

DOCUMENTATION OF ENVIRONMENTAL INDICATOR DETERMINATION

Interim Final 2/5/99

RCRA Corrective Action
Environmental Indicator (EI) RCRAInfo code (CA725)

Current Human Exposures Under Control

Facility Name: Safety-Kleen Systems, Inc., El Paso Branch
Facility Address: 900-A Hawkins Blvd., El Paso TX, 79915
Facility EPA ID #: TXD000747394

1. Has all available relevant/significant information on known and reasonably suspected releases to soil, groundwater, surface water/sediments, and air, subject to RCRA Corrective Action (e.g., from Solid Waste Management Units (SWMU), Regulated Units (RU), and Areas of Concern (AOC)), been **considered** in this EI determination?
- If yes - check here and continue with #2 below
 If no - re-evaluate existing data, or
 if data are not available skip to #6 and enter "IN" (more information needed) status code.

BACKGROUND

Definition of Environmental Indicators (for the RCRA Corrective Action)

Environmental Indicators (EI) are measures being used by the RCRA Corrective Action program to go beyond programmatic activity measures (e.g., reports received and approved, etc.) to track changes in the quality of the environment. The two EI developed to-date indicate the quality of the environment in relation to current human exposures to contamination and the migration of contaminated groundwater. An EI for non-human (ecological) receptors is intended to be developed in the future.

Definition of "Current Human Exposures Under Control" EI

A positive "Current Human Exposures Under Control" EI determination ("YE" status code) indicates that there are no "unacceptable" human exposures to "contamination" (i.e., contaminants in concentrations in excess of appropriate risk-based levels) that can be reasonably expected under current land- and groundwater-use conditions (for all "contamination" subject to RCRA corrective action at or from the identified facility (i.e., site-wide)).

Relationship of EI to Final Remedies

While Final remedies remain the long-term objective of the RCRA Corrective Action program the EI are near-term objectives which are currently being used as Program measures for the Government Performance and Results Act of 1993, GPRA). The "Current Human Exposures Under Control" EI are for reasonably expected human exposures under current land- and groundwater-use conditions ONLY, and do not consider potential future land- or groundwater-use conditions or ecological receptors. The RCRA Corrective Action program's overall mission to protect human health and the environment requires that Final remedies address these issues (i.e., potential future human exposure scenarios, future land and groundwater uses, and ecological receptors).

Duration / Applicability of EI Determinations

EI Determinations status codes should remain in RCRAInfo national database ONLY as long as they remain true (i.e., RCRA Info status codes must be changed when the regulatory authorities become aware of contrary information).

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2. Are groundwater, soil, surface water, sediments, or air **media** known or reasonably suspected to be “contaminated”¹ above appropriately protective risk-based “levels” (applicable promulgated standards, as well as other appropriate standards, guidelines, guidance, or criteria) from releases subject to RCRA Corrective Action (from SWMUs, RUs or AOCs)?

	<u>Yes</u>	<u>No</u>	<u>?</u>	<u>Rationale / Key Contaminants</u>
Groundwater		X		See Rationale Below
Air (indoors) ²		X		“ ”
Surface Soil (e.g., <2 ft)		X		“ ”
Surface Water		X		“ ”
Sediment		X		“ ”
Subsurf. Soil (e.g., >2 ft)	X			“ ”
Air (outdoors)		X		“ ”

— If no (for all media) - skip to #6, and enter “YE” status code after providing or citing appropriate “levels”, and referencing sufficient supporting documentation demonstrating that these “levels” are not exceeded.

X

— If yes (for any media) - continue after identifying key contaminants in each “contaminated” medium, citing appropriate “levels” (or provide an explanation for the determination that the medium could pose an unacceptable risk), and referencing supporting documentation.

— If unknown (for any media) - skip to #6 and enter “IN” status code.

Rationale and Reference(s):

Facility Description

Safety-Kleen Systems, Inc., El Paso Branch, is located at 900-A Hawkins Boulevard on approximately 0.3 acres in El Paso, El Paso County, Texas. It is located midway between Interstate Highway 10 and Highway 76, within an industrialized area. The adjacent landowners are comprised of a mix of industry, small business and residential. The site is within the drainage area of Segment 2314 of the Rio Grande River Basin (North Latitude 31 45’ 51”, West Longitude 106 22’ 45”).

The facility is currently active. The site owner is Lee Shamaley and the current operator/permittee is Safety-Kleen Systems, Inc., which is a commercial industrial and hazardous waste management facility. The facility offers several services which involve the accumulation, transfer and storage of spent industrial wastes. Primary customers

¹ “Contamination” and “contaminated” describes media containing contaminants (in any form, NAPL and/or dissolved, vapors, or solids, that are subject to RCRA) in concentrations in excess of appropriately protective risk-based “levels” (for the media, that identify risks within the acceptable risk range).

