UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III

STATEMENT OF BASIS

SAFETY-KLEEN SYSTEMS, INC.
NEW KINGSTOWN, PENNSYLVANIA
EPA ID # PAD 000738823

Prepared by
Office of Pennsylvania Remediation
Land and Chemicals Division
July 2017

Table of Contents

Section 1: Introduction

The United States Environmental Protection Agency (EPA) has prepared this Statement of Basis (SB) to solicit public comment on its proposed decision for the Safety-Kleen Systems, Inc. (SK) facility located at 10 Eleanor Drive New Kingstown, Pennsylvania 17072 (Facility). EPA's proposed decision is to require the Facility to 1) comply with the requirements of and 2) maintain the land and groundwater use restrictions in a June 23, 2017 Environmental Covenant. This SB highlights key information relied upon by EPA in proposing its decision for the Facility. EPA has determined that its proposed decision is protective of human health and the environment. This SB highlights key information relied upon by EPA in making its proposed decision.

The Facility is subject to EPA's Corrective Action Program under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901 et seq. (Corrective Action Program). The Corrective Action Program is designed to ensure that certain facilities subject to RCRA have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property. The Commonwealth of Pennsylvania (Commonwealth) is not authorized for the Corrective Action Program under Section 3006 of RCRA. Therefore, EPA retains primary authority in the Commonwealth for the Corrective Action Program.

EPA is providing a 30-day public comment period on this SB and may modify its proposed decision based on comments received during this period. EPA will announce its selection of a final decision for the Facility in a Final Decision and Response to Comments (Final Decision) after the comment period has ended. The Administrative Record (AR) for the Facility contains all documents, including data and quality assurance information, on which EPA's proposed decision is based. See Section 8, Public Participation, for information on how you may review the AR.

Section 2: Facility Background

The Facility is a Safety-Kleen service center for the distribution of fresh solvent products and as a storage facility for spent solvent wastes. The Facility is operating under a Pennsylvania Department of Environmental Protection (PADEP) Permit for Hazardous Waste Storage, Treatment and Disposal No. PAD000738823 issued July 13, 2007. That permit subjects the Facility to closure requirements for the currently operating hazardous waste container storage areas and tanks to address any unknown or possible future releases.

The Facility has been operational since 1977. Prior to 1977, the property was used for agricultural purposes. The area surrounding the Facility was initially rural and agricultural, but has been built up for commercial/industrial uses over the last 17 years. Adjacent and surrounding property usage includes Silver Spring ambulance service to the South, various light industrial facilities to the East, West and South, and residential properties ¼ mile to the North. The nearest surface water body is an intermittent drainage channel named Hogestown Run, located 1 mile south of the Facility.

On July 7, 1998, Safety-Kleen notified PADEP that Safety-Kleen Corporation merged with LES Acquisition, Inc. (a subsidiary of Laidlaw Environmental Services, Inc.) and the corporate name would change to Safety-Kleen Systems, Inc. The change of name to Safety-Kleen Systems, Inc. occurred on July 1, 1998.

On June 8, 2000, the Safety-Kleen Corporation filed for Chapter 11 bankruptcy. On December 28, 2012, Clean Harbors, Inc. announced the completion of its acquisition of Safety-Kleen, Inc.

A Facility location map is attached as Figure 1.

Section 3: Summary of Environmental History

3.1 Environmental Investigations and Remedial Activities

Groundwater Technology, Inc. (GTI) submitted a Closure Report to PADEP on April 2, 1993. This report discussed residual soil and groundwater impacts encountered within an Underground Storage Tank (UST) pit during removal and closure. To address the impacts, a soil vapor extraction (SVE) system was designed and installed within, and adjacent to, the former tank pit. Operation of the SVE system began in May 1996 and was shut down in January 1998. Operational and sampling data presented to PADEP in a March 10, 1998 report showed that the SVE system successfully treated the sources observed during the UST closure.

