

# RCRA COMPLIANCE HISTORY

Safety-Kleen Systems, Inc. UTD980957088

1066 South Pioneer Road

Salt Lake City, Utah 84104

---

**ACTION:** **WARNING LETTER** issued December 14, 2020

**ISSUES:** Hard copy Driver's Log/Field QC records documenting inspections of waste at the time of pickup for February, March, and April 2020, could not be located/were not available onsite during the inspection

On August 3, 2020, Safety-Kleen submitted a revised Certificate of Insurance for Closure and/or Post-Closure Care, indicating that the insurance provider guaranteeing financial assurance for closure had changed from Indian Harbor Insurance Company to Great American Insurance Company. At the time of this submittal, the permit specified that Indian Harbor Insurance Company was the current closure insurance provider and required that changes in closure insurance providers be approved via the permit modification process. No modification request was submitted in connection with this change in insurance providers.

On October 30, 2020, Safety-Kleen submitted an updated Hazardous Waste Facility Certificate of Liability Insurance in response to the permit requirement to annually submit a new certificate. This submittal showed a change in liability insurance providers from Indian Harbor Insurance Company to Great American Insurance Company. At the time of this submittal, the permit specified that Indian Harbor Insurance Company was the current liability insurance provider and required that changes in hazardous waste liability insurance providers be approved via the permit modification process. No modification request was submitted in connection with this change in insurance providers.

**RESOLUTION:** Correspondence received January 21, 2021, specified actions taken or to be taken to address the issues.

**ACTION:** **WARNING LETTER** issued December 14, 2018

**ISSUES:** Facility inspection logs had elements that were not applicable to the Salt Lake Branch and in some cases these items were being indicated as passing when inspections were performed

The Subpart BB tank equipment inspection form being used indicated to inspect all of the tagged and non-tagged tank system BB equipment points per the plan area, but there was no evidence that the BB drawing or a BB equipment list was used to conduct the inspection and include all of the BB equipment specified in the permit

Inspections of the container storage areas and tank on 6/26/18 did not record the container count and tank volume

Storage tank volumes on inspection forms for 7/19/18 and 7/20/18 were suspect and Safety-Kleen indicated the inspector that day may not have had sufficient training to conduct the inspection properly

When a paper form was used to conduct certain inspections, the pass/fail items on the form were pre-populated with a printed "pass" in the result field  
The permit still contained provisions suggesting Aqueous Parts Washer solvent is considered hazardous waste and subject to annual waste characterization sampling, a practice Safety-Kleen had discontinued

RESOLUTION: Correspondence received January 16, 2019, specified actions taken or to be taken to address the issues.

ACTION: **WARNING LETTER** issued October 5, 2017

ISSUES: Incorrect designated facility name used on certain outbound manifests from February 17, 2015 through July 12, 2017

RESOLUTION: Correspondence received October 23, 2017, specified action taken to resolve the issue.

ACTION: **NO COMPLIANCE INSPECTION REQUIRED IN 2017**

ISSUES: N/A

ACTION: **WARNING LETTER** issued December 6, 2016

ISSUES: Driver's inspection log not signed by the branch manager or designee  
Safety-Kleen driver signing the driver's inspection log as both the driver and the branch designee  
Safety-Kleen employee did not receive required introductory training within six months of starting employment  
Two containers in storage had the same waste tracking number on labels  
A subpart BB equipment item, the north drum washer recirculation pump, was not physically located at the facility as indicated on a permit drawing  
A permit-required monthly submittal of manifests was not properly signed and certified  
Facility has been calculating the annual inflation factor for closure cost adjustments using data nearly a year old

RESOLUTION: Correspondence received December 27, 2016, specified actions taken to resolve the issues.

ACTION: **NO COMPLIANCE INSPECTION REQUIRED IN 2015**

ISSUES: N/A

ACTION: **WARNING LETTER** issued December 18, 2014

ISSUES: Driver's inspection log not signed by the branch manager or designee  
Results of the annual tank inspection and certification not submitted to the Director by July 1st  
Missing portable safety eyewash  
Two containers in storage had the same waste tracking number on labels

RESOLUTION: No further response was required at the time the warning letter was issued as the issues were one-time or limited occurrences or had been corrected at the time of the inspection.

**ACTION:** **NO COMPLIANCE INSPECTION REQUIRED IN 2013**  
**ISSUES:** N/A

**ACTION:** **WARNING LETTER** issued December 12, 2012  
**ISSUES:** Driver's inspection log not signed by the branch manager or designee  
Failure to maintain emergency equipment at the locations designated by the permit  
Safety eyewash not operational  
**RESOLUTION:** No further response was required at the time the warning letter was issued as the issues were one-time or limited occurrences or had been corrected at the time of the inspection.

