

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Safety-Kleen Systems,) **FINDING OF VIOLATION**
Incorporated)
Hebron Recycling Center) **EPA-5-01-OH-11**
Hebron, Ohio)
)
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Safety-Kleen, Incorporated (SK-Hebron) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, SK-Hebron is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-site Waste and Recovery Operations (OSWRO) at 40 CFR part 63, subpart DD as follows:

Regulatory Authority

1. The OSWRO rule applies to those owners or operators of a plant site that meet both conditions specified in 40 CFR § 63.680 (a)(1) and (a)(2).
2. 40 CFR § 63.680 (a)(1) requires that the plant site be a major source of hazardous air pollutant (HAP) emissions as defined in 40 CFR § 63.2 (emits 10 tons of any one HAP or 25 tons of any combination of HAPs).
3. 40 CFR § 63.680 (a)(2) requires that the plant site have one or more of operations that receives off-site materials as specified in 40 CFR § 63.680 (b) of this section and the operation is one of the following waste management operations or recovery operations as specified in 40 CFR § 63.680 (a)(2)(i) through (a)(2)(vi).
4. The OSWRO NESHAP, at 40 CFR § 63.680(e)(i), requires the owner and operator of an affected facility that commenced construction or reconstruction before October 31, 1994, and received off-site material for the first time before

February 1, 2000, to achieve compliance with the provisions of the OSWRO NESHAP on or before February 1, 2000.

5. 40 CFR § 63.2 defines "major source" as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radio nuclides, different criteria from those specified in this sentence.
6. 40 CFR § 63.2 defines "hazardous air pollutant" as any air pollutant listed in or pursuant to section 112(b) of the Act.
7. 40 CFR § 63.2 defines "malfunction" as any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused by poor maintenance or careless operation are not malfunctions.
8. 40 CFR § 63.681 defines "closed-vent system" as a system that is not open to the atmosphere and is composed of hard piping, ductwork, connections, and if necessary, fans, blowers, or other flow-inducing devices that conveys gas or vapor from an emission point to a control device.
9. 40 CFR § 63.681 defines "control device" as equipment used for recovering, removing, oxidizing, or destroying organic vapors.
10. 40 CFR § 63.681 defines "hazardous air pollutants" as the specific organic chemical compounds, isomers, and mixtures listed in Table 1 of the subpart.
11. 40 CFR § 63.681 defines "off-site material" as a material that meets all of the criteria specified in paragraph §63.680(b)(2) of this subpart.
12. 40 CFR § 63.681 defines "off-site material management units" as a tank, container, surface impoundments, oil-water separator, organic-water separator, or transfer system used to manage off-site material.

13. 40 CFR § 63.681 defines "process vent" as an open-ended pipe, stack, or duct through which a gas stream containing HAP is continuously or intermittently discharged to the atmosphere from any of the processes listed in §63.680(c)(2)(i) through (c)(2)(vi) of this section. For purpose of this subpart, a process vent is none of the following: a pressure relief vent or other vent that is used as a safety device; an open-ended line or other vent that is subject to the equipment leak control requirements under §63.691 of this subpart; or a stack or other vent that is used to exhaust combustion products from a boiler, furnace, process heater, incinerator, or other combustion device.
14. 40 CFR § 63.681 defines "recovery operation" as the collection of off-site material management units, process vents, and equipment components used at the plant site to manage an off-site material stream from the point-of-delivery through the point where the material has been recycled, reprocessed, or re-refined to obtain the intended product or to remove the physical and chemical impurities of concern.
15. 40 CFR § 63.681 defines "used solvent" as a mixture of aliphatic hydrocarbons or a mixture of one and two ring aromatic hydrocarbons that has been used as a solvent and as a result of such use is contaminated by physical or chemical impurities.
16. 40 CFR § 63.681 defines "waste" as a material generated from industrial, commercial, mining, or agricultural operations or from community activities that is discarded, discharged, or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded or discharged.
17. 40 CFR § 63.681 defines "waste management operation" as the collection of off-site material management units, process vents, and equipment components used at a plant site to manage an off-site material stream from the point-of-delivery to the point where the waste exits or is discharged from the plant site or the waste is placed for on-site disposal in a unit not subject to this subpart. 40 CFR § 63.681 defines "closed vent system" as a system that is not open to the atmosphere and is composed of hard-piping, ductwork, connections, and, if necessary, fans, blowers, or other flow-inducing devices that convey gas or vapor from an emission point to a control device.

