Inspection Entry Date/Time	08/08/2023 09:15 AM (CT)	Announced: No
Inspection Exit Date/Time	08/08/2023 05:33 PM (CT)	Access: Granted
Regulatory Program	RCRA	
Type of Inspection	Compliance Evaluation Inspection (CEI)	
Company Name	**Safety-Kleen Systems, Inc.**	
Facility or Site Name	Safety-Kleen Systems, Inc (Omaha)	
Facility/Site Identifier	NED981495724	
Facility/Site Physical Address	13915 A Plaza	
City, State, Zip Code	Omaha, NE 68144	
County/Borough	Douglas	
Generator Status	LQG	
NAICS	562112	
Type of Operation	Safety-Kleen operates a retail chemical product and waste collection facility. The facility packages, stores, sells, and distributes products, including, but not limited to, antifreeze, lubricant/grease, refined motor oil, hydraulic fluid, acetone, lacquer thinner, Safety-Kleen 150 solvent (naptha), aqueous cleaning solution, and windshield washer fluid. Size of product containers include, but are not limited to, 5, 16, and 55-gallon drums. According to the RCRAInfo database, Safety-Kleen has notified as a State of Nebraska and Federal Large Quantity Generator (LQG) of hazardous waste, hazardous waste transfer facility, hazardous waste treater, storer, disposer (TSDF), electronic manifest broker, and used oil transporter. The facility is also a small quantity handler of universal waste and a used oil generator. There is no hazardous waste treatment or disposal conducted on-site.	
Geographic Coordinates	41.22414, -96.13007	
Mailing Address/Secondary Address		
City, State, Zip Code		
Permit Number (If Applicable)	NED981495724	

Additional Persons Participating in Inspection:

Name	Title	Organization	Email	Phone
Tim Evans	Inspector	EPA REGION 7	evans.timothy@epa.gov	

Lead Inspector:	TIFFANY DELONG Digitally signed by TIFFANY DELONG Date: 2023.08.31 12:13:16 -05'00'		
Tiffany DeLong	*[Signature]*		*[Date]*
	EPA REGION 7	delong.tiffany@epa.gov	(913) 551-7729

Supervisor Review:

Amber Whisnant	[Signature] Whisnant, Amber Digitally signed by Whisnant, Amber Date: 2023.09.21 19:34:07 -05'00'		[Date]
	EPA REGION 7	whisnant.amber@epa.gov	

SECTION I – INTRODUCTION

Site Entry and Purpose of the Inspection

Type of inspection: Compliance Evaluation Inspection (CEI)

At the request of the Enforcement and Compliance Assurance Division, I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Safety-Kleen. I arrived at the Safety-Kleen Systems, Inc. Facility (the "Site" or "Facility"), located at 13915 A Plaza, Omaha, NE 68144, at 09:15 AM (CT) on 08/08/2023 for an unannounced inspection. I presented credentials to and informed James Hrlevich, Branch Manager, that this was an EPA REGION 7 inspection to determine compliance with RCRA. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. The CEI consisted of a discussion of facility operations, waste generation, and waste management; a review of waste management records; and a visual inspection of waste generation and management areas. Document photocopies and photographs were collected as inspection documentation (Appendices 1-2). A total of 39 photographs were collected and a photolog was prepared (Appendix 1). I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1E), unless noted differently. The inspection report and appendices present the results of the CEI. Any authorized Federal regulatory citations noted in this report are adopted by reference in the authorized Nebraska regulations.

A drive-by of the north and east sides of the facility was conducted prior to entering the building. No areas of concern were noted. After entering the building and introducing myself to Mr. Hrlevich, he called James Anderson to inform him of EPA's arrival. Mr. Anderson inquired about what the purpose of the inspection was, to which I responded that EPA, and/or authorized states, must conduct inspections yearly for all transfer, storage, disposal facilities.

Safety-Kleen was last inspected for RCRA compliance on February 28, 2022, by the State of Nebraska. The following violations were cited at that inspection:
1. 40 CFR 264.73(a) and Permit Condition C.11.a: Failure to maintain annual recharacterization records onsite.
2. Permit Condition E.4.f: Failure to meet inspection requirements of permitted hazardous waste storage tank.

