

**NOTICE OF FINAL DECISION
TO REISSUE A HAZARDOUS WASTE MANAGEMENT PERMIT TO
SAFETY-KLEEN SYSTEMS, INC**

The Tennessee Department of Environment and Conservation's (TDEC) Division of Solid Waste Management (DSWM) has made a final decision to reissue a hazardous waste management permit to Safety-Kleen Systems, Inc (SKS), EPA ID Number: TND 00 061 4321, located at 3536 Fite Road, Millington, TN 38053, Shelby County, that would allow the facility to continue to operate an existing hazardous waste storage facility. The permit was issued on September 30, 2009, and shall remain in effect until September 30, 2019, unless continued, revoked and reissued, or terminated under applicable regulations. This action follows a draft permit issued on July 20, 2009 and a 45-day public comment period, which ended on September 3, 2009. No comments were received from the public during this comment period. However, comments were received from the DSWM and are addressed in the [Response to Comments](#).

This permit (TNHW-141) replaces permit (TNHW-091) issued to SKS, allows the facility to continue to store hazardous waste with a maximum quantity of 10,000 gallons in an Aboveground Storage Tank, 17,690 gallons in a Container Storage Area, and 296 gallons in a Return and Fill Station.

Also included as part of this permit are the corrective action conditions for the solid waste management units (SWMUs) and areas of concern (AOCs). SKS shall be required to investigate any releases of hazardous waste or hazardous constituents pursuant to this permit at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. These conditions also require notification of imminent hazards, and when applicable, compliance with the requirements developed under land disposal restrictions and organic air emission standards.

The permit is reissued under the authority of the Tennessee Hazardous Waste Management Act of 1977, as amended, Tennessee Code Annotated, Section 68-212-101 et seq., and Rule Chapter 1200-1-11, [Hazardous Waste Management](#).

Copies of the permit, including the [Response to Comments](#), are available for public inspection at any of the following locations: the Millington Branch Public Library, 4858 Navy Road, Millington, TN (901-872-1585). These materials are also available for public inspection during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the TDEC Memphis Field Office, Public Access Area, 2510 Mt. Moriah, Suite E 645, Memphis, TN 38115 (901-368-7939).

For further information, contact: Ms. Rita A. Swett; Hazardous Waste Permitting Section; Division of Solid Waste Management; TDEC, 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0828, Fax 615-532-0886 or e-mail rita.swett@tn.gov.

TDEC is committed to principles of equal opportunity, equal access, and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Persons who wish to be on DSWM's mailing list should request a [Mailing List Request](#) form by calling or writing: Public Participation Officer; Division of Solid Waste Management; Tennessee

Department of Environment and Conservation; 5th Floor, L & C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; telephone 615-532-0798; or e-mail Solid.Waste@tn.gov.

RIGHTS OF APPEAL

The administrative and judicial review of this final permit is pursuant under the Tennessee Uniform Administrative Procedures Act, T.C.A. Sections 4-5-317 and 4-5-222 and the Hazardous Waste Management Act, T.C.A. 68-212-113 and Tennessee Rule 1200-1-11-.07(7)(k).

NOTICE ISSUED: October, 15, 2009

RESPONSE TO COMMENTS
SAFETY-KLEEN SYSTEMS, INCORPORATED
MILLINGTON, TN

This document has been prepared in accordance with Tennessee Rule 1200-1-11-.07(7)(j). It has resulted from the Tennessee Division of Solid Waste Management's issuance of a final permit (renewal) to Safety-Kleen Systems, Inc., located at 3536 Fite Road, Millington, Tennessee 38053, EPA Identification Number TND 00 061 4321. The permit conditions allow the operation and maintenance of container storage units at Safety-Kleen Systems, Inc., (SKS).

Section A of this document describes the efforts made by the Tennessee Division of Solid Waste Management (DSWM) to obtain public input. Section B summarizes and responds to all significant comments received.

A. Public Involvement Opportunities

Safety-Kleen Systems Inc, submitted Part A and Part B hazardous waste management permit applications on March 6, 2006, thus enabling the facility to continue to operate under the current permit until a final decision is made. The receipt of the renewal application was public noticed on March 15, 2006. SKS also held a Pre-Application Public Meeting on April 18, 2006, which was public noticed on June 19, 2006, as required by Tennessee Rule 1200-1-11-.07(2)(c)3(i). No comments were received at this meeting.

