



SAFETY-KLEEN WESTMORLAND Q & A FACT SHEET

Public Meeting

November 16, 1999

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC), in cooperation with the United States Environmental Protection Agency (U.S. EPA), has prepared this question and answer fact sheet to answer some of the questions that members of the Westmorland community have raised over the past six months regarding the Safety-Kleen Westmorland Facility (Safety-Kleen).

1. What are the rules that U.S. EPA and Safety-Kleen have to follow to allow hazardous waste from other countries to come in to the Safety-Kleen Facility?

The waste to be imported must be wastes that the Safety-Kleen Facility can accept under its permit. Safety-Kleen is required to know what the waste is, the concentrations of its various parts, and how it is being transported. Only then can they determine whether the waste will meet the acceptance requirements. Also, Safety-Kleen needs to make sure that the waste will meet all California transportation and record keeping requirements before it can arrive in this country. Once here, Safety-Kleen has to arrange for shipping and any short term storage that may be necessary. Importing hazardous waste from another country is not prohibited as long as the hazardous waste meets the acceptance requirements reviewed and approved by U.S. EPA.

2. On what grounds does DTSC revoke permits for the storing or disposing of hazardous waste?

DTSC can revoke a permit for a repeating or recurring pattern of violation of any laws and regulations that apply to hazardous waste management. DTSC may also revoke a permit on the grounds that it may pose a safety, public health, or environmental threat.

3. Has DTSC ever revoked any facility permits for storing, treating, handling or disposing of hazardous waste?

Yes, DTSC has revoked six permits since 1992. In addition, the strict standards imposed by State and

Federal regulations have resulted in a big reduction in the number of hazardous waste facilities permitted to operate in California. In 1980 over 500 companies applied for permits and today DTSC regulates just over 150 facilities.

4. In DTSC's inspections of Safety-Kleen Westmorland, what kind of violations were found? Has DTSC ever fined Safety-Kleen Westmorland?

DTSC has inspected this facility 23 times since 1984. Imperial County, the Colorado River Basin Regional Water Quality Control Board (RWQCB) and U.S. EPA have also conducted inspections of the facility. In the last three years, DTSC has inspected Safety-Kleen Westmorland six times and found only one violation, which was corrected the same day as the inspection.

In eight years prior to 1992, DTSC discovered nine violations. In 1992, DTSC fined Laidlaw \$3,900 for lack of maintenance on the groundwater monitoring system and open containers. In 1993, DTSC assessed a penalty of \$23,000 for Laidlaw's failure to submit a Quality Assurance/Quality Control Plan for construction of a new Stabilization Treatment Unit. Laidlaw changed its name to Safety-Kleen in July 1998, but remains under the same ownership.

5. What does a DTSC inspector look for when a facility like Safety-Kleen Westmorland is inspected?

At least once a year, an inspector will look at all aspects of the facility. Inspectors will tour the entire perimeter of the facility checking for any spills or any breaks in the fencing. He or she will also check the

drainage systems to see if they provide adequate drainage for the facility. In addition, the inspector checks all storage of hazardous waste and all procedures used to handle hazardous waste. Also, the inspector will review at random a number of waste profiles done by the facility. The inspector will also review at random a number of the manifests of loads shipped to the facility. An inspector will check the condition of the drums used for storage and the berms around the storage area. In addition, the inspector will check all aspects of transport of wastes from one area to another as well as any bins used for short term storage. Further, the inspector will check the operation and record keeping of the groundwater monitoring systems.

6. Why did Imperial County order Safety-Kleen to stop accepting sludge at their landfill?

The Imperial County Local Enforcement Agency, under California Integrated Waste Management Board (CIWMB) authority, ordered Safety-Kleen Westmorland to apply for and get a permit to accept and dispose of *non-hazardous* waste. Since Safety-Kleen has a permit to accept and dispose of hazardous waste at Westmorland, Safety-Kleen has appealed the Imperial County order taking the position that they do not need an additional permit to dispose of non-hazardous waste since they already meet the more stringent hazardous waste requirements. CIWMB is scheduled to hear Safety-Kleen's appeal in January 2000.

7. Did the Environmental Impact Report (EIR) for the original permit consider foreign importation of waste?

No, it did not. An EIR evaluates the environmental impacts of the acceptance and disposal of hazardous waste at the facility. The origin of the waste does not affect the environmental impacts of how the waste is handled in California. Foreign trade, including importing hazardous waste, is regulated by the Federal government.

8. What was the public participation process for past DTSC permit actions?

For both the initial DTSC permit in August 1991 and a Class III permit modification in June 1994, DTSC sent out a fact sheet to community members. In 1994, the fact sheet contained notices, in Spanish and English, of the date, time, and place of the public hearing, as well as the dates for the public comment period. For both actions, DTSC also invited public comments during a 45-day public

comment period and conducted public hearings. Also in 1994, DTSC published a notice in English in the Imperial Valley Press and in Spanish in El Lechugon, a Spanish language newspaper, with the date, time, and place of the public hearing as well as the dates for the public comment period.

9. How was this hazardous waste facility permitted and established in Imperial County?

The facility has received the following approvals from various agencies:

Authority to Construct/ Authority to Operate Permit -
Imperial County Air Pollution Control District

Federal Hazardous Waste Facility Permit -
U.S. EPA

Waste Discharge Requirements -
Colorado River Basin RWQCB

California Environmental Quality Act EIR -
Imperial County Board of Supervisors

Conditional Use Permit -
Imperial County Board of Supervisors

County Hazardous Waste Management Plan -
Imperial County Board of Supervisors

State Hazardous Waste Facility Permit -
DTSC