

MEMORANDUM

FILED

NOV 10 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

TO : Wyoming Environmental Quality Council

FROM : Carl Anderson, SHWD Administrator CA

DATE : November 10, 2009

SUBJECT : Response to Comments – VRP Proposed Chapter 1: Pollution Prevention Plan Requirements for Eligibility in the Voluntary Remediation Program (Docket #07-5101)

The Wyoming Department of Environmental Quality/Solid and Hazardous Waste Division (WDEQ/SHWD) received one (1) set of written comments on the proposed pollution prevention (P2) rule. The comments were received from Safety-Kleen Systems, Inc. in correspondence (attached) dated October 23, 2009. The following are WDEQ's responses to the comments.

COMMENT: P2 Summary of Proposed Chapter 1 last sentence of the second paragraph Cleanups conducted under the requirements of an order will not receive a specific liability assurance from the DEQ and must be accomplished consistent with §35-11-1613.

Commercial businesses might be more inclined to participate in this program and develop a Pollution Prevention Plan if the benefit of 'receiving a specific liability assurance from the DEQ' was explained. Safety-Kleen understands that in the brochure this is more clearly stated, but putting it into the rule would give added emphasis.

RESPONSE: The first comment relates to a sentence in the statement of reasons. If necessary, WDEQ can add clarifying language to the SOR on the benefits of environmental liability assurances under the Voluntary Remediation Program (VRP).

COMMENT: P2 Section 2 Definition "Contaminant" means as defined in W.S. 35-11-103(g)(iii).

Safety-Kleen believes that since the definition in the law referred to is relatively short that it should be entered in its entirety into the rule. This would make the regulation more user friendly to the businesses trying to use it or at least let them know that it includes just about any material they can think of. Thus the definition for Contaminant would read:

*"Contaminant" means as defined in W.S. 35-11-103(g)(iii), which states the following:*

*(iii) "Contaminant" means any chemical, material, substance or waste:*

*(A) Which is regulated under any applicable federal, state or local law or regulation;*

*(B) Which is classified as hazardous or toxic under federal, state or local law or*

*regulation;*

*or*

*(C) To which exposure is regulated under federal, state or local law or regulation.*



RESPONSE: To ensure consistency between the statute [W.S. §35-11-103(g)(iii)] and the proposed rule, WDEQ chose to reference the statutory definition of contaminant rather than reproduce it in the rule. In addition, should the statutory definition of contaminant change, a conforming change to the rule wouldn't be necessary. WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Section 4. Applicability last sentence of the second paragraph AND P2 Draft Proposed Rules Section 4 (b)

Section 4(b) Do you need to implement alternative minimum pollution prevention operating standards to fulfill the P2 Plan requirement in order to be considered for participation in the VRP? The owner or operator of any place of business or site not listed in Section 4(a) of this Chapter, which stores, uses or generates contaminants must demonstrate to the satisfaction of the Administrator that the alternative minimum pollution prevention operating standards, as described in Section 7 of this Chapter, are being implemented at the place of business or site in order to be considered for participation in the VRP. Such places of business or sites shall be identified as facilities for the purposes of this Chapter.

The term 'facilities' is not clearly defined here or elsewhere in the proposed rule. At least, this reader does not understand the meaning of this apparently important term in the regulations.

Under Section 4 of the proposed rule

Change the answer to the question to read as follows

*(b) Any place of business or site not listed in Section 4(a) of this Chapter which stores, uses or generates contaminants is a 'facility' for purposes of this Chapter. The owner and operators of a facility not listed in Section 4(a) except as provided in Section 4 (c) & (d) of this Chapter, must be able to demonstrate to the satisfaction of the Administrator that alternative minimum pollution prevention operating standards, as described in Section 7 of this Chapter, are being implemented to fulfill the P2 Plan requirements in order to be considered for participation in the VRP.*

RESPONSE: Section 4(a) of the proposed rule provides a definition of 'facilities' that are subject to the pollution prevention (P2) written plan requirements. Section 4(b) states that any business or site not meeting the Section 4(a) facility definition is subject to the alternative minimum P2 operating standards. Regardless whether a site or business is subject to a written P2 plan or to alternative minimum operating standards, the business or site is a facility. The commenter's suggested language appears to restrict the definition of facility to any business or site not listed in Section 4(a). This is not the intent of the rule, and WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Draft Proposed Rules: Section 6(f). Requirements for written P2 Plan (f) Other documents, such as Spill Prevention Control and Countermeasure Plans and/or Emergency Response Plans may satisfy the requirement for a written P2 Plan to the extent that such documents fulfill the requirements and meet the standards of this Section, as determined by



the Administrator.

