



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

LAURIE BURT  
Commissioner

**NOTICE OF FINAL LICENSE DETERMINATION**

IN RE: Issuance of Final Hazardous Waste Facility License Number 21B/10

ISSUED TO: Safety-Kleen Systems, Inc., Salisbury  
90 Rabbit Road  
Salisbury, MA 01952  
EPA ID NUMBER: MAD060095569

Safety-Kleen Systems, Inc., Salisbury (Safety-Kleen) is a hazardous waste storage facility operating under the terms of Massachusetts Hazardous Waste Facility License Number 21B/92, issued by the Massachusetts Department of Environmental Protection ("MassDEP"). Earlier this year, after completing a technical review of Safety-Kleen's application for a license renewal, MassDEP prepared a draft license. MassDEP provided the public with a 45-day period to comment on the draft license pursuant to the public participation requirements cited in 310 CMR 30.800. The comment period started on July 9, 2010 and ended on August 23, 2010. Notice of the draft license was given in The Newburyport Daily News on July 9, 2010, and copies of the draft license were available for public review at the Salisbury Board of Health, the Salisbury Public Library, MassDEP's Wilmington and Boston Offices and the USEPA New England - Region I Office in Boston.

During the comment period MassDEP received written comments from USEPA- Region I dated August 5, 2010, which were considered in the MassDEP's license determination.

Changes to the draft license in response to public comments and other minor revisions initiated by the MassDEP are included in Attachment A as revised pages. The revised pages shall be incorporated into the draft license. Incorporation of these pages into the draft license constitutes the final hazardous waste license.

After review of all comments, and after due consideration, the MassDEP hereby grants Safety-Kleen a final hazardous waste facility license, Number 21B/10.

The final license is available for public review at the locations listed in the attachment to this notice.

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

The final license shall become effective either: (a) twenty-one (21) days after the date of this notice of the final license determination pursuant to 310 CMR 30.838(1), unless the final license determination is appealed during the 21 day period; or (b) at the conclusion of the adjudicatory hearing process, pursuant to M.G.L. c.21C and c. 30A, and 310 CMR 1.00.



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

9/30/10

Date

Attachments: Appeal Rights and Time Limits  
License Review Locations



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## SUMMARY RESPONSE TO COMMENTS

MassDEP received written comments from one commenter, the USEPA-Region I, during the comment period that began on July 9, 2010, and ended on August 23, 2010. The following is a summary of those comments (in bold type) accompanied by MassDEP's response to each comment, and also attached are changes made to the license based upon those comments.

- 1. COMMENT #1: Section B, Specific License Conditions, page 16-17, item 2.c., Temporary Staging of Containers of Hazardous Waste Prior to Loading and Unloading. This section of the license generally discusses the procedures to follow to allow the temporary staging of hazardous waste at the facility in the "Container Staging Area" prior to it being placed in/taken out of the licensed hazardous waste storage area, which is identified in this section as the "Container Storage Area". The procedures that must be followed for this temporary staging are found in SOP #5, which is in an attachment to the license. These procedures specify that containers can only be stored in the temporary staging area for up to four hours; the section of Specific Conditions cited above does not mention the 4-hour limit which is a little confusing. Attachment XI, section 11.2.8 (page 11 of 22) of the license also discusses the procedures to follow for temporary staging and does mention the 4-hour time limit.**

**In order to be clear and consistent, the language in Section B. 2.c. should be similar to the language in section 11.2.8 of Attachment XI and mention the 4-hour limit.**

For clarity and consistency, Section B, Specific License Conditions, item 2c., Temporary Staging of Containers of Hazardous Waste Prior to Loading and Unloading, will be revised to include the 4-hour limit provision.

2. **COMMENT #2: Section B, Specific License Conditions, page 18, item 2.g., Used Fuel Oil Management does not identify the areas of the facility where these materials can be stored, however, other items in Section B do discuss where wastes other than hazardous wastes, such as Class A Regulated Recyclable Materials, can be stored. The section of Attachment XI (page 17 of 22) that discusses the waste oil collection procedures identifies the areas in the facility where used oil can be stored. To be more consistent item 2.g. should also mention these areas (the waste container storage area or under the Truck-to-Truck Transfer Plan).**

Section B, Specific License Conditions, item 2.g., Used Fuel Oil Management, will be revised to include the following provision:

“Containers of used oil fuel can be stored in the Hazardous Waste Container Storage Area or managed under the Truck-to-Truck Transfer Plan”.

3. **COMMENT #3: Section B, Specific License Conditions, page 40, Inspection Plan and Procedures, part 3(d) requires at least weekly inspections of the container storage areas, whereas Attachment II, General Inspection Plan, section 2.2 requires daily inspections of these areas. The Specific Conditions should be consistent with the Attachment II procedures and clearly state that daily inspections are required of these areas.**

Page 40, Inspection Plan and Procedures is not included in Section B, Specific License Conditions, as stated in the comment, but rather is included in Section K of Part II, Facility Management Requirements. The language therein restates the regulatory requirement of weekly inspections for hazardous waste container storage areas. However, the Licensee has included daily inspections of its hazardous waste storage areas in Attachment II, General Inspection Plan, and therefore is required to conduct those daily inspections.

4. **COMMENT #4: Attachment V, Closure Plan and Financial Responsibility, page 9 discusses the decontamination of the hazardous waste storage tank containment area. It states that if a potential release occurs to the subsurface surrounding the tank, then the soil surrounding the area will be sampled. It is my understanding that this tank is in the groundwater, so sampling of the groundwater should also be required if a release has occurred. Page 12 of this same section addresses the management of contaminated media during closure and should also include a requirement for the sampling of the groundwater if a release has occurred. Also, Table 5-1, Facility Closure Sampling in Attachment V (Exhibit V-F) identifies the EPA test methods the facility should use for sampling. Some of these test methods are now obsolete and have been replaced with new ones. The license should somehow reflect these changes.**

Attachment V, Closure Plan and Financial Responsibility, will be revised to include groundwater sampling requirements and management of contaminated media during closure for groundwater, if a release has occurred from the hazardous waste storage tank. Also, Table 5-1, Facility Closure Sampling will be revised to reflect updated EPA test methods the facility should use for sampling.