERMIT CONDITIONS**

### **SECTION 1 GENERAL CONDITIONS**

- 1.1** For the purposes of this permit, the terms used herein shall have the same meaning as those in the VHWMR and Title 40 of the Code of Federal Regulations (40 CFR) Parts 124, 264, 266, 268 and 270, unless this permit specifically states otherwise. Where terms are not defined in the VHWMR, 40 CFR, or the permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.
- 1.2** As used in this permit, the term “permit” has the same meaning as “certification” as used in the VHWMR and 10 VSA § 6606.
- 1.3** As used in this permit, the term “Director” means:  
  
Division Director - Waste Management Division  
Department of Environmental Conservation  
Vermont Agency of Natural Resources
- 1.4** “Secretary” means the Secretary of the Vermont Agency of Natural Resources or his or her duly authorized representative. When implementing the provisions of 10 V. S. A. §§ 6608a and 6608b relating to economic poisons and low-level radioactive wastes, the term Secretary includes the Secretary of Agriculture, Food & Markets and the Commissioner of Health.
- 1.5** “RCRA” means Resource Conservation and Recovery Act (RCRA) of 1976, (42 USC 6901 et seq.).
- 1.6** Unless otherwise specified, when reference is made to a specific subchapter, section or subsection of the VHWMR, the reference is to the VHWMR which became effective October 15, 2006.
- 1.7** Safety-Kleen shall maintain compliance with the VHWMR as amended. Safety-Kleen shall modify the permit according to Condition 2.5 if an amendment to the VHWMR results in a conflict between the permit and the amended VHWMR.
- 1.8** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid, such a determination shall not have any effect on the validity of the remainder of the permit, or on the application of the provision to other circumstances.
- 1.9** This permit does not convey property rights of any sort or any exclusive privilege.

- 1.10 This permit is not transferable to any person except after obtaining prior written approval from the Secretary. The Secretary 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 pursuant to 40 CFR § 270.40.
- 1.11 The Secretary may require Safety-Kleen to establish and maintain an information repository at any time, based on the factors set forth in 40 § CFR 124.33(b). The information repository will be governed by the provisions in 40 CFR §§ 124.33(c) through (f).

## **SECTION 2 DURATION, MODIFICATION AND RENEWAL OF PERMIT**

- 2.1 This permit shall be effective for five years from the date of signing.
- 2.2 If Safety-Kleen wishes to continue an activity regulated by this permit after the expiration date of this permit, Safety-Kleen must apply for and obtain a new permit.
- 2.3 Safety-Kleen shall submit a new application at least 180 days before the expiration date of this permit, unless permission for a later date has been granted by the Secretary (40 CFR § 270.10(h)).
- 2.4 This permit and all conditions will remain in effect beyond the permit's expiration date, if Safety-Kleen has submitted a timely, administratively complete application for a renewed permit and, through no fault of Safety-Kleen, the Secretary has not issued a new permit. Permits continued under this section remain fully effective and enforceable.
- 2.5 If any of the causes for modification found in VHWMR § 7-507(e) apply, Safety-Kleen shall seek a permit modification prior to making physical alterations or operational changes. Class I modifications for which prior approval is not required under 40 CFR § 270.42 may be implemented without prior notice or approval by the Secretary if notice of the modification is submitted to the Director within seven (7) calendar days after the change is put into effect.
- 2.6 This permit may be modified, revoked, or revoked and reissued for cause. The filing of a request by Safety-Kleen for a permit modification, revocation, or revocation and reissuance, or a notification of planned changes or anticipated noncompliance does not stay any condition of this permit.