In Safety-Kleen's opinion (f) is too limiting and will cause facilities to duplicate efforts already made to create and implement pollution prevention plans such as Spill Prevention Control and Countermeasure, Stormwater Management and Emergency Response. It is also Safety-Kleen's opinion that it is not right to make eligibility in the FRP [sic] program dependent upon a written plan that must meet the approval of the Administrator but without requiring prior approval by the Administrator. There needs to be some protection for a facility that in good faith created the written P2 Plan, had a release and then found out that the Administrator didn't agree that the plan met all the requirements of the rule and so they were not eligible for the VRP. To correct this perceived issue and to include other pollution prevention plans as acceptable to meet the P2 plan requirements Safety-Kleen suggests that (f) be modified as follows:

*(f) Spill Prevention Control and Countermeasure Plans, Stormwater Management Plans RCRA Part B Permits and/or Emergency Response Plans may satisfy the requirement for a written P2 Plan to the extent that such documents fulfill the requirements and meet the standards of this Section. Upon review of the plan the Administrator may require the facility to modify and implement the modifications if the plan is found to not fulfill the requirements and meet the standards of this Section. Good faith efforts in developing and implementing a compliant plan make the facility eligible for participation in the VRP even if subsequently the Administrator determines that the plan does not fulfill the requirements and meet the standards of this Section. A good faith effort will be demonstrated by the facility getting a Professional Engineer to certify that the plan being used to fulfill the P2 Plan fulfills the requirements and meets the standards of this Section or it will be approved by the Administrator, such as a RCRA Part B Permit.*

REPOSNE: Currently, the proposed rule doesn't contemplate WDEQ approval of written P2 plans. However, a VRP applicant will have to certify, subject to penalties for knowingly making false statements, certifications or representations, that she/he is implementing a P2 plan. In addition, inspection oversight can be used to document the presence of the plans and applicable implementation records. The comment does raise an issue regarding a determination by the Administrator that other documents may satisfy written P2 plan requirements [Section 6(f)]. Approving other documents as part of a written P2 plan is not consistent with the proposed rule. Therefore, WDEQ is proposing to remove the phrase 'as determined by the Administrator' from Section 6 (f).

COMMENT: P2 Draft Proposed Rules: Section 7(c)(i). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(i) Implementation of pollution prevention practices as defined in Section 2 of this Chapter;

Section 2 of the Chapter is 'Definitions' and does not define pollution prevention practices.

REPOSNE: P2 practices are included as subsection (iii) to the definition of 'pollution prevention' in Section 2. WDEQ is not proposing a change in response to this comment.



COMMENT: P2 Draft Proposed Rules: Section 7(c)(vi). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(vi) Labeling transfer containers with contents and hazard recognition information:

What is meant by a 'transfer container'?

RESPONSE: In general, a transfer container would be any container used to transfer or move contaminants from one location to another. For example, a 55-gallon drum used to transfer chemical from bulk storage to a production area would be a transfer container. WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Draft Proposed Rules: Section 7(c)(vii). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(vii) Keeping all containers closed when not in use:

What containers need to be closed when not in use? What does 'in use' mean? What does 'closed' mean? RCRA regulations require that all containers of hazardous waste be closed except when adding to or removing waste from them. The unwritten standard is that if a container of hazardous waste is not going to be added to or removed from within 15 minutes, it needs to be closed. Safety-Kleen suggests that this be changed to read as follows:

*(vii) Keeping all containers of contaminants closed when not adding to or removing materials from the container for more than 15 minutes;*

RESPONSE: WDEQ agrees it is appropriate to be more specific regarding a closed, not-in-use container. Therefore, WDEQ is proposing to revise Section 7(c)(vii) to read: 'Keeping all containers closed when not in use for longer than 15 minutes;'

COMMENT: P2 Draft Proposed Rules; Section 7(c)(viii). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(viii) Preventative maintenance practices. Such practices include, but are not limited to:

What equipment do these preventive maintenance practices apply? Safety-Kleen suggests that these be applied only to process equipment that contains contaminants.

