

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket P2 07/08-002

Clean Harbors Environmental Services, Inc.  
Clean Harbors San Jose, LLC  
42 Longwater Drive  
Norwell, MA 02061

CONSENT ORDER

Health and Safety Code  
Section 25187

The former Romic Environmental  
Technologies Corp.,  
Port of Redwood City Rail Facility  
695 Seaport Boulevard  
Redwood City, California 94063

Respondents.

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1. INTRODUCTION

The California Department of Toxic Substances Control (Department) and Respondents enter into this Consent Order (Order) and agree as follows:

1.1. Parties. The Department is a party to this Order. The Respondent parties to this Order are:

(a) Respondent, Clean Harbors Environmental Services, Inc., (Respondent Inc.) is a Massachusetts corporation qualified to do business in the State of California. Respondent Inc. is a registered hazardous waste transporter in the State of California.

(b) Respondent, Clean Harbors San Jose, LLC, (Respondent LLC) is a California limited liability company and an affiliate of Respondent Inc.

Respondent LLC operates a permitted facility located at 1021 Berryessa Road,

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CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.

DOCKET P2 07/08-002  
CONSENT ORDER

San Jose, California.

(c) Respondent, the former Romic Environmental Technologies Corp., Port of Redwood City Rail Facility (Respondent Rail Facility), is being purchased by Respondent Inc.; Respondent Rail will be an affiliate of the other Respondents. Unless otherwise specified the term Respondent shall refer to Respondent Rail Facility and Respondent Inc. as the primary, but not necessarily the sole, obligors for the requirements herein.

1.2. Site. Respondent generates, handles, stores, and/or transfers hazardous waste at 695 Seaport Boulevard, Redwood City, California 94063 (Site).

1.3. Authorization Status. On July 10, 2007, Respondent Inc. filed a Class 1\* permit modification to change ownership of the Site from Romic Environmental Technologies, Inc. (Romic) to Respondent Inc. Romic operated its Rail Terminal Facility under a variance from permitting requirements. The Department granted a five year variance on or about April 16, 1991. On or about April 16, 1996, the Department extended Romic's variance for an additional five years. The variance was further extended by the Department through December 31, 2001. Romic's variance allowed the rail terminal facility to receive only tanker trucks containing hazardous waste that had been blended at Romic's East Palo Alto facility. A Series B 10 year Standardized Permit (Permit) was issued to Romic effective January 10, 2002. The Permit limited the existing capacity of the permitted unit to 60,550 gallons and authorized:

- (a) the transfer and storage of hazardous waste received from Romic's Hazardous Waste Facility located in East Palo Alto, California, in Romic's tanker

trucks into rail cars destined/manifested to authorized hazardous waste facilities, in addition to cement kilns; and

(b) the transfer and storage of hazardous wastes received in rail cars into Romic's tanker trucks destined/manifested to Romic's Hazardous Waste Facility located in East Palo Alto, California.

The Class 1\* permit modification to change ownership of the Site to Respondent Inc. was approved on August 6, 2007, subject to specific conditions contained in the approval decision.

1.4. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.5. Hearing. All Respondents waive any and all rights to a hearing in this matter.

## 2. VIOLATIONS ALLEGED

2. The Department alleges the following prospective violations:

2.1. Although the filing of the Class 1\* Permit Modification referenced above is sufficient to change ownership of the Site, the terms of the Standardized Permit cannot be satisfied by Respondent without further modification. Operation without such modification would constitute one or more violations of statutes and regulations, as well as the Standardized Permit. The purpose of this order is to authorize operation, subject

to a Schedule for Compliance, for a limited period while such further modifications are applied for by Respondent Inc. and considered by the Department.

### 3. SCHEDULE FOR COMPLIANCE

3. Each Respondent, as applicable, shall comply with the following:

3.1. (a) Upon the satisfaction of the documentation requirements in (b) and (c) below, Respondent is authorized to operate a storage and transfer facility as described in this Order. Respondent shall have all documents required by regulation or by this Order for operation in place prior to receipt of the first shipment of hazardous waste.

(b) Not less than 10 days prior to commencement of operations as set forth in (a) above, Respondent shall give written notice to the Department of the date on which it will commence operations.

(c) The notice required in (b) above shall identify with specificity, as to title and location, all of the documents required by (a) above.

3.2. The Respondent Rail Facility consists of 550-feet of rail spur, bulk loading equipment, "secondary containment structure unit for container storage and transfer (Unit)", truck drive way with a turning area, air pollution control devices, dewatering system (Appendix 2), storm water collection system, and fire fighting equipment as described in Appendix 1.

3.3. Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety. Respondent shall operate Respondent Rail Facility in compliance

with all applicable federal, state, and local requirements including, without limitation, all applicable sections of California Code of Regulations, title 22, Chapters 12, 13, 14, and 18, as well as conditions specified in this Order.

3.4. Within 30 days of the effective date of the Order, Respondent shall submit to the Department a permit modification request in accordance with California Code of Regulations, title 22, section 66270.42 to modify hazardous waste management activities.

3.5. (a) This Order shall remain in effect for 180 days or until the Department renders a decision on the Respondent's permit modification described above, whichever occurs first.

(b) If the Department denies Respondent's permit modification request, Respondent shall cease operation upon receipt of that denial and commence closure in accordance with applicable law.

3.6. Respondent is prohibited from conducting any hazardous waste activity at Respondent Rail Facility not specifically identified in this Consent Order.

3.7. Hazardous waste shall not be land disposed at Respondent Rail Facility, whether temporarily or permanently.

3.8. Within 5 days of the effective date of this Order, Respondent shall obtain and submit to the Department for review financial assurance in the amount of \$306,797.00. Respondent shall not initiate operation of the facility until the adequacy of the financial mechanism is approved. This provision of the Order shall supersede California Code of Regulations, title 22, section 66270.40(b).

