



Region 6 Compliance Assurance and Enforcement Division
INSPECTION REPORT

Inspection Date(s):	03/24-25/2015		
Media:	Air		
Regulatory Program(s)	RMP		
Company Name:	Clean Harbors Environmental Services, Inc.		
Facility Name:	Clean Harbors El Dorado LLC		
Facility Physical Location:	309 American Circle		
(city, state, zip code)	El Dorado, AR 71730		
Mailing address:	309 American Circle		
(city, state, zip code)	El Dorado, AR 71730		
County/Parish:	Union		
Facility Contact:	Dan Roblee	General Manager	
	roblee.daniel@cleanharbors.com		
FRS Number:	110000521221		
Identification/Permit Number:	RMP # 1000 0010 8901/ Air Operating Permit ID: 1009-AOP-R11		
Media Number:	05-139-00098		
NAICS:	562211 Hazardous Waste Treatment and Disposal		
SIC:			
Personnel participating in inspection:			
Ross Hargiss	Clean Harbors El Dorado LLC	Regional Health and Safety Manager	(870) 643-9720
Kathleen Shoemaker	Clean Harbors El Dorado LLC	Senior Compliance Manager	(870) 864-3711
Denton Ashcraft	Clean Harbors El Dorado LLC	Union Representative	(870) 918-1714
Dave Hensley	U.S. Environmental Protection Agency	Physical Scientist (Environmental)	(214) 665-6739
EPA Lead Inspector Signature/Date	<i>Dave Hensley</i>		5-6-2015
	Dave Hensley		Date
Supervisor Signature/Date	<i>Samuel Tate</i>		5/6/2015
	Sam Tate		Date

Section I - INTRODUCTION

PURPOSE OF THE INSPECTION

I, Environmental Protection Agency (EPA) Region 6 inspector Dave Hensley, arrived at the Clean Harbors Environmental Services, Inc. / Clean Harbors El Dorado LLC (Clean Harbors) facility at 8:00 AM on March 24, 2015, for an announced inspection. I met with Ross Hargiss / Regional Health and Safety Manager and Kathleen Shoemaker / Senior Compliance Manager. I presented my credentials to Mr. Hargiss and Ms. Shoemaker and informed them that this was an EPA inspection to determine compliance with Clean Air Act Section 112(r) and the Chemical Accident Prevention Provisions of 40 CFR Part 68. The scope of the inspection was a partial compliance evaluation (PCE). An employee representative was invited to participate in the inspection. Mr. Hargiss gave me a walking tour of the facility at 8:45 am. The facility appeared clean and no equipment deficiencies were observed.

FACILITY DESCRIPTION

Clean Harbors operates a hazardous waste treatment, storage, and disposal facility in an industrial area east of El Dorado, Union County, Arkansas. The general commercial function of the facility is to thermally treat (incinerate) hazardous and non-regulated materials and render the incinerator residues acceptable for disposal at regulated Subtitle C landfills. The facility also acts as a transfer station for wastes not amenable to thermal treatment. Clean Harbors is operated by 319 employees. The facility has quantities of regulated hazardous chemicals above the EPA threshold, because of the highly variable nature of the chemicals received, Clean Harbors uses predictive filing for the Risk Management Plan (RMP).



Figure 1: Clean Harbors Sign (<http://cleanharbors.com/locations/index.asp?id=185>)

Section II - OBSERVATIONS

40 C.F.R. Part 68 – CHEMICAL ACCIDENT PREVENTION PROVISIONS

Subpart A – General

40 C.F.R. § 68.10 Applicability - I observed that Clean Harbors El Dorado LLC (Clean Harbors) is a stationary source that has Air Operating Permit ID 1009-AOP-R11. Clean Harbors provided a chart of the maximum intended inventory of chemicals showing that more than a threshold quantity of a regulated substance, listed in 40 C.F.R. § 68.130 can be stored on site. Therefore, these regulations are applicable. Clean Harbors submitted a RMP that describes six processes containing flammable and toxic chemicals held above threshold quantities. The processes are Program 3 and the facility is subject to OSHA's Process Safety Management Standard (29 CFR 1910.119).