Two areas of concern were identified during a routine PADEP facility inspection in July 1998. Area 1, an approximately 10 x 10 foot area located adjacent to the return and fill dock, was suspected to have been impacted by solvents leaking from parked trucks. Area 2, an approximately 15 x 30 foot area located adjacent to the fence line, was a documented spill that occurred on August 12, 1996. Both Areas 1 and 2 were excavated, backfilled with clean fill, and covered with asphalt. Limited soil sampling was conducted during these efforts.

Additionally, on April 11, 2006, approximately 230 gallons of used solvents spilled in the asphalt parking lot during off-loading from a Safety-Kleen truck. This spill was immediately cleaned up by Safety-Kleen personnel using spill kits and booms. A total of 18 drums were used for the cleanup and transported off-site for disposal. Shaw Environmental, Inc. (Shaw) performed soil sampling in May 2006 to evaluate soil impacts from the spill. There were no exceedances of PADEP Land Recycling and Environmental Remediation Standards Act (Act 2) Medium-Specific Concentration (MSC) Statewide Health Standards (SHSs).

Site characterization activities were performed and presented in the December 2012 Final Act 2 Soil Closure Assessment to document current Facility conditions and to generate sufficient soil quality data to obtain Act 2 closure of the former UST pit, Area 1, and Area 2. Since surface soils were removed and areas backfilled with clean fill, only subsurface samples were collected and compared to PADEP Act 2 MSCs for Direct Contact Non-Residential 2-15 feet and Soil to Groundwater standards. The soil data results demonstrated attainment of the PADEP MSCs. The Final Report for Soils was approved by PADEP on December 14, 2012.

CB&I Environmental & Infrastructure, Inc. (CB&I) submitted a Final Report for groundwater closure to PADEP in February 2017. Groundwater monitoring at the Facility was initiated in 1995 and continued through 2016. Groundwater monitoring has occurred, and will continue, as a requirement of the PADEP Permit as detection monitoring system. For purposes of Act 2 and EPA Corrective Action, completion of 54 rounds of groundwater sampling occurred to demonstrate attainment of PADEP MSCs and Site Specific Standards (SSSs). Historically, two constituents of concern (COCs) in groundwater that exceeded applicable standards were chlorobenzene and benzo(g,h,i)perylene. The maximum detected Facility concentrations of

chlorobenzene and benzo(g,h,i)perylene were 200 ug/L (MSC 100 ug/L) and 9.4 ug/L (MSC 0.26 ug/L), respectively..

The most recent concentrations were 140 ug/L of chlorobenzene and non-detect for benzo(g,h,i)perylene. Groundwater data trends and modeling were presented in the February 2017 Final Report. Time trend analyses for COCs in groundwater demonstrate stable and/or decreasing trends The USEPA BIOSCREEN Natural Attenuation Decision Support System (Version 1.45 of BIOSCREEN-AT) was used to calculate groundwater concentrations of chlorobenzene and benzo(g,h,i)perylene downgradient of MW-4 at the Facility. Modeling results indicate that chlorobenzene and benzo(g,h,i)perylene will not migrate beyond the Facility boundary at concentrations in excess of the MSCs.

Groundwater non-numeric SSSs for chlorobenzene and benzo(g,h,i)perylene were selected for Act 2 attainment based on pathway elimination. Act 2 allows for pathway elimination as an acceptable approach to eliminating exposure. Pathway elimination was proposed to be implemented through a groundwater use restriction enactment in an environmental covenant.

Vapor intrusion was evaluated per PADEP's Vapor Intrusion into Buildings from Groundwater and Soil Guidance. It was determined that the pathway was incomplete due to thick epoxy-sealed concrete slab flooring present throughout the building. To eliminate any future risk of vapor intrusion exposures, Safety-Kleen proposed an engineered barrier activity and use limitation in a covenant requiring the installation of a vapor barrier under newly constructed buildings unless a vapor intrusion investigation determines it to be unnecessary.