RESPONSE: While preventative maintenance may apply to process equipment, it could apply to other equipment, processes, units, areas, etc. where there is the potential for releases of contaminants. Therefore, WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Draft Proposed Rules: Section 7(c)(ix)(A). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(ix) Segregation and storage practices. Such practices include, but are not limited to any



or all of the following:

(A) Preventing the mixing of hazardous and nonhazardous waste;

For the small operations that this applies to, it may not always be economically possible or there may not be room to keep two separate drums, one for hazardous and the other for non-hazardous wastes. The RCRA hazardous waste regulations deal with this via a Waste Minimization Plan requirement. Even that does not prohibit the mixing of hazardous and non-hazardous wastes without any exceptions. Requiring companies to implement a standard that is not economically viable for them to implement will limit the participation in this program. This would appear to be contrary to at least one of the reasons of creating this regulation.

Safety-Kleen suggests that this requirement be modified to state the following:

*(A) Preventing the mixing of hazardous and nonhazardous wastes where it is economically viable and/or where there sufficient space at the facility to maintain containers to do so.*

RESPONSE: WDEQ doesn't agree with the comment. Pursuant to state and federal hazard waste regulations, mixing non-hazardous wastes with hazardous wastes could result in a hazardous waste. The resulting hazardous waste mixture must be managed (disposed) as a hazardous waste potentially producing much greater costs and regulatory burden to the operator. Therefore, WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Draft Proposed Rules: Section 7(c)(ix)(C). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(ix) Segregation and storage practices. Such practices shall include, but are not limited to any or all of the following:

(C) Segregating different solvents;

Why is this requirement in the list? There are a number of solvents that present absolutely no issues with being stored together. DOT does not require segregation based on whether something is a solvent or not but by the hazard classes of the materials. EPA in the RCRA regulations does not prohibit waste solvents from being stored together or even mixed with each other just because they are waste solvents. Does this mean that if you had different waste solvents and they were compatible with each other that you would have to have separate tanks for them and transport them in separate compartments and that the separate tanks would have to have their own secondary containment? Having this as a requirement does not appear to bring anything to the table [sic] prevent pollution. What would seem to make more sense is the following:

*(B) Segregating incompatible materials;*

RESPONSE: As the commenter notes, there are a 'number' [my emphasis] of solvents that can be stored together. However, there may be other solvents that aren't strictly compatible. In addition, and as discussed above, mixing a non-hazardous solvent with a hazardous solvent could result in the entire mixture being considered hazardous – resulting in greater management costs



and regulatory burden for the operator. Due to potential solvent compatibility and hazardous waste mixture issues, WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Draft Proposed Rules: Section 7(c)(ix)(D). Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(D) Isolating liquid wastes from solid wastes:

Why is this requirement in the list? How does this prevent pollution from occurring? Is it saying that you shouldn't store a drum of liquid waste next to a drum of solid waste or that you can't put liquid waste and solid waste into the same drum? What about wastes that are generated as both liquid and solid, does the operator have to try to separate them to put them into separate containers? It appears that this requirement presents an unnecessary economic burden on the business that is trying to implement these standards and it is unclear as to what the requirement is. Safety-Kleen believes that the suggested changes to (A) and (B) of section (ix) should accomplish whatever benefit was intended by this standard and that it should be removed from the list.

