UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY

REGION III

STATEMENT OF BASIS

SAFETY KLEEN, INCORPORATED

EPA ID # PAD 099 081 812

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ACRONYMS

AOC	Area of Concern
AR	Administrative Record
CFR	Code of Federal Regulations
EI	Environmental Indicator
EPA	Environmental Protection Agency
HSWA	Hazardous and Solid Waste Amendments of 1984
PADEP/R	the Pennsylvania Department of Environmental Protection/Resources
RCRA	Resource Conservation and Recovery Act
SB	Statement of Basis
SWMU	Solid Waste Management Unit
TtFW	Tetra Tech FW, Inc., formerly Foster Wheeler Environmental Corporation
U.S.C.	United States Code
UST	Underground Storage Tank

I. Introduction

A. Facility Name and Location

The site is the location of a former sales office and warehouse for Safety Kleen, Inc. (hereinafter referred to as the "Facility"), located on the northern portion of an approximately one-acre lot at 147 West King Street, Malvern, Chester County, Pennsylvania. 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 facilities have investigated and cleaned up any releases of hazardous waste and hazardous constituents that have occurred at their property.

B. Purpose of Document/Proposed Remedy

The United States Environmental Protection Agency ("EPA") has prepared this Statement of Basis ("SB") to describe investigation results and remedial actions performed at the Facility. This SB is based on a review of past and present environmental practices, soil and groundwater sampling activities, historical investigations and remedial activities presented in the Final Environmental Indicator Inspection Report submitted in September 2003. After review, EPA has concluded that all Solid Waste Management Units ("SWMUs") and Areas of Concern (AOCs) have been satisfactorily remediated and no further investigation or corrective action is required at the Facility at this time. Consistent with EPA's February 2003 document, Final Guidance on Completion of Corrective Action Activities at RCRA Facilities (reference 68 FR 8757), EPA is making a determination of *"Corrective Action Complete without Controls."* The guidance recommends that EPA make this determination when the objectives have been met and the areas subject to the determination do not require any additional action or measures to ensure the remedy remains protective of human health and the environment. The purpose of this document is to provide a detailed account of environmental activity for interested parties to review and subsequently provide input to EPA prior to making its final remedy decision.

In the Commonwealth of Pennsylvania, EPA has delegated most of the RCRA permitting program to the Pennsylvania Department of Environmental Protection ("PADEP") based upon promulgated State regulations which are equivalent to, or more stringent than, the federal requirements. EPA has not yet delegated the RCRA corrective action requirements, under which this Statement of Basis has been prepared, to PADEP. In Pennsylvania, EPA administers the RCRA Corrective Action program with authority to require environmental investigations and remedial actions at any Facility that applies for a hazardous waste operating permit or otherwise operated under RCRA interim status. However, this Facility has been remediated under the direction of PADEP, therefore this SB reflects closure activities performed in conjunction with PADEP's requirements.

C. Importance of Public Input

This document summarizes information that can be found in greater detail in the work plans and reports submitted by the Facility to EPA and PADEP. To gain a more comprehensive understanding of the RCRA activities that have been conducted at the Facility, EPA encourages the public to review these documents, which are found in the Administrative Record ("AR").

The Administrative Record is available at the following location:

U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103

Further information can also be obtained by contacting the EPA Project Manager:

Mr. Kevin Bilash (3WC22)
Phone: (215) 814-2796
Fax: (215) 814-3113
Email: bilash.kevin@epa.gov

EPA will address all significant comments submitted in response to the proposed remedy. EPA will make a final remedy decision and issue a Final Decision and Response to Comments after information submitted during the public comment period has been considered. If EPA determines that new information or public comments warrant a modification to the proposed remedy, EPA may modify the proposed corrective measures or select other alternatives based on such new information and/or public comments. Therefore, the public is encouraged to review and comment on the corrective measures described in this document and/or any additional options not previously identified and/or studied. The public may participate in the remedy selection process by reviewing the Statement of Basis and documents contained in the Administrative Record and submitting written comments to EPA during the public comment period. Public participation is discussed in more detail in Section IV.

II. Facility Background

A. Site History

The site is the location of a former sales office and warehouse for Safety Kleen, Inc., located on the northern portion of an approximately one-acre lot at 147 West King Street, Malvern, Chester County, Pennsylvania. The facility was used as a distribution and collection center for solvents, cleaning solutions, and related products used in small parts cleaning. The former Safety Kleen facility consisted of one cinder block building and a gravel parking lot situated east of the building. The building housed a drum storage area in the northern section, an office in the eastern section, and a product storage area on the southwestern corner. A metal storage shed outside the building on the northeastern corner was known as the dump-and-fill area. This area was removed during closure of the facility. Initially, this dump-and-fill area was detached from the building, approximately 30 feet east of the final dump-and-fill area. These areas have been designated as dump-and-fill areas no. 2 and no. 1 respectively.