SK-Hebron's Facility

18. SK-Hebron owns and operates an organic chemical and solvent recycling facility at 581 Milliken Drive, S.E., Hebron, Ohio.
19. On October 30, 1996, SK-Hebron submitted an initial notification of the applicability of the OSWRO NESHAP to U.S. EPA.
20. SK-Hebron's facility is a major source for HAPs as defined in 40 CFR § 63.2 and as required by 40 CFR § 63.680(a)(1).
21. SK-Hebron has one or more of operations that receives off-site materials as specified in 40 CFR § 63.680 (b).
22. SK-Hebron operates a waste management operation that receives off-site material and the operation is regulated as a hazardous waste treatment, storage, and disposal facility (TSDF) under 40 CFR § 264.
23. SK-Hebron operates a recovery operation that recycles and/or reprocesses used solvent which is an off-site waste material and the operation is not part of a chemical, petroleum, or other manufacturing process that is required to use air emission controls by another subpart of 40 CFR § 63 or 40 CFR § 61.
24. According to SK-Hebron, the following affected sources at the facility are subject to the OSWRO NESHAP: 1) tanks, 2) containers, and 3) transfer systems used to manage off-site materials.
25. According to SK-Hebron, the following processes within the operations identified in paragraphs 21 and 22 above are subject to the OSWRO NESHAP: 1) distillation process, 2) thin-film evaporation process and 3) solvent extracting process.
26. Pursuant to the requirements of 40 CFR § 63.690, SK-Hebron is required to control HAPs emitted from process vents within the processes described in paragraph 24, by connecting each process vent through a closed-vent system to a control device that is designed and operated in accordance with the standards specified in 40 CFR § 63.693.
27. Initially, SK-Hebron was required to comply with the OSWRO NESHAP by July 1, 1999, but pursuant to 64 Federal Register

- 38951, July 20, 1999, U.S. EPA amended 40 CFR part 63, subpart DD to clarify U.S. EPA's intent for applying and implementing specific rule requirements and to correct unintentional omissions and editorial errors.
28. U.S. EPA extended the compliance date by seven months to February 1, 2000 to allow affected sources time to comply with the newly amended rules.
 29. On August 11, 2000, a telephone conversation concerning the RFO installation occurred between U.S. EPA and Steve Lear, SK-Hebron's Environmental Compliance Manager.
 30. According to Mr. Lear, SK-Hebron began installing the required control device (regenerative fume oxidizer (RFO) and scrubber) in October 1999, and completed the installation by January 27, 2000.
 31. Mr. Lear stated that the RFO had a physical start-up at the end of January 2000, but the control device continuously malfunctioned for the first three weeks in February.
 32. Mr. Lear stated that it was not until February 25, 2000, that the RFO was able to run consistently and control HAP emissions.
 33. On August 2, 2000, SK-Hebron submitted the summary report and the start-up, shut-down and malfunction (SSM) report for the RFO and scrubber. Both reports are required by 40 CFR 63.10(e)(3) and (c)(5) respectively.
 34. According to the SSM report, no malfunctions were reported from February 1, 2000 to February 28, 2000.
 35. On December 27, 2000, U.S. EPA issued an information request to SK-Hebron requesting an actual installation date and an actual initial startup date for the RFO and scrubber.
 36. SK-Hebron responded to the information request on January 23, 2001. SK-Hebron claims the RFO and scrubber were installed on January 26, 2000, but it wasn't until February 25, 2000, that the RFO was put online for 24-hour operation.

Finding of Violation

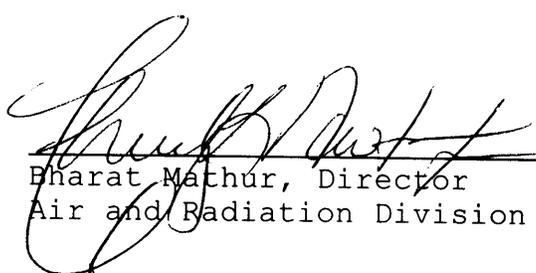
37. SK-Hebron failed to install, continuously operate and maintain a RFO and scrubber by the OSWRO NESHAP February 1, 2000, effective date for existing sources in accordance with

§63.680(e)(1)(i).

38. SK-Hebron failed to state in their startup, shutdown, and-malfunction reports that actions taken by the owner or operator during a startup, shutdown or malfunction of an affected source are consistent with the procedures specified in SK-Hebron's Startup, Shutdown and Malfunction Plan as required by §63.697(b)(3).
39. SK-Hebron failed to conduct a monthly visual inspection on the seal or closure mechanism of the bypass valve locking devices in order to determine that the bypass valve is maintained in the non-diverting position and the vent stream is not diverted through the bypass line as required by §63.693(c)(2)(ii).
40. SK-Hebron failed to operate and maintain their RFO and scrubber in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by the Off-site Waste and Recovery Operations Standard in accordance with §63.6(e)(1)(i).
41. Evidence of these violations are based on an information request sent by U.S. EPA to SK-Hebron on December 27, 2000, and their response received by U.S. EPA on January 23, 2001. Further evidence is based on an August 11, 2000, telephone conversation between U.S. EPA and SK-Hebron and information submitted by SK-Hebron in their startup, shutdown, and malfunction report.

Date

8/9/01


Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. **EPA-5-01-OH-11**, by Certified Mail, Return Receipt Requested, to:

Steven D. Moyer, Facility Manager
Environmental Compliance
Safety-Kleen Systems, Incorporated
581 Milliken Drive, SE
Hebron, Ohio 43025

I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

on the 13 day of aug, 2001.


Loretta Shaffer, Secretary
AECAS, (MN-OH)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9581 0379 ^{CT}