RESPONSE: Because of waste compatibility and mixture issues as discussed in previous comments, WDEQ believes it is prudent to prevent mixing of solid and liquid wastes. The resulting mixture may not be compatible or may result in a greater volume of hazardous waste to be managed by the operator if a non-hazardous liquid or solid waste is mixed with a hazardous solid or liquid waste, respectively. As a point of clarification, from a regulatory perspective, wastes aren't generated as both a liquid and a solid waste. If the waste material contains free-liquids (as defined by a specific test protocol), then it is considered a liquid. If it doesn't contain free-liquids, then it is considered a solid waste. WDEQ is not proposing a change in response to this comment.

COMMENT: P2 Draft Proposed Rules: Section 7(c)(ix)(F). Alternative Minimum Pollution Prevention Operating Standards:

(c) The alternative minimum pollution prevention standards shall include:

(ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(F) Storing contaminants on impermeable, bermed pads.

Safety-Kleen agrees that this standard is valuable but finds it to be vague, incomplete and too costly to implement for most facilities especially considering the scope of the definition of 'contaminants'. Again this would prevent and/or discourage many facilities from trying to comply with these standards. Safety-Kleen suggests that this requirement be modified as follows in order to make it viable for more facilities and to give pretty much the same effect as originally stated:

*(F) Storing contaminants that are not in containers on impermeable, bermed pads or equivalent*

*means such as containment pallet, etc.*

*(G) Storing contaminants in containers that are in good condition with no severe rusting, apparent structural defects, or deterioration and not leaking (no visible leaks).*

RESPONSE: WDEQ realizes this particular provision is somewhat vague. However, it was intended to be vague to allow operators flexibility in implementing systems that provide a leak (impermeable) and migration (berm) barrier to releases of contaminants. Other P2 operating standards [e.g., Section 7(c)(ii)] address container integrity. Therefore, WDEQ is not proposing a change in response to this comment.

ENC: October 23, 2009, Comment Letter from Safety-Kleen

C: John V. Corra  
Jerry Breed  
Ben Way







WASTE DIVISION

OCT 26 2009

October 23, 2009

Mr. Ben Way  
Wyoming Department of Environmental Quality  
Solid and Hazardous Waste Management Division  
122 West 25<sup>th</sup> ST  
Herschler Building 4-W  
Cheyenne, WY 82002

RE: Comments to Proposed New Chapter 1 Solid and Hazardous Waste Division  
Voluntary Remediation Program

Dear Mr. Way:

Safety-Kleen Systems, Inc. (hereafter referred to as Safety-Kleen) respectfully provides the attached comments concerning the Wyoming Department of Environmental Quality's proposed rule adding Chapter 1 to the Solid and Hazardous Waste Division's Voluntary Remediation Program. Safety-Kleen agrees with the intent of this proposed rule. However, Safety-Kleen believes that some changes would make the proposed rule more understandable and therefore more readily utilized by industry in Wyoming.

If you have questions, please either call me at 402-630-4261 or email me at [randy.shaner@safety-kleen.com](mailto:randy.shaner@safety-kleen.com).

Sincerely,

Randy Shaner  
Environmental, Health and Safety Manager  
Safety-Kleen Systems, Inc.

SAFETY-KLEEN SYSTEMS, INC.

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**Safety-Kleen Systems, Inc. comments on the Wyoming Department of Environmental  
Quality's Proposed Rule for the  
Pollution Prevention Plan Requirements for Eligibility in the Voluntary Remediation Program**

Safety-Kleen Systems, Inc. (hereafter referred to as Safety-Kleen) agrees with the intent of this proposed rule. However, Safety-Kleen believes that some changes would make the proposed rule more understandable and therefore more readily utilized by industry in Wyoming.

The format of this response is to list the item presented in the rule and then to provide Safety-Kleen's comment. When referring to the rule Safety-Kleen will use the term P2.

1 - P2 Summary of Proposed Chapter 1 last sentence of the second paragraph

Cleanups conducted under the requirements of an order will not receive a specific liability assurance from the DEQ and must be accomplished consistent with § 35-11-1613.

1-Safety-Kleen Comment

Commercial businesses might be more inclined to participate in this program and develop a Pollution Prevention Plan if the benefit of 'receiving a specific liability assurance from the DEQ' was explained. Safety-Kleen understands that in the brochure this is more clearly stated, but putting it into the rule would give added emphasis.