### **SECTION 3 COMPLIANCE AND ENFORCEMENT**

- 3.1 Safety-Kleen shall allow the Secretary, or an authorized representative, upon presentation of credentials and other documents, as may be required by law to:
- (a) Enter at reasonable times upon the Safety-Kleen Barre 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 RCRA, any substances or parameters at any location.
- 3.2 Safety-Kleen shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with these permit requirements. Safety-Kleen may not treat, store, or dispose of hazardous waste in any modified portion of the facility except as provided in 40 CFR § 270.42, until:
- (a) Safety-Kleen has submitted to the Director by certified mail or hand delivery a letter signed by Safety-Kleen and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and
    - i. The Director has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or
    - ii. Within 15 days of the date of submission of the letter in paragraph (a) of this condition, Safety-Kleen has not received notice from the Director of his or her intent to inspect, prior inspection is waived and Safety-Kleen may commence treatment, storage, or disposal of hazardous waste.
- 3.3 Notwithstanding any other provisions of this permit, enforcement actions may be brought pursuant to 10 V.S.A. Chapters 159, 201, and 211.
- 3.4 It shall not be a defense for Safety-Kleen 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.
- 3.5 Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under 10 V.S.A. Chapters 159 and 201, or 211 or Sections 3008(a), 3008(h), 3013, or 7003 of the Resource Conservation and Recovery Act (RCRA) of 1976, (42 USC 6901 et seq.) or §§ 104, 106(a), or 107 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 U.S.C. 9601 et seq.), or any other law providing for protection of public health or the environment.

- 3.6 In the event that the land on which the facility is located is transferred to a new owner, any actions or inactions of the land owner, or refusal by the land owner to provide access to Safety-Kleen or the Secretary, shall not be a defense for Safety-Kleen for any non-compliance with this permit or the VHWMR.

#### **SECTION 4 DUTIES OF THE PERMIT HOLDER**

- 4.1 Safety-Kleen must comply with all conditions of this permit, except that Safety-Kleen need not comply with the conditions of this permit to the extent and for the duration such noncompliance is authorized in an emergency permit (see VHWMR § 7-503), or in the event of an emergency situation (VHWMR §§ 7-502 (d) and (p)). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of the appropriate state and federal law and is grounds for enforcement action; for permit revocation, revocation and reissuance, modification of a permit; or for denial of a permit renewal application.
- 4.2 In the event of noncompliance with the permit, Safety-Kleen 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.
- 4.3 Safety-Kleen shall furnish to the Secretary, within a reasonable time, any relevant information which the Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. Safety-Kleen shall also furnish to the Secretary upon request, copies of records required to be kept by this permit.
- 4.4 Safety-Kleen shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.
- 4.5 Safety-Kleen shall follow the facility inspection schedules contained in the Inspection Plan (Appendix E) of this permit.
- 4.6 The Contingency Plan (Appendix H) shall be reviewed and, if necessary amended, whenever:
- (a) This permit is amended;
  - (b) The plan fails in an emergency;
  - (c) The facility changes (in its design, construction, operation, maintenance or other circumstances) in a way that materially increases the potential for fires, explosions, or the release of a hazardous waste or its constituents, or changes the response to an emergency;
  - (d) The list of emergency coordinators changes; or
  - (e) The list of emergency equipment changes.
- 4.7 Safety-Kleen shall submit a plan to revise the Flood Contingency Plan (Appendix H-1) within ninety (90) days of the effective date of this permit.

- 4.8 Safety-Kleen shall submit a copy of the Contingency Plan, and all amendments of that plan, to the local police department, fire department, hospital(s) and any other state or local emergency service provider(s) that may be called upon in the event of an emergency. A record of transmittal of the Contingency Plan to each service provider named above shall be maintained at the facility at all times.
- 4.9 Safety-Kleen shall attempt to maintain emergency service arrangements with the state and local authorities specified in Condition 4.8. If any of these authorities decline to enter into such an arrangement, Safety-Kleen must document this refusal in the facility operating record.
- 4.10 Safety-Kleen shall retain copies of all reports required by the terms and conditions of this permit and records of all data used to complete its permit application for at least three (3) years from the date of the report or the submission of the application. This retention period and other retention periods required by the terms and conditions of this permit shall be automatically extended during the pendency of any unresolved enforcement action involving Safety-Kleen.
- 4.11 Safety-Kleen shall maintain a written operating record at the facility or alternative location, approved by the Secretary, which includes all applicable requirements of 40 CFR § 264.73 and any additional requirements listed below. The following information shall be maintained, as it becomes available, in the operating record until facility closure is completed in accordance with Section 9 of this permit.
- (a) A description and the quantity of each hazardous waste received at the facility and the method(s) and date(s) of its receipt and storage;
  - (b) The location of each hazardous waste within the facility and the quantity at each location. This information must include cross-references to specific manifest document numbers, if the waste is accompanied by a manifest;
  - (c) Records and results of any waste screening or analysis performed (Appendix C of permit);
  - (d) The contingency plan and all amendments, and a notation of the time, date and details of any incident that requires implementation of the Contingency Plan (Appendix H) in this permit;
  - (e) Records and results of inspections (except these data need be kept only three years);
  - (f) Monitoring, testing or analytical data and corrective action where required by 40 CFR §§ 264.191, 264.193, 264.195 and 264.1064;
  - (g) Notices to generators as specified in 40 CFR § 264.12(b) (notice of appropriate permits and waste acceptance);
  - (h) The closure plan and the initial closure cost estimates, and all subsequent closure cost estimates, prepared under Condition 9.2 of this permit;
  - (i) Plans submitted in accordance with 10 V.S.A. § 6629 (Toxic Use Reduction and Hazardous Waste Reduction Plan);