² Recent evidence (from the Colorado Dept. of Public Health and Environment, and others) suggests that unacceptable indoor air concentrations are more common in structures above groundwater with volatile contaminants than previously believed. This is a rapidly developing field and reviewers are encouraged to look to the latest guidance for the appropriate methods and scale of demonstration necessary to be reasonably certain that indoor air (in structures located above (and adjacent to) groundwater with volatile contaminants) does not present unacceptable risks.

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are small quantity generators, including auto repair facilities, auto body repair shops, fleet operators, dry cleaners, and manufacturing plants. Spent solvents are collected, then shipped from the service center to an authorized facility, typically a recycle center. Some of the materials are then returned to customers as usable product. Wastes are received from off site sources on a commercial basis.

Regulatory History

On August 27, 1992, the first permit for the Safety-Kleen facility was issued. Permit conditions require a RCRA Facility Investigation (RFI) associated with Underground Waste Solvent Tank (NOR Unit No. 01). Since that time, several Class 1 permit modifications have been granted by TCEQ. On June 30, 2003, a renewal permit was issued to Safety-Kleen Systems, Inc. that addressed the three permitted units, including the 10,000 gallon tank, the container storage unit, and the drum washer unit. The permit states in Section IX.C that there are no known units requiring an RFI at this facility.

A site investigation conducted by TCEQ alleged violations regarding information contained in the current permit describing tank unit 001. This tank was incorrectly referred to as an 'above ground storage tank' in the permit rather than as an underground storage tank (UST). In addition, the volume capacity of waste unit 002 was incorrectly listed as 3,830 gallons whereas in reality it was 4,320 gallons. These changes were documented and provided in an amended permit application and Safety-Kleen demonstrated that the UST had undergone an integrity test. TCEQ provided correspondence that the modifications were made in an August 2, 2004 letter to Mr. Keith Pomonis, EHS Manager/Safety-Kleen Systems.

There are relatively recent site inspection reports (2004 and 2005 being the most current) indicating no violations or release history at the site. The waste units are described as being contained and in compliance. The current permitting TCEQ representative (Joy Archuletta) was contacted to determine the current status of the facility. She indicated that the above referenced units are currently permitted and active. There are no additional records indicating corrective action measures have taken place. There is no indication that any releases or contamination of various media has occurred.

Remedial Investigation History

In 1994, Safety-Kleen indicated there were two USTs on site that the facility wished to replace simultaneously; one RCRA Regulated UST (presumed to be the Underground Waste Solvent Tank) and one UST regulated under the Petroleum UST program. No additional information was found regarding tank replacements at this site. On September 27, 2001, TNRCC documented the acceptance of a Corrective Measures (CM) Work Plan although the CM Work Plan itself was not found in the available file materials. The TNRCC letter indicates that "Facility closure" was to take place in 1999", so the scope of the CM Work Plan is not clear. It is assumed that it relates to the Underground Waste Solvent Tank. (This assumption is supported by the RCRAInfo Comprehensive Corrective Action Report, which notes a UST CM Work Plan approval on the same date.) On December 17, 2002, TCEQ accepted closure certification of the Waste Solvent Tank – NOR Unit 001. The remediation met residential soil criteria under Risk Reduction Standard (RRS) 2. In the letter, TCEQ accepted the facility's proof of deed certification and released the facility from post-closure care responsibilities for the Waste Solvent Tank. However, a copy of the deed certification was not found in the available files.

In addition, a closure certification report for partial closure of a solvent dumpster at the solvent return and fill station (NOR Unit 3) was approved by TCEQ on December 3, 2002. Both NOR Units 1 and 3 were reported as active in recent site inspection reports. It is assumed that the units were closed as RCRA permitted units but remain active as non-permitted solid waste management units; however, this could not be verified in the available file material. TechLaw attempted to reach the TCEQ Environmental Inspector of record to clarify the status of NOR Unit 01, but was not successful.

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Rationale

According to the RCRAInfo Comprehensive Corrective Action Report, a CA725 and a CA 750 were completed with a 'Yes' finding for Safety-Kleen indicating that human exposure and ground water migration were controlled. Since that time, a RCRA regulated UST was closed meeting RRS 2 criteria for residential soils and deed certification was reportedly filed to identify contaminants remaining in the soils. There is no additional history or release to any other media. Recent site inspections indicate there are no violations related to spills or potential releases and it has been confirmed that there are no ongoing corrective actions.