Attendees

Title/Organization	Name	Phone	Email	Opening Conf.	Closing Conf.
Lead Inspector/EPA REGION 7	Tiffany DeLong	(913) 551-7729	delong.tiffany@epa.gov	Yes	Yes
Inspector/EPA REGION 7	Tim Evans		evans.timothy@epa.gov	Yes	Yes
Environmental Specialist - Waste Compliance Section/Nebraska Department of Environment and Energy	Brett Anderson	(402) 471-4218	brett.anderson@nebraska.gov	Yes	No
Environmental Manager/Safety-	James Anderson	(316) 708-0971	james.anderson4@safety-kleen.com	No	Yes

Kleen					
General Branch Manager/Safety-Kleen	James Hrlevich	(402) 547-0543	james.hrlevich@safety-kleen.com	Yes	Yes
Waste Handler/Safety-Kleen	Tim McCurry			No	Yes

Opening Conference

I explained the purpose and procedures of the inspection and presented Mr. Hrlevich with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented a copy of Title 18 U.S. Code, Sections 1001 and 1002 regarding false statements and documents. I discussed their confidentiality rights and informed Mr. Hrlevich that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim, if desired.

I asked Mr. Hrlevich to review the EPA RCRA Handler Information Report, which I provided to him during the inspection. According to the EPA RCRA Handler Information Report, Safety-Kleen operates as a Large Quantity Generator (LQG) of characteristic and listed hazardous wastes. He indicated that there were no changes to be made. Based on my review of their monthly hazardous waste generation rate and manifest data, Safety-Kleen generates greater than 2,200 pounds of hazardous waste per month and is therefore operating as an LQG. I inspected Safety-Kleen primarily for their RCRA permitted activities, and their waste streams generated on-site were not discussed in detail in this report.

During the Opening Conference, there was discussion about the annual waste characterization that Safety-Kleen implements. Safety-Kleen does a national waste determination for all facilities, instead of waste determinations by location. At this time, for hazardous waste solvent and used oil retains, Safety-Kleen uses a suite of hazardous waste codes to capture all possible hazardous wastes that may be present. Mr. Evans discussed that the 2017 Generator Improvements Rule requires that an “accurate” waste determination must be made (40 CFR 262.11). At this time, the State of Nebraska has not adopted the 2017 Generator Improvements Rule, and Mr. Evans informed them that when adoption occurs, they may no longer be meeting the definition of a proper waste determination.

Facility/Site Information

Number of employees	Safety-Kleen has 8 employees, but there are other entities that work out of this location equaling 10 total personnel.
Length of Facility at Location	Since 1985
Operating Hours	7am-5pm, 5 days a week. Inspections are conducted at the hazardous waste tank on the weekends by one employee.
Size of Facility	Approximately 16,800 square feet under roof on 11 acres of land

Process Description

Safety-Kleen picks up dirty solvent, various hazardous wastes, used oil filters, and universal waste from customers. These waste streams are stored in the facility warehouse until shipped to a recycling or disposal facility. Spent Safety-Kleen 150 solvent, picked up from customers, is brought back to the facility and decanted from drums into two of three metal boxes (dump and fill area) which are connected by pipes to the 15,000-gallon hazardous waste storage tank. After being emptied, drums are then rinsed with clean solvent so they may be reused for product solvent. The solvent used to clean the drums is captured and piped to the hazardous

waste storage tank.

Building(s)

Building→Area→Sub-area	Process Description	Area of Concern
North Warehouse	The North Warehouse is dedicated primarily to product storage.	No
→North Container Storage Area	This area is within the North Warehouse and can be used to store at most, 4,920 gallons, of hazardous waste.	No
Outside	Includes the building perimeter and perimeter fence.	No
Return and Fill Area (Dock)	The Dock is used to dump dirty solvent into drum dumping stations, clean dirty solvent containers, and then fill cleaned containers with product solvent. Includes two dumping stations, one cleaning station, and one filling station.	No
South Warehouse	South Warehouse contains multiple loading docks and houses the flammable storage area.	Yes
→Flammable Storage Area	Within the South Warehouse and can be used to store, at most, 62,920 gallons of hazardous waste.	Yes
Tank Storage Area	Outside, directly adjacent to The Return and Fill Area.	No
→Hazardous Waste Solvent Tank	Within the Tank Storage Area and has a maximum storage capacity of 15,000 gallons of hazardous waste.	No
→Used oil Tanks	Within the Tank Storage Area with two used oil storage tanks.	No
→Vac waste	Within the Tank Storage Area and is a non-hazardous storage tank.	No

