

Jeffrey S. Bromme  
Arnold & Porter  
555 Twelfth Street, NW  
Washington, DC 20004-1206

Dear Mr. Bromme:

Thank you for your letter of October 16, 2001 regarding the Safety-Kleen facilities in Utah and Colorado. You requested that the Agency extend the acceptability determination under the Off- Site Rule to January 31, 2002. That is the date agreed upon in the Second Amended Consent Agreement for the Grassy Mountain facility.

By now you have probably seen the letters sent by EPA Region VIII to the Grassy Mountain, Deer Trail, Clive and Aragonite facilities. The Region decided to extend the Off-Site Rule deadline to November 30, 2001, for the Aragonite and Clive facilities to provide time for the State to approve the new certificate of insurance. The Grassy Mountain and Deer Trail facilities were unacceptable as of October 19, 2001 because of the Region's understanding that Safety-Kleen has failed to obtain, and is not moving towards obtaining, compliant financial assurance. Of course, if those two facilities obtain compliant financial assurance, a new determination of acceptability can be initiated.

I appreciate your concerns, but the Agency could no longer find a defensible argument for extending the deadline for the Grassy Mountain and Deer Trail facilities.

Sincerely,

Michael H. Shapiro  
Deputy Assistant Administrator