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

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Commissioner

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE PREVENTION
BUSINESS COMPLIANCE DIVISION

NOTICE

PUBLIC NOTICE OF A DRAFT HAZARDOUS WASTE FACILITY LICENSE AND OPTIONAL PUBLIC HEARING RELATIVE THERETO PURSUANT TO MASSACHUSETTS GENERAL LAW CHAPTER 21C AND MASSACHUSETTS HAZARDOUS WASTE REGULATIONS, 310 CMR 30.000.

PUBLIC NOTICE OF PROPOSED GROUNDWATER MONITORING REQUIREMENTS AND CORRECTIVE ACTION PROGRAM IN ACCORDANCE WITH THE HAZARDOUS WASTE REGULATIONS 310 CMR 30.000 AND THE HAZARDOUS AND SOLID WASTE AMENDMENTS (HSWA) OF THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).

NAME AND LOCATION OF FACILITY:

Safety-Kleen Systems, Inc., Marlborough
50 Brigham Street
Marlborough, MA 01752

FACILITY I.D. NUMBER: MAD088978143

PROPOSED:

Safety-Kleen Systems, Inc, Marlborough is an existing on-site hazardous waste storage facility (Facility) operating under the terms of a Hazardous Waste License #30B/95 issued by the Department of Environmental Protection (MassDEP) on October 26, 1995. The company proposes to continue its operation and has applied for a five-year license from MassDEP.

A Draft License has been issued by MassDEP. Pursuant to the public participation requirements in 310 CMR 30.800, the public has forty-five days to comment on the Draft License.

The Facility is regulated under the Massachusetts Hazardous Waste Regulations 310 CMR 30.000 and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000. Massachusetts is authorized by the USEPA to implement the Resource Conservation and Recovery Act (RCRA) Corrective Action Program. Pursuant to the public participation requirements in 310 CMR 30.800, the public has forty-five days to comment on the proposed Corrective Action Program requirements contained in the draft license.

PUBLIC COMMENT:

Any member of the public wishing to comment on the Draft License may file written comments during the public comment period that will extend from May 1, 2009 to June 16, 2009. Comments should be submitted to:

Joseph Tepper, Environmental Engineer
Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division
One Winter Street, 7th Floor
Boston, MA 02108

Any member of the public wishing to comment on the Groundwater Monitoring Requirements and Corrective Action Program may file written comments during the public comment period that will extend from May 1, 2009 to June 16, 2009. Comments should be submitted to:

Jeff Chormann, Environmental Analyst
Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division
One Winter Street, 7th Floor
Boston, MA 02108

Pursuant to 310 CMR 30.837(1), if during the comment period or within 15 days of the close of the comment period MassDEP receives written notice requesting a public hearing or if MassDEP determines on its own that there is significant public interest in either the Draft License or the Groundwater Monitoring Requirements and Corrective Action Program, MassDEP shall schedule an informal public hearing on the proposed action. Written and oral comments will be accepted at the hearing.

The Draft License and a Fact Sheet that describes the licensing process, the company, its operation, and terms and conditions of the Draft License is available for review at the Marlborough Board of Health, the Marlborough Public Library, MassDEP's Worcester and Boston Offices and the USEPA New England - Region I Office in Boston. Anyone wishing to examine the Draft License may do so at these locations. The Fact Sheet is also available for viewing on MassDEP's website at:
http://www.mass.gov/dep/recycle/hazardous/treatmen.htm.

A Fact Sheet that describes the Groundwater Monitoring Requirements and Corrective Action Program is available for review at the Marlborough Board of Health, the Marlborough Public Library, MassDEP's Worcester and Boston Offices and the USEPA New England - Region I Office in Boston. The Fact Sheet is also available for viewing on MassDEP's website at:
http://www.mass.gov/dep/recycle/hazardous/treatmen.htm.