References

1. TWC (Texas Water Commission), 1992. Permit for Industrial Solid Waste Management Site issued under provisions of Tex. Health & Safety Code Ann; dated August 27, 1992.
2. Safety-Kleen, 1994. Correspondence to Gary Bower, TNRCC; from Allen Hayes, Safety-Kleen; regarding: Underground Tank Replacement for USTs and Hazardous Waste Tanks; dated November 21, 1994.
3. TNRCC, 2001. Correspondence to Gerhard Risse, Safety-Kleen; from TNRCC; regarding: Corrective Measures Work Plan; dated September 27, 2001.
4. TNRCC, 2002. Permit Application for a Hazardous Waste Storage/Processing/Disposal Facility (Part B); signed February 27, 2002.
5. Safety-Kleen, 2002. Correspondence to TNRCC; from Safety-Kleen; regarding: Changes in Notice of Registration; dated May 28, 2002.
6. TCEQ, 2002. Compliance History; Prepared by Steve Reynolds; completed on November 19, 2002.
7. TCEQ, 2002. Correspondence to Karen Dobias, Safety-Kleen; from Enoch Johnbull, TCEQ; regarding: Closure Certification Report for Dumpster at the Solvent Return and Fill Station (TNRCC Permit Unit No. 3); dated December 3, 2002.
8. TCEQ, 2002. Correspondence to Gerhard Risse, Safety-Kleen; from Mark Erwin, TCEQ; regarding Closure – Risk Reduction Standard No. 2 – Acceptance of Deed Certification and Release from Post-closure Care Responsibilities, Waste Solvent Tank – NOR Unit 001. Dated December 17, 2002.
9. TCEQ, 2002. Technical Summary and Executive Director's Preliminary Decision; dated December 20, 2002.
10. TCEQ, 2003. Permit for Industrial Solid Waste Management Site issued under provisions of Texas Health and Safety Code Ann. Permit No. HW-50247-001; ISW Registration No. 63019; EPA No. TXD000747394; Issued June 30, 2003.
11. TCEQ, 2004. Investigation Report: Safety-Kleen Systems Inc: Safety-Kleen El Paso; dated May 13, 2004 to June 2, 2004.
12. TCEQ, 2004. Correspondence to Keith Pomonis, Safety-Kleen; from Terry McMillan, TCEQ; regarding: File Review Investigation for: Safety-Kleen Systems, Inc.-El Paso Branch; dated: August 2, 2004.
13. TCEQ, 2005. TCEQ Investigation Report; CEI conducted by Jesus Chavez; dated November 16, 2005.
14. EPA Comprehensive Corrective Action Report run on December 28, 2005.
15. TechLaw, 2006. Communication Record; Telephone Communication between Karmen King, TechLaw, Inc. and Joy Archuletta, TCEQ Permit Division; regarding status of the Safety-Kleen El Paso Facility; dated May 26, 2006.
16. Site Plan

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3. Are there **complete pathways** between “contamination” and human receptors such that exposures can be reasonably expected under the current (land- and groundwater-use) conditions?

Summary Exposure Pathway Evaluation Table

Potential **Human Receptors** (Under Current Conditions)

“Contaminated” Media	Residents	Workers	Day-Care	Construction	Trespassers	Recreation	Food ³
Groundwater							
Air (indoors)							
Soil (surface, e.g., <2 ft)							
Surface Water							
Sediment							
Soil (subsurface e.g., >2 ft)	No	No	No	No	No	No	No
Air (outdoors)							

Instructions for Summary Exposure Pathway Evaluation Table:

1. Strike-out specific Media including Human Receptors’ spaces for Media which are not “contaminated” as identified in #2 above.
2. enter “yes” or “no” for potential “completeness” under each “Contaminated” Media -- Human Receptor combination (Pathway).

Note: In order to focus the evaluation to the most probable combinations some potential “Contaminated” Media - Human Receptor combinations (Pathways) do not have check spaces (“___”). While these combinations may not be probable in most situations they may be possible in some settings and should be added as necessary.

 X If no (pathways are not complete for any contaminated media-receptor combination) - skip to #6, and enter “YE” status code, after explaining and/or referencing condition(s) in-place, whether natural or man-made, preventing a complete exposure pathway from each contaminated medium (e.g., use optional Pathway Evaluation Work Sheet to analyze major pathways).

 If yes (pathways are complete for any “Contaminated” Media - Human Receptor combination) - continue after providing supporting explanation.

 If unknown (for any “Contaminated” Media - Human Receptor combination) - skip to #6 and enter “IN” status code.

Rationale and Reference(s):

The solvent waste tank has been remediated to meet RRS 2 residential soils criteria. TCEQ has accepted proof of deed recordation, although the deed recordation was not found in available file materials. The site is an active secure, facility, precluding the residential, trespasser, day care and recreational and food receptors. The deed restriction filed by the facility serves to ensure workers will take adequate precautions, if warranted.