2 - P2 Section 2 Definitions

"Contaminant" means as defined in W.S. 35-11-103(g) (iii).

2-Safety-Kleen Comment

Safety-Kleen believes that since the definition in the law referred to is relatively short that it should be entered in its entirety into the rule. This would make the regulation more user friendly to the businesses trying to use it or at least let them know that it includes just about any material they can think of. Thus the definition for Contaminant would read:

*"Contaminant" means as defined in W.S. 35-11-103(g) (iii), which states the following:*

*(iii) "Contaminant" means any chemical, material, substance or waste:*

- (A) Which is regulated under any applicable federal, state or local law or regulation;*
- (B) Which is classified as hazardous or toxic under federal, state or local law or regulation;*
- or*
- (C) To which exposure is regulated under federal, state or local law or regulation.*

3 - P2 Section 4. Applicability last sentence of the second paragraph AND P2 Draft Proposed Rules Section 4 (b)

These sites or places of business are also considered to be "facilities."

Section 4(b) *Do you need to implement alternative minimum pollution prevention operating standards to fulfill the P2 Plan requirement in order to be considered for participation in the VRP?* The owner or operator of any place of business or site not listed in Section 4(a) of this Chapter, which stores, uses or generates contaminants must demonstrate to the satisfaction of the Administrator that the alternative



minimum pollution prevention operating standards, as described in Section 7 of this Chapter, are being implemented at the place of business or site in order to be considered for participation in the VRP. Such places of business or sites shall be identified as facilities for the purposes of this Chapter.

### 3 - Safety-Kleen Comment

The term 'facilities' is not clearly defined here or elsewhere in the proposed rule. At least, this reader does not understand the meaning of this apparently important term in the regulations.

Under Section 4 of the proposed rule

Change the answer to the question to read as follows

*(b) Any place of business or site not listed in Section 4(a) of this Chapter which stores, uses or generates contaminants is a 'facility' for purposes of this Chapter. The owner and operators of a facility not listed in Section 4(a) except as provided in Section 4 (c) & (d) of this Chapter, must be able to demonstrate to the satisfaction of the Administrator that alternative minimum pollution prevention operating standards, as described in Section 7 of this Chapter, are being implemented to fulfill the P2 Plan requirement in order to be considered for participation in the VRP.*

### 4 - P2 Draft Proposed Rules: Section 6. Requirements for written P2 Plans

(f) Other documents, such as Spill Prevention Control and Countermeasure Plans and/or Emergency Response Plans may satisfy the requirement for a written P2 Plan to the extent that such documents fulfill the requirements and meet the standards of this Section, as determined by the Administrator.

### 4 - Safety-Kleen Comment

In Safety-Kleen's opinion (f) is too limiting and will cause facilities to duplicate efforts already made to create and implement pollution prevention plans such as Spill Prevention Control and Countermeasure, Stormwater Management and Emergency Response. It is also Safety-Kleen's opinion that it is not right to make eligibility in to the FRP program dependent upon a written plan that must meet the approval of the Administrator but without requiring prior approval by the Administrator. There needs to be some protection for a facility that in good faith created the written P2 Plan, had a release and then found out that the Administrator didn't agree that the plan met all the requirements of the rule and so they were not eligible for the VRP. To correct this perceived issue and to include other pollution prevention plans as acceptable to meet the P2 plan requirements Safety-Kleen suggests that (f) be modified as follows:

*(f) Spill Prevention Control and Countermeasure Plans, Stormwater Management Plans RCRA Part B Permits and/or Emergency Response Plans may satisfy the requirement for a written P2 Plan to the extent that such documents fulfill the requirements and meet the standards of this Section. Upon review of the plan the Administrator may require the facility to modify and implement the modifications if the plan is found to not fulfill the requirements and meet the standards of this Section. Good faith efforts in developing and implementing a compliant plan make the facility eligible for participation in the VRP even if subsequently the Administrator determines that the plan does not fulfill the requirements and meet the standards of this Section. A good faith effort will be demonstrated by the facility getting a Professional Engineer to certify that the plan being used to fulfill the P2 Plan fulfills the requirements and meets the standards of this Section or it will be approved by the Administrator, such as a RCRA Part B Permit.*

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5 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

- (c) The alternative minimum pollution prevention standards shall include:  
(i) Implementation of pollution prevention practices as defined in Section 2 of this Chapter;

5 – Safety-Kleen Comment

Section 2 of the Chapter is 'Definitions' and does not define pollution prevention practices.