FINAL DECISION:

MassDEP will consider all written comments received during the comment period; all comments received at a hearing, if held; and the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. MassDEP will then make a final decision regarding the issuance of a hazardous waste license to Safety-Kleen, Inc, Marlborough. A notice of the final license decision will be sent to the applicant and to each person who has submitted written comments, or has otherwise requested notice of the final license decision. If no comments requesting a change in the Draft License are received, a final decision will become effective twenty-one (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 MassDEP is made within the twenty-one (21) day period.

For additional information regarding the license, contact Joseph Tepper at MassDEP's Business Compliance Division at (617) 292-5905. For additional information regarding the Groundwater Monitoring Requirements and Corrective Action Program, contact Jeff Chormann at (617) 292-5888.

April 22, 2009
Date

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

COMMONWEALTH OF MASSACHUSETTS
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FACT SHEET

DRAFT HAZARDOUS WASTE FACILITY LICENSE

FOR

SAFETY-KLEEN SYSTEMS, INC., MARLBOROUGH

APRIL 2009

This Fact Sheet summarizes the content of the Draft Hazardous Waste Facility License (Draft License) prepared by the Department of Environmental Protection (MassDEP) for Safety-Kleen Systems, Inc., Marlborough (the Facility) 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 MassDEP, 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 issuance of any hazardous waste facility license, pursuant to M.G.L. c. 21C and 310 CMR 30.000, the MassDEP 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 the license.

II. Procedures for Reaching a Final Decision

Massachusetts Hazardous Waste Regulation, 310 CMR 30.833, requires that MassDEP shall provide a public notice of the Draft 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 Middlesex News on May 1, 2009 and will end on June 16, 2009. Any person interested in commenting on the Draft License must do so within this comment period. Submit comments in writing to:

Joseph Tepper, Environmental Engineer
Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division
One Winter Street, 7th Floor
Boston, MA 02108

MassDEP 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, MassDEP 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, MassDEP 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. MassDEP will then make a final determination to issue or deny a hazardous waste facility license to the Facility.

MassDEP will give notice of its final license decision to the Facility 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 MassDEP is made within the 21-day period.

III. Licensing History, Facility Description, Facility Operations

A. Licensing History

The Facility was issued its first hazardous waste facility license (#7B) by MassDEP on 03/31/1989. A renewal license (#30B/95) was issued on 10/26/95 by MassDEP renewing Safety-Kleen System Inc.'s authority to operate a hazardous waste facility at the Marlborough Service Center. The Facility is presently operating under the hazardous waste facility license #30B/95, and subsequent MassDEP authorized modifications to that license.

B. General Description

The Facility is an existing Massachusetts licensed hazardous waste storage facility authorized to manage a broad range of hazardous wastes through its Truck-to-Truck Transfer program, and authorized to store a limited number of specific hazardous wastes in designated hazardous waste storage areas in containers and one hazardous waste storage tank. Hazardous wastes authorized for management at the Facility are identified in the Part A Form, Attachment VI, of the Draft License.[1] The maximum hazardous waste storage capacity is 23,910 gallons. The Facility also includes a rail spur where used oil and used antifreeze is transferred from Safety-Kleen System Inc.'s tanker trucks to railroad tanker cars. The Facility is not authorized to treat, reclaim or dispose of hazardous waste.

The Facility is one of three of Safety-Kleen System, Inc's service centers operating in Massachusetts whose primary business is the leasing of solvent-based cleaning products and self-contained waste recovery systems and the subsequent collection and recycling of that waste solvent. These materials include hydrocarbon-based solvent used in degreasing, aqueous based solvent used in parts cleaning and as paint gun cleaner. Safety-Kleen System, Inc's business also includes the management of dry cleaner waste, photofixer waste primarily from photo-processing, and waste oil from a variety of sources. Finally, to a much lesser extent, Safety-Kleen Systems, Inc. also manages a broad range of hazardous waste types generated from small or very small quantity generators.