The Final Report for Groundwater was approved by PADEP on May 10, 2017. An Environmental Covenant including the activity and use limitations described above was submitted and approved by PADEP on June 23, 2017.

3.2 EPA Assessment

The investigations discussed in the previous sections were completed under PADEP oversight pursuant to PADEP's Act 2 Program. Soil and groundwater sampling results in those reports were initially compared to Act 2 MSCs. For the COCs mentioned, direct contact soil standards are within EPA's acceptable RSL risk range for Corrective Action, and groundwater standards are equivalent to EPA's MCLs.

To address EPA comments, chlorobenzene and benzo(g,h,i)perylene site-specific standards (SSSs) for trench air and direct contact to groundwater were calculated and evaluated for construction workers in accordance with EPA guidelines and presented in the February 2017 Final Report. The calculated SSSs were 5,769 ug/L chlorobenzene and 469 ug/L for benzo(g,h,i)perylene. The most recent and historical maximum COC concentrations are well below these SSSs for Corrective Action. Therefore, the presence of residual impacts will not cause any adverse health effects to construction workers.

To address potential drinking water exposures, EPA utilized its Groundwater statistics tool attainment evaluation option to evaluate MW-4 groundwater data. Using the most recent groundwater results from 2012-2016, results showed that the 95% UCL was 100 ug/L and the trend was decreasing or statistically insignificant, signifying attainment sampling has been achieved.

EPA modeled the potential for the groundwater vapors to migrate into buildings using EPA's Vapor Intrusion Screening Level Calculator. Results showed that no constituents would cause a vapor intrusion risk or hazard. Therefore, EPA has determined that vapor intrusion into indoor air is not a concern at the Facility.

Based upon the information presented in the Act 2 Final Reports and EPA's assessment, EPA considers the releases to have been remediated appropriately and protection of human health and the environment to have been achieved.

Section 4: Corrective Action Objectives

EPA's Corrective Action Objectives for the specific environmental media at the Facility are the following:

1. Groundwater

Because the aquifer under the Facility was classified as Class II, a current or potential drinking water source, as identified in the Potential Receptor Survey presented in the February 2017 Final Report, EPA used the National Primary Drinking Water Standard Maximum Contaminant Levels (MCLs) promulgated pursuant to Section 42 U.S.C. §§ 300f et seq. of the Safe Drinking Water Act and codified at 40 CFR Part 141 as cleanup levels. As such, EPA's Corrective Action Objective for Facility groundwater is to meet MCLs for groundwater. As discussed in Section 3.2 above, EPA has determined that groundwater data shows that attainment of the MCL at the 95% UCL has been achieved at the Facility.

2. Soil

Given that the current and reasonably anticipated future use of Facility is industrial and that Facility soils have met EPA's RSL for industrial use, EPA's Corrective Action Objective for soil is:

a. Prohibit future residential use based on industrial cleanup levels and current and future use exposure assumptions.

Section 5: Proposed Remedy

EPA's proposed remedy is to require the Facility to 1) comply with the requirements of and 2) maintain the land and groundwater use restrictions in the June 23, 2017 Environmental Covenant (Covenant). EPA has determined that the Covenant is an effective and enforceable mechanism to restrict land and groundwater use. Therefore, a separate EPA Corrective Action Permit is unnecessary for the Facility.

Section 6: Evaluation of Proposed Remedy

This section provides a description of the criteria EPA used to evaluate the proposed remedy consistent with EPA guidance. The criteria are applied in two phases. In the first phase, EPA evaluates three decision threshold criteria as general goals. In the second phase, for those remedies which meet the threshold criteria, EPA then evaluates seven balancing criteria.