6 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

- (c) The alternative minimum pollution prevention standards shall include:  
(vi) Labeling transfer containers with contents and hazard recognition information;

6 – Safety-Kleen Comment

What is meant by a 'transfer container'?

7 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

- (c) The alternative minimum pollution prevention standards shall include:  
(vii) Keeping all containers closed when not in use;

7 – Safety-Kleen Comment

What containers need to be closed when not in use? What does 'in use' mean? What does 'closed' mean? RCRA regulations require that all containers of hazardous waste be closed except when adding to or removing waste from them. The unwritten standard is that if a container of hazardous waste is not going to be added to or removed from within 15 minutes, it needs to be closed. Safety-Kleen suggests that this be changed to read as follows:

- (vii) Keeping all containers of contaminants closed when not adding to or removing materials from the container for more than 15 minutes;*

8 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

- (c) The alternative minimum pollution prevention standards shall include:  
(viii) Preventative maintenance practices. Such practices include, but are not limited to:

8 – Safety-Kleen Comment

What equipment do these preventive maintenance practices apply? Safety-Kleen suggests that these be applied only to process equipment that contains contaminants.

9 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

- (c) The alternative minimum pollution prevention standards shall include:



(ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(A) Preventing the mixing of hazardous and nonhazardous wastes;

#### 9 – Safety-Kleen Comment

For the small operations that this applies to, it may not always be economically possible or there may not be room to keep two separate drums, one for hazardous and the other for non-hazardous wastes. The RCRA hazardous waste regulations deal with this via a Waste Minimization Plan requirement. Even that does not prohibit the mixing of hazardous and non-hazardous wastes without any exceptions. Requiring companies to implement a standard that is not economically viable for them to implement will limit the participation in this program. This would appear to be contrary to at least one of the reasons of creating this regulation.

Safety-Kleen suggests that this requirement be modified to state the following:

(A) *Preventing the mixing of hazardous and nonhazardous wastes where it is economically viable and/or where there sufficient space at the facility to maintain containers to do so.*

#### 10 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

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(ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(C) Segregating different solvents;

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(B) *Segregating incompatible materials;*

#### 11 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(D) Isolating liquid wastes from solid wastes;



### 11 – Safety-Kleen Comment

Why is this requirement in the list? How does this prevent pollution from occurring? Is it saying that you shouldn't store a drum of liquid waste next to a drum of solid waste or that you can't put liquid waste and solid waste into the same drum? What about wastes that are generated as both liquid and solid, does the operator have to try to separate them to put them into separate containers? It appears that this requirement presents an unnecessary economic burden on the business that is trying to implement these standards and it is unclear as to what the requirement is. Safety-Kleen believes that the suggested changes to (A) and (B) of section (ix) should accomplish whatever benefit was intended by this standard and that it should be removed from the list.

### 12 – P2 Draft Proposed Rules: Section 7. Alternative Minimum Pollution Prevention Operating Standards

(c) The alternative minimum pollution prevention standards shall include:

(ix) Segregation and storage practices. Such practices include, but are not limited to any or all of the following:

(F) Storing contaminants on impermeable, bermed pads.

### 12 – Safety-Kleen Comment

Safety-Kleen agrees that this standard is valuable but finds it to be vague, incomplete and too costly to implement for most facilities especially considering the scope of the definition of 'contaminants'. Again this would prevent and/or discourage many facilities from trying to comply with these standards. Safety-Kleen suggests that this requirement be modified as follows in order to make it viable for more facilities and to give pretty much the same effect as originally stated:

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*(G) Storing contaminants in containers that are in good condition with no severe rusting, apparent structural defects, or deterioration and not leaking (no visible leaks).*