3.9. Within 5 days of the effective date of this Order, Respondent shall obtain and provide proof of liability coverage for sudden accidental occurrences in the amount of at least \$500,000 per occurrence with an annual aggregate amount of at least \$1 million, exclusive of legal defense costs. Respondent shall not operate the Unit until the adequacy of the financial mechanism is approved. This provision of the Order shall supersede California Code of Regulations, title 22, section 66270.40(b).

3.10. Respondent shall operate the Unit for storage and transfer in accordance with the following operating standards:

(a) The Unit consists of a single structure consisting of the Truck Side Containment and the Rail Side Containment and two loading stations on Spur #786 as described in Appendix 1. All piping and ancillary equipment for storage and transfer operations are located within the Unit.

(b) Respondent shall operate all storage and transfer activities within the Unit as described in Appendix 1.

(1) Respondent shall store all off-site generated hazardous waste containers within the Unit designated by this Order and as described in Appendix 1.

(2) Respondent shall conduct all transfers of hazardous waste within the Unit and as described in Appendix 1.

(c) Respondent shall accept and transfer only hazardous waste listed in Appendix 3 of this Order. Any hazardous waste not listed in Appendix 3 is prohibited, including, but not limited to, pesticides, gases, reactives, dioxins,

mixed radioactive, PCBs, and explosives.

- (d) (1) Respondent shall only accept and transfer from tanker trucks or vacuum tankers carrying manifested hazardous waste from Respondent LLC's facility. Respondent shall receive hazardous waste exclusively transported by Respondent Inc. as the registered transporter or by registered transporters under direct written contract to Respondent LLC or Respondent Inc. The Respondent LLC facility shall be identified as the generator of the hazardous waste and Respondent Rail Facility identified as the receiving designated facility on the uniform hazardous waste manifest.
- (2) Hazardous waste received and accepted by Respondent shall be transferred to a rail car and shipped offsite within 10 days of receipt.
- (e) (1) Respondent shall receive inbound hazardous waste for transfer from rail cars destined exclusively for the Respondent LLC facility. Upon receipt and acceptance, hazardous waste shall be offloaded and transported by Respondent Inc. as the registered transporter or by registered transporters under direct written contract to Respondent LLC or Respondent Inc. Respondent shall be identified as the generator with Respondent Inc. identified as the registered transporter, and the Respondent LLC facility identified as the receiving designated facility on the uniform hazardous waste manifest.
- (2) Hazardous waste received and accepted by Respondent shall be

transferred and shipped offsite to the Respondent LLC facility using a tanker truck or vacuum truck within 10 days of receipt.

(f) Respondent's maximum capacity for storage and transfer at the Unit is 60,550 gallons. For purposes of calculating the maximum volume allowed by this Order, any hazardous waste or hazardous material at the Unit shall be included in all volume calculations. All containers shall be deemed full in calculating compliance with this maximum capacity requirement.

(g) Respondent shall have no more than two rail cars in the Unit at any one time. The maximum capacity of any one rail car shall not exceed 25,000 gallons. All rail cars shall be in compliance with Title 49, Code of Federal Regulations, parts 172 and 173.

(1) Railcars shall be filled or emptied from the top. No bottom loading rail cars shall be filled or emptied at the facility.

(2) Respondent shall not store rail cars holding hazardous waste on site for more than 10 days.

(h) Rail cars received by the Respondent for purposes of storage and outbound transfer of hazardous waste shall be empty in accordance with California Code of Regulations, title 22, section 66261.7(p)(1), except for residue or residual heels. Respondent shall determine the volume of residue in the rail car prior to the transfer of hazardous waste and document the findings in gallons in Respondent Rail Facility's operating record.

(1) If Respondent determines the rail car contains residues or residual

heels that exceed the definition of "empty" in California Code of Regulations, title 22, section 66261.7(p)(1), the residues or residual heel shall be accompanied by a manifest indicating the nature and amount of the residues or residual heel or Respondent shall comply with California Code of Regulations, title 22, sections 66264.72 and 66264.76, as applicable.

(2) In addition to complying with paragraph 3.10(h)(1) as noted above, the Respondent may sample the contents of the rail car to determine acceptability by both the Respondent based on Appendix 3 and the Respondent LLC facility. If the hazardous waste is acceptable, the hazardous waste may be offloaded for transport by Respondent Inc. as a registered transporter to the Respondent LLC facility.

- (i) (1) Respondent shall have no more than one tanker truck or vacuum truck in the unit at any one time. The maximum capacity of any such truck shall not exceed 10,000 gallons. All tanker trucks or vacuum trucks shall be in compliance with 49 Code of Federal Regulations, parts 172 and 173.
- (2) Respondent shall not store tanker trucks or vacuum trucks holding hazardous waste for more than 10 days.

(j) Respondent shall have no more than 10 drums of offsite generated hazardous waste within the Unit at any one time. The maximum capacity of any one drum shall not exceed 85 gallons. The maximum total capacity of all drums of offsite generated hazardous waste within the Unit at any one time shall not exceed 550

gallons.

(1) Respondent is authorized to store offsite hazardous waste within the Unit, which may include, but is not limited to: contaminated debris, line flushes, and filter sludge in drums for up to 10 days.

(k) Respondent is authorized to accumulate onsite hazardous wastes, which may include saturated carbon, scrubber diesel fuel, and scrubber water from the air pollution control devices for up to 90 days.

(l) Respondent shall not use sacks, cartons or pressurized gas cylinders as containers for transfer and storage of hazardous waste.

(m) Respondent shall not stack drums and shall maintain a minimum of a 3 foot aisle space between rows of drums.

(n) Respondent shall load or unload one truck or one rail car at a time.

(o) Respondent may install a filter in the line upstream of the pump to filter out debris so the pump is not damaged during transfer operations. Any material collected in the filter shall be placed into drums and managed pursuant to the storage requirements in this Order applicable to offsite hazardous waste.

(p) Respondent is prohibited from using heat, chemicals or pressure during transfer operations. Transfers from vacuum trucks are exempt from the prohibition against using pressure during transfer operations.

