



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Safety-Kleen Corporation
OHD981097876
Hazardous Waste
Lucas County
NOV

July 23, 2009

Ms. Maggie Tenant
Safety-Kleen Corporation
10480 Harrison Road
Romulus, Michigan 48174

Dear Ms. Tenant:

On November 19, 2008, The Ohio Environmental Agency's (OEPA) Division of Solid and Infectious Waste Management was contacted by Waste Management with information that Safety Kleen (SK) had been sending used oil to Evergreen Landfill(Evergreen) in Northwood, Ohio, for disposal.

On November 20, 2008, SK contacted Ohio EPA's Division of Hazardous Waste Management (DHWM) regarding a recent internal audit. SK discovered that their bulk used oil/oily wastewater mixtures had been sent to Evergreen landfill for disposal. These bulk loads were managed by SK vacuum services based out of the Toledo location. This management includes, but is not limited to, pre-certifying the used oil for management by SK and the receiving facility, testing of the used oil stream(including for metals), and transportation.

SK provided written information to Ohio EPA's DHWM on December 8, 2008. This information documented at least six separate waste streams from 2005 through 2008 that were mismanaged as wastewaters instead of exempt used oil. SK stated that these loads may have been comingled with other loads of wastewater as well.

On January 7, 2009, Ohio EPA's DHWM requested more information from SK. SK responded on March 9, 2009, with specific information including generator prequalification information and analytical, dates of service, gallons picked up, etc. SK also provided additional generator specific information on July 13, 2009.

At least six of SK's used oil customers' generated used oil that exhibited a characteristic of a hazardous waste for lead for lead (D008), and occasionally for cadmium (D006), and chromium (D007) as described in OAC rule 3745-51-24.



Ms. Maggie Tenant
July 24, 2009
Page 2

Used oil which is not recycled is a waste. If the used oil is characteristically hazardous and disposed of, it is considered a hazardous waste. SK transported the used oil from the six used oil generators to Evergreen. Evergreen is not a used oil processor/recycling facility.

At Evergreen, the hazardous waste was off-loaded into the on-site solidification bins, where it was mixed with auto shredder residue, off-spec recycling materials, or other materials to absorb the free liquids. This mixture was then removed from the solidification bins and disposed in Evergreen's solid waste landfill.

Based on the information presented to Ohio EPA, the following violations of Ohio's hazardous waste laws have occurred:

1) Ohio Revised Code (ORC) § 3734.02(F), Unlawful transportation of hazardous waste to an unauthorized facility

On at least 36 separate occasions, from as early as July 1, 2005, and up until June 26, 2008, Safety-Kleen (SK) transported hazardous waste to an unauthorized facility, Waste Management's Evergreen Landfill (Evergreen), in Northwood, Ohio. Specifically, SK received material categorized as used oil from at least six separate used oil generators. This used oil when tested was characteristically hazardous (as shown in analytical submitted by SK to Ohio EPA), as described in OAC rule 3745-51-24, for lead (D008), and occasionally for cadmium (D006), and chromium (D007). After receipt of the used oil from the generator, SK then transported the used oil to the Evergreen facility, which is not authorized to treat, store or dispose of hazardous waste. Since the generator's used oil was not recycled but ultimately disposed, the used oil was regulated as a waste, and since it was characteristically hazardous, a hazardous waste.

On December 8, 2008, and March 9, 2009, SK provided information to Ohio EPA regarding these shipments to Evergreen. In these responses, SK outlined procedural changes made to avoid any future used oil being managed as a waste and be caused to be disposed in a solid waste landfill. All SK vacuum service waste has been redirected to Comprehensive Environmental Solutions in Dearborn, Michigan.

At this point in time, no further action is required of SK to respond to this violation.

2) Ohio Administrative Code Rule 3745-270-07(A)(2), Failure to send notification of Land Disposal Restrictions to treatment/disposal facility

With the initial shipment of each hazardous waste stream SK sent to Evergreen, SK was required to notify Evergreen that the hazardous waste did not meet the treatment standards found in OAC chapter 3745-270 before it could be land disposed. SK failed to notify Evergreen of the land disposal restrictions found in OAC chapter 3745-270.

Ms. Maggie Tenant
July 24, 2009
Page 3

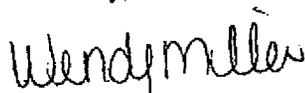
Under the land disposal restrictions, SK was required to notify Evergreen that the hazardous waste streams they were receiving were required to be treated prior to being land disposed in accordance with OAC chapter 3745-270.

On December 8, 2008, and March 9, 2009, SK provided information to Ohio EPA regarding these shipments to Evergreen. In these responses, SK outlined procedural changes made to avoid any future used oil being managed as a waste and be caused to be disposed in a solid waste landfill.

At this point in time, no further action is required of SK to respond to this violation. However, due to the serious nature of these violations, this matter has been referred to our Central Office Compliance Assurance Section for review for potential escalated enforcement action.

If you have any questions, please feel free to contact me at (419) 373-3114.

Sincerely,



Wendy Miller
Division of Hazardous Waste Management

/llr

pc: DHWM-NWDO-Safety Kleen, Lucas County File
Colleen Weaver, DHWM-NWDO
John Pasquarette, DHWM-DSIWM, NWDO
Mitch Mathews, DHWM-CO
Todd Anderson, Legal-CO
Patricia Tebbe, DSW-NWDO
Kim Burnham, DSIWM-NWDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.