SECTION II – OBSERVATIONS

Building: Outside			
Observation #: TD2-OB-001	**Date:** 08/08/2023	**Contains AOC:** No	**Contains CBI:** No
Person Interviewed: James Hrlevich		**Title:** General Branch Manager	

Mr. Hrlevich accompanied me outside to observe the security fence and general condition of the property. In June of 2021, a notice of preliminary finding (NOPF) was cited because of a three-foot wide by eighteen-inch-tall opening discovered on the east perimeter of the fence due to erosional issues and washout from the adjacent lot. This area has since been vegetated and the opening repaired with no erosional issues observed at the time of inspection. The fence surrounding the property was in good condition and required signs were at all entrances of the fence line. No areas of concern were noted with the fence. I asked Mr. Hrlevich if any unauthorized entries have occurred within the last year, to which he stated no.

A large gravel area outside was storing various unused equipment such as a boat, trailers, empty roll-off containers, and vehicles. Mr. Hrlevich stated that they will be creating a new staging area in the graveled

portion of this area and a laydown yard for equipment. No areas of concern were noted.

In a June 2021 inspection report, an NOPF was cited for failing to conduct a hazardous waste determination on brown material resembling kitty litter/floor dry and an absorbent pad within the gravel area. This area was observed, and the material was no longer present. No areas of concern were noted.

The southeast perimeter fence was about six-and-a-half to seven-feet tall, while the majority of the fence was around ten-feet. I asked Mr. Hrlevich what the height of the fence is required to be according to the permit, to which he stated he did not know. According to Permit Condition C.4.a., the facility must provide a security fence which completely surrounds the active portion of the site to prevent unauthorized entry of persons or livestock. The height of the fence in all portions of the Safety-Kleen property appears to meet this Permit Condition.

Photo(s)

1. IMG-20230808103235323570580 53.jpg

Building: Tank Storage Area→Used oil Tanks

Observation #: TD2-OB-002 **Date:** 08/08/2023 **Contains AOC:** No **Contains CBI:** No

Person Interviewed: James Hrlevich **Title:** General Branch Manager

In the Tank Storage Area were two aboveground used oil tanks. There were also two other aboveground, rectangular tanks in between the hazardous waste storage tank and the used oil tanks. I asked Mr. Hrlevich what the two rectangular tanks were used for, to which he responded they were decommissioned used oil tanks. The two used oil tanks currently being utilized are typically only used when the used oil rail cars are at capacity. At the time of inspection, there were 15 feet, 7 inches of used oil in the front used oil tank. Both tanks appeared to be in good condition with the words "Used Oil" on each, as well as on the ancillary piping to the used oil tanks. The back used oil tank started to have wear on the "L" of the "Used Oil" label but was still easily visible. I suggested to monitor the "L" to ensure it remains legible. Used oil is typically sent to the Wichita facility for refinery. No areas of concern were noted.

Photo(s)

1. IMG-20230808104214421431663 51.jpg
2. IMG-20230808104754475433217 96.jpg

Building: Tank Storage Area→Hazardous Waste Solvent Tank

Observation #: TD2-OB-003 **Date:** 08/08/2023 **Contains AOC:** No **Contains CBI:** No

Person Interviewed: James Hrlevich **Title:** General Branch Manager

A hazardous waste storage tank is used to store dirty mineral spirits/parts washer solvent that they receive from clients that utilize their product 150 solvent. The dirty solvent is dumped into their drum dumping stations and piped to the hazardous waste storage tank. At the time of inspection, the hazardous waste solvent tank had 11 feet, 7.5 inches of hazardous waste solvent being stored. According to Mr. Hrlevich, the facility ships around 5,000 to 6,000 gallons of spent solvent approximately every four to six weeks to their Dolton, Illinois facility (owned by parent company Clean Harbors Environmental Services, Inc.). Tank capacity readings are recorded electronically, which are read by the Dolton, Illinois facility to help determine when solvent should be picked up for disposition.