All waste received at the Facility is transferred to other Safety-Kleen Service Centers in Massachusetts for consolidation or sent to out-of-state Service Centers, and ultimately to Safety-Kleen's Recycle/Process Centers. Hazardous waste that cannot be recycled by Safety-Kleen is sent to an appropriately authorized independent hazardous waste treatment, storage and disposal facility.

Waste oil and used oil are sent to Safety-Kleen's Recycle/Process Centers located in East Chicago, Indiana or Buffalo, New York, for refining into base lubricating stock or blending into fuel for industrial furnaces.

Safety-Kleen Systems, Inc., Plano, TX is also a Massachusetts licensed hazardous waste transporter that operates various types of transport vehicles out of the Facility and the two other Massachusetts Service Centers. These vehicles are parked in the paved facility parking area overnight.

C. Detailed Facility Description

A listing of the hazardous wastes that are authorized for receipt and storage is provided in Section D, below. A detailed description of waste types is provided in Attachment XI of the Draft License. These hazardous wastes, along with non-hazardous antifreeze

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[1] Refer to the Draft License for all figures and attachments provided in this fact sheet.

and non-hazardous wastewater, are generally shipped to a Safety-Kleen Systems, Inc. recycling/processing facility located out-of-state where some of the wastes are reclaimed and then returned to Safety-Kleen customers as product. Hazardous waste that cannot be recycled is sent to an appropriately authorized independent hazardous waste treatment, storage or disposal facility.

The layout of the Facility is shown in the Site Plan, Figure I of Attachment XII.

The Hazardous Waste Container Storage Building, shown in Figure VI of Attachment XII, which houses the East Drum Storage Area and West Drum Storage Area, has approximately 1,725 square feet of floor space. This building is of concrete block construction with a concrete floor and is constructed to meet applicable building codes and safety requirements, including NFPA 30, paragraph 4, 5, 7 for "Liquid Warehouses."

The Return/Fill and Truck-to-Truck Transfer Building, shown in Figure VII of Attachment XII, houses the parts washer solvent return and fill station. Containers of waste parts washer solvent are emptied through a screened opening which retains coarse solids into the Dumpster Unit contained in this building and is then pumped into the 15,000-gallon aboveground hazardous waste storage tank described as the "Dirty" tank. Controls necessary to operate the tank are located within the building. Proper spill containment measures, warning signs and fire extinguishers are also present.

The Tank Farm Building, shown in Figure III of Attachment XII, includes one aboveground 15,000-gallon hazardous waste storage tank and one aboveground 15,000 gallon virgin materials storage tank. The hazardous waste storage tank is used for storage of spent parts washer solvents (hydrocarbon based and aqueous based). The virgin materials storage tank is used for storage of virgin parts washer solvent. Loading of virgin solvent from bulk tanker trucks into the virgin solvent storage tank and pumping out spent parts washer solvent from the hazardous waste storage tank into tanker trucks is conducted via pumps, transfer piping and transfer access containers as shown in Figures IX, X and XI of Attachment XII, and in accordance with standard operating procedures provided in Exhibit XI-W (SOP#4).

The Rail Car/Tanker Transfer Area, as shown in Figures IX, X, and XI, Attachment XII, encompasses the rail siding where waste oil and antifreeze are transferred from tanker trucks to railcars; and where hazardous waste contained in the "Dirty" tank is transferred into tanker trucks. Tanker trucks are positioned on the Tanker Transfer Containment Pad as shown in Figures IX, X, XI, of Attachment XII for transfers of waste solvent in the solvent storage tank to the tanker truck or of waste oil, antifreeze, non-hazardous wastewater or oily water from the tanker truck to the railcar. The secondary containment capacity of approximately 7,611-gallons is greater than the volume capacity of the largest transport vehicle.

The Tanker Transfer Containment Pad is covered with a permanent canopy cover. This cover prevents all but windborne rainwater from collecting in the containment area.