(q) Respondent shall conduct transfer operations so that the vent on any tanker truck, vacuum truck, or rail car being loaded is connected to the air pollution control system.

(r) Respondent shall use drip pans or equivalent devices placed under the tank truck side of the hose coupling points to contain all releases from the unloading and filling operations. Hazardous wastes contained in drip pans shall be managed pursuant to the storage requirements in this Order applicable to offsite hazardous waste.

(s) Respondent shall disconnect all hosing at the end of each operating day.

(t) Respondent shall manage all containers closed, except when adding or removing hazardous waste.

(u) Respondent shall not store or transfer incompatible hazardous material or hazardous waste in the Unit. Respondent shall not store or transfer any incompatible hazardous waste in bulk containers which contain residues as defined in California Code of Regulations, title 22, section 66261.7(p).

(v) Respondent is prohibited from conducting rail car, tanker truck, or vacuum truck cleaning operations at the facility

(w) Respondent is prohibited from conducting confined space entry at the facility.

(x) Loading and unloading operations shall be conducted by two Respondent LLC and/or Respondent Inc. employees fully trained in compliance with the Respondent's safety program, operating procedures, and emergency procedures. Transfer shall be conducted in accordance with the terms of this agreement and in accordance with Respondent's site specific rail car transfer procedures.

(1) The grounding of the tanker truck or vacuum truck and the operation and handling of hoses and fittings associated with the transfer of hazardous waste

from or to the tanker truck or vacuum truck shall be the responsibility of the driver of that vehicle.

(2) Once the hose is attached to the tanker truck or vacuum truck, offloading the hazardous waste to the rail car or from the rail car to the tanker truck or vacuum truck shall be conducted in the manner described in paragraph 3.10(x) above.

(y) Respondent shall develop and submit to the Department site specific loading and unloading procedures.

(z) Respondent shall develop a site specific waste analysis plan in accordance with California Code of Regulations, title 22, section 66264.13 and shall include in said waste analysis plan the following waste analysis procedures for outbound rail shipments:

(1) Prior to receipt of waste from the Respondent LLC facility, Respondent shall review waste profiles and fingerprint data to ensure all waste codes in the proposed shipment are acceptable based on Appendix 3.

(2) The Respondent LLC facility shall collect a representative sample from each load of hazardous waste destined for transport to the Respondent Rail Facility. The representative sample shall be analyzed to determine acceptability for the Respondent Rail Facility based on waste codes identified in Appendix 3 and for acceptability by the subsequent designated facility as well as for compatibility with hazardous waste and hazardous waste residues contained in the receiving rail car.

(3) Sample collection, analysis, and QA/QC procedures shall be conducted in

accordance with the Respondent LLC facility approved Waste Analysis Plan and/or U.S. EPA's SW-846 protocol, as applicable.

(4) Once the rail car is ready for transport, a final representative sample shall be taken from the rail car by Respondent and analyzed to ensure that the waste meets the designated facility's specifications. The analysis shall be performed by the Respondent LLC facility. If deemed acceptable, the load and all associated shipping papers shall be transported to the designated facility.

(aa) As part of Respondent's waste analysis plan, Respondent shall include the following waste analysis procedures for inbound rail shipments:

(1) Prior to receipt and acceptance of the inbound rail car, Respondent shall review the rail car's uniform hazardous waste manifest and associated shipping papers to verify that incoming wastes are acceptable based on Appendix 3.

(2) An employee of Respondent trained in the collection of hazardous waste shall collect a representative sample from the inbound rail car for analysis at the Respondent LLC facility in accordance with the Respondent LLC facility's approved waste analysis plan and/or U.S. EPA SW-846 protocol.

(3) Respondent shall determine if the waste matches the profile information and can be accepted by the Respondent in accordance with Appendix 3 and at the Respondent LLC facility.

(4) Once the waste is deemed acceptable, at a minimum, two Respondent LLC and/or Respondent Inc. employees shall off load the hazardous waste from the rail car into Respondent Inc.'s registered tanker trucks or vacuum trucks or

tanker truck or vacuum trucks of a registered transporter under direct contract to Respondent LLC or Respondent Inc. per Respondent's site specific rail car transfer procedures for transport to the Respondent LLC facility.

(A) The grounding of the tanker truck or vacuum truck and the operation and handling of hoses and fittings associated with the transfer of hazardous waste from or to the tanker truck or vacuum truck shall be the responsibility of the driver of that vehicle.

(B) Once the hose is attached to the tanker truck or vacuum truck, offloading the hazardous waste to the rail car or from the rail car to the tanker truck or vacuum truck shall be conducted in the manner described in paragraph 3.10(aa)(4) above.

(bb) As part of their waste analysis plan, Respondent shall develop procedures for the review of current literature and chemical data bases to assess potential hazards and possible changes to waste management by waste stream and specific chemical which may impact the storage and transfer of hazardous waste.

(cc) Respondent is prohibited from mixing, blending, and/or treating hazardous waste streams listed in Appendix 3 of this Order for the purposes of meeting the hazardous waste acceptance criteria of any designated hazardous waste facility.

(dd) Respondent shall document all leaks and spills which may occur during all storage and transfer operations. Documentation shall include amount spilled or leaked, the date and time of the spill or leak, and the uniform hazardous waste manifest number(s) of the hazardous waste spilled or leaked. This documentation shall be

included as part of the Operating record.

(ee) Respondent shall collect and analyze all rain water and/or wash water accumulated in the Unit in accordance with Appendix 1. If determined to be hazardous, the liquid shall be managed, handled and transported to the Respondent LLC facility and managed as hazardous waste.

(ff) Respondent shall collect and pump any liquid from the dewatering system (Appendix 2) that is between the steel plate and the concrete into a 55-gallon container as discussed in Appendix 1.