I observed free liquid inside the secondary containment of the hazardous waste storage tank. I asked Mr. Hrlevich approximately how much free liquid was inside the secondary containment, to which he responded

about 5-gallons. I asked Mr. Hrlevich when the last precipitation event had occurred, and he responded that morning. I asked Mr. Hrlevich if they would clean out the precipitation, to which he responded that they would clean it out today. Safety-Kleen is required to remove any precipitation present within the secondary containment within 24 hours after a rainfall event. In this case, Safety-Kleen was in compliance with Permit Condition E.4.c. because 24-hours had not yet elapsed from the last precipitation event. It should be noted that a daily inspection was done by Tim McCurdy at 11:41 a.m. and noted the residual precipitation and was subsequently removed the day of inspection.

Next to the secondary containment was a spill kit, in addition to five other spill kits at various other areas outside. The spill kit adjacent to the hazardous waste storage tank had adequate spill response materials and in good condition.

During records review, I asked Mr. Hrlevich when the hazardous waste tank is inspected by Safety-Kleen, he responded that the hazardous waste storage tank is inspected every day, including weekends, by Tim McCurry. I asked who inspects the hazardous waste storage tank if Tim McCurry is unable to inspect on a certain day. Mr. Hrlevich stated that if Tim McCurry was not able to perform that duty on a given day, another warehouse staff member, such as Mike Carlson, would inspect the hazardous waste storage tank, or another administrative staff who is trained to do the inspections.

No areas of concern were noted in the Tank Storage Area.

Photo(s)

1. IMG-20230808110336336129756.jpg

Building: Outside

Observation #: TD2-OB-004	**Date:** 08/08/2023	**Contains AOC:** No	**Contains CBI:** No
Person Interviewed: James Hrlevich		**Title:** General Branch Manager	

Outside, on the south side of the building were nine partially full totes and approximately twelve, 55-gallon drums plus one overpack container. They all contained non-hazardous waste soybean ink from Sioux City Journal. No areas of concern were noted.

Building: South Warehouse

Observation #: TD2-OB-005	**Date:** 08/08/2023	**Contains AOC:** Yes	**Contains CBI:** No
Person Interviewed: James Hrlevich, Tim McCurry		**Title:**	

Within the South Warehouse, outside of the permitted Flammable Hazardous Waste Storage Area, were multiple pallets full of various hazardous, non-hazardous, and universal waste. I asked Mr. Hrlevich why these containers were placed in this area. Mr. Hrlevich responded that the waste here is 10-day transfer waste, and some branch generated waste, staged for pickup and shipment. I asked Mr. Hrlevich when the truck will arrive for pickup, and he responded within the next couple of days. All hazardous waste containers were labeled, closed, and in good condition.

Further within the South Warehouse, were two pallets that were plastic wrapped, staged to be picked up for shipment. One pallet had a 5-gallon container of ignitable, hazardous waste perpendicular to a small box of hazardous corrosive material. I asked Mr. Hrlevich how compatibility of containers is handled when items are packed for shipping. He stated that they try their best to separate incompatibles. He stated that it can be difficult because waste is generally staged and grouped by final destination facility to ensure all waste goes to the intended facility. Mr. Hrlevich further explained that delivery trucks are loaded according to Department of

Transportation (DOT) Segregation and Separation Chart of Hazardous Materials. It should be noted that both containers were closed, labeled, and in good condition. **NOPF 3: According to Permit Condition D.9.c. and 40 C.F.R. 264.177, the permittee shall separate storage containers holding hazardous waste that is incompatible with any other material stored nearby by means of dike, berm, wall, or other device. By having flammable waste near incompatible corrosive waste, Safety-Kleen failed to meet Permit Condition D.9.c.**

There were two 55-gallon hazardous waste storage containers of branch generated used oil retains samples and branch debris. The hazardous waste label on the 55-gallon drum of used oil retains stated "combustible liquid" on the top of the label. I asked Mr. Hrlevich what the combustible label meant. He stated that combustible is anything ignitable over 140 degrees Fahrenheit. Therefore, the used oil retains are not hazardous for ignitability, but they are hazardous for toxicity characteristics. The hazardous waste storage container of used oil retains was labeled, closed, and in good condition. More is discussed about used oil retains in the North Warehouse section, Observation #: TD2-OB-008. The branch debris 55-gallon hazardous waste storage drum was also labeled, closed, and in good condition. No areas of concern were noted for these branch generated wastes.

Within the South Warehouse was a tote of liquid, about a quarter full. I asked Mr. McCurry what was inside the tote. He stated that he had recently moved this waste inside and had not yet had a chance to label it, but it was waste from the windshield washer tank clean out and was non-hazardous. Mr. McCurry promptly labeled the tote, denoting it was non-hazardous windshield washer waste. No areas of concern were noted.

