

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

NOTICE OF FINAL LICENSE DETERMINATION

In Re: Issuance of Final Hazardous Waste Facility License # 23B-07

Issued To: Murphy's Waste Oil Services, Inc.
252 Salem Street
Woburn, MA 01801
EPA ID Number MAD066588005

On September 27, 1993, the Department of Environmental Protection (Department) issued a five-year license to Murphy's Waste Oil Services, Inc. (Murphy's). On November 20, 1998, Murphy's submitted a license renewal application to allow the company to continue hazardous waste facility operations at its site in Woburn, MA, until a final license determination is made by the Department.

Following technical review of the application, the Department prepared a draft license. Public Notice of the draft was given in the Woburn Daily Times Chronicle and on the MassDEP website on March 9, 2007.

Copies of the draft license were available for public review at the Woburn Public Library, the Woburn Board of Health, the Department's Wilmington and Boston Offices and the U.S. Environmental Protection Agency Region I New England Office in Boston.

The public comment period extended from March 9, 2007 through April 23, 2007. During the 45-day comment period, the Department did not receive any written comments specific to the terms and conditions of the draft license as issued. No changes have been made to the draft license.

The Department grants Murphy's Waste Oil Services, Inc. a final hazardous waste facility license.

The final license shall become effective twenty-one (21) days after the date of this notice of final determination, unless a request for an adjudicatory hearing is made pursuant to M.G.L. c. 21C and c. 30A, and 310 CMR 1.00.

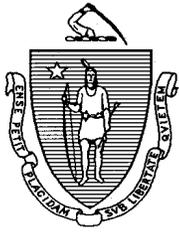
Any person aggrieved by this decision may request an adjudicatory hearing before the Department pursuant to the "Appeal Rights and Time Limits" procedures attached to this notice.

[SIGNATURE ON ORIGINAL]

5/4/2007

Date: _____

Steven A. DeGabriele, Director
Business Compliance Division
Bureau of Waste Prevention



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FACT SHEET
Murphy's Waste Oil Services, Inc.
252 Salem Street
Woburn, MA 01801
EPA ID No. MAD066588005
Draft Hazardous Waste Facility License (renewal)

March 2007

This fact sheet summarizes the content of the Draft Hazardous Waste Management License (Draft License) prepared by the Department of Environmental Protection ("Department") for Murphy's Waste Oil Services, Inc. (Murphy's), pursuant to M.G.L. c. 21C and 310 CMR 30.000. This Fact Sheet was prepared in accordance with the provisions of 310 CMR 30.832, "Draft Facility License."

I. Purpose of the Licensing Process

The purpose of the licensing process is to afford the Department, the U.S. Environmental Protection Agency (EPA), local government, and citizens the opportunity to evaluate the ability of a license applicant to comply with the applicable hazardous waste management regulations promulgated under M.G.L. c. 21C and 310 CMR 30.000.

Facilities which treat, store and/or dispose of hazardous waste must be designed and safely operated to protect the people of Massachusetts from the dangers of improperly handled hazardous waste. Stringent licensing requirements are intended to ensure that those who accept hazardous waste are qualified to do so. Before issuing a hazardous waste facility license, pursuant to M.G.L. c. 21C and 310 CMR 30.000, the Department is required to prepare a draft license. The draft license sets forth in one document all the applicable requirements that a licensee is required to comply with during the 5-year duration of its facility license.

II. Procedures for Reaching a Final Decision

Massachusetts Hazardous Waste Regulation, 310 CMR 30.833, requires that the Department shall give a public notice of the draft facility license and allow at least a forty-five (45) day public comment period. The public comment period for this draft license will begin with publication of the public notice in the Woburn Daily Times Chronicle on March 9, 2007 and will end on April 23, 2007. Any person interested in commenting on the draft license must do so within this comment period. Submit comments in writing to the:

Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division
One Winter Street, 8th Floor
Boston, Massachusetts 02108
Attention: Anna Stern

The Department will schedule an informal public hearing on the proposed draft license if during the comment period, or within 15 days of the close of the comment period, the Department receives written notice requesting an informal public hearing, or if it determines on its own that there is significant public interest in the draft license. Written and oral comments will be accepted at the hearing.

In making a final decision, the Department will consider all written comments received during the comment period, all verbal comments received at a public hearing, if held, and the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. The Department will then make a final determination to issue or deny a hazardous waste license to Murphy's.

The Department will give notice of its final license decision to Murphy's and each person who has submitted written comments or has requested notice of the final license decision. A final license decision becomes effective 21 days after the date of the notice of the decision. The final license decision will be postponed if a request for an adjudicatory hearing before the Department is made within the 21-day period.