- (j) Records demonstrating the storage of hazardous waste at the facility that was necessary for a period beyond one year which was for the purpose of accumulation of such quantities of hazardous waste necessary to facilitate proper recovery, treatment or disposal. These records shall be required beginning when storage has been for a period of one year; and
  - (k) A record of refusal by any state and local authority as stated under Condition 4.9 of this section, who declines to enter into an arrangement to provide emergency services to the facility.
- 4.12 Safety-Kleen shall maintain the following personnel documents and records at the facility:
- (a) A listing of the job title for each position at the facility related to hazardous waste management and the name of the employee filling that position;
  - (b) A written job description for each position listed above which includes the requisite skill, education, or other qualification, and duties of employees assigned to the position;
  - (c) A written description of the employee training required for each position listed in the Personnel Training Plan (Appendix F) of this permit; and
  - (d) Records verifying that the employee training program in Appendix F of this permit has been presented to, and completed by, appropriate facility personnel.
- 4.13 Training records on current personnel shall be kept until facility closure is completed in accordance with Section 9 of this permit. Training records on former employees shall be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within Safety-Kleen.
- 4.14 Safety-Kleen shall follow the waste analysis procedures contained in the Waste Analysis Plan (Appendix C) of this permit.
- 4.15 Annually, Safety-Kleen Barre shall sample the six core wastes identified in Appendix C for inclusion in Safety-Kleen's national Annual Recharacterization Program. Safety-Kleen shall follow the sampling procedures described in "Test Methods for Evaluating Solid Waste, SW-846, Standard Methods of Wastewater Analysis," or an equivalent method, such as those developed by the American Society for Testing and Materials (ASTM). The following information shall be recorded at each sampling event and submitted along with the branch and national cores waste analyses to the Director each year following completion of the analyses.
- (a) Name and address of the generator for each sampled waste stream;
  - (b) Type of waste sampled;
  - (c) Sampling method used to select waste streams;
  - (d) Number of samples;
  - (e) Sampling instrument;
  - (f) Date, time and location (address) of sampling;
  - (g) Sample number and volume;
  - (h) Name, title, affiliation, and signature of sampler;
  - (i) Chain of custody procedures;

- (j) Lab name, address; and
  - (k) Lab analysis/method used.
- 4.16 Prior to accepting waste from a source, Safety-Kleen shall follow the waste approval process described in the Waste Analysis Plan (Appendix C) of this permit. At a minimum, the waste approval process shall identify for each waste all of the information necessary for shipment to, and acceptance by, an appropriate treatment, storage and disposal facility. In addition, the waste approval process shall be followed in the event that Safety-Kleen is notified or has reason to believe that the process generating the waste has changed.
- 4.17 All sampling, monitoring, and/or analysis performed in relation to activities covered by this permit shall be performed according to the appropriate method specified in the latest edition of "Test Methods for Evaluating Solid Waste, SW-846, Standard Methods of Wastewater Analysis, or an equivalent method, such as those developed by the American Society for Testing and Materials (ASTM).
- 4.18 Safety-Kleen shall document the name(s), address(es), and telephone number(s) of any consultant(s) and/or analytical laboratory(ies) used to perform sampling, monitoring, and/or analysis activities related to this permit.
- 4.19 Safety-Kleen shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit, the permit 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 years from the date of the sample, measurement, report, permit, or application. This period may be extended by request of the Secretary at any time. Safety-Kleen shall maintain records from all groundwater monitoring wells and associated groundwater surface elevations for the active life of the facility, and for disposal facilities for the post-closure care period as well.