Photo(s)

1. IMG-20230808114255425513566684.jpg
2. IMG-20230808114823482313681112.jpg
3. IMG-20230808114834483414508806.jpg
4. IMG-20230808120022022156080 4.jpg
5. IMG-20230808120031031151993 7.jpg
6. IMG-20230808120059059150874 7.jpg
7. IMG-20230808120625625131337 0.jpg
8. IMG-20230808120636636137842 0.jpg
9. IMG-20230808121428142813936 77.jpg
10. IMG-20230808143939393913758 73.jpg

Building: South Warehouse→Flammable Storage Area

Observation #: TD2-OB-006 **Date:** 08/08/2023 **Contains AOC:** Yes **Contains CBI:** No

Person Interviewed: James Hrlevich, Tim McCurry **Title:**

When entering the South Warehouse - Flammable Storage area, there were multiple containers to the right of the door. I asked Mr. Hrlevich what the containers were. He stated that they were all RCRA-empty paint thinner containers, waiting to be reused. Paint thinner product is sent to auto body shops and manufacturing facilities, and then Safety-Kleen picks up the RCRA-empty containers and refills them to distribute them to clients. No areas of concern were noted.

I asked Mr. Hrlevich what was contained in the Flammable Storage Area. He stated that the waste inside the area is mostly transfer waste, awaiting to be loaded and shipped off-site, with some product on the walls. He also described how they label and categorize the waste. When a waste is received, it receives a barcode label that has a unique identifier on it, along with the 10-day transfer start period, the type of waste, the generator facility, and final disposition location. I walked each aisle to observe all the hazardous waste containers. I asked

Mr. Hrlevich how much aisle spacing is required between each row, and he stated 24 inches. I asked him if he believed the aisle spacing was adequate, to which he responded in the affirmative.

As I walked the aisles, I noted a group of 16-gallon, and 55-gallon containers on a pallet, one of which was in between multiple other containers. I tried observing the label, which was faced towards the aisle, but could not be seen without moving the other containers to get closer and the assistance of a light. **NOPF 2: According to Permit Condition D.5.c, all containers of hazardous waste shall be marked with an accumulation start date and the words "HAZARDOUS WASTE", so that the accumulation start date and "HAZARDOUS WASTE" marking are readily visible to an inspector.** Mr. McCurry stated that he considers any labels that he can scan with his barcode scanner, to be properly displaying their label according to the permit. He stated the 16-gallon container in question, was able to be scanned during his walkthrough inspection.

Towards the door, was a group of hazardous waste storage containers stacked on a pallet. There was oxidizer waste on the bottom right, next to a corrosive hazardous waste container to its left, and a corrosive hazardous waste container to its right. **NOPF 3: According to Permit Condition D.9.c. and 40 C.F.R. 264.177, the permittee shall separate storage containers holding hazardous waste that is incompatible with any other material stored nearby by means of dike, berm, wall, or other device. By having oxidizer waste near incompatible corrosive wastes, Safety-Kleen failed to meet Permit Condition D.9.c.** In addition, between the 4 containers on the bottom of the stacked containers was a 5-gallon bucket of hazardous waste. The barcode label was visible, but I was unable to read it due to the light and proximity to myself **(NOPF 2).**

I requested Mr. Hrlevich provide me with the inventory log for the waste that is onsite. He provided that log on August 10, 2023.

After lunch, I returned to the Flammable Waste Storage Area to measure the distance between the aisles. Most of the containers had been loaded on a truck for offsite transfer. I measured the aisle space of the containers that remained, and there was 24-inches of aisle space. No areas of concern were noted.

Besides the areas of concern noted above, no other concerns were noted. All containers were closed, properly labeled, and in good condition.

