



VIRGINIA DEPARTMENT OF ENVIRONMENT QUALITY

DIVISION OF LAND PROTECTION AND REVITALIZATION

OFFICE OF REMEDIATION PROGRAMS

STATEMENT OF BASIS

SAFETY-KLEEN SYSTEMS, INC.

CHESAPEAKE, VIRGINIA

EPA ID NO. VAD000737346

JUNE 5, 2012

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I. INTRODUCTION

A. Facility Name

The Virginia Department of Environmental Quality (VDEQ) has prepared this Statement of Basis (SB) for the Safety-Kleen Systems, Inc. facility located at 4545 Bainbridge Boulevard, Chesapeake, Virginia 23320 (hereinafter referred to as the Facility or Safety-Kleen).

The Facility is subject to the 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. Sections 6901 to 6992k. 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 waste constituents that have occurred at their property.

Information on the Corrective Action Program can be found by navigating <http://www.epa.gov/reg3wcmd/correctiveaction.htm>.

VDEQ has prepared this SB in cooperation with the United States Environmental Protection Agency (EPA) and is providing the opportunity for public comment and review on its proposal and the associated permit modification

B. Proposed Decision

VDEQ has reviewed all available Facility data and has determined that there are no unaddressed releases of hazardous waste or hazardous constituents from the Facility. Based on its review, VDEQ's proposed decision is that no additional characterization or remediation is necessary. VDEQ's proposed decision represents "Corrective Action Complete without Controls" as described in EPA's "Final Guidance on Completion of Corrective Action Activities at RCRA Facilities", (68 FR 8757, February 25, 2003). VDEQ has determined that its proposed decision for the Facility is protective of human health and the environment and that no further corrective action or controls are necessary at this time.

This SB summarizes information that can be found in greater detail in the work plans and reports reviewed by VDEQ and EPA, which can be found in the Administrative Record (AR).

C. Public Participation

Interested persons are invited to comment on VDEQ's proposed decision by reviewing this SB and the documents contained in the AR. The information presented in this SB can be found in greater detail in the work plans and reports submitted by the Facility to VDEQ and EPA. To gain a more comprehensive understanding of the RCRA activities that have been conducted at the Facility, VDEQ encourages the public to review these documents, which are found in the AR. A copy of the AR is available for public review,

in paper or electronic format, from the VDEQ contact person, the address and telephone number of which is provided in Section VI below.

When making a determination regarding the proposed decision, VDEQ will consider all written comments received during the comment period (see Section VII), and requirements of the Virginia Hazardous Waste Management Regulations and 40 CFR Part 124. Each person who has submitted comments will receive a written response from VDEQ. If VDEQ determines that new information or public comments warrant a modification to the proposed decision, VDEQ will modify the proposed decision or select other alternatives based on such new information and/or public comments. VDEQ is proposing to incorporate the determination of Corrective Action Complete without Controls in its modification of the Facility's Hazardous Waste Management Permit.

II. FACILITY BACKGROUND

The Safety-Kleen, Chesapeake Service Center is located at 4545 Bainbridge Boulevard in Chesapeake, Virginia. The Chesapeake Service Center has been in operation since October 1980 and the site consists of approximately 1.9 acres. The Facility is located in an urban setting and the property is zoned for General Business. Access to the Facility is controlled by a 6-foot high chain link fence, topped with three strands of barbed wire. Access into the site is through a gate at the northeast corner of the site.

Since 1980, the Facility has been providing solvent distribution, collection and reclamation services to companies primarily engaged in automobile repair, industrial maintenance, photo processing, manufacturing, and dry cleaning. The business activities conducted at the Facility relate to the leasing and servicing of Safety-Kleen parts cleaning equipment, the collection and distribution of solvents, the collection of paint wastes, and the collection and management of industrial wastes. The solvents are distributed from and returned to the service center, where separate aboveground storage tanks are utilized for the storage of clean and used parts washer solvent, and waste oil. Additional space is designated for the storage of drums containing various waste streams including both clean and used immersion cleaner, dry cleaner wastes, photographic processing wastes, and paint wastes. The stored materials are periodically removed from the Facility and transported to other facilities for reclamation or other method of disposal. No reclamation or disposal activities are performed at the Facility.

All land and buildings currently associated with the Facility are owned by Safety-Kleen. The facility consists of the following main structures. There is one building onsite containing offices and warehouse space that is used primarily for container storage. There are three (3) Class 1B metal container storage shelters onsite. One is use for container storage of permitted flammable waste and two are used for container storage of transfer waste. There is one (1) tank farm onsite that contains three (3) aboveground storage tanks, each having a capacity of 15,000 gallons. Two tanks are used for the storage of clean parts washer solvent and one for spent parts washer solvent. The return and fill station, which is on the back of the building, contains two (2) loading units that are used to transfer spent parts washer solvents to the storage tank. There is one (1) used oil / oily water management bulk container that has a capacity of 16,000 gallons. The Facility also

manages other hazardous wastes and non-regulated waste on a 10-day transfer basis. The Facility is serviced by city water and there are public sanitary/storm sewers serving the service center.