40 C.F.R. § 68.12 General Requirements – I reviewed the RMP submitted by Clean Harbors on December 4, 2014. This submittal listed six processes; 204 Receiving/Warehouse, Bulk Liquids, Direct Burn Tankers/Cyls., Special Hand OX & WR, and Staging Inc & Drum Direct. With a total of 958,000 pounds of toxic substances and 321,000 pounds of flammable substances that are listed in 40 C.F.R. § 68.130.

40 C.F.R. § 68.15 Management – Clean Harbors has developed a management system to oversee the implementation of the risk management program elements and assigned qualified persons or positions overall responsibility for the development, implementation, and integration of the risk management program elements.

Subpart B – Hazard Assessment

40 C.F.R. § 68.20 Applicability - Clean Harbors prepared a worst-case release scenario analysis and completed the five-year accident history. Since Clean Harbors' processes are Program 3, they must comply with all sections in this subpart for these processes.

40 C.F.R. § 68.22 Offsite Consequence Analysis Parameters – I observed that Clean Harbors used the parameters required in this part to calculate flammable worst case and alternative case release scenarios.

40 C.F.R. § 68.25 Worst-Case Release Scenario Analysis – The RMP report and supporting documentation I reviewed during the inspection shows that Clean Harbors analyzed and reported a worst case flammable release in its RMP. Clean Harbors used the EPA's RMP*Comp to calculate their flammable and toxic worst case scenarios.

40 C.F.R. § 68.28 Alternative Release Scenario Analysis – Clean Harbors analyzed and reported flammable and toxic alternative case releases in their RMP. I reviewed documentation that was in the processes hazard analysis that showed that Clean Harbors used the appropriate factors and EPA's RMP*Comp to determine their alternative case scenario.

40 C.F.R. § 68.30 Defining Offsite Impacts – Population – Documentation provided by Clean Harbors staff showed that the appropriate Census Bureau population and the distance to endpoints was used to calculate the population numbers reported in their RMP. I checked these numbers with data from the Census Bureau web site and found agreement.

40 C.F.R. § 68.33 Defining Offsite Impacts – Environment – Documentation provided by Clean Harbors staff showed me that MARPLOT was used to determine environmental receptors in the distance to endpoints. I reviewed the maps generated by MARPLOT and they appear to identify all environmental receptors within the scenario distances.

40 C.F.R. § 68.36 Review and Update – Clean Harbors stated that the review and update of the offsite consequences occur at least every five years.

40 C.F.R. § 68.39 Documentation – I reviewed documentation that records the offsite consequence analyses for worst-case and alternative case scenarios. It included a description of the vessel and substance selected as worst case, assumptions and parameters used, and the rationale for selection; likewise, assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released, estimated quantity released, release rate, and duration of release. Methodology used to determine distance to endpoints was documented in the facility's RMP. The data used to estimate population and environmental receptors potentially affected was reviewed.

40 C.F.R. § 68.42 Five Year Accident History – Clean Harbors did not report any accidental releases in their RMP of December 4, 2014. I reviewed the National Reporting Center (NRC) and Arkansas Department of Environmental Quality's websites http://www2.adeg.state.ar.us/hazwaste/erc/erc_incidents.aspx and <http://www.adeg.state.ar.us/complaints/searches/> for incidents that may have required addition to Clean Harbors' five year accident history and did not discover any.

Subpart D – Program 3 Prevention Program

40 C.F.R. § 68.65 Process Safety Information – I requested, was provided, and reviewed selected process safety information for RMP units at Clean Harbors. The process safety information was maintained in an organized manner and provided in a timely manner.

40 C.F.R. § 68.67 Process Hazard Analysis – I requested the last two Process Hazard Analyses (PHAs) for the "Direct Burn Tankers/Cyls.", and "204 Receiving/Warehouse" RMP processes. Clean Harbors does one PHA that covers all there processes. I was provided and reviewed the last two PHAs. They appeared to cover the hazards of the process. I reviewed the PHAs schedule and the PHAs were done within the 5 year time frame as required.

40 C.F.R. § 68.69 Operating Procedures – I reviewed several operating procedures and they appeared to meet the requirements of 40 C.F.R. § 68.69.