Records for monitoring information shall include:

- (a) The date(s), exact place, and time(s) of sampling or measurements;
  - (b) The individual(s) who performed the sampling or measurements;
  - (c) The date(s) that analyses were performed;
  - (d) The individual(s) who performed the analyses;
  - (e) The analytical techniques or methods used; and
  - (f) The results of such analyses.
- 4.20 Safety-Kleen shall submit to the Director, upon request, the results of all sampling and/or tests or other data generated pursuant to Section 11 (Corrective Action) of these permit conditions.

- 4.21 The 15,000 gallon above-ground solvent waste storage tank (HWMU #1/Tank 3; see Appendix B, Figure B-1) shall be inspected for condition and rate of corrosion in accordance with the following requirements:
- (a) External portions of the tank shall be inspected weekly for signs of cracks, leaks, or corrosion in accordance with the Inspection Schedule in Appendix E of the permit.
  - (b) On a five-year interval (with the initial date being August 13, 2003), or a shorter interval if recommended by the engineer following each assessment event, Safety-Kleen shall test the tank. The test shall include an assessment of tank shell and bottom thickness, and the tank interior shall be inspected for scaling, pitting and corrosion of wall surfaces, welded joints and connections between tank walls and fittings. The tests must be performed under the supervision of a Vermont-certified PE using recognized and accepted engineering standards and practice. Within sixty days of testing these data shall be submitted to the Secretary.
  - (c) If any testing indicates that the tank shell or bottom thickness is less than the minimum allowed under the test method, Safety-Kleen shall initiate procedures to replace or repair the tank per 40 CFR § 264.196.
- 4.22 At least six months prior to the expiration date of the permit, Safety-Kleen shall submit a written report, reviewed and certified by a Vermont-certified professional engineer providing an assessment of the condition and rate of corrosion of the existing used oil tank system. The assessment must include either a leak test as described in 40 CFR § 264.191(b)(5)(ii), or another certified integrity examination that addresses cracks, leaks, and corrosion.

## **SECTION 5 FACILITY DESIGN AND OPERATION**

- 5.1 Safety-Kleen shall at all times properly operate and maintain all facilities and systems of treatment and control, and related appurtenances, which are installed or used by Safety-Kleen 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 that any conflict between proper management of waste disposal operations at the facility and operation of commercial activities shall always be resolved in maintaining compliance with the VHWMR and the conditions of this permit. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this permit.
- 5.2 Safety-Kleen shall design, maintain and operate the facility in a manner which minimizes the possibility of a fire, explosion, or any unplanned, sudden or non-sudden release of a hazardous waste or hazardous waste constituents to air, soil, surface waters or groundwater which could threaten human health or the environment. Safety-Kleen shall take all actions necessary to minimize these threats by implementing the applicable provisions of the Preparedness and Prevention Plan (Appendix G) of this permit.

- 5.3 In the event of a fire, explosion, or any unplanned sudden or non-sudden release of a hazardous waste or its constituents to air, soil, surface waters or groundwater which could threaten human health or the environment, Safety-Kleen shall take all actions necessary to minimize the threat by implementing the applicable provisions of the Security Plan (Appendix D) and the Contingency Plan (Appendix H) of this permit.
- 5.4 Safety-Kleen shall immediately carry out the provisions of the Contingency Plan contained in Appendix H of this permit whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.
- 5.5 Spills, leaks, drips and other discharges which may occur as a result of the storage, loading, transfer, or other handling of hazardous waste shall be immediately cleaned up and collected by appropriate means. Any spill debris generated from such events shall be managed in accordance with this permit and the VHWMR.
- 5.6 Safety-Kleen shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing, or may lead to, release of hazardous waste constituents to the environment, or a threat to human health. Safety-Kleen shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. At a minimum, Safety-Kleen shall follow the facility inspection schedules contained in Section 4 of this permit.
- 5.7 Safety-Kleen shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action shall be taken immediately in accordance with the Contingency Plan contained in Appendix H of this permit.
- 5.8 Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 5.9 All monitoring equipment required by this permit shall be properly installed, used and maintained, and the appropriate monitoring methods used.
- 5.10 Safety-Kleen is allowed to receive, store, treat and/or transfer for disposal, hazardous wastes from the sources listed in the Waste Analysis Plan (Appendix C) of this permit. Receipt of hazardous wastes from any other sources or the conduct of hazardous waste treatment, storage, or disposal activities other than those specified in this permit is prohibited.
- 5.11 Safety-Kleen may receive from off-site, store, treat and/or transfer for disposal, only those hazardous wastes specified in Waste Types and Characteristics (Appendix A) of this permit.
- 5.12 Safety-Kleen shall store, treat and/or transfer for disposal hazardous waste only in those areas specified in Facility Description (Appendix B) of this permit.