Photo(s)

1. IMG-20230808111235123514579 01.jpg
2. IMG-20230808112347234714650 14.jpg
3. IMG-20230808112804284139927 8.jpg
4. IMG-20230808112822282213701 63.jpg
5. IMG-20230808112836283613497 76.jpg
6. IMG-20230808112845284513627 53.jpg
7. IMG-20230808112945294512863 42.jpg
8. IMG-20230808112953295311162 62.jpg
9. IMG-20230808113130313012449 16.jpg
10. IMG-20230808113146314613674 99.jpg
11. IMG-20230808113202322135473 9.jpg
12. IMG-20230808113251325112948 84.jpg
13. IMG-20230808113430343014577 03.jpg
14. IMG-20230808113443344310421 45.jpg
15. IMG-20230808113514351410288 50.jpg
16. IMG-20230808113601361130188 5.jpg
17. IMG-20230808113608368125250 5.jpg
18. IMG-20230808143919391913266 10.jpg
19. IMG-20230808143948394814473 41.jpg

Building: Return and Fill Area (Dock)

Observation #: TD2-OB-007 **Date:** 08/08/2023 **Contains AOC:** No **Contains CBI:** No

Person Interviewed: James Hrlevich, Tim McCurry **Title:**

The Return and Fill area (Dump and Fill/Dock) is used to fill product containers with product that is pumped from the tank farm. It also serves as a dumping area for waste solvent received from clients. When waste solvent is received, the contents of the waste drum is dumped into a drum dump. The drum is then put into a drum wash and rinsed with clean solvent, and ready for new product to be dispensed inside. The clean solvent that is used to rinse the waste solvent drum, is sent to the hazardous waste storage tank. There are three different filters/screens that go from the drum washer and dumpster to the solvent tank. When the filters and ancillary equipment are cleaned, a sludge is generated and sent to the hazardous waste storage tank as a hazardous waste. I asked Mr. Hrlevich if a hazardous waste determination had been done on the sludge that is generated, to which he responded affirmatively. He provided me with the sludge hazardous waste determination on August 10, 2023. I asked Mr. McCurry how often they clean out the ancillary equipment, which he responded that they clean it out about once a month. No areas of concern were noted.

Safety-Kleen has determined that the hazardous waste solvent and all ancillary equipment is considered to be in heavy liquid service. Because the ancillary equipment in relation to the dump area and hazardous waste tank is in heavy liquid service, that equipment is only subject to visual, audible, and olfactory inspection. I noted no visual, audible, or olfactory concerns with this equipment.

There was about 20-25-gallons of water in the sump in this area. I asked Mr. Hrlevich where the water came from, and he stated from the precipitation that occurred earlier in the day. If water is collected in the sump, it is pumped into the drum washing dumpster and sent to the hazardous waste tank. He also stated that the

water is never used, it is only collected into the hazardous waste storage tank. No areas of concern were noted.

A hazardous waste satellite accumulation container about half full of floor dry was located on the dump and fill station. It was labeled, closed, and in good condition. No areas of concern were noted.

Photo(s)

1. IMG-20230808121741174117411670606.jpg
2. IMG-20230808122556255625562110483.jpg
3. IMG-20230808123124312431241376113.jpg
4. IMG-20230808123213321321313870004.jpg

Building: North Warehouse→North Container Storage Area

Observation #: TD2-OB-008 **Date:** 08/08/2023 **Contains AOC:** No **Contains CBI:** No

Person Interviewed: James Hrlevich **Title:** General Branch Manager

The North Warehouse is permitted for hazardous waste storage up to 4,920 gallons. At the time of inspection, this area was used for product storage with no hazardous waste being stored in this area.

Outside of the storage area in the North Warehouse, were multiple storage cabinets. I asked Mr. Hrlevich what was inside. He got a key to open the cabinets and inside contained multiple used oil retain samples. He described that when used oil is received from a customer, Safety-Kleen extracts a sample from each used oil container before combining into a large tanker of used oil. The used oil sample is retained until final disposition. If the final disposition facility tests positive for a prohibited substance, Safety-Kleen is notified and can then test the appropriate used oil retains to determine the generator of the prohibited substance. After the used oil reaches the final destination facility, with no prohibited substances, Safety-Kleen disposes of the used oil retains as D008, D018, D039, and D040 hazardous waste.

Photo(s)

1. IMG-20230808123449344912190 63.jpg
2. IMG-20230808123846384613467 55.jpg

SECTION III – RECORDS REVIEW

Record: Contingency Plan **AOC:** No

Ref #: TD2-RR-001 **Reviewed By:** Tiffany DeLong **Reviewed Date:** 08/08/2023

No areas of concerns.