The property was leased to Safety Kleen from 1977 until 1988. Safety Kleen closed the facility in 1994 under a PADER-approved closure plan. The building was a machine shop before it was leased to Safety Kleen. The facility is currently operational as an auto-parts supply center.

B. Summary of Environmental Investigations

The Environmental Indicator ("EI") Inspection Report for the Facility was prepared and submitted by Tetra Tech FW, Inc. ("TtFW"), formerly Foster Wheeler Environmental Corporation, in September, 2003. The report was derived from a comprehensive record search and review at the PADEP Conshohocken Regional Office. The EPA Region III conducted a review of their files, and pertinent information was provided for this report. This EI Report encompasses the remedial actions performed at the Facility and is the exclusive report utilized to propose the remedy of *"Corrective Action Complete without Controls"* and can be found in the Administrative Record. The report has attached a comprehensive list of reports of which the significant ones will be summarized briefly here.

In 1989, the NUS Corporation performed a Preliminary Assessment at the Facility. They identified four SWMUs: the drum storage area, dump-and-fill area no. 1, dump-and-fill area no. 2, and the used product storage tank. EPA considers the dump-and-fill area no. 1 and the used product storage tank to be the only SWMUs to be concerned with as there was no indication of releases at the other two.

A September 26, 1991 Revised Closure Plan addresses the closure activities performed at the Facility and details the proposed groundwater monitoring well plan. This plan was approved by PADER on October 11, 1991.

A Summary Groundwater Quality Assessment and Closure Report submitted May 2, 1994 provided the results of the groundwater investigation at the Facility. The report asserts that certification of closure at this Facility is warranted due to the low- or non-detections of the contaminants of concern.

A Certification of Underground Tank Removal and Interim Site Closure Report submitted on October 26, 1990 describes the actions taken to remove the remaining tanks and contaminated soil. Overall, approximately 1,000 cubic yards of contaminated soil was removed and disposed of at an approved landfill.

C. Summary of Interim Actions

Safety Kleen managed waste codes D001, F002, F004, and F005. The specific compounds managed on site were methylene chloride, ortho-di-chlorobenzene, cresylic acids, petroleum sulfonate, petroleum naptha, and mineral spirit wastes.

In the gravel parking lot east of the building, Safety Kleen used four underground storage tanks ("USTs") at various intervals of the site's history. One 10,000-gallon tank contained clean mineral spirits product leased to customers, and another 10,000-gallon tank was dedicated to spent solvent awaiting removal for recycling. Two 4,000-gallon tanks stored immersion cleaner for a short period at the start of the Safety Kleen business. They were cleaned and filled with concrete, and abandoned in place but the specific details of their length of use and closure are not available. The soil from the area where these four USTs were located as well as the tanks were removed and disposed as per the site-specific closure plan. The area was backfilled during closure as per the site-specific closure plan.

A metal storage shed outside of the main building, on the northeastern corner, was known as the dump-and-fill area. Initially, this dump-and-fill area was detached from the building, approximately 30 feet east of the final dump-and-fill area. These areas have been designated as dump-and-fill areas no. 2 and no. 1 respectively. The soil was removed from the dump-and-fill area no. 1 and disposed as per the site-specific closure plan.

The soil excavation resulted in removal of approximately 1,000 cubic yards of contaminated soil. All but one confirmatory sample had low- to non-detect results for the specific compounds managed on site and total petroleum hydrocarbons. This sample was located in an area inaccessible to soil removal as further excavation would have resulted in removing material from beneath the building. Due to this, PADER requested the installation of monitoring wells to ensure the protection of human health and the environment. The analytical results can be found in the Certification of Underground Tank Removal and Interim Site Closure Report as part of the EI Report in the AR.

Groundwater monitoring was performed beginning in December, 1991 and ending in March, 1994. The Summary Groundwater Quality Assessment and Closure Report indicated, and a PADER letter agreed, that the contaminants of concern had declined to an acceptable level and Safety Kleen no longer had to conduct groundwater activities at the Facility.

III. Evaluation of EPA↘s Proposed Remedy Selection

The remedy proposed in this SB best meets the four threshold criteria (overall protection, attainment of media cleanup objectives, source control, and compliance with waste management standards) for corrective measures and the five remedy selection decision factors or balancing criteria (long-term reliability and effectiveness; reduction in toxicity, mobility or volume; short term effectiveness; Implementability; and cost).[1] The following discussion outlines EPA's determination for the remedy proposed at the Facility.

A. <u>Overall Protection</u> - This overarching standard requires remedies to include those measures that are needed to be protective, but are not directly related to other factors. The proposed determination of "Corrective Action Complete without Controls" meets this standard. This is based upon the fact that the Facility has been completely remediated and closed in 1994 under a PADER-approved closure plan.