III. Facility Description and History

A. Site Description

The facility is located on a 3.4-acre parcel of land located at 252 Salem Street in Woburn, Massachusetts in an industrially-zoned area which abuts a railway to the west, Salem Street and private residences to the south, and a wetland area to the east and north.

B. General Description

Murphy's, a wholly-owned subsidiary of Clean Harbors Environmental Services, Inc., is a RCRA Part B licensed hazardous waste (waste oil) storage and transfer facility and is authorized to conduct specification and off-specification used oil fuel marketer activities.

Physical structures located on the site include three buildings, a receiving unit and eleven aboveground tanks with associated piping, and a loading/unloading/storage pad.

The three buildings include a 1-story house which functions as the administrative office, a 3-bay garage in which oil filter and empty aerosol can recycling is conducted and waste oil from local residents is collected, and a one-story operations/utility building in which the waste oil receiving unit is located.

Of the eleven tanks, eight are authorized for the storage of waste oil. Each tank is equipped with appropriate instrumentation to measure product levels, prevent tank overfilling, and control the temperature of the liquids being stored. Piping, valves, and pumps allow the receipt, storage, and transfer of waste oil between the tanks and transport vehicles. The remaining three tanks are not part of Murphy's waste oil storage system.

The truck loading/unloading and roll-off/drum storage pad is located adjacent to the operations/utility building and the waste oil storage tanks.

Secondary containment for the waste oil storage tanks and the adjacent truck loading/unloading and roll-off/drum storage pad is provided by a concrete-diked basin coated with a chemical-resistant sealant and equipped with liquid collection sumps. A steel roof structure and foam fire suppression system cover the pad and storage tanks.

C. History

The site has been used since the early 1920's for the storage and handling of virgin and used petroleum hydrocarbons. Murphy's has been active at the site since the mid-1970's. In February 1989, Clean Harbors Environmental Services, Inc. acquired Murphy's and began leasing the property on which the facility is located from Old Oil Realty Trust.

Murphy's currently operates under Part B Hazardous Waste Facility License No. 23/B, issued by the Massachusetts Department of Environmental Protection on September 27, 1993.

Under the renewal license, there will be several improvements to both the facility and its operational capabilities:

- Paving from the front gate to the facility will be installed, thereby decreasing the possibility of the soil and groundwater being impacted in the event a leak occurs from a truck entering or leaving the facility.
- Demulsification of oil/water mixtures will increase the amount of oil that is

reclaimed.

- Designation of one of the facility's storage tanks for the storage of non-hazardous waste antifreeze will increase the amount of waste antifreeze the facility is able to receive and send off-site for recycling.
- A management plan for complying with the U.S. EPA's RCRA air regulations (Subparts AA, BB, and CC) will help reduce/prevent potential air pollution.
- Storage of oily wastes and/or wastewaters in drums on the facility's truck pad will increase the facility's ability to service generators who do not produce large volumes of wastes.
- Storage of non-hazardous wastewaters in the facility's tanks will increase the facility's ability to provide generators with proper management options for their non-hazardous wastewaters.
- A management plan with specific provisions and safeguards for conducting truck-to-truck transfer operations in a safe and efficient manner.

D. Hazardous Wastes That May Be Accepted

The following types of hazardous waste are received and stored at the facility:

<u>Waste Category</u>	<u>Description</u>
MA01	Waste Oil 310 CMR 30.131
MA98	Off-specification Used Oil Fuel 310 CMR 30.130
MA97	Specification Used Oil Fuel 310 CMR 30.130
F001 and F002 310 CMR 30.130,131	Spent halogenated solvents

NOTE: Murphy's is not authorized to accept ignitable (D001) wastes or reactive (D003) wastes, or any other waste type exhibiting the characteristic of ignitability or reactivity, except that it is authorized to accept ignitable waste oils that have a flashpoint of 100 degrees Fahrenheit or higher and that do not carry the D001 waste code.

E. Storage Schedule for Hazardous Waste

Container Storage Areas

Maximum Storage Capacity

Loading/Unloading Pad

One 15-cubic yard roll-off or 24 drums

THE COMBINED MAXIMUM STORAGE OF ALL AUTHORIZED HAZARDOUS WASTE IN CONTAINERS SHALL NOT EXCEED 15 CUBIC YARDS AT ANY ONE TIME. DRUMS MAY NOT BE STORED ON-SITE AT THE SAME TIME AS THE ROLL-OFF.

Tank Storage Area

Maximum Storage Capacity

Storage Tanks #1 – 9

121,500 gallons in total

THE COMBINED MAXIMUM STORAGE OF ALL AUTHORIZED HAZARDOUS WASTE IN TANKS SHALL NOT EXCEED 121,500 GALLONS AT ANY ONE TIME.