Any windborne rain that may accumulate in the containment trench must be removed within 24 hours of a storm event if visually contaminated. If this stormwater is not visually contaminated, it must be removed within 72 hours of a storm event or prior to the accumulation of 55 gallons in the trench, whichever comes first. This stormwater must be disposed of in the waste storage tank or as a waste oil or oily wastewater unless Safety-Kleen determines, based upon the requirements of 310 CMR 30.000, that a different waste category applies. Three rail cars can be positioned on the rail siding within the facility for transfer of waste oil, oily water, non-hazardous wastewater and/or antifreeze waste from tanker trucks. Waste collection pans are provided under each railcar to contain potential release of contaminants to the environment.

The parking lot is graded and paved in a manner to prevent any release from a leaking container from reaching the environment. The parking lot nearest the Hazardous Waste Container Storage Building is sloped toward a storm sewer grate. A circular trench with a total containment capacity of sixty-eight (68) gallons surrounds this grate. This is adequate capacity to contain the volume of the largest container stored on a truck. Any uncontaminated rainwater accumulated in the circular trench surrounding the storm sewer grate must be pumped into the storm sewer expeditiously. If a cargo tank truck containing waste is parked overnight at the facility, the truck will be parked on the Tanker Transfer Containment Pad provided the pad is not occupied by another tanker.

A description of security, entry/egress and access to the facility is provided in Attachment VII.

A detailed description of waste types and waste management activities is provided in Attachment XI.

The Facility is located within the property owned by A.P. Dawson Realty Trust, located on Brigham Street, Marlborough. Route 85 (Maple Street) is the approach road to the site. Interstate Routes I-495 and I-90 (Mass. Pike) are major north-south and east-west (respectively) thoroughfares in the region. Routes 9 and 20, both running east-west, are the most important feeder roads to the facility as either could be used to reach Route 85. A mixture of commercial, industrial businesses and residences exist along nearby streets.

D. Authorization to Receive and Store Hazardous Waste

The following hazardous wastes are stored at the Facility:

Container Storage

- Spent Parts Washer Solvent: Petroleum-based and Aqueous-based Solvents
- Spent Immersion Cleaner
- Dry Cleaning Wastes
- Paint Gun Cleaner Waste
- Waste Oil

- Photographic Fixer Waste
- Specification and Off-Specification Used Oil Fuel
- Class A Regulated Recyclable Materials
- Universal Wastes listed in 310 CMR 30.1000

Authorization for the above listed hazardous waste streams is limited to the following hazardous waste codes:

Waste Codes	Description
MA01 *	Waste Oil
D001	Ignitable Waste
D004 - D011 **	Toxicity Characteristic Waste
D018 - D019 **	Toxicity Characteristic Waste
D021 - D030 **	Toxicity Characteristic Waste
D032 - D043 **	Toxicity Characteristic Waste
F001	Spent Solvents
F002, F004	Spent Solvents
F003, F005	Spent Solvents and Paint Wastes
U210	Tetrachloroethylene
MA97	Class A Regulated Recyclable Materials, and Specification Used Oil Fuel
MA98	Off-Specification Used Oil Fuel
MA95	Universal Waste

* Authorized storage includes waste oil that exhibits a hazardous waste characteristic (D001, D004-D008) provided that waste oil has not been mixed with any other hazardous waste, and provided it passes the rebuttable presumption test pursuant to 310 CMR 30.215(1)(b).

** These waste codes apply only to the presence of Toxicity Characteristic constituents in the waste streams listed above.

Any hazardous waste, other than those hazardous wastes identified by the hazardous waste codes specifically listed above, is prohibited from storage in containers.