- (1) In accordance with waste analysis plan procedures identified in the Respondent LLC facility's waste analysis plan, the liquid shall be analyzed for F001-F005 solvents when the container is full.
- (2) If solvents are present, that liquid shall be transported under a uniform hazardous waste manifest to the Respondent LLC facility for management as a hazardous waste.
- (3) The liquid pumped from between the steel plate and concrete is considered to be onsite generated waste and Respondent shall manage the liquid in accordance with California Code of Regulations, title 22, Chapter 12.
- (4) If the liquids are found to contain F001-F005 solvents, Respondent shall notify the Department within 24 hours of receipt of the laboratory results.
- (5) Respondent shall initiate steps to determine the root cause and provide the Department with a report within 30 days of the findings describing how the presence of F001-F005 solvents occurred and what steps Respondent has taken

to minimize a re-occurrence, which shall include, but not be limited to, an evaluation of the integrity of the steel plates and the bolts which attach the plates to the underlying concrete containment structure, the integrity of the dewatering system, the integrity of all piping, hoses, couplings/fittings and any additional ancillary equipment used for hazardous waste transfer operations, and a review of all leaks and spills that may have occurred within the Unit.

(gg) Within 30 days of the effective date of this Order, Respondent shall conduct a structural integrity test on the secondary containment system to assess the condition and capabilities of the existing secondary containment system. The structural integrity test shall be conducted by an independent, qualified registered engineer registered in California pursuant to California Code of Regulations, title 22, section 66270.11(d). Respondent shall submit the engineer's signed and sealed structural integrity test findings, along with any and all recommendations for the secondary containment Unit within ten (10) days of receiving said findings.

(hh) If the results of the structural integrity test determine that the secondary containment system is unable to function in accordance with California Code of Regulations, title 22, section 66264.175, then Respondent shall immediately notify the Department of all emergency measures it will take to minimize the movement of liquids into and out of the secondary containment system. Respondent shall further submit to the Department its proposal to remedy all problems noted in the structural integrity test findings.

(ii) If the results of the structural integrity test determine that the secondary

containment system is able to function in accordance with California Code of Regulations, title 22, section 66264.175, then Respondent shall initiate a semi-annual certification program for the integrity of the secondary containment system to be completed by an independent, qualified registered engineer registered in California pursuant to California Code of Regulations, title 22, section 66270.11(d). The first semi-annual certification shall be completed on or before March 15, 2008 and shall be completed every six months from that point forward. If the secondary containment system fails any integrity test during this period, Respondent shall comply with paragraph 3.10(hh) above.

(jj) Respondent shall develop a site specific inspection schedule and log or summary in accordance with California Code of Regulations, title 22, section 66264.15.

At a minimum, the inspection schedule and log or schedule shall include:

- (1) Inspection of all containers, containment areas and the dewatering system during each operating day. These inspections shall include, but not be limited to, an evaluation of container condition, proper labeling and placarding, and piping, hoses, couplings/fittings and any additional ancillary equipment used for hazardous waste transfer operations. The secondary containment system inspection shall include, but not be limited to, an evaluation for cracks, gaps, loose bolts, signs of deterioration and standing liquid in the rail side containment system and sump, cracks, gaps, loose bolts and signs of deterioration and standing liquid in the truck side containment pan and sumps, as well as an evaluation of all pumps used within the authorized Unit, and of the weld around

the 36-inch pipe for integrity.

(2) At a minimum, weekly inspections shall occur if waste is present on site.

These inspections shall include all areas identified in paragraph 3.10(jj) above, plus site security, emergency preparedness equipment, communications systems and any on-site accumulated hazardous waste.

(kk) In the event any cracks, gaps, or tears are detected in the Unit, Respondent shall:

(1) Initiate repair as soon as possible and complete all repairs within one week of discovery, or cease operations until completed;

(2) Notify the Department within 24 hours of discovery whenever a containment crack, gap, or tear is found;

(3) Within 7 days of discovery of the problem, Respondent shall notify the Department in writing of corrective measures that have been taken.

(ll) Respondent shall develop a site specific training plan in accordance with California Code of Regulations, title 22, section 66264.16.

(mm) Respondent shall develop a site specific contingency plan and emergency procedures, preparedness and prevention in accordance with California Code of Regulations, title 22, Articles 3 and 4 of Chapter 14.

(nn) Respondent shall implement site security standards in accordance with California Code of Regulations, title 22, section 66264.14.

(oo) Respondent shall maintain all records in accordance with California Code of Regulations, title 22, Chapter 14, Article 5 at the Respondent LLC facility. The

operating record shall include all documents identified in California Code of Regulations, title 22, section 66264.73, including but not limited, to the documentation of:

- (1) all hazardous wastes received onsite by uniform hazardous waste manifest number, date and time received, date transferred, start time of transfer and ending time of transfer, date shipped, employees involved in the transfer, volume transferred, and rail car number;
- (2) waste analysis results of wastes received, wastes transferred, liquids removed from the containment systems, compatibility results;
- (3) records of all leaks and spills within the Unit; and
- (4) inspection records, containment certifications, incident reports, training records, and exception reports.

(pp) Respondent shall make available for review upon request, any record required by this Order which may be located, either permanently or temporarily, on site during the course of an inspection conducted by any federal, state, or local agency.

3.11. Submittals. All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Patricia Barni, Section Chief  
Enforcement and Emergency Response Branch  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2737

Wei-Wei Chui, Section Chief  
Standardized Permitting and Corrective Action Branch  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 210  
Berkeley, California 94710-2737

3.12. Communications. All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by the appropriate Branch Chief, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department shall relieve Respondent of its obligation to obtain required formal approvals.

3.13. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with this Order or fails to protect public health or safety or the environment, the Department may:

- (a) Modify the document and approve the document as modified, or
- (b) Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.14. Endangerment during Implementation. In the event that the Department determines that any circumstance or activity (whether or not pursued in compliance with

this Order) is creating an imminent or substantial endangerment to the health or welfare of people on the Site, in the surrounding area, or to the environment, the Department may order Respondent to stop further implementation of this Order for such period of time as is needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended by the term of such Stop Work Order.

3.15. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of Respondent=s operations, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare, or the environment.

3.16. Site Access. Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any other agency having jurisdiction. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law.