In 1991, the Facility was issued a Hazardous and Solid Waste Amendments (HSWA) Corrective Action (CA) Permit from the EPA under the HSWA of 1984 provisions of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§6901 *et seq.* Therefore, from 1991 through 2000, CA activities at the Facility were under the direction of the EPA Region III.

The Facility’s Hazardous Waste Management Permit for the Storage and Treatment of Hazardous Waste was issued by the VDEQ with an effective date of September 24, 1997, for a 10-year period until September 29, 2007, under the Virginia Hazardous Waste Management Regulations (VHWMR). Since issuance of the above Permit, the VHWMR has been amended to incorporate the requirements of the RCRA Regulations by reference and includes the regulatory requirements of the Hazardous and Solid Waste Amendments (HSWA) of the RCRA of 1984. The Hazardous Waste Management Permit was modified by the VDEQ, effective October 9, 2002, to incorporate site-wide CA requirements of the HSWA. The above Permit was administratively continued until the Permit was reissued by the VDEQ. The Facility’s Hazardous Waste Management Permit was reissued by the VDEQ with an effective date of October 30, 2008, and is valid for a 10-year period until October 30, 2018. The reissued Permit authorizes the Facility’s storage operations and incorporates site-wide CA requirements of the HSWA.

III. SUMMARY OF ENVIRONMENTAL HISTORY

Following is a list of documents contained in the AR and explanation of RCRA Corrective Action milestones that have been completed at the Facility which are relevant to VDEQ’s decision to recommend a “Corrective Action Complete Without Controls” determination:

- A Draft Preliminary Assessment (PA) Report of Safety-Kleen, Chesapeake, Virginia, prepared by Virginia Department of Waste Management, April 19, 1991.
- The Facility received a RCRA Corrective Action Permit (RCAP) from EPA Region III, effective November 4, 1991.
- A Verification Investigation (VI) Work Plan to investigate subsurface conditions at SWMU-5 and AOC-A was prepared by RMT, Inc. and submitted to the EPA Region III RCRA Programs Branch on May 1, 1992.
- The results of the VI Work Plan implementation were submitted in a Verification Investigation (VI) Report dated November 24, 1993, by Mid-Atlantic Associates, P.A. (Mid-Atlantic) to the EPA and the Commonwealth of Virginia.

- A response letter dated April 20, 1995, from the EPA disapproved the VI Report, and requested a work plan for additional investigation.
- A RCRA Hazardous Waste Management Permit was issued by VDEQ to Safety-Kleen on September 24, 1997.
- The Facility's RCRA Hazardous Waste Management Permit was modified by VDEQ effective on October 9, 2002, which incorporated site-wide CA.
- The Facility's Hazardous Waste Management Permit was reissued by the VDEQ on October 30, 2008, and is valid for a 10-year period until October 30, 2018. The reissued Permit authorizes the Facility's storage operations and incorporates site-wide CA requirements of the HSWA.
- A Confirmatory Sampling Plan (CSP) was prepared by Environmental Consulting & Technology, Inc. (ECT) and submitted to VDEQ on June 8, 2010.
- The VDEQ conditionally approved the CSP via a letter to Safety-Kleen dated June 10, 2010.
- Results of the CSP implementation were submitted to the VDEQ and the EPA in a Confirmatory Sampling Report (CSR) by ECT dated September 29, 2010.
- A VDEQ e-mail of March 24, 2011, provided conditional approval of a Confirmatory Sampling Plan Supplement, and requested several revisions and resubmittal.
- A Revised Confirmatory Sampling Plan Supplement by ECT was submitted on April 15, 2011.
- A Confirmatory Sampling Report Supplement by ECT was submitted on December 22, 2011.
- The VDEQ letter of January 17, 2012, approved the Confirmatory Sampling Report Supplement.

The Draft PA report of the Safety-Kleen, Chesapeake Facility identified four Solid Waste Management Units (SWMUs) at the Facility. The Draft PA identified the units as SWMU 1, SWMU 2, SWMU 3 and SWMU 4. The RCRA Corrective Action Permit issued in November 1991, added SWMU-5 and AOC-A to the initial 4 SWMUs identified in PA. Condition IIB of the RCAP required the submittal of a Verification Investigation (VI) Work Plan ultimately to investigate subsurface conditions at SWMU-5 and AOC-A. No subsurface investigation was required for SWMUs 1 – 4.

SWMU-5 consists of the area of the subsurface which formerly contained two 8,000-gallon capacity underground storage tanks (USTs) used for storage of spent mineral

spirits. AOC-A consists of the area of the subsurface which formerly contained two 10,000-gallon capacity USTs used for storage of product mineral spirits. These tanks were constructed of steel, and were in service until an unspecified date in 1985, when they were removed from the ground. Mineral spirits is a liquid hydrocarbon solvent used for cleaning and degreasing parts. Waste mineral spirits may contain heavy hydrocarbon compounds such as oils and greases as well as some metals. Therefore, waste mineral spirits may be considered hazardous if they exhibit the characteristics of toxicity as defined in 40 CFR 261.24.