Record: Manifests **AOC:** Yes

Ref #: TD2-RR-002 **Reviewed By:** Tiffany DeLong **Reviewed Date:** 08/08/2023

EPA accepts four types of manifest submissions, which include:

1. Fully Electronic
2. Hybrid
3. Data + Image
4. Scanned Image

Fully Electronic and Hybrid Manifests are considered complete after the Designated facility electronically signs the e-Manifest, certifying that the waste and quantities they have received are accurate; this must be done within 30 days of receipt of the waste, in accordance with 40 CFR 264.71(a)(2)(i), (iv). For Data + Image and Scanned Image manifests, the Designated Facility must upload the data file and scanned image within 30 days of receipt of the waste, in addition to electronically signing in e-Manifest to submit the data and images to EPA, in accordance with 40 CFR 264.71(a)(2)(v).

I inquired about the general process of how they handle manifests after they receive waste from a Generator. Mr. Hrlevich discussed their general workflow. I asked Mr. Hrlevich when Safety-Kleen sends back the signed manifest to the generator, and he replied within 30 days after receipt of the waste. I showed Mr. Hrlevich a spreadsheet based on RCRAInfo data that shows instances of manifests being certified after the required 30-day timeframe. Mr. Hrlevich stated that solvent gets processed immediately and he is not sure why it would be late. He stated he is going to look more into this and let me know the cause of this.

The certification date is automatically calculated by RCRAInfo when a Designated Facility officially certifies that the manifest is accurate within RCRAInfo. Safety-Kleen appears to only use Data + Image or Scanned Image manifests, although many Generators they receive waste from have the ability to utilize Fully Electronic/Hybrid manifests. Because they utilize non-electronic manifests, they must comply with uploading and certifying their manifests within 30-days in accordance with 40 CFR 264.71(a)(2)(v). **NOPF 1: According to data within RCRAInfo, and on the spreadsheet provided to Safety-Kleen, there are 223 instances within the last two years of manifests being certified and sent to EPA after 30 days of receipt of waste, failing to comply with 40 CFR 264.71(a)(2)(v).** Most Manifests were uploaded prior to the 30-day required timeframe, but certification and transmission to EPA was after the required 30-day timeframe. Out of the 223 instances of late-certified manifests, 12 were uploaded into e-Manifest after the 30-day timeframe.

Please note that NOPF 1 given at the time of inspection was incorrectly cited as 40 CFR 264.71(b)(4).

Document(s)

1. e_manifest_extract_for_tsdf_late_manifest_evaluation_2023-08-01T09_54_32.891955025-04_00.xlsx

Record: Any permit specific requirements **AOC:** No

Ref #: TD2-RR-003 **Reviewed By:** Tiffany DeLong **Reviewed Date:** 08/08/2023

Permit Conditions C.5, D.7, E.6, and Part B, Appendix E, Table 1: Daily inspections and records are required to be performed in the following areas:

- Hazardous waste tank and ancillary equipment
- Hazardous waste tank secondary containment
- Return and fill area on dock
- South container storage area
- South container secondary containment

A weeks' worth of daily inspections were reviewed at the time of inspection in all of the above areas. No areas of concern were noted. An example of one of the daily inspections that was conducted on the hazardous waste

tanks are attached.

Photo(s)

1. IMG_0013.jpeg
2. IMG_0014.jpeg
3. IMG_0015.jpeg

Record: Any permit specific requirements **AOC:** No

Ref #: TD2-RR-004 **Reviewed By:** Tim Evans **Reviewed Date:** 08/08/2023

Permit condition E.6.e. and Part B, Appendix E, Table 1: Every 5 years, perform Tank High Level Alarm Calibration. Test most recently performed 7/24/2022 and previous test performed in 2018. Facility has met this permit condition.

Photo(s)

1. IMG_0008.jpeg

Record: Any permit specific requirements **AOC:** No

Ref #: TD2-RR-005 **Reviewed By:** Tim Evans **Reviewed Date:** 08/08/2023

Permit condition E.6.d. and Part B, Appendix E, Table 1: Every 5 years, perform Tank Thickness inspection. Inspection most recently performed April 27, 2021. Facility has met this permit condition.

Photo(s)

1. IMG_0009.jpeg
2. IMG_0010.jpeg
3. IMG_0011.jpeg

Record: Personnel Training **AOC:** No

Ref #: TD2-RR-006 **Reviewed By:** Tiffany DeLong **Reviewed Date:** 08/22/2023

I reviewed the personnel training of all employees, and all have attended annual RCRA training. No areas of concern were noted.