3.17. Sampling, Data, and Document Availability.

3.17.1. Respondent shall permit the Department and/or its authorized

representatives to inspect and copy all sampling, testing, monitoring, and/or other data (including, without limitation, the results of any such sampling, testing and monitoring) generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Order.

3.17.2. Respondent shall allow the Department and/or its authorized representatives to take duplicates of any samples collected by Respondent pursuant to this Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Order.

3.17.3. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either:

- (a) comply with that request,
- (b) deliver the documents to the Department, or
- (c) notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order and permit the Department to copy the documents prior to destruction.

3.18. Government Liabilities. Neither the State of California nor the Department shall be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent, or related parties, in carrying out activities pursuant to this Order. Neither the State of California nor the Department shall be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to

the Order.

3.19. Incorporation of Plans and Reports. All plans, schedules, and reports that were, or will be, submitted by Respondent pursuant to this schedule for compliance, and were, or will be, approved by the Department are hereby incorporated into this Order.

3.20. Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.21. Extension Approvals. If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

#### 4. OTHER PROVISIONS

4.1. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.2. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.3. Privileges. Nothing in this Agreement shall be construed to require any party to waive any privilege. However, the assertion of any privilege shall not relieve

any party of its obligations under this Order.

4.4. Time Periods. "Days" for the purpose of this Order means calendar days.

4.5. Captions and Headings. Captions and headings used herein are for convenience only and shall not be used in construing this Consent Order.

4.6. Severability. If any provision of this Consent Order is found by a court of competent jurisdiction to be illegal, invalid, unlawful, void or unenforceable, then such provision shall be enforced to the extent that it is not illegal, invalid, unlawful, void, or unenforceable, and the remainder of this Consent Order shall continue in full force and effect.

4.7. Entire Agreement. This Consent Order contains the entire and only understanding between the Parties regarding the subject matter contained herein and shall supercede any and all prior and/or contemporaneous oral or written negotiations, agreements, representations and understandings and may not be amended, supplemented, or modified, except as provided in this Order. The Parties understand and agree that in entering into this Consent Order, the Parties are not relying on any representations not expressly contained in this Consent Order.

4.8. Counterparts. This Consent Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

4.9. Non-Waiver. The failure by one party to require performance of any provision shall not affect that party's right to require performance at any time thereafter,

provision shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Contract constitute a waiver of any subsequent breach or default or a waiver of the provision itself.

5. EFFECTIVE DATE

5. The effective date of this Order is the date it is signed by the Department.

Dated: 8-8-07

Clean Harbors Environmental Services, Inc.

BY: 

For all Respondents

Dated: August 10, 2007

BY: Charlene Williams

Charlene Williams, Chief  
Northern California Branch  
Enforcement and Emergency Response  
Program  
Department of Toxic Substances  
Control

P2-07/08-002

CONSENT ORDER

APPENDIX 1

## APPENDIX 1

The Secondary Containment Structure Unit (Unit) consists of a series of large steel plates on top of a 5 to 7 inch concrete base. The steel plates are welded together to prevent liquid from migrating through the seams. The steel plates are also bolted to the concrete base.

The Unit is comprised of a depressed secondary containment (Truck Side Containment) which the tanker trucks drive into for loading and unloading and a ground level secondary containment (Rail Side Containment) underneath the railroad tracks. Rainwater run-on into the Unit is prevented by a series of storm sewer drains located throughout the Facility. The Facility is constructed so that storm water drains away from the Unit toward the storm drains. The existing Unit has two loading stations on the front track (Spur Track #786). All piping and ancillary equipment for the transfer and storage operations are located within the Unit.

### TRUCK SIDE CONTAINMENT

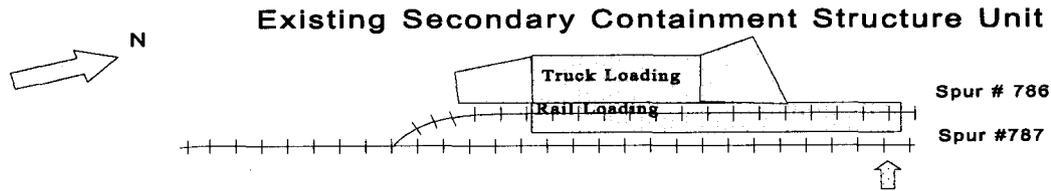
The Truck Side Containment feature is constructed of 6-inch concrete with #4 rebar spaced 16 inches on center each way. The concrete is covered with ¼-inch steel plate which has been welded together to create an impermeable surface. Additionally, the steel plate is coated with epoxy paint to help prevent oxidation. The Truck Side Containment has the capacity of approximately 48,000 gallons. This is sufficient capacity to contain the volume of the largest rail car (25,000 gallons) plus the precipitation from a 25-year, 24-hour rainfall event (4.2 inches = 17,000 gallons).

The central section of the Truck Side Containment is a level loading area that measures 70 feet by 27 feet by 2.5 feet deep. There is an 18" by 18" by 18" sump located on the south end of this loading area. Two large ramps on either side of the central section allow access into and out of the Truck Side Containment area for loading and unloading operations. One ramp measures about 30 feet long by 27 feet and then narrows to 22 feet wide. The second ramp measures 20 feet long by 27 feet wide and then widens to 32 feet wide.

The dewatering system to the Truck Side Containment serves to reduce the water level from underneath the secondary containment system. The dewatering system consists of a containment structure sump and groundwater extraction well (see Appendix 2). The dewatering system also uses two pumps to extract water from two areas: (1) between the metal plates and concrete base, and (2) underneath the concrete base. Liquid from between the steel plate and the concrete will be pumped into a 55-gallon container. That liquid is considered to be generator waste and Respondent shall manage the liquid in accordance with applicable generator requirements in Chapter 12, Title 22, California Code of Regulations. The liquid shall be analyzed for F001-F005 solvents when the container is full. If solvents are present, that liquid shall be transported to the Respondent's Berryessa Street facility for management as a hazardous waste. An evaluation will be conducted to determine the source of the solvents. Otherwise, the liquids will be discharged to the storm drain system or otherwise managed with waste at the Berryessa facility.