- 5.13 The maximum quantity of hazardous waste that may be stored in the facility at any point in time shall be:
- 14,250 gallons in the above-ground used solvent tank (HWMU #1/Tank # 3)
  - 14,250 gallons in the above-ground used oil tank (Tank #1)
  - 3,500 in the warehouse USDOT transfer waste room (HWMU #3)
  - 1,800 gallons in the warehouse flammable storage room (HWMU #4)
  - 2,184 gallons in the flammable storage shed (HWMU #5) and,
  - 200 gallons in the wet dumpster.
- 5.14 Safety-Kleen shall maintain aisle space between rows of containerized hazardous wastes stored at the facility that is sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment. In no circumstance shall the aisle space be less than twenty-four (24) inches wide.
- 5.15 Safety-Kleen shall manage all containerized hazardous waste stored at the facility in accordance with the procedures contained in Management of Waste in Containers (Appendix K) in this permit.
- 5.16 Safety-Kleen shall manage all bulk liquid hazardous waste stored at the facility in accordance with the procedures contained in Management of Waste in a Tank (Appendix L) of this permit.
- 5.17 Safety-Kleen shall maintain at the facility the equipment listed in the Contingency Plan (Appendix H) of this permit.
- 5.18 Safety-Kleen shall prevent the unknowing entry of, and shall minimize the possibility for unauthorized entry of persons or livestock onto any portion of the facility. Safety-Kleen shall maintain security devices and warning signs in accordance with the Security Plan (Appendix D) of this permit.
- 5.19 Safety-Kleen must manage transfer wastes in accordance with the VHWMR § 7-404.
- 5.20 The above-ground used oil storage tank (Tank No. 3) shall be used to store only used oil that meets the criteria of § 7-203 (n), and the definition of used oil in Subchapter 8 of the VHWMR.

## **SECTION 6 REPORTING REQUIREMENTS**

- 6.1 All applications, reports or information submitted to the Director shall be signed and certified in accordance with VHWMR § 7-108.
- 6.2 All reports, notifications, and submissions required by this permit shall be sent by certified mail with shipment tracking and receipt documentation, or given to:

Division Director  
Waste Management Division  
Vermont Department of Environmental Conservation  
103 South Main Street - West Office Building  
Waterbury, Vermont 05671-0404

- 6.3 Monitoring reports shall be provided at the intervals specified elsewhere in this permit.
- 6.4 Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- 6.5 Reporting Noncompliance.
- (a) Safety-Kleen shall orally report any noncompliance which may endanger health or the environment immediately upon Safety-Kleen becoming 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 at the 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 Safety-Kleen becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Secretary may waive the five day written notice requirement in favor of a written report within 15 days.
- 6.6 If a significant discrepancy in a manifest is discovered, Safety-Kleen must attempt to reconcile the discrepancy. If not resolved within 15 days, Safety-Kleen must submit a letter report, including a copy of the manifest, to the Director (see VHWMR § 7-704(g)).