³ Indirect Pathway/Receptor (e.g., vegetables, fruits, crops, meat and dairy products, fish, shellfish, etc.)

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4. Can the **exposures** from any of the complete pathways identified in #3 be reasonably expected to be “**significant**”⁴ (i.e., potentially “unacceptable” because exposures can be reasonably expected to be: 1) greater in magnitude (intensity, frequency and/or duration) than assumed in the derivation of the acceptable “levels” (used to identify the “contamination”); or 2) the combination of exposure magnitude (perhaps even though low) and contaminant concentrations (which may be substantially above the acceptable “levels”) could result in greater than acceptable risks)?

—— If no (exposures can not be reasonably expected to be significant (i.e., potentially “unacceptable”) for any complete exposure pathway) - skip to #6 and enter “YE” status code after explaining and/or referencing documentation justifying why the exposures (from each of the complete pathways) to “contamination” (identified in #3) are not expected to be “significant.”

—— If yes (exposures could be reasonably expected to be “significant” (i.e., potentially “unacceptable”) for any complete exposure pathway) - continue after providing a description (of each potentially “unacceptable” exposure pathway) and explaining and/or referencing documentation justifying why the exposures (from each of the remaining complete pathways) to “contamination” (identified in #3) are not expected to be “significant.”

—— If unknown (for any complete pathway) - skip to #6 and enter “IN” status code

Rationale and Reference(s):

⁴ If there is any question on whether the identified exposures are “significant” (i.e., potentially “unacceptable”) consult a human health Risk Assessment specialist with appropriate education, training and experience.

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5. Can the “significant” **exposures** (identified in #4) be shown to be within **acceptable** limits?

—— If yes (all “significant” exposures have been shown to be within acceptable limits) - continue and enter “YE” after summarizing and referencing documentation justifying why all “significant” exposures to “contamination” are within acceptable limits (e.g., a site-specific Human Health Risk Assessment).

—— If no (there are current exposures that can be reasonably expected to be “unacceptable”)- continue and enter “NO” status code after providing a description of each potentially “unacceptable” exposure.

—— If unknown (for any potentially “unacceptable” exposure) - continue and enter “IN” status code

Rationale and Reference(s):

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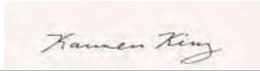
6. Check the appropriate RCRAInfo status codes for the Current Human Exposures Under Control EI event code (CA725), and obtain Supervisor (or appropriate Manager) signature and date on the EI determination below (and attach appropriate supporting documentation as well as a map of the facility):

 YE YE - Yes, "Current Human Exposures Under Control" has been verified. Based on a review of the information contained in this EI Determination, "Current Human Exposures" are expected to be "Under Control" at the Safety-Kleen Systems Inc. – El Paso Facility, EPA ID # TXD000747394 located at 900-A Hawkins Blvd., El Paso, Texas under current and reasonably expected conditions. This determination will be re-evaluated when the Agency/State becomes aware of significant changes at the facility.

 NO - "Current Human Exposures" are NOT "Under Control."

 IN - More information is needed to make a determination.

Completed by (signature) _____ Date _____
 (print) _____
 (title) _____

Researched by (signature)  Date May 23, 2006
 (print) Karmen King
 (title) TechLaw, Inc.

Supervisor (signature) _____ Date _____
 (print) _____
 (title) _____
 (EPA Region or State) _____

Locations where References may be found:
Texas Commission of Environmental Quality
File Room, Building E
12118 N IH 35
Austin, TX 78753

SWR 63019

Contact telephone and e-mail numbers

(name) Joy Archuletta _____
(phone #) 214-665-6000 _____
(e-mail) _____

FINAL NOTE: THE HUMAN EXPOSURES EI IS A QUALITATIVE SCREENING OF EXPOSURES AND THE DETERMINATIONS WITHIN THIS DOCUMENT SHOULD NOT BE USED AS THE SOLE BASIS FOR RESTRICTING THE SCOPE OF MORE DETAILED (E.G., SITE-SPECIFIC) ASSESSMENTS OF RISK.

Recommended Further Action:

1. The Agency may wish to obtain a copy of the deed certification to confirm the location of residual contamination as well as the contaminants and concentrations.

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2. The Agency may wish to confirm the assumptions made regarding the closure of NOR Unit No. 1 as a RCRA permitted unit in order to verify all corrective obligations have been met.

3. It is assumed that the RCRA permitted facility has a perimeter security fence, but this was not verified in available file materials. The Agency may wish to confirm this.