Liquids from underneath the concrete base will not be considered a hazardous waste since it is outside the secondary containment system and can be discharged to the storm drain system.

Respondent shall obtain the necessary permits required by other governmental agencies for the discharge of any liquids to the storm drain system.



## RAIL SIDE CONTAINMENT

The Rail Side Containment is approximately 135 feet long by 13.5 feet wide. This Rail Side Containment is no higher than four (4) inches high, otherwise the curb would prevent the rail car from entering the Unit. The Rail Side Containment consists of three separate 1/4" steel pans, which are placed on each side of, and between the tracks. The pans are welded to the track to hold them in place. There are six drains located about 20 feet apart. Three drains measure four (4) inches in diameter and three drains measure six (6) inches in diameter. Piping then connects the drains from these containment pans to the Truck Side Containment, which is adjacent to the tracks.

Any liquid that collects in the containment pans beneath the rail cars drains to the Truck Side Containment. A blind sump with a capacity of 25 gallons is located at the south end of the Rail Side Containment. This sump must be manually pumped. There is approximately one foot of drop across the containment area sloping from the north to the south. Due to the height of the rail cars from the tracks, it is impossible for the transport container to come in contact with standing water or spilled liquids.

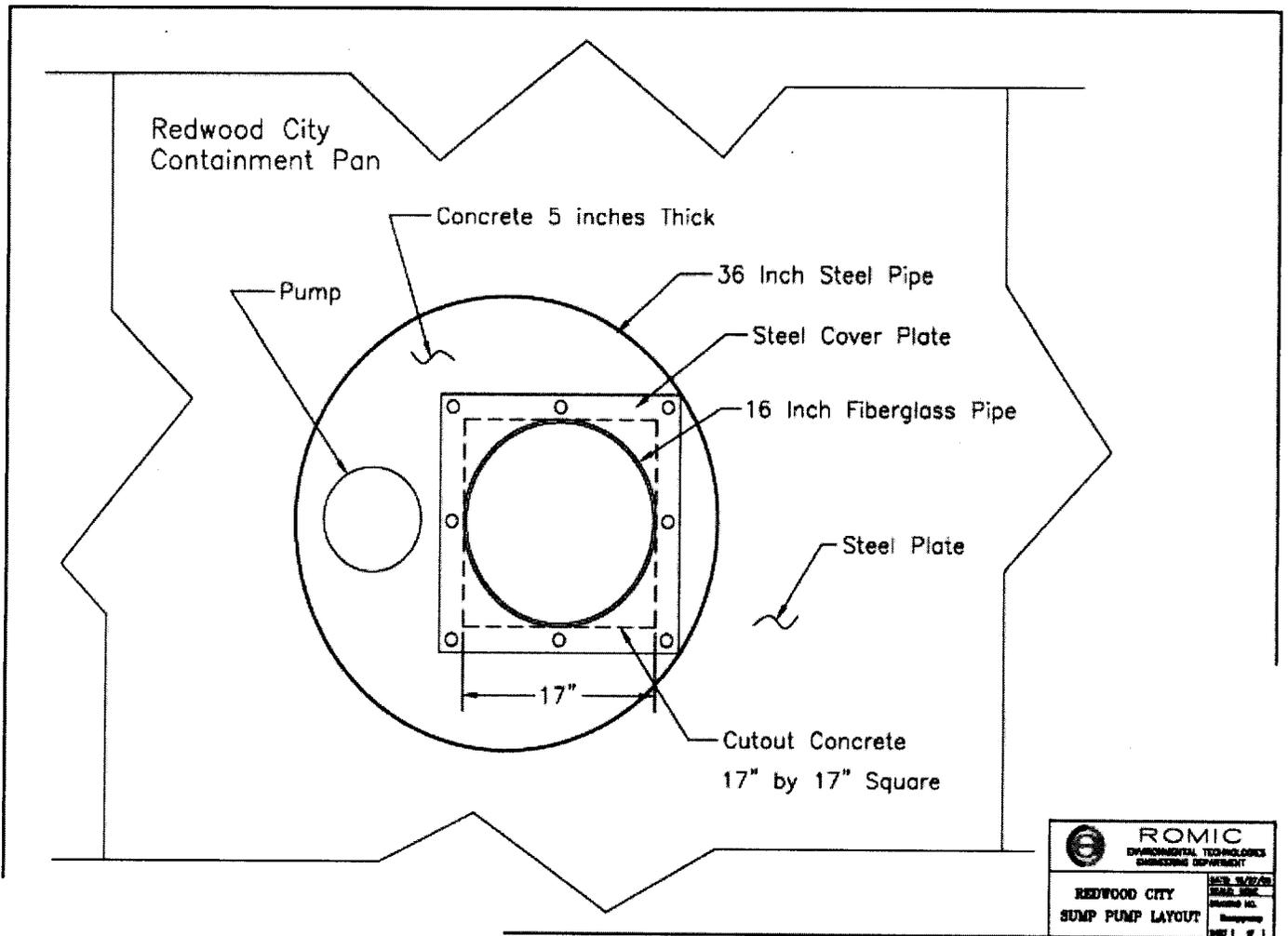
Storm water collected in the Unit is either pumped into tanker trucks for transport to the Berryessa facility for processing or it is pumped into the storm water collection tank. The onsite storm water collection tank is located to the south of the loading/unloading area. The storm water tank is a portable tank (Baker Tank or equivalent) or a stainless steel tanker with a capacity of approximately 5,000 gallons. This tank is not regulated under this Order as long as the storm water collected in the tank is not hazardous waste.