NOTE: THE COMBINED MAXIMUM STORAGE OF ALL AUTHORIZED HAZARDOUS WASTE IN CONTAINERS AND ALL HAZARDOUS WASTE IN TANKS SHALL NOT EXCEED 125,000 GALLONS.

F. Site Contamination and Remediation

Murphy Waste Oil Service, Inc. (Murphy's) is located on land that was contaminated by historical operations pre-dating Clean Harbors' acquisition of Murphy's and leasing of the property in February 1989. The land is also within the boundaries of the Southwest Properties of the Wells G&H Superfund Site. Primary sources of on-site petroleum contamination include land spreading of waste oils and incidental petroleum releases. Land spreading of waste oil was an approved dust control measure until the late 1970's, at which time the site occupants ceased this activity. Additionally, historical industrial activities conducted on adjacent properties are suspected of having contributed to contamination of the property on which Murphy's is located.

Murphy's has conducted site investigations, including groundwater monitoring, as required by the corrective action provisions of its 1993 Part B license. In August 2004 the United States Environmental Protection Agency assumed jurisdiction over investigations and remediation of the site under the Comprehensive Environmental Response and Compensation Liability Act (CERCLA), the Federal Superfund Law. Murphy's will continue to actively investigate and monitor site conditions under the provisions of its new license, as well as CERCLA Superfund Laws and 310 CMR 40.0000 (the Massachusetts Contingency Plan).

IV. Summary of License Conditions

In order to operate a hazardous waste management facility in Massachusetts, a licensee must comply with the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000, and all other applicable State and Federal statutes and regulations. These requirements are clearly stated in the terms and conditions of the license, and failure to comply with them will result in suspension or revocation of the license or other enforcement actions by the Department and/or the Office of the Attorney General.

The licensee must properly operate and maintain the facility to prevent any actual or potential threat to the public health, safety, or welfare, or to the environment. In addition, the licensee shall act to prevent all actual and potential adverse impacts to persons and the environment resulting from non-compliance and will be responsible to pay for all damages caused by such non-compliance.

The licensee must provide records of activities to the Department, allow inspections, and inform the Department of any changes in activities or to the facility. In all cases, it will be the obligation of the licensee to meet the burden of proof to persuade the Department that the applicant is competent with respect to hazardous waste activities. All documents submitted to the Department must be certified under penalty of law. In the event of an emergency, which could threaten public health, safety, welfare, or the environment, the emergency response coordinator will invoke the facility contingency plan, which includes notification to the Department's Northeast Regional office in Wilmington.

V. License Organization

The draft license is organized into two parts: Part I, Facility Operating Conditions; and Part II, Facility Management Requirements. Part I contains 4 sections, which describe general license conditions, specific conditions, use and management of containers, and storage and treatment in tanks. Part II contains 13 sections, which describe facility management requirements for:

- required notices
- manifest system
- record keeping and reporting
- ignitable, reactive and incompatible waste
- waste analysis plan
- security plan
- inspection plan
- training plan
- preparedness and prevention
- contingency plan
- closure plan
- financial responsibility
- additional federal requirements

VI. Location of Available Information

A copy of the Murphy's draft license and additional copies of this Fact Sheet will be available at:

Department of Environmental Protection
Business Compliance Division
Bureau of Waste Prevention
One Winter Street, 8th Floor
Boston, MA 02108
Anna Stern
(617) 292-5904

Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887
Ed Pawlowski
(978) 694-3200

Environmental Protection Agency
New England - Region I
1 Congress St., Suite 1100
Boston, MA 02114-2023
Sharon Leitch
(617) 918-1647

Woburn Public Library
Reference Department
45 Pleasant Street
Woburn, MA 01801
(781) 933-0148

Woburn Board of Health
Woburn City Hall
10 Common Street
Woburn, MA 01801
John Fralick
(781) 932-4408

Woburn Fire Department
124 Main Street
Woburn, MA 01801
Chief Paul Tortalano
(781) 932-4580

VII. Appeal Procedures

Pursuant to Massachusetts General Law (MGL) Chapter 21C, Section 11, any person aggrieved by a determination by the Department to issue or deny a license, and has legal standing to do so, may request an adjudicatory hearing before the Department. For the purposes of 310 CMR 30.000, an "aggrieved person" shall be deemed to be any person who is or may become a "party" or "intervener" pursuant to 310 CMR 1.00. A person aggrieved by a final decision in any adjudicatory proceeding may obtain judicial review thereof pursuant to the provisions of M.G.L. c. 30A. This license is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the Notice of Final License Decision.

CONTENTS OF HEARING REQUEST

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

FILING FEE AND ADDRESS

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA. 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXCEPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

This Fact Sheet was prepared by the MA DEP Business Compliance Division, Bureau of Waste Prevention. For additional information contact Anna Stern at (617) 292-5904.