- 6.7 An unmanifested waste report must be submitted to the Director within 15 days of receipt of unmanifested waste. (see VHWMR § 7-704(h)).
- 6.8 A biennial report must be submitted covering facility activities during odd-numbered calendar years. (VHWMR § 7-708(b)).
- 6.9 Safety-Kleen shall report all instances of noncompliance with reporting requirements not reported under paragraphs 6.3, 6.4 and 6.5 of this permit at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph 6.5 of this permit
- 6.10 Where Safety-Kleen 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, Safety-Kleen shall promptly submit such facts or information.
- 6.11 Safety-Kleen shall submit to the Secretary a semi-annual report in accordance with 40 CFR § 264.1065, Air Emission Standards for Equipment Leaks (Appendix M) of this permit. Reports shall be submitted by July 31 and January 31 of each year, if necessary, for the periods: January through June, and July through December, respectively. If, per 40 CFR § 264.1065(b), Safety-Kleen meets the requirements therein, then submittal of a report is unnecessary.
- 6.12 Safety-Kleen shall indicate in the annual report required under VHWMR Sections 7-708 and 7-406(d)(5), the total quantity of exempt wastes which were accumulated and transported from the Safety-Kleen Barre facility during the calendar year of the report.
- 6.13 No later than March 31 of each year, Safety-Kleen shall submit to the Secretary a list of its customers in Vermont as indicated in Condition 6.14 of this permit.
- 6.14 Safety-Kleen shall provide the Director of the Waste Management Division, with a monthly report containing the following information for customers who generate less than 2,200 pounds per month of hazardous waste:
- The name and EPA site identification number or the Safety-Kleen customer identification number if no EPA site identification number is available;
  - The date of waste collection;
  - The amount of waste collected; and
  - The waste type identified by USEPA or VT waste codes and USDOT identification number.

These reports are due by the thirtieth day of each month.

## **SECTION 7 WASTE TRANSPORT**

- 7.1 Safety-Kleen shall comply with the manifest requirements of VHWMR Subchapter 7.

- 7.2 Any hazardous waste removed from the facility shall be transported by a Vermont-permitted hazardous waste transporter, in accordance with the VHWMR, to an appropriate facility.
- 7.3 Safety-Kleen shall not accept any shipment of hazardous waste which is not accompanied by a manifest, unless the waste is received from a small quantity generator where the waste is reclaimed under a contractual agreement with Safety-Kleen in accordance with VHWMR § 7-702(c), or a conditionally exempt generator who is exempt from the manifest requirements pursuant to VHWMR § 7-306(c)(3).
- 7.4 Safety-Kleen shall notify the Secretary, in writing, at least four (4) weeks in advance of the date Safety-Kleen expects to receive hazardous waste from a non-U.S. source, as required by 40 CFR § 264.12(a) and the VHWMR § 7-706. Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

## **SECTION 8 PERSONNEL TRAINING**

- 8.1 All facility personnel involved in the handling of hazardous waste shall successfully complete a program of classroom instruction or on-the-job training that prepares them to perform their duties. This introductory training shall be conducted in accordance with the Personnel Training Plan (Appendix F) of this permit.
- 8.2 All personnel shall complete their introductory training within six (6) months after the date of their employment at the facility. An employee may not work in an unsupervised position until completing the introductory training program.
- 8.3 All facility personnel involved in the handling of hazardous waste shall take part in an annual training program which includes a review of the introductory training program. The annual training shall be conducted in accordance with the employee training program described in the Personnel Training Plan (Appendix F) of this permit.

## **SECTION 9 FACILITY CLOSURE**

- 9.1 Safety-Kleen shall close the facility in a manner that eliminates threats to human health or the environment due to the post-closure escape of a hazardous waste or its constituents, directly or through leachate or surface run-off, or the escape of waste decomposition products to the ground or surface waters or ambient air. At a minimum, closure shall be conducted in accordance with the Closure Plan (Appendix I) of this permit. The Closure Plan shall be amended whenever changes in operations or facility design affect the plan, or when there is a change in the expected year of closure.