P2-07/08-002

CONSENT ORDER

APPENDIX 2

## Appendix 2: Dewatering System Sump Pump Layout



P2-07/08-002

CONSENT ORDER

APPENDIX 3

### APPENDIX 3

#### WASTE CODE TABLE Rail Facility

Waste Code	Common Name	Properties	Maximum Conc.	Estimated Yearly Gallons
D001	Ignitable	Flammable	100%	3,600,000
D002	Corrosive	Corrosive	100%	25,000
D004	Arsenic	Toxic	10%	3,600,000
D005	Barium	Toxic	10%	3,600,000
D006	Cadmium	Toxic	10%	3,600,000
D007	Chromium	Toxic	10%	3,600,000
D008	Lead	Toxic	10%	3,600,000
D009	Mercury	Toxic	10%	3,600,000
D010	Selenium	Toxic	10%	3,600,000
D011	Silver	Toxic	10%	3,600,000
D018	Benzene	Toxic	100%	25,000
D019	Carbon Tetrachloride	Toxic	100%	25,000
D021	Chlorobenzene	Toxic	100%	25,000
D022	Chloroform	Toxic	100%	25,000
D023	o- Cresol	Toxic	100%	25,000
D024	m- Cresol	Toxic	100%	25,000
D025	p- Cresol	Toxic	100%	25,000
D026	Cresol	Toxic	100%	25,000
D027	1, 4- Dichlorobenzene	Toxic	100%	25,000
D028	1, 2- Dichloroethane	Toxic	100%	25,000
D029	1, 1- Dichlorethylene	Toxic	100%	25,000
D030	2, 4- Dinitrotoluene	Toxic	100%	25,000
D032	Hexachlorbenzene	Toxic	100%	25,000
D033	Hexachlorobutadiene	Toxic	100%	25,000
D034	Hexachloroethane	Toxic	100%	25,000
D035	Methyl Ethyl Ketone	Toxic	100%	25,000
D036	Nitrobenzene	Toxic	100%	25,000
D037	Pentachlorophenol	Toxic	100%	25,000
D038	Pyridine	Toxic	100%	25,000
D039	Tetrachloroethylene	Toxic	100%	25,000
D040	Trichloroethylene	Toxic	100%	25,000
D041	2,4,5-Trichlorophenol	Toxic	100%	25,000
D042	2,4,6-Trichlorophenol	Toxic	100%	25,000
D043	Vinyl Chloride	Toxic	100%	25,000
F001	halogenated solvents used in degreasing:	Toxic	100%	3,600,000
F002	spent halogenated solvents	Toxic	100%	3,600,000
F003	spent non-halogenated solvents	Toxic, Flammable	100%	3,600,000
F004	spent non-halogenated solvents	Toxic	100%	3,600,000
F005	spent non-halogenated solvents	Flammable	100%	3,600,000

Waste Code	Common Name	Properties	Maximum Conc.	Estimated Yearly Gallons
F006	wastewater treatment sludges from electroplating	Toxic Toxic	100%	3,600,000
F019	wastewater treatment sludges from the chemical conversion coating of aluminum	Toxic	100%	25,000
F024	Process wastes from the production of certain chlorinated aliphatic hydrocarbons	Toxic	100%	25,000
F027	discarded unused formulations		100%	25,000
F037	Petroleum refinery primary oil/water/solids separation sludge	Toxic	100%	50,000
F038	oil/water/solids separation sludge	Toxic	100%	50,000
F039	leachate	Toxic	100%	50,000
K048	dissolved air flotation (DAF) float from the petroleum refining industry	Toxic	100%	50,000
K050	heat exchanger bundle cleaning sludge from the petroleum refining industry	Toxic	100%	50,000
K051	API separator sludge from the petroleum refining industry	Toxic	100%	50,000
K052	tank bottoms (leaded) from the petroleum refining industry	Toxic	100%	50,000
K086	washes and sludges from cleaning tubs and equipment used in the formulation of ink;	Toxic	100%	50,000
K087	decanter tank tar sludge from coking operations.	Toxic	100%	50,000
K157	Hazardous wastewaters from the production of carbamates.	Toxic	100%	50,000
K169	Crude oil storage tank sediment from petroleum refining operations	Toxic	100%	50,000
K170	Clarified slurry oil storage tank sediment from petroleum refining operations	Toxic	100%	50,000
P005	Allyl alcohol	Toxic	100%	25,000
P016	Dichloromethyl ether	Toxic	100%	25,000
P022	Carbon disulfide	Toxic	100%	25,000
P024	p-Chloroaniline	Toxic	100%	25,000
P028	Benzyl chloride	Toxic	100%	25,000
P054	Aziridine	Toxic	100%	25,000
P058	Acetic acid, fluoro-, sodium salt	Toxic	100%	25,000
P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro- 3a,4,7,7a-tetrahydro-	Toxic	100%	25,000
P060	1,4,5,8-Dimethanonaphthalene	Toxic	100%	25,000
P067	Aziridine, 2-methyl-	Toxic	100%	25,000
P068	Hydrazine, methyl	Toxic	100%	25,000
P075	Nicotine and salts	Toxic	10%	25,000
P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	Toxic	100%	25,000
P102	2-Propyn-1-ol	Toxic	100%	25,000
P110	Tetraethyl lead	Toxic	100%	25,000
P203	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime	Toxic	100%	25,000

