DOCUMENTATION OF ENVIRONMENTAL INDICATOR DETERMINATION

Interim Final 2/5/99

RCRA Corrective Action
Environmental Indicator (EI) RCRAInfo code (CA750)

Migration of Contaminated Groundwater 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 the groundwater media, 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?

X If yes - check here and continue with #2 below.

___ If no - re-evaluate existing data, or

___ If data are not available skip to #8 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 "Migration of Contaminated Groundwater Under Control" EI

A positive "Migration of Contaminated Groundwater Under Control" EI determination ("YE" status code) indicates that the migration of "contaminated" groundwater has stabilized, and that monitoring will be conducted to confirm that contaminated groundwater remains within the original "area of contaminated groundwater" (for all groundwater "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 "Migration of Contaminated Groundwater Under Control" EI pertains ONLY to the physical migration (i.e., further spread) of contaminated ground water and contaminants within groundwater (e.g., non-aqueous phase liquids or NAPLs). Achieving this EI does not substitute for achieving other stabilization or final remedy requirements and expectations associated with sources of contamination and the need to restore, wherever practicable, contaminated groundwater to be suitable for its designated current and future uses.

Duration / Applicability of EI Determinations

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

2. Is **groundwater** known or reasonably suspected to be "**contaminated**"[1] above appropriately protective "levels" (i.e., applicable promulgated standards, as well as other appropriate standards, guidelines, guidance, or criteria) from releases subject to RCRA Corrective Action, anywhere at, or from, the facility?

___ If yes - continue after identifying key contaminants, citing appropriate "levels," and referencing supporting documentation.

__X__ If no - skip to #8 and enter "YE" status code, after citing appropriate "levels," and referencing supporting documentation to demonstrate that groundwater is not "contaminated."

___ If unknown - skip to #8 and enter "IN" status code.

Rationale and Reference(s):

Facility Description

The 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. Safety-Kleen Systems, Inc. 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 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.

[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 appropriate "levels" (appropriate for the protection of the groundwater resource and its beneficial uses).

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

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

3. Has the **migration** of contaminated groundwater **stabilized** (such that contaminated groundwater is expected to remain within "existing area of contaminated groundwater"[2] as defined by the monitoring locations designated at the time of this determination)?

___ If yes - continue, after presenting or referencing the physical evidence (e.g., groundwater sampling/measurement/migration barrier data) and rationale why contaminated groundwater is expected to remain within the (horizontal or vertical) dimensions of the "existing area of groundwater contamination"[2]).

___ If no (contaminated groundwater is observed or expected to migrate beyond the designated locations defining the "existing area of groundwater contamination"[2]) - skip to #8 and enter "NO" status code, after providing an explanation.

___ If unknown - skip to #8 and enter "IN" status code.

Rationale and Reference(s):

[2] "existing area of contaminated groundwater" is an area (with horizontal and vertical dimensions) that has been verifiably demonstrated to contain all relevant groundwater contamination for this determination, and is defined by designated (monitoring) locations proximate to the outer perimeter of "contamination" that can and will be sampled/tested in the future to physically verify that all "contaminated" groundwater remains within this area, and that the further migration of "contaminated" groundwater is not occurring. Reasonable allowances in the proximity of the monitoring locations are permissible to incorporate formal remedy decisions (i.e., including public participation) allowing a limited area for natural attenuation.

4. Does “contaminated” groundwater **discharge** into **surface water** bodies?

___ If yes - continue after identifying potentially affected surface water bodies.

___ If no - skip to #7 (and enter a “YE” status code in #8, if #7 = yes) after providing an explanation and/or referencing documentation supporting that groundwater “contamination” does not enter surface water bodies.

___ If unknown - skip to #8 and enter “IN” status code.

Rationale and Reference(s):

5. Is the **discharge** of "contaminated" groundwater into surface water likely to be "**insignificant"** (i.e., the maximum concentration[3] of each contaminant discharging into surface water is less than 10 times their appropriate groundwater "level," and there are no other conditions (e.g., the nature, and number, of discharging contaminants, or environmental setting), which significantly increase the potential for unacceptable impacts to surface water, sediments, or eco-systems at these concentrations)?

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___ If yes - skip to #7 (and enter "YE" status code in #8 if #7 = yes), after documenting: 1) the maximum known or reasonably suspected concentration[3] of key contaminants discharged above their groundwater "level," the value of the appropriate "level(s)," and if there is evidence that the concentrations are increasing; and 2) provide a statement of professional judgement/explanation (or reference documentation) supporting that the discharge of groundwater contaminants into the surface water is not anticipated to have unacceptable impacts to the receiving surface water, sediments, or eco-system.

___ If no - (the discharge of "contaminated" groundwater into surface water is potentially significant) - continue after documenting: 1) the maximum known or reasonably suspected concentration[3] of each contaminant discharged above its groundwater "level," the value of the appropriate "level(s)," and if there is evidence that the concentrations are increasing;
and 2) for any contaminants discharging into surface water in concentrations[3] greater than 100 times their appropriate groundwater "levels," the estimated total amount (mass in kg/yr) of each of these contaminants that are being discharged (loaded) into the surface water body (at the time of the determination), and identify if there is evidence that the amount of discharging contaminants is increasing.