B. <u>Attainment of Media Cleanup Standards</u> - The contaminated soil was removed and disposed of as per the site-specific closure plan. This has resulted in concentrations of VOCs being non-detect in all wells sampled after (and including) October 1992.

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[1] The criteria used to analyze the proposed remedy are set forth in OSWER guidance document, ↑Guidance on RCRA Corrective Action Decision Documents Directive ↑↑Number 9902.6, February 1991, and the May 1, 1996 ANPR.

C. Controlling Source of Releases - The contaminated soil was removed and disposed of as per the site-specific closure plan. This has resulted in concentrations of VOCs being non-detect in all wells sampled after (and including) October 1992. No new sources of contamination have been noted.

D. Complying with Standards for Management of Waste - The proposed determination of "Corrective Action Complete without Controls" is a based upon the Facility being closed in 1994 under a PADER-approved closure plan. All corrective actions performed at the Facility have been in compliance with all applicable federal, state and local regulations during corrective measures implementation to ensure that the waste was managed in a protective manner.

E. Long-Term Reliability and Effectiveness - The long-term reliability and effectiveness standard is intended to address protection of human health and the environment over the long term. Source removal and control approaches that remove and/or consolidate remediation wastes in engineered structures or systems that protect against future releases are more reliable, and therefore preferred over those that offer more temporary, or less reliable controls. The contaminated soil was removed as discussed above and long-term reliability is no longer a factor for the consideration of this Statement of Basis.

F. Reduction of Toxicity, Mobility or Volume of Waste - Reduction of toxicity, mobility, or volume is directly related to the concept of long-term remedies. For this criterion, remedies that employ treatment and/or source removal and containment that are capable of permanently reducing the overall risk posed by the remediation wastes are preferred. The source removal and source controls integral to the proposed corrective measures allow the remedy to meet this criterion because they reduce the mobility and areal extent of contaminated media. The contaminated soil was removed as discussed above and reduction of toxicity, mobility, and volume is no longer a factor for the consideration of this Statement of Basis

G. Short-Term Effectiveness - The short-term effectiveness standard is intended to address hazards posed during the implementation of corrective measures. Short-term effectiveness is designed to take into consideration the impact to site workers and nearby residents during construction. Examples of hazards addressed by this standard include the potential for volatilization of organic contaminants, the spread of contamination through dust generation, and hazardous materials spills resulting from waste loading and transport operations. Corrective measures have been completed at the Facility therefore short-term hazards no longer exist.

H. Implementability - The Implementability decision factor addresses the regulatory constraints in employing the cleanup approach. The Facility was closed in 1994 under a PADER-approved closure plan. Remediation of the SWMU's and AOCs has been completed and Implementability is no longer a factor for the consideration of this Statement of Basis.

I. Cost - EPA↘s overriding mandate under RCRA is protection of human health and

the environment. However, EPA believes that relative cost is a relevant and appropriate consideration when selecting among alternatives that achieve the cleanup requirements. EPA↘s experience in the Superfund program has shown that in many cases several different approaches will offer equivalent protection of human health and the environment, but may vary widely in cost. EPA has stated its belief that it is appropriate in these situations to allow cost to be one of the factors influencing the decision for selecting among the alternatives. The proposed determination of "Corrective Action Complete without Controls" satisfies this criteria for the conditions that exist at the Facility.

IV. Public Participation

EPA is requesting comments from the public on its proposal that Corrective Action Complete without Controls will be required at this Facility at this time. The public comment period will last thirty (30) calendar days from the date that this Statement of Basis is published in a local newspaper. Comments should be submitted to EPA by mail, fax, e-mail, or phone to the addresses listed below..

A public hearing will be held upon request. Requests for a public hearing should be made to Mr. Kevin Bilash of the EPA Regional Office (215-814-2796). A hearing will not be scheduled unless one is requested.

The Administrative Record contains all information considered by EPA when making this proposal to require Corrective Action Complete without Controls at the 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 (3WC22)
Phone: (215) 814-2796
Fax: (215) 814 - 3113
Email: bilash.kevin@epa.gov

After evaluation of the public↘s comments, EPA will prepare a Final Decision Document and Response to Comments that identifies the final selected remedy. The Response to Comments will address all significant written comments and any significant oral comments generated at the public meeting, if requested. This Final Decision Document and Response to Comments will be made available to the public. If, on the basis of such comments or other relevant information, significant changes are proposed to be made to the corrective measures identified by EPA in this Statement of Basis, EPA may seek additional public comments. The final remedy will be implemented using available legal authorities possibly including, but not necessarily limited to, RCRA Section 3013, 42 U.S.C. 6974.

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Date Abraham Ferdas, Director
Waste and Chemicals Management Division
EPA Region III