Tank Storage

- Spent Parts Washer Solvent: Petroleum-based and Aqueous-based Solvents*

Authorization for storage of the waste stream identified as Spent Parts Washer Solvent is limited to the following hazardous waste codes:

Waste Codes	Description
D001	Ignitable Waste
D004 - D011 **	Toxicity Characteristic Waste
D018 - D019 **	Toxicity Characteristic Waste
D021 - D030 **	Toxicity Characteristic Waste
D032 - D043 **	Toxicity Characteristic Waste
MA01***	Spent Petroleum Based Solvent with a flash point >140 F.

Any hazardous waste, other than the hazardous wastes identified by the hazardous waste codes specifically listed above, is prohibited from storage in tanks.

* These include specific Safety-Kleen, Inc.'s proprietary solvents (see Waste Analysis Plan, Attachment I, Section 1.3.1.1., Draft License) that may be marketed under a variety of trade names, but are all subject to the requirements of the Waste Analysis Plan.

** These waste codes apply only to the presence of Toxicity Characteristic constituents in the waste streams listed above.

*** Spent Petroleum Based Solvent with a flashpoint equal to or greater than 140 F and certified by the generator to have not been contaminated by hazardous waste constituents as described in the Waste Analysis Plan, Attachment I, of the Draft License.

Storage Schedule for Hazardous Waste in Containers

Hazardous waste shall only be stored in containers in the hazardous waste East Drum Storage Area and West Drum Storage Area located in the Hazardous Waste Container Storage Building, as provided in the following hazardous waste storage schedule.

Container Storage Area	Contents	Maximum Volume in Containers (gallons)
East Drum Storage Area	All wastes authorized for container storage except for ignitable waste with flashpoint < 100 F	5,940
West Drum Storage Area	All wastes authorized for container storage including ignitable waste with flashpoint < 100 F	2,970
		8,910 Total

Storage Schedule for Hazardous Waste in the Tank

Tank Storage Area	Contents	Maximum Volume (gallons)
Tank Farm Building	Spent solvents	15,000

E. Authority to Store Class A Regulated Recyclable Materials

The Facility is authorized to store Class A Regulated Recyclable Materials and transport them only to authorized recyclers, i.e., send waste oil for re-refining. The provisions for the management of Class A Recyclable Materials are specified in the Specific Conditions of the Draft License.

F. Authority to Accumulate Universal Waste

The Facility is authorized to accumulate universal wastes. Universal Wastes are batteries, pesticides, mercury thermostats, mercury containing lamps and devices regulated under the Hazardous Waste Regulations, 310 CMR 30.1000. All universal waste will be accumulated in a specifically designated universal waste accumulation area of the facility. Detailed provisions for the management of universal wastes are provided in the Specific Conditions of the Draft License.

The Facility notified the Department as a Large Quantity Handler (LQH) of universal waste in accordance with 310 CMR 30.1000. Universal waste managed in accordance with 310 CMR 30.1000 does not count towards the facility's hazardous waste storage

capacity.

G. Authority to Store Non-Hazardous Waste

The Facility is authorized to store liquid non-hazardous waste in its hazardous waste storage tank or in containers, and to store solid non-hazardous waste in containers only. Non-hazardous waste includes but is not limited to: antifreeze and glycols, spill residues, paint booth filters, and punctured and drained used oil filters. Detailed requirements for the management of non-hazardous waste are provided in the Specific Conditions of the Draft License.

H. Used Oil Fuel Management

The Facility is authorized to store and market Used Oil Fuel for recycling to authorized marketers and/or burners of used oil. The provisions for the management of Used Oil Fuel are specified in the Specific Conditions of the Draft License.

I. Truck-to-Truck Transfers

The Facility is authorized to conduct truck-to-truck transfer of containerized and bulk hazardous wastes between staged transfer vehicles. The provisions for truck-to-truck transfers are specified in the Specific Conditions of the Draft License.

J. Groundwater Monitoring Requirements and Corrective Action Program

Provisions regarding Groundwater Monitoring and Corrective Action are specified in the Specific Conditions of the Draft License and described in the Groundwater Monitoring Requirements and Corrective Action Program Fact Sheet.