SECTION IV – AREAS OF CONCERN

The presentation of Area(s) of Concern does not constitute a formal compliance determination or violation.

Building: South Warehouse	**Area:**	**Sub-area:**
TD2-OB-005		
NOPF 3: Permit Condition D.9.c. - Failure to separate storage containers holding hazardous waste that is incompatible with any other material stored nearby by means of dike, berm, wall, or other device (plastic wrapped flammable and corrosive waste on pallet).		
Building: South Warehouse	**Area:** Flammable Storage Area	**Sub-area:**
TD2-OB-006		

NOPF 3: Permit Condition D.9.c. - Failure to separate storage containers holding hazardous waste that is incompatible with any other material stored nearby by means of dike, berm, wall, or other device (55-gallon drums of oxidizer and corrosive wastes adjacent to each other).		
Building: South Warehouse	**Area:** Flammable Storage Area	**Sub-area:**
TD2-OB-006		
NOPF 2: Permit Condition D.5.c.- Failure to manage containers in a way that accumulation start date can be seen readily by inspector (5-gallon bucket).		
Building: South Warehouse	**Area:** Flammable Storage Area	**Sub-area:**
TD2-OB-006		
NOPF 2: Permit Condition D.5.c.- Failure to manage containers in a way that accumulation start date can be seen readily by inspector (16-gallon hazardous waste container).		

Record: Manifests
TD2-RR-002
NOPF 1: 40 CFR 264.71(a)(2)(v) - Failure to upload and certify manifests to EPA within 30-days of hazardous waste being received.

SECTION V – CLOSING CONFERENCE AND FOLLOW UP

Closing Conference

I summarized the findings and recommendations with Mr. Hrlevich. I provided Mr. Hrlevich with a Confidentiality Notice which he signed as acknowledgement of receipt; Mr. Hrlevich made no confidentiality claims. I also provided Mr. Hrlevich with a Receipt for Documents and Samples and Notice of Preliminary Findings (NOPF), which Mr. Hrlevich signed as acknowledgement of receipt.

The following compliance assistance documents were provided to the facility via email after the conclusion of the CEI:
Security Awareness
Compliance Assistance Centers
Small Business Information
Chemical Facilities Anti-Terrorism Standards
Industry Sector Notebooks
Managing Used Oil Activities
Overview of the 2013 Solvent Contaminated Wipe Rule

Follow Up

I observed no follow up at the time of the inspection.

Communication Log

The following information was received by REGION 7 on/after exiting the Facility on 08/08/2023.

Type	Location	Point of Contact	Job Title/Organization	Description	Contains PII	Date
Email		James Hrlevich	Branch Manager/Safety-Kleen	Email to Mr. Hrlevich requesting operating log, branch generation spreadsheet, job descriptions, training records, and hazardous waste determination for sludge in dump and fill area from inspection.	No	08/09/2023 10:48 AM (CT)
Email		James Hrlevich	Branch Manager/Safety-Kleen	Email to Mr. Hrlevich with requested compliance assistance documents.	No	08/10/2023 09:48 AM (CT)
Email		James Hrlevich, James Anderson	Branch Manager, Environmental Compliance Manager/Safety-Kleen	Two pictures showing incompatible waste near each other from inspection.	No	08/10/2023 11:51 AM (CT)
Email		James Hrlevich	Safety-Kleen	Requested documentation received by Mr. Hrlevich and contained operating log, monthly branch generation, hazardous waste determination for sludge, training records, and job descriptions.	Yes	08/10/2023 02:42 PM (CT)
Email		James Anderson	Environmental Compliance Manager/Safety-Kleen	Mr. Anderson sought clarification on the manifest potential finding.	No	08/11/2023 08:00 AM (CT)
Email		James Anderson	Environmental Compliance Manager/Safety-	My response to his August 11, 2023 inquiry.	No	08/08/2023 01:02 PM (CT)

			Kleen			
Email		James Anderson	Environmental Compliance Manager/Safety-Kleen	NOPF Response	No	08/17/2023 09:07 AM (CT)

SECTION VI – SAMPLING ACTIVITIES AND ANALYTICAL RESULTS

No sampling was conducted.

SECTION VII – LIST OF APPENDICES

1. Photo Log
2. Document Log