___ If unknown - enter "IN" status code in #8.

Rationale and Reference(s):

[3] As measured in groundwater prior to entry to the groundwater-surface water/sediment interaction (e.g., hyporheic) zone.

6. Can the **discharge** of "contaminated" groundwater into surface water be shown to be "**currently acceptable"** (i.e., not cause impacts to surface water, sediments or eco-systems that should not be allowed to continue until a final remedy decision can be made and implemented[4])?

___ If yes - continue after either: 1) identifying the Final Remedy decision incorporating these conditions, or other site-specific criteria (developed for the protection of the site's surface water, sediments, and eco-systems), and referencing supporting documentation demonstrating that these criteria are not exceeded by the discharging groundwater; OR
2) providing or referencing an interim-assessment,[5] appropriate to the potential for impact, that shows the discharge of groundwater contaminants into the surface water is (in the opinion of a trained specialists, including ecologist) adequately protective of receiving surface water, sediments, and eco-systems, until such time when a full assessment and final remedy decision can be made. Factors which should be considered in the interim-assessment (where appropriate to help identify the impact associated with discharging groundwater) include: surface water body size, flow, use/classification/habitats and contaminant loading limits, other sources of surface water/sediment contamination, surface water and sediment sample results and comparisons to available and appropriate surface water and sediment "levels," as well as any other factors, such as effects on ecological receptors (e.g., via bio-assays/benthic surveys or site-specific ecological Risk Assessments), that the overseeing regulatory agency would deem appropriate for making the EI determination.

___ If no - (the discharge of "contaminated" groundwater can not be shown to be "**currently acceptable"**) - skip to #8 and enter "NO" status code, after documenting the currently unacceptable impacts to the surface water body, sediments, and/or eco-systems.

___ If unknown - skip to 8 and enter "IN" status code.

Rationale and Reference(s):

[4] Note, because areas of inflowing groundwater can be critical habitats (e.g., nurseries or thermal refugia) for many species, appropriate specialist (e.g., ecologist) should be included in management decisions that could eliminate these areas by significantly altering or reversing groundwater flow pathways near surface water bodies.

[5] The understanding of the impacts of contaminated groundwater discharges into surface water bodies is a rapidly developing field and reviewers are encouraged to look to the latest guidance for the appropriate methods and scale of demonstration to be reasonably certain that discharges are not causing currently unacceptable impacts to the surface waters, sediments or eco-systems.

7. Will groundwater **monitoring** / measurement data (and surface water/sediment/ecological data, as necessary) be collected in the future to verify that contaminated groundwater has remained within the horizontal (or vertical, as necessary) dimensions of the "existing area of contaminated groundwater?"

___ If yes - continue after providing or citing documentation for planned activities or future sampling/measurement events. Specifically identify the well/measurement locations which will be tested in the future to verify the expectation (identified in #3) that groundwater contamination will not be migrating horizontally (or vertically, as necessary) beyond the "existing area of groundwater contamination."

___ If no - enter "NO" status code in #8.

___ If unknown - enter "IN" status code in #8.

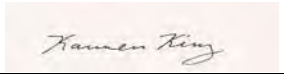
Rationale and Reference(s):

8. Check the appropriate RCRAInfo status codes for the Migration of Contaminated Groundwater Under Control EI (event code CA750), and obtain Supervisor (or appropriate Manager) signature and date on the EI determination below (attach appropriate supporting documentation as well as a map of the facility).

YE YE - Yes, "Migration of Contaminated Groundwater Under Control" has been verified. Based on a review of the information contained in this EI determination, it has been determined that the "Migration of Contaminated Groundwater" is "Under Control" at the Safety-Kleen Systems Inc., -El Paso facility, EPA ID # TXD000747394, located at 900-A Hawkins Blvd., El Paso, Texas 79915. Specifically, this determination indicates that the migration of "contaminated" groundwater is under control, and that monitoring will be conducted to confirm that contaminated groundwater remains within the "existing area of contaminated groundwater" This determination will be re-evaluated when the Agency becomes aware of significant changes at the facility.

___ NO - Unacceptable migration of contaminated groundwater is observed

___ 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. (U.S. EPA Contractor)	
Supervisor	(signature)		Date
	(print)		
	(title)		
	(EPA Region or State)		

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

Filed Under: 63019

Contact telephone and e-mail numbers

(name)	Joy Archuletta
(phone #)	214-665-6000
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Recommended Further Actions

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.

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.

8. Check the appropriate RCRAInfo status codes for the Migration of Contaminated Groundwater Under Control EI (event code CA750), and obtain Supervisor (or appropriate Manager) signature and date on the EI determination below (attach appropriate supporting documentation as well as a map of the facility).

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Completed by	(signature) Eleanor Wehner	Date	10/13/2011
	(print) Eleanor T. Wehner		
	(title) CA Program Specialist		
Researched by	(signature) [signature]	Date	May 23, 2006
	(print) Karmen King		
	(title) TechLaw, Inc. (U.S. EPA Contractor)		
Supervisor	(signature) [signature]	Date	10/20/11
	(print) Geoffrey E. Mayer		
	(title) RCP-CA Supervisor		
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ok EW 10/13/11

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OK E.G 10/13/11