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 Draft License, and failure to comply with them may 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, welfare and 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 for paying for 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 is 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 involving hazardous waste that could threaten public health, safety, welfare and the environment, the hazardous waste emergency coordinator will invoke the facility contingency plan, which includes notification to the Department's Central Regional Office in Worcester.

V. License Organization

The Draft License is organized as follows: Part I, Facility Operating Conditions; Part II, Facility Management Requirements; Part III, Groundwater Monitoring Requirements and Corrective Action Program, and the remainder of the Draft License consists of attachments.

Part I contains 4 sections, which describe general license conditions, specific license conditions, the use and management of containers, and storage in the hazardous waste storage tank.

Part II contains 12 sections, which describe facility management requirements for:

- Required Notices
- Manifest System
- Record Keeping and Reporting
- Ignitable and Incompatible Wastes
- General Waste Analysis Plan and Procedures
- Security Plan and Procedures
- Inspection Plan and Procedures
- Personnel Training Plan and Procedures
- Preparedness and Prevention
- Contingency Plan and Procedures
- Closure Plan and Procedures
- Financial Responsibility

Part III contains the Groundwater Monitoring Requirements and Corrective Action Program:

- General Requirements
- Groundwater Monitoring System
- Detection Monitoring Program
- Permanent Solution Determination
- Corrective Action Program
- Administrative Procedures
- Public Participation

Attachments:

- Waste Analysis Plan
- General Inspection Plan
- Personnel Training Plan
- Contingency Plan
- Closure Plan and Financial Responsibility
- RCRA Part A Form
- Security Plan
- Preparedness and Prevention Plan
- Truck-to-Truck Transfer Plan
- Compliance with Air Emission Standards for Process Vents, Equipment leaks, Tanks and Containers
- Facility Design, Waste Management Activities and Selected Exhibits
- Figures

VI. Location of Available Information

A copy of the Draft License and additional copies of this Fact Sheet will be available at:

Department of Environmental Protection
Bureau of Waste Prevention
Business Compliance Division
One Winter Street, 7th Floor
Boston, MA 02108
Contact: Joseph Tepper
(617) 292-5905

Department of Environmental Protection
Central Regional Office
627 Main Street
Worcester, MA 01608
(508) 792-7650
Contact: Cecilia Catalan
(508) 767-2755

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

Marlborough Board of Health
255 Main St
Walker Building, Room 101
Marlborough, MA 01752
Contact: Robert Landry
(508) 460-3751

Marlborough Public Library
35 West Main St.
Marlborough, MA 01752
(508) 624-6900

The Fact Sheet is also available on the MassDEP web site at:
http://www.mass.gov/dep/recycle/hazardous/treatmen.htm.

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 Joseph Tepper at (617) 292-5905.

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FACT SHEET

GROUNDWATER MONITORING REQUIREMENTS AND CORRECTIVE ACTION PROGRAM

SAFETY-KLEEN SYSTEMS, INC., MARLBOROUGH

APRIL 2009

This Fact Sheet contains a description of the environmental contamination found at Safety-Kleen Systems Inc., Marlborough (the Facility) which is located at 50A Brigham Street, in Marlborough, MA. The information was submitted to MassDEP by the consulting firm Barton & Loguidice of Syracuse, NY on behalf of Safety-Kleen Systems, Inc. In addition, it summarizes the remedial activities being conducted at the site to address the hazardous waste contamination found in the soils and groundwater at the Facility.

The two (2) acre parcel of land has been used by the Facility as an industrial solvent recycling business since 1980. The operation is regulated under the Resource Conservation and Recovery Act (RCRA) as a hazardous waste storage facility. The Facility is one of three of Safety-Kleen System, Inc's service centers operating in Massachusetts whose primary business is the leasing of solvent-based cleaning products and self-contained waste recovery systems and the subsequent collection and recycling of that waste solvent. These materials include hydrocarbon-based solvent used in degreasing, aqueous based solvent used in parts cleaning and as paint gun cleaner. Safety-Kleen System, Inc's business also includes the management of dry cleaner waste, photofixer waste primarily from photo-processing, and waste oil from a variety of sources.