**ACTION:** **NO COMPLIANCE INSPECTION REQUIRED IN 2011**  
**ISSUES:** N/A

**ACTION:** **COMPLIANCE INSPECTION CONDUCTED** on September 30, 2010  
**ISSUES:** No issues identified

**ACTION:** **NO COMPLIANCE INSPECTION REQUIRED IN 2009**  
**ISSUES:** N/A

**ACTION:** **WARNING LETTER** issued December 4, 2008  
**ISSUES:** Driver's inspection logs not signed by the branch manager or designee  
Failure to visually inspect/document the inspection of each container of waste, prior to acceptance, at the customer's location  
Incorrect waste codes used on outbound manifests  
Failure to inspect Subpart BB equipment each operational day  
**RESOLUTION:** No further response was required at the time the warning letter was issued as the issues were one-time or limited occurrences or had been corrected at the time of the inspection.

**ACTION:** **WARNING LETTER** issued December 27, 2007  
**ISSUES:** Driver's inspection log not signed by the branch manager or designee  
Safety eyewash not operational  
Subpart BB tags on equipment did not match permit drawing  
**RESOLUTION:** No further response was required at the time the warning letter was issued as Safety-Kleen rendered the eyewash operational during the inspection and fixed the leak in the system the next day. Subpart BB tags were relocated to the permit-required locations during the inspection.

**ACTION:** **WARNING LETTER** issued December 8, 2006  
**ISSUES:** Failure to provide to the Executive Secretary, a new certificate of liability insurance within 30 days prior to May 15<sup>th</sup> of each year  
Policy number of certificate of liability insurance submitted by Safety-Kleen in September 2006, did not match the liability insurance policy number specified in the permit at the time of submittal  
**RESOLUTION:** No further response was required at the time the warning letter was issued as Safety-Kleen had submitted a certificate of liability insurance and had modified the liability insurance policy number and annual date for submittal of the certificate of liability insurance in the permit.

**ACTION:** **NOTICE OF VIOLATION** issued November 29, 2005  
**ISSUES:** Failure to visually inspect each container of waste, prior to acceptance, at the customer's location  
**RESOLUTION:** **STIPULATION AND CONSENT ORDER** signed; \$9,730.00 penalty paid on August 11, 2006.

**ACTION:** **WARNING LETTER** issued March 9, 2004  
**ISSUES:** Specific gravity testing at pickup of customers waste not being done at required frequency  
Driver's inspection logs not being signed by branch manager or designee  
Employees not current on annual refresher training and other required training  
**RESOLUTION:** Correspondence received April 9, 2004, specified actions taken to resolve the issues.

**ACTION:** **WARNING LETTER** issued January 10, 2003  
**ISSUES:** Latest closure cost estimate not available on-site at time of inspection  
Safety-Kleen provided a closure cost estimate following the inspection, but the estimate had not been adjusted for inflation for calendar year 2001  
Closure cost estimate provided following the inspection contained discrepancies between the actual inflationary adjustments made by Safety-Kleen and those calculated according to the method outlined in the regulations  
Combining the hazardous waste closure cost estimate with the used oil facility reclamation cost estimate has created confusion when applying inflationary adjustments and in ensuring adequate financial assurance is provided for both programs  
**RESOLUTION:** Safety-Kleen initially responded to the inspection, before the warning letter was issued, by submitting a closure cost estimate on October 16, 2002. Additional information was provided by Safety-Kleen on February 6, 2003, and on May 7, 2003, including recalculated estimates for hazardous waste unit closure and used oil reclamation that resolved the issues.

**ACTION:** **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued August 4, 2000  
**ISSUES:** Failure to reestablish other financial assurance for closure within the 60-day period after Frontier Insurance Company was no longer considered an acceptable surety

**RESOLUTION:** On August 25, 2000, Safety-Kleen entered into a Consent Agreement with EPA that allowed for an extended time frame for replacing the necessary financial assurance for closure. The State of Utah was a participating state in this Consent Agreement. The deadline for replacing financial assurance for closure was extended several times. Replacement financial assurance for closure (closure insurance) was obtained in July 2001 and in January 2002, the closure insurance policy was formally approved as acceptable financial assurance for closure.

**ACTION:** **WARNING LETTER** issued August 14, 1998

**ISSUES:** Holding transfer waste over ten days  
Failure to include some waste on 1998 Biennial reports

**RESOLUTION:** Correspondence received September 30, 1998, specified actions taken to resolve concerns.

**ACTION:** **WARNING LETTER** issued February 9, 1998

**ISSUES:** Location of waste pick-ups not specific enough on checklists  
Facility, not Safety-Kleen employee, collected sample of rejected waste  
Service Representative filling in waste volume information without information on previous volume  
Operating Record entry error  
Failure to provide a time schedule for repairs to storage pad  
Improper use of contractual agreement  
Contractual agreement numbers used in facility operating record instead of manifest numbers

**RESOLUTION:** Correspondence received March 9, 1998, specified actions taken to resolve concerns.

**ACTION:** **WARNING LETTER** issued June 17, 1996

**ISSUES:** Failure to comply with all applicable National Fire Protection Association codes, specifically: a) failure to have fixed fire suppression system for the quantity (>120 gallons) of flammable hazardous waste stored in the warehouse; b) failure to provide fixed fire suppression system and adequate emergency exit for the permitted container storage shelter; and c) failure to have fixed fire suppression system for the quantity (>120 gallons) of flammable hazardous waste stored in the permitted container storage area