The Division of Solid Waste Management (DSWM) issued a public notice of the issuance of the draft permit and it was public noticed by Safety-Kleen Systems Inc., edition of the The Commercial Appeal in Shelby County on July 20, 2009. Several (30 second) announcements of the action referencing the notice published in the newspaper were provided over two local radio stations (WGKX (FM) 105.9, Memphis & WXXM (FM) 98.1, Memphis). The Public Notice advised the community that copies of Safety-Kleen Systems Inc., application, the draft permit, and fact sheet were available for public inspection at the: Millington Public Library, 4858 Navy Road, Millington, TN (901-872-1585). These materials are also available for public inspection during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the TDEC Memphis Field Office, Public Access Area, 2510 Mt. Moriah, Suite E 645, Memphis, TN 38115 (901-368-7939). The notice also established a 45-day public comment period (ending September 3, 2009) and described how interested person(s) could comment in writing on the proposed action. It further described that any interested person could obtain further information. A public hearing was not requested.

B. Public Comment/Response Summary

The only comments received were from within the DSWM. These comments are addressed below.

Comments from TDEC/DSWM

1. **Comment:** In Attachment 2, Waste Analysis Plan, in the section Waste Management Practices, on page 2-3 in the fourth paragraph, the change has been made to correct the 42,382 gallons to read as 42,172 gallons.
2. **Comment:** In the permit the language that defines an operating day includes "typically Monday-Friday," however, when a tank is holding hazardous waste it is in operation and must be inspected daily. The change has been made to remove the language "typically Monday-Friday" from pages 4-1, 2 and 9-3.
3. **Comment:** In Attachment 5, Personnel Training, in the section Outline Of Training Program, page 5-1 in the last sentence, the change has been to reference Tennessee Rule 1200-1-11-.06(2)(g) instead of referencing 40 CFR 264.16(a)(3).
4. **Comment:** In Attachment 7, Closure Plan, in the section Removal of the Tank and Ancillary Equipment, on page 7-3, (in b.), the change has been made in the third sentence Rule 1200-1-11-.02(1)(a)3, the (a) has been changed to (b), to correct the typographical error.
5. **Comment:** In the permit changes were made in the wording for the "two miscellaneous return and fill units", to be reclassified as, "the return and fill station." Also, in Attachment 10, Miscellaneous Storage Units, the secondary containment system for the miscellaneous storage units on page 10-1, the capacity of 1,248 gallons, has been changed to reflect that the actual secondary containment is 1,452 gallons.
6. **Comment:** In the permit the changes have been made on title pages identifying the "Facility, EPA Identification Number, and Permit Number, to reflect the standard permit format.
7. **Comment:** In Attachment 6.1, Emergency Notification information List, the change has been made to revise the information regarding the Alternate Emergency Coordinator submitted in a modification request from the facility dated August 27, 2009.
8. **Comment:** In Attachment 9, Tank Storage Management, on page 9-1, the change has been made in the first sentence to change the word four to five, to correct a typographical error; in the table, the total volume 42,382 has been deleted; also in the table, the number 12,372⁺ and in the second paragraph the number 42,382 have been changed to 42,172 to reflect the correct number for the secondary containment (gal).
9. **Comment:** In Attachment 9.1, Tank Storage Drawings, on page 9.1-1, Tankfarm Piping Plan has been replaced with a new drawing to reflect the 10,000 gallon tank of spent solvent; the drawing Tankfarm Concrete Plan Details and Containment, on page 9.1-2 has been replaced to reflect the correct number of piers as 12; also the drawing of the Environmental Piping Schematic on page 9-1.4, is obsolete and has been deleted and the drawing on page 9.1-5, Tank and Equipment has been renumbered as page 9.1-4.
10. **Comment:** In Attachment 9.2, Secondary Containment Calculation For Tank Storage, on page 9.2-1, the number 4 representing the number of piers has been changed to 12.

11. **Comment:** In Attachment 11.1, Summary Tables of Requirements for SWMUs and AOCs, on page 11.1-1, the change has been made to delete all the super scripts in the table numbered 1-6 and statements 1 and 2; also to add new language under the table to read, "Closure procedures and other requirements for the permitted units are specified in separate conditions and attachments of this permit."
12. **Comment:** For clarification Attachment 11.6, Corrective Action Remedies, on page 11.6-1, the change has been made to add a sentence to read as, "All the SWMUs at the facility are referenced in Attachment 8.3, Container Storage Drawings, on page 8.3-1."

Response: The appropriate changes to the permit have been made to reflect the above mentioned comments from DSWM. Where incorrect or obsolete drawings were noted by DSWM, Safety-Kleen provided revised drawings that were then included in the permit.