Threshold Criteria	Evaluation
1) Protect human health and the environment	EPA's proposed remedy for the Facility protects human health and the environment by controlling potential unacceptable risks through the implementation and maintenance of land and groundwater use restrictions at the Facility.
2) Achieve media cleanup objectives	EPA's proposed remedy has met the media cleanup objectives based on assumptions regarding current and reasonably anticipated land and water resource use(s). The remedy proposed in this SB is based on the current and future anticipated land use at the Facility as industrial.
3) Remediating the Source of Releases	In all proposed remedies, EPA seeks to eliminate or reduce further releases of hazardous wastes and hazardous constituents that may pose a threat to human health and the environment and the Facility meets this objective. Impacted source material has been removed and/or treated via SVE in the former UST tank pit, Area 1, and Area 2. Soil and groundwater sampling indicates that remediation of the source of releases has been achieved.

Balancing Criteria	Evaluation
4) Long-term effectiveness	Groundwater at the Facility is not a current or potential source of drinking water, and no down gradient users of off-site groundwater exist. Therefore, the proposed long term effectiveness of the remedy for the Facility will be maintained by the implementation of land and groundwater use controls.
5) Reduction of toxicity, mobility, or volume of the Hazardous Constituents	Reduction of toxicity, mobility, and volume has been achieved as demonstrated by the data from the groundwater monitoring and soils.
6) Short-term effectiveness	EPA's proposed remedy does not involve any activities, such as construction or excavation, that would pose short-term risks to workers, residents, and the environment.
7) Implementability	The land and groundwater use restrictions have already been implemented through the enforceable June 2017 Environmental Covenant.
8) Cost	EPA's proposed decision is cost effective. The costs associated with this proposed remedy are minimal. The costs to record an environmental covenant in the chain of title to the Facility property are minimal.
9) Community Acceptance	EPA will evaluate community acceptance of the proposed remedy during the public comment period, and it will be described in the Final Decision and Response to Comments.
10) State/Support Agency Acceptance	PA was the lead agency for the remediation at this Facility with EPA input for the Corrective Action Program. PADEP has reviewed and approved the Final Reports, the June 2017 Environmental Covenant, and associated remedial activities and use restrictions for the Facility. EPA, therefore, expects State acceptance of the proposed remedy.

Section 7: Financial Assurance

EPA has evaluated whether financial assurance for corrective action is necessary to implement EPA's proposed remedy at the Facility. Given that EPA's proposed remedy does not require any further engineering actions to remediate contamination at this time and given that the costs of implementing institutional controls at the Facility will be de minimis, EPA is proposing that no financial assurance be required.

Section 8: Public Participation

Interested persons are invited to comment on EPA's proposed decision and Permit. The public comment period will last 45 calendar days from the date that notice is published in a local newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Mr. Kevin Bilash at the address listed below.

A public meeting will be held upon request. Requests for a public meeting should be made to Mr. Kevin Bilash at the address listed below. A meeting will not be scheduled unless one is requested.

The Administrative Record contains all the information considered by EPA for the proposed decision and Permit at this Facility. The Administrative Record is available at the following location:

U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
Contact: Mr. Kevin Bilash (3LC20)
Phone: (215) 814-2796
Fax: (215) 814-3113
Email: bilash.kevin@epa.gov

Section 9: Signature

Date: 7/17/2017

_____/s/_____

Catherine A. Libertz, Director
Land and Chemicals Division
US EPA, Region III

Figure 1 – Facility Location Map
Figure 2 – Site map

Index to Administrative Record

Pennsylvania Department of Environmental Protection Permit for Hazardous Waste Storage, Treatment and Disposal No. PAD000738823 issued July 13, 2007

Final Act 2 Soil Closure Assessment, Safety-Kleen Systems New Kingstown Service Center, Shaw Environmental, Inc., December 2012

Final Report, Safety-Kleen Systems New Kingstown Service Center, CB&I Environmental & Infrastructure, Inc., August 2016, revised February 2017

EPA VISL Calculator Results, EPA - May 2017

EPA GW Statistics Tool Results, EPA – May 2017

Environmental Covenant, Safety-Kleen systems, Inc., A Clean Harbors Company - recorded June 23, 2017