The VI Work Plan was prepared by RMT, Inc. and submitted to the EPA Region III RCRA Programs Branch on May 1, 1992. Within the scope of the VI Work Plan, Mid-Atlantic performed the VI activities at the Chesapeake Facility in early November of 1993. The results of the VI were submitted in a Verification Investigation Report (November 24, 1993) by Mid-Atlantic to Region III of the EPA as well as the Commonwealth of Virginia. An April 20, 1995, response letter from the EPA disapproved the VI Report, and requested a work plan for additional investigation.

In subsequent years, various work plans were prepared and submitted to the EPA and/or the VDEQ, but none of those work plans were ever approved or implemented until 2010. With guidance from the VDEQ, a Confirmatory Sampling Plan (CSP) was prepared by Environmental Consulting & Technology, Inc. (ECT) and submitted to VDEQ on June 8, 2010. The VDEQ conditionally approved the CSP via a letter to Safety-Kleen dated June 10, 2010.

Results of the CSP implementation were submitted to the VDEQ and the EPA in a Confirmatory Sampling Report (CSR) by ECT dated September 29, 2010. As reported in the CSR, the specific objective of the investigation was to determine whether any releases have occurred that pose a threat to human health or the environment at the Facility. As requested by VDEQ, in 2010 Safety-Kleen performed a detailed review of Facility records pertaining to SWMUs. Based on the evaluation of Facility records, Safety-Kleen determined there had been no new SWMUs discovered since submittal of the most recent renewal permit application (March 2007), and that Table V.A-1 in the current permit accurately listed the existing SWMUs. Therefore, per the stated objective, the investigation was designed to determine whether any releases have occurred (that pose a threat to human health or the environment) from SWMU-5 and AOC-A, both of which are combined as Unit 8 (“Location of Former Parts Washer Solvent USTs”) on the current permit list of waste management units (Table V.A-1).

The soil sampling included collection of three soil samples, and the groundwater sampling included the installation of one monitoring well, MW-1, and the collection of one groundwater sample from the monitoring well. All soil and groundwater samples were laboratory analyzed for: volatile organic compounds (VOCs) according to EPA Method 8260B; semi-volatile organic compounds (SVOCs) according to EPA Method 8270D; and the metals cadmium, chromium (trivalent and hexavalent), and lead. The laboratory analytical results showed that various metals and organic compounds were detected at very low concentrations in one soil sample and in the groundwater sample.

The VDEQ expressed concerns that soil impacts were identified that exceeded the migration to groundwater pathway screening criteria. To address this concern Safety-Kleen agreed to conduct supplementary sampling and analysis of groundwater from the existing monitor well (MW-1). Therefore, a Confirmatory Sampling Plan Supplement was prepared and submitted and a VDEQ correspondence dated March 24, 2011 (via e-mail) provided Conditional Approval of the CSPS, and requested several revisions. That resulted in submittal of the April 15, 2011 Revised Confirmatory Sampling Plan Supplement, which was the final Sampling Plan for groundwater.

Implementation of the April 15, 2011, Sampling Plan resulted in submittal of the December 22, 2011, Confirmatory Sampling Report Supplement (CSRS) by ECT that reported the results from four groundwater monitoring events completed during 2011. The groundwater results indicated that no constituent was detected above the screening criteria in any sample from any of the four monitoring events. The supplemental results, combined with previously submitted information (described above), indicate that existing soil and groundwater conditions do not pose a threat to human health or the environment. The VDEQ letter of January 17, 2012, approved the Confirmatory Sampling Report Supplement. All investigations required under the CA program have been completed at the Safety-Kleen Chesapeake Facility.

IV. ENVIRONMENTAL INDICATORS

Under the Government Performance and Results Act (“GPRA”), EPA has set national goals to address RCRA corrective action facilities. Under GPRA, EPA evaluates two key environmental clean-up indicators for each facility: (1) Current Human Exposures Under Control and (2) Migration of Contaminated Groundwater Under Control. The Facility met these indicators on September 15, 2008.

V. FINANCIAL ASSURANCE

Since no further investigations or corrective actions are anticipated based on the available information, financial assurance for corrective action is not required for the Facility.

VI. PUBLIC PARTICIPATION

Interested persons are invited to comment on VDEQ’s proposed decision. The public comment period will last sixty (60) calendar days from the date the notice is published in a local newspaper. Comments may be submitted by mail, fax, e-mail, or phone to Mr. Ryan J. Kelly at the address listed below.

A public meeting will be held no earlier than fifteen (15) calendar days from the date the notice is published in a local newspaper. The Administrative Record contains all the information considered by VDEQ for its proposed remedy for the Facility. To receive a copy of the Administrative Record, contact Mr. Ryan J. Kelly at the address below:

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