Waste Code	Common Name	Properties	Maximum Conc.	Estimated Yearly Gallons
P204	Physostigmine CAS#: 54-47-6	Toxic	100%	25,000
U002	Acetone	Flammable	100%	50,000
U003	Acetonitrile	Flammable Toxic	100%	25,000
U004	Acetophenone	Toxic	10%	25,000
U019	Benzene	Flammable Toxic	100%	25,000
U031	n-Butyl Alcohol	Flammable	100%	50,000
U037	Benzene, chloro-	Flammable	100%	25,000
U043	Ethene, chloro-	Toxic	100%	25,000
U044	Chloroform	Toxic	100%	25,000
U051	Creosote	Toxic	100%	25,000
U052	Cresol (Cresylic acid)	Toxic	100%	25,000
U055	Cumene	Flammable Toxic	100%	25,000
U056	Cyclohexane	Flammable	100%	25,000
U057	Cyclohexanone	Flammable	100%	25,000
U070	Benzene, 1,2-dichloro-	Toxic	100%	25,000
U071	m-Dichlorobenzene	Toxic	100%	25,000
U072	p-Dichlorobenzene	Toxic	100%	25,000
U080	Methane, dichloro-	Flammable	100%	25,000
U108	1,4-Dioxane	Flammable	100%	25,000
U110	Dipropylamine	Flammable	100%	25,000
U112	Ethyl Acetate	Flammable	100%	25,000
U121	Methane, trichlorofluoro-	Toxic	100%	25,000
U122	Formaldehyde	Toxic	100%	25,000
U134	Hydrofluoric acid	Corrosive, Toxic	100%	25,000
U140	Isobutyl alcohol	Flammable	100%	25,000
U151	Mercury	Toxic	100%	25,000
U154	Methanol	Flammable	100%	50,000
U159	Methyl ethyl ketone	Flammable	100%	25,000
U161	Methyl isobutyl ketone	Flammable	100%	25,000
U171	2-Nitropropane	Flammable	100%	25,000
U188	Phenol	Toxic	100%	25,000
U208	1,1,1,2-Tetrachloroethane	Toxic	100%	25,000
U209	1,1,2,2-Tetrachloroethane	Toxic	100%	25,000
U210	Tetrachloroethylene	Toxic	100%	25,000
U211	Carbon tetrachloride	Toxic	100%	25,000
U213	Furan, tetrahydro-	Flammable	100%	25,000
U220	Toluene	Flammable Toxic	100%	25,000
U226	Methyl chloroform	Toxic	100%	25,000
U228	Trichloroethylene	Toxic	100%	25,000
U239	Xylene	Flammable	100%	25,000
U400	Ethanamine, N,N-diethyl-	Toxic	100%	25,000

#### STATE WASTE CODES

121	Alkaline solution (pH <UN-> 12.5) with metals	Corrosive	100%	100,000
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Waste Code	Common Name	Properties	Maximum Conc.	Estimated Yearly Gallons
122	Alkaline solution without metals (pH > 12.5)	Corrosive	100%	100,000
123	Unspecified alkaline solution	Corrosive	100%	100,000
131	Aqueous solution (2 < pH < 12.5) containing reactive anions	Corrosive	100%	100,000
132	Aqueous solution with metals	Toxic	100%	100,000
133	Aqueous solution with 10% or more total organic residues	Toxic	100%	100,000
134	Aqueous solution with less than 10% total organic residues	Toxic	100%	100,000
135	Unspecified aqueous solution	Toxic	100%	100,000
141	Off-specification, aged, or surplus inorganics	Toxic	100%	100,000
171	Metal sludge (see 121)	Toxic	100%	25,000
211	Halogenated solvents	Toxic	100%	25,000
212	Oxygenated solvents	Toxic	100%	25,000
213	Hydrocarbon solvents	Toxic	100%	100,000
214	Unspecified solvent mixture	Toxic	100%	100,000
221	Waste oil and mixed oil	Toxic	100%	100,000
222	Oil/water separation sludge	Toxic	100%	50,000
223	Unspecified oil-containing waste	Toxic	100%	100,000
241	Tank bottom waste	Toxic	100%	100,000
251	Still bottoms with halogenated organics	Toxic	100%	100,000
252	Other still bottom waste	Toxic	100%	25,000
271	Organic monomer waste	Toxic	100%	25,000
272	Polymeric resin waste	Toxic	100%	25,000
281	Adhesives	Toxic	100%	25,000
291	Latex waste	Toxic	100%	25,000
311	Pharmaceutical waste	Toxic	100%	25,000
331	Off-specification, aged, or surplus organics	Toxic	100%	100,000
341	Organic liquids with halogens	Toxic	100%	100,000
342	Organic liquids with metals	Toxic	100%	100,000
343	Unspecified organic liquid mixture	Toxic	100%	100,000
411	Alum and gypsum sludge	Toxic	100%	25,000
421	Lime sludge	Toxic	100%	25,000
431	Phosphate sludge	Toxic	100%	25,000
441	Sulfur sludge	Toxic	100%	25,000
451	Degreasing sludge	Toxic	100%	25,000
461	Paint sludge	Toxic	100%	25,000
471	Paper sludge/pulp	Toxic	100%	25,000
481	Tetraethyl lead sludge	Toxic	100%	25,000
491	Unspecified sludge waste	Toxic	100%	50,000
521	Drilling mud	Toxic	100%	50,000
531	Chemical toilet waste	Toxic	100%	50,000
541	Photochemicals/photoprocessing waste	Toxic	100%	25,000
551	Laboratory waste chemicals	Toxic	100%	50,000

Waste Code	Common Name	Properties	Maximum Conc.	Estimated Yearly Gallons
561	Detergent and soap	Toxic	100%	25,000
581	Gas scrubber waste	Toxic	100%	50,000
612	Household waste	Toxic, Flammable	100%	50,000
721	Liquids with arsenic $\geq 500$ mg/l	Toxic	100%	25,000
722	Liquids with cadmium $\geq 100$ mg/l	Toxic	100%	25,000
723	Liquids with chromium (VI) $\geq 500$ mg/l	Toxic	100%	25,000
724	Liquids with lead $\geq 500$ mg/l	Toxic	100%	25,000
725	Liquids with mercury $\geq 20$ mg/l	Toxic	100%	25,000
726	Liquids with nickel $\geq 134$ mg/l	Toxic	100%	25,000
727	Liquids with selenium $\geq 100$ mg/l	Toxic	100%	25,000
728	Liquids with thallium $\geq 130$ mg/l	Toxic	100%	25,000
741	Liquids with halogenated organic compounds $\geq 1000$ mg/l	Toxic	100%	100,000
751	Solids or sludges with halogenated organic compounds $> 1000$ mg/kg	Toxic	100%	100,000
791	Liquids with pH $\leq 2$	Toxic	100%	100,000
792	Liquids with pH $\leq 2$ with metals	Toxic	100%	100,000