

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	
	)	
Clean Harbors Environmental	)	<b>FINDING OF VIOLATION</b>
Services, Inc.	)	
Chicago, Illinois	)	<b>EPA-5-99-IL-31</b>
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 <u>et seq.</u>	)	
_____	)	

**Finding of Violation**

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Illinois and Clean Harbors Environmental Services, Inc. (Clean Harbors) that U.S. EPA finds that Clean Harbors, located at 11800 South Stony Island Avenue, Chicago, Illinois, is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Clean Harbors is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth the National Emission Standard for Hazardous Air Pollutants (NESHAP) for Benzene Waste Operations at 40 C.F.R. Part 61, as follows:

**Regulatory Authority**

1. On January 7, 1993, in accordance with Section 112(d) of the Act, U.S. EPA promulgated the National Emission Standard for Benzene Waste Operations. 40 C.F.R. Part 61, Subpart FF, §§ 61.340 - 61.358.
2. Subpart FF applies to the owners and operators of hazardous waste treatment, storage, and disposal facilities ("TSDFs") that treat, store, or dispose of hazardous waste generated by chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. A hazardous waste treatment, storage, and disposal facility is a facility that must obtain a hazardous waste management permit under subtitle C of the Solid Waste Disposal Act. 40 C.F.R. § 61.340 (b).

3. Pursuant to the NESHAP for Benzene Waste Operations, hazardous waste TSDFs must calculate the total annual benzene (TAB) quantity for each waste stream generated by chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. This requirement applies to waste streams that are either at least 10% water, or are mixed with streams that are at least 10% water. 40 C.F.R. § 61.342 (a) and 40 C.F.R. § 61.355 (a).
4. Compliance with Subpart FF will be determined by reviewing facility records and results from tests and inspections. 40 C.F.R. § 61.342 (g).
5. The owner or operator of a chemical plant, petroleum refinery, coke by-product recovery plant, and any facility managing wastes from these industries must submit a report that summarizes the regulatory status of each waste stream. The report must include a table identifying each waste stream and whether or not the waste stream will be controlled for benzene emissions in accordance with the requirements of this subpart. 40 C.F.R. § 61.357 (a) (3).
6. Facilities with TAB quantities equal to or greater than 10 Mg/yr must comply with one of the three compliance options listed at 40 C.F.R. § 61.342 (c), (d), or (e). 40 C.F.R. § 61.355 (a) (3).
7. Hazardous waste treatment and disposal facilities subject to the benzene waste operations NESHAPs, must determine the annual benzene waste quantity at the point where the waste enters the facility. 40 C.F.R. § 61.355 (b) (3).
8. The owner or operator of facilities regulated under Subpart FF must install, operate, and maintain a cover on each container used to handle, transfer, or store benzene containing wastes. 40 C.F.R. § 61.345 (a) (1).

**Factual Background**

9. Clean Harbors owns and operates a hazardous waste TSD, located at 11800 South Stony Island Avenue, Chicago, Illinois, that treats, stores, or disposes of hazardous waste generated by chemical manufacturing plants, coke by-product recovery plants and/or petroleum refineries.
10. Clean Harbors has a subtitle C permit under the Solid Waste Disposal Act.
11. Clean Harbors reported TAB quantity of less than 1 Mg/yr during the calendar year 1996.
12. Documents sent by Clean Harbors in response to U.S. EPA's information request dated April 26, 1999 demonstrated that Clean Harbor's TAB quantity for calendar year 1996 exceeded 1 Mg/yr or more.
13. Clean Harbors reported TAB quantity of less than 10 Mg/yr but equal to or greater than 1 Mg/yr during the calendar year 1997.
14. Documents sent by Clean Harbors in response to U.S. EPA's information request dated April 26, 1999 demonstrated that Clean Harbor's TAB quantity for 1997 exceeded 10 Mg/yr.
15. Clean Harbors did not include in any of the annual reports a table listing each waste stream, including whether or not the waste stream will be controlled for benzene emissions.
16. Clean Harbors has stated in its annual reports from April 1994 to April 1998 that the waste streams have a flow-weighted annual average water content of 10% or greater.
17. On February 12, 1999, Clean Harbors accepted waste from Amoco Chemical Company in Alvin, Texas, a facility with a TAB greater than 10 Mg/yr.

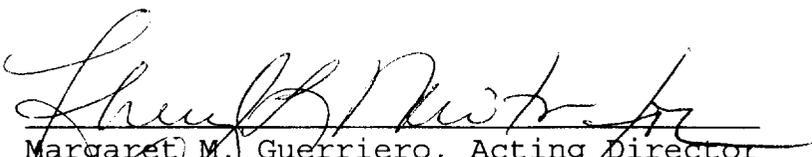
18. On February 12, 1999, Clean Harbors transferred benzene containing waste from one container to another container; neither container was installed with covers designed to eliminate detectable emissions.

Violations

19. For the purpose of the calculation required by 61.355 (a), Clean Harbors failed to determine annual benzene waste quantity, for wastes received from off-site, at the point where the waste enters the hazardous waste treatment, storage, and disposal facility, in violation of 40 C.F.R. § 61.355 (b) (3).
20. Clean Harbors failed to comply with the management and treatment requirements for facility waste listed at 40 C.F.R. § 61.342 (c), (d), or (e), in violation of 40 C.F.R. § 61.355 (a) (3).
21. Clean Harbors failed to include in their annual reports a table listing each waste stream, including whether or not the waste stream will be controlled for benzene emissions in accordance with the requirements of this subpart, in violation of 40 C.F.R. § 61.357 (a) (2).
22. On or about February 24, 1999, Clean Harbors transferred benzene containing wastes from one container to another without proper controls or a cover, in violation of 40 C.F.R. § 61.345 (a) (1).

Date

9/9/99

  
Margaret M. Guerriero, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation by Certified Mail, Return Receipt Requested, to:

James R. Laubsted, Facility Compliance Manager  
Clean Harbors Services, Inc.  
11800 South Stony Island Avenue  
Chicago, Illinois 60617

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

Harish Narayan, Acting Regional Manager  
Environmental Control  
Illinois Environmental Protection Agency, Region 1  
1701 South First Avenue  
Maywood, Illinois 60153

David Kolaz, Chief  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

on the 9<sup>th</sup> day of September, 1999.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P140 779178