40 C.F.R. § 68.71 Training – I requested and was provided the training files for several individuals. All the renewal trainings occurred within three years. During my review, I found no area of concerns associated with these training files.

40 C.F.R. § 68.73 Mechanical Integrity – I reviewed Clean Harbors’ written procedure for mechanical integrity. I interviewed Clean Harbors’ staff knowledgeable of their mechanical integrity program for fixed equipment and rotating equipment. Upon requesting a list of any overdue mechanical integrity inspections, I was informed there were no overdue inspections. Clean Harbors uses protective measures, such as replacing piping at its half-life mark, to protect workers and the environment from the toxic and flammable substances they handle and store.

40 C.F.R. § 68.75 Management of Change – I ask for and was given a list of the management of changes (MOC) done in RMP units at the facility and the written procedure for management of change. I reviewed Clean Harbors’ written procedure for MOC. Also, I reviewed documentation for eleven MOCs listed in Table 1. I found that the MOC procedure was followed. In one case, the training was documented on a training check in sheet included in the file opposed to the space provided on the MOC form.

Table 1: Management of Change Documentation Reviewed

#	MOC Identifier
1	MOC 2009-0609
2	MOC 2011-0113
3	MOC 2012-0726
4	MOC 2012-0829
5	MOC 2013-0776
6	MOC 2014-0120
7	MOC 2014-0616
8	MOC 2014-0702
9	MOC 2014-0707
10	MOC 2014-0728
11	MOC 2014-0819

40 C.F.R. § 68.77 Pre-startup Review – Clean Harbors included pre-startup review (PSSR) with the MOC documentation that I reviewed with the above MOCs. MOC 2014-0616 and MOC 2014-0702 had PSSRs that had the “Housekeeping” section that was not filled out.

Housekeeping				
Area cleared of construction all materials	☐	☐	☐	
Site swept and washed as needed	☐	☐	☐	
Trash boxes in place if needed	☐	☐	☐	

Figure 2: Blank PSSR Housekeeping section

MOC 2014-0616 also had another line "Fire extinguisher hung 50' apart" left blank. The majority of MOCs with PSSRs reviewed during the inspection were complete. MOC 2014-0616, MOC 2014-0702, MOC 2013-0904, and MOC 2014-0120 are included in Appendix 1.

40 C.F.R. § 68.79 Compliance Audits – I requested the last two risk management program compliance audits. During the inspection, Clean Harbors provided me with copies of the last two risk management program audits from 2013 and 2014. These covered all the elements of the risk management program utilizing the RMP Program Level 3 Process Checklist [http://yosemite.epa.gov/R10/airpage.nsf/3ac6cd2257698ab088256b66007eb08d/1a76355d09786fd9882575f6006004cf/\\$FILE/RMP%20Program%20Level%203%20Process%20Checklist.pdf](http://yosemite.epa.gov/R10/airpage.nsf/3ac6cd2257698ab088256b66007eb08d/1a76355d09786fd9882575f6006004cf/$FILE/RMP%20Program%20Level%203%20Process%20Checklist.pdf). The 2013 audit identified several findings. These findings are managed in a system utilizing weekly meetings to assign target dates, responsible personnel, and due dates. There was a report generated by Clean Harbors and a third party for 2013 that included a certification by the owner or operator that they have evaluated the compliance with the provisions of this subpart, that the audit was conducted by at least one person knowledgeable in the process, the findings of the audit, and the response to each finding. The 2014 audit report consisted of only the RMP Program Level 3 Process Checklist that listed any findings. Clean Harbors had not generated a report certifying that they had evaluated compliance with the provisions of this subpart or that at least one person knowledgeable of the process was involved. During this inspection, Clean Harbors generated a cover letter that included a certification statement that the audit was conducted by at least one person knowledgeable in the process. There were no findings in this audit.

40 C.F.R. § 68.81 Incident Investigation – I requested a list of incident investigations from RMP processes. I then requested incident investigations from April 24, 2009, September 25, 2013, November 28, 2013, September 14, 2014, January 24, 2015, and February 26, 2015. The investigations were appropriate to this incident investigation regulation.