- 9.2 Safety-Kleen shall maintain a written estimate of the cost of closing the facility and shall amend that estimate whenever there is an amendment to the existing Closure Plan (Appendix I) of this permit. Any amended closure cost estimate shall be equal to the cost of closing the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated in the Closure Plan.
- 9.3 Safety-Kleen shall annually update the closure cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instrument used to comply with 40 CFR 264.143 per 40 CFR 264.142(b).
- 9.4 Safety-Kleen shall notify the Director in writing of its intent to close the facility at least six (6) months prior to the date on which it expects to begin final closure.
- 9.5 Within three (3) months after receiving the final volume of hazardous waste, Safety-Kleen shall remove all waste from the facility in accordance with the Closure Plan (Appendix I) of this permit. Within six (6) months after receiving the final volume of waste at the facility, Safety-Kleen shall complete all closure activities in accordance with the Closure Plan.
- 9.6 Facility closure shall not be considered to have been completed until:
- (a) Safety-Kleen and an independent Vermont-licensed professional engineer have provided written certification that the closure has been completed in accordance with the provisions of the Closure Plan (Appendix I) of this permit;
  - (b) The Secretary has inspected the facility, and;
  - (c) The Secretary has given written approval of the closure.
- 9.7 Any work plans developed for the purposes of closure, post-closure, or corrective action shall be approved by the Secretary prior to implementation.

## **SECTION 10 FINANCIAL REQUIREMENTS**

- 10.1 Safety-Kleen shall maintain liability coverage for claims arising from sudden and accidental occurrences, which occur as a result of the operations of the facility, that cause injury to persons and property in an amount of at least one million dollars (\$1,000,000) per occurrence with an annual aggregate of at least two million dollars (\$2,000,000) until closure of the facility has been completed. This liability coverage must be equivalent to the coverage held by Safety-Kleen at the time of issuance of this permit, as evidenced by the documents contained in Appendix J of this permit.
- 10.2 Safety-Kleen shall demonstrate liability coverage for claims arising from sudden and accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs. This liability coverage shall be demonstrated using one of the financial assurance instruments specified in 40 CFR 264.147(a). Documentation of proof of insurance shall be included in the Financial Requirements (Appendix J) of this permit.

- 10.3 Safety-Kleen shall demonstrate its capability to close the facility at any time by providing documentation of financial assurance in one of the instruments described by 40 CFR 264.151 in at least the amount of the cost estimates required by Condition 9.2 of this permit.
- 10.4 Safety-Kleen shall maintain financial assurance provisions for proper closure of the facility which are:
- (a) Equivalent to the provisions in place at the time of issuance of this permit, as evidenced by the documents contained in Appendix J of this permit; and,
  - (b) In accordance with the requirements of 40 CFR § 264.143 until closure has been completed.
- 10.5 Any changes in the financial assurance mechanism must be approved by the Secretary.
- 10.6 Safety-Kleen must notify the Director by certified mail of the commencement of any voluntary or involuntary proceeding under Title 11, U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.
- 10.7 In the event of the bankruptcy of or suspension of issuing authority of the trust fund trustee or trustee institution issuing any surety bond, letter of credit or insurance policy required by this permit, Safety-Kleen must establish other financial assurance or liability coverage within 60 days after the event and in accordance with Condition 10.5 of this permit.

## **SECTION 11 CORRECTIVE ACTION**

- 11.1 If Safety-Kleen determines that hazardous constituents have been released to the environment at Safety-Kleen Barre, or that there is a likelihood of a release of hazardous constituents to the environment, then Safety-Kleen shall immediately notify the Director of any such release, and comply with the applicable requirements of the VHWMR § 7-105, and 40 CFR Part 264 Subparts F and S.
- 11.2 In the event of a release at Safety-Kleen Barre, Safety-Kleen shall report and conduct an assessment of the release in accordance with VHWMR § 7-105. Information submitted must be sufficient to determine whether further investigation is necessary.
- 11.3 Corrective action may be required beyond the facility's boundary if the Secretary determines that it is necessary to protect human health and the environment.

## **APPENDICES**

APPENDIX A	WASTE TYPES AND CHARACTERISTICS
APPENDIX B	FACILITY DESCRIPTION
APPENDIX C	WASTE ANALYSIS PLAN
APPENDIX D	SECURITY PLAN
APPENDIX E	INSPECTION PLAN
APPENDIX F	PERSONNEL TRAINING PLAN
APPENDIX G	PREPAREDNESS AND PREVENTION PLAN
APPENDIX H	CONTINGENCY PLAN
APPENDIX I	CLOSURE PLAN
APPENDIX J	FINANCIAL REQUIREMENTS
APPENDIX K	CONTAINER MANAGEMENT PLAN
APPENDIX L	TANK MANAGEMENT PLAN
APPENDIX M	AIR EMISSION STANDARDS