Storage of an unauthorized wastestream in the permitted container storage area

Unsegregated storage of incompatible hazardous waste in permitted container storage area

**RESOLUTION:** Correspondence received July 12, 1996, specified actions taken to resolve concerns.

**ACTION:** **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued on January 10, 1995

**ISSUES:** Failure to provide proper notice to the Board of planned physical alterations to a permitted container storage area's containment system, the adding of a second trench in 1991  
Failure to apply for and receive a permit modification for the addition of a second containment trench

Failure to fully complete 83 inspection checklists that documented the observations of Safety-Kleen's drivers when waste was picked up from 357 customers  
Failure to supply the batch load analysis to the Executive Secretary for the 4th quarter of 1990 until April 11, 1991  
Accepting PCB waste into permitted tank storage during July of 1992  
Failure to have a volumetric acceptance criteria in the Permit for the five gallon tubs of mineral spirits waste prior to their use  
Failure to follow requirements for personnel training, specifically: a) failure to provide an employee with an annual update of his training within 12 months of previous training; and b) failure to follow the required training procedures for hydrometer testing by not utilizing p-xylene and tetrachloroethylene  
Failure to keep the Contingency Plan of the Ironwood location updated to reflect current and changing conditions  
Failure to provide an unmanifested waste report to the Executive Secretary within 15 working days  
Failure to provide adequate secondary containment  
Having waste in tank storage which are not permitted to be in the tank  
Failure to provide the proper certification on tank assessment in both 1992 and 1994  
Failure to completely fill out hazardous waste manifests with all applicable waste codes  
Failure to comply with requirements for transporters of hazardous waste, specifically: a) failure to deliver hazardous waste listed on manifests to the facility designated on the manifest; and b) failure to contact generators for instructions before Safety-Kleen transferred waste to transporters not designated on the manifest by the generator  
Item three of Stipulation and Consent Order No. 91060047 issued by the Board on August 20, 1992 by failing to keep all the records of the Ironwood facility at the Pioneer Road facility

**RESOLUTION:** **STIPULATION AND CONSENT ORDER** signed; \$49,000.00 penalty paid on July 25, 1996.

**ACTION:** **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued on March 29, 1991  
**ISSUES:** Failure to properly pack dry cleaning hazardous waste  
Failure to modify the waste analysis plan when specific gravity sampling frequency changed and failure to identify an acceptable specific gravity range  
Failure to follow plan for selecting which generators will be subject to specific gravity testing  
Failure in conducting specific gravity training  
Failure in listing the correct alternate emergency coordinator in the contingency plan  
Discontinuing the use of their inspection checklist and not documenting the results of the hydrometer tests  
Failure to submit results of the batch load analysis for the second, third and fourth quarters of 1990  
Failure to repair an unacceptable hose fitting within 72 hours and not submitting to the Executive Secretary an acceptable solution within the required time period

Failure to maintain all required information in the operating record, such as: physical form of the waste; proper unit measurement; proper storage code and the location of the waste being stored

Failure to include the latest closure cost estimate in the facility operating record

Failure to include all waste codes on numerous manifests

Failure to notify for all treatment standards for waste shipped on a manifest

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; \$156,000.00 penalty paid on September 14, 1992.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued May 23, 1989

ISSUES: Failure to provide a telephone in the warehouse

Failure to notify of a change in the emergency coordinator

Failure to assign the branch manager as the emergency coordinator and not familiarizing the alternate with all aspects of the contingency plan including authorization to commit funds in order to carry out the contingency plan

Failure to review the contingency plan with branch secretary and making available, records that document that all required training or job experience has been given or completed by facility personnel

Failure to conduct daily inspections and document repair of checklist deficient items

Failure to submit to the Executive Secretary a proposed time schedule for repair of deficient items within the required 72 hour time period

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; \$10,000.00 penalty paid on June 25, 1990.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued May 25, 1988

ISSUES: Failure to provide liability coverage for sudden accidental occurrence in the amount of at least \$1 million with an annual aggregate of \$2 million, exclusive of legal defense costs

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; penalty of \$10,000 paid on January 17, 1989. This resolved the January 25, 1988 **NOV/CO** as well.

ACTION: **NOTICE OF VIOLATION/COMPLIANCE ORDER** issued January 25, 1988

ISSUES: Exceeding the design capacity of the facility

Failure to maintain a proper operating record

Failure to obtain a representative sample of wastes prior to acceptance for storage

Failure to maintain an operating record as required

Failure to file an exception report when required

Failure to report a hazardous waste spill

Failure to have a written inspection schedule

Failure to have date and times recorded on inspection log

Failure to properly document remedial action as required

Failure to maintain adequate aisle space for the unobstructed movement of emergency personnel and equipment

Failure to have immediate access to an internal alarm or emergency communication device

Failure to have a contingency plan that lists all current emergency coordinators

Failure to designate an emergency coordinator

Failure to complete all required portions of the hazardous waste manifests

Failure to have an acceptable personnel training plan

RESOLUTION: **STIPULATION AND CONSENT ORDER** signed; penalty of \$10,000 paid on January 17, 1989. This resolved the May 25, 1988 **NOV/CO** as well.