I. Site Conditions

Land use on the two (2) acre parcel is described as light industrial/commercial. The site has several buildings and a rail spur located on it. The layout of the Facility is shown in the Site Plan, Figure 1 of Attachment XII. The Facility includes three buildings where hazardous waste is stored, the Hazardous Waste Container Storage Building, the Return/Fill and Truck-to-Truck Building, and the Tank Farm Building. A rail spur where bulk transfer of hazardous waste takes place is located on the east side of the site. All traffic and parking areas are paved and the entire site is surrounded by a security fence. Vehicular access is through a fence gate located on the west side of the site.

II. Surrounding Receptors

There is protected open space within 500 feet of the facility. There are no surface water bodies and no Areas of Critical Environmental Concern or Threatened or Endangered species within 500 feet of the Facility.

There are no Public Drinking Water Sources (Zone II, IWPA, or Zone A) located within one half (½) mile of the facility. A number of private wells are located between one quarter (¼) and one half (½) miles of the facility. Businesses and residences in the area receive municipal drinking water obtained from Lake William and Milham Reservoir. A portion of Marlboro's drinking water is also supplied by the Massachusetts Water Resources Authority (MWRA).

Groundwater at the facility is categorized as GW-2 and 3. Areas classified as GW-2 have a depth to groundwater of 15 feet or less and have occupied structures within 30 feet of the area of contamination. GW-3 conditions exist where groundwater has the potential to discharge to a surface water body.

Surficial soils found at the site are in the S-1 category. S-1 category soils are considered to be readily accessible to the public or workers and must meet MassDEP's most stringent clean-up standards.

III. Release History

Two underground storage tanks (USTs), formerly located northwest of the waste storage building, were used to store clean and used mineral spirit petroleum hydrocarbons until October 1984. These USTs are thought to have released petroleum hydrocarbons to the surrounding soils. Impacted soils above MCP Method 1 GW-2/S-1 were encountered in an area approximately 40 feet by 50 feet at depths ranging between 8 and 12 feet below ground surface. The tanks are reported to have been cleaned, excavated and disposed of off-site.

Impacted soils associated with a May 20, 1997 release of 400 gallons of virgin petroleum product (naphtha) from above ground storage tanks (ASTs) located at the southeast corner of the facility have also been identified. Immediate Response Action activities conducted pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000, included the removal of petroleum product and 525 tons of highly impacted

soil for off-site disposal. Post-excavation soil sampling indicated that levels above Method 1 GW-2/S-1 remained in place and could not be removed without compromising the integrity of existing buildings.

Five additional releases of petroleum materials were reported between November 1997 and October 2001.

IV. Remedial Action Alternatives and Selection

Remedial action techniques were evaluated by Safety-Kleen Systems, Inc. to address the petroleum hydrocarbons left behind in the highly impacted soil areas on the site. The objective was to achieve a permanent solution for the release condition so that the equivalent of a Response Action Outcome (RAO) could be achieved at the property. It was expected that the levels of hydrocarbons in soils and groundwater could be reduced to achieve or approach background levels and a condition of no significant risk and a permanent solution could be met.

In 2002, bioremediation of the soils was selected as the remedy for the property. The bioremediation was enhanced by the application of nutrients and an oxygen release compound (ORC®) into the subsurface to promote naturally occurring biodegradation in an expedited fashion. To date, the remediation efforts have effectively reduced the petroleum contamination in the AST area to non-detectable levels. Safety-Kleen Systems, Inc. proposes to continue with current ORC application in the former UST area and to evaluate the results to determine if a permanent solution has been achieved at the site.