40 C.F.R. § 68.83 Employee Participation – Provided in the package of material prepared prior to the inspection, there was an employee participation file that had the language covering this section from the RMP and evidence that Clean Harbors does have employee participation. I asked for a more formal employee participation plan. Mr. Hargiss provided an employee participation plan written with OSHA Process Safety Management in mind. This plan met the requirements of this part. Denton Ashcraft, a union representative, participated in the inspection and attended the closing meeting.

40 C.F.R. § 68.85 Hot Work Permit – I reviewed several hot work permits that met the requirements of this regulation.

40 C.F.R. § 68.87 Contractors – Clean Harbors utilizes ISNetworld, a company that provides a resource for connecting hiring companies with safe and reliable contractors. It allows companies to obtain and evaluate information regarding the contract owner or operator's safety performance and programs, and insure that contractors they hire are trained in the hazards of the process they are to work in. I observed

that contractors and visitors entry into the facility is controlled. Contractors are required to have offsite and site specific training prior to working at the facility. Clean Harbors has an audit program that periodically evaluates the performance of its contractors. Mr. Hargiss stopped contractor work when he observed them not wearing hearing protection on our walking tour of the facility.

Subpart E – Emergency Response –

40 C.F.R. § 68.90 Applicability – Clean Harbors does provide first responders that respond to fires and releases on site.

40 C.F.R. § 68.95 Emergency Response Program – I requested and was provided the Emergency Response Plan for Clean Harbors. I reviewed this plan onsite during the inspection. The plan was developed to meet the requirements of this part.

40 C.F.R. § 68.190 Updates – The history of RMP submissions is displayed below in Table 2.

Table 2: RMP History

Submission Type	EPA Facility Identifier	Facility Name	Facility City	Facility State	Receipt Date
First	100000108901	ENSCO, Inc.	El Dorado	AR	22-Jun-99
Resubmittal	100000108901	Teris LLC	El Dorado	AR	18-Jun-04
Resubmittal	100000108901	Teris LLC	El Dorado	AR	25-Jan-06
Resubmittal	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	10-Feb-10
Resubmittal	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	28-Oct-11
Resubmittal	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	14-Nov-11
Correction	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	6-May-14
Correction	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	3-Mar-14
Resubmittal	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	4-Dec-14
Correction	100000108901	Clean Harbors El Dorado LLC	El Dorado	AR	17-Mar-15

Another submission will be due five years from the latest submission (on December 4, 2019,) no later than three years after a newly regulated substance is first listed by EPA, no later than the date on which a regulated substance is first present above a threshold quantity in a new process, within six months of a change that requires a revised PHA or hazard review, within six months of a change that requires a revised offsite consequence analysis as provided in § 68.36, or within six months of a change that alters the Program level that applied to any covered process.

40 C.F.R. § 68.195 Required Corrections – There is no new accident history or change in emergency contact information. If either of these occurs, a correction will be required. In the case of an accident a correction will be required, within six months of the release or by the time the RMP is updated under § 68.190, whichever is earlier. In the event of a change in the emergency contact information required under § 68.160(b)(6), within one month the owner or operator shall submit a correction of that information.

Section III – AREAS OF CONCERN

I held a closing conference with Clean Harbors Managers and a union representative on March 25, 2015, at 4:00 PM. I discussed my observations from this inspection including the following area of concern:

40 CFR § 68.79 Compliance Audits.

“(a) The owner or operator shall certify that they have evaluated compliance with the provisions of this subpart at least every three years to verify that procedures and practices developed under this subpart are adequate and are being followed. (b) The compliance audit shall be conducted by at least one person knowledgeable in the process. (c) A report of the findings of the audit shall be developed. (d) The owner or operator shall promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected. (e) The owner or operator shall retain the two (2) most recent compliance audit reports.”

Clean harbors’ 2014 audit report did not certified that they had evaluated compliance with these provisions, nor did it indicate that the audit was conducted by at least one person knowledgeable in the process. Clean Harbors did take action to correct this during the inspection.

Section IV – LIST OF APPENDICES

Appendix 1 – Management of Change Documentation

Appendix 2 – Audit Documentation