

October 23, 2006

OPA <sup>H</sup>

OCT 26 2006

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

LaDonna Castanuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, TX 78711-3087

BY

*JS*  
*10/26/06*  
*4:38/15*

2006 OCT 26 PM 2:32

CHIEF CLERKS OFFICE

RE: Request for contested case hearing in the matter of the renewal of  
TCEQ Permit No. 50163, Safety-Kleen Systems, Inc., Denton Recycle Center,  
1702 Cooper Creek Road, Denton, TX 76208.

We are writing to request a contested case hearing on the renewal of TCEQ Permit No.  
50163.

We are members of Citizens for Healthy Growth and live approximately one mile east of  
Safety-Kleen Systems, Inc. We consider ourselves "affected persons" because of the  
proximity of our water wells to the discharge areas of Safety-Kleen's storm water run-off.  
We are concerned that, in the event of a catastrophic accident at the facility, toxic run-off  
could contaminate our water supply.

It is our understanding that Safety-Kleen's current contingency plan does not address this  
potential risk. The renewal of their Permit No. 50163 should not be granted until it does.

We also consider ourselves "affected persons" because we live within the 2.4 mile  
vulnerability zone established by Safety-Kleen's Risk Management Plan.

This hearing request also seeks a hearing on every issue raised in public comment, not  
just those raised by us. This request includes every issue to which the Executive Director  
responded.

Sincerely,

*E. Parks Olmon*

E. Parks Olmon  
4401 University Drive  
Denton, TX 76208  
940-383-3881

*Delores Olmon*  
Delores Olmon

*4401 East University Drive*

TCEQ Public Participation Form  
Safety-Kleen Systems, Inc.  
Public Meeting  
Proposed Industrial and Hazardous Waste  
Permit Renewal and Major Amendment  
Permit No. 50163  
Tuesday, March 28, 2006

~~WAW~~  
2  
Delores

Parks  
17

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY  
MAY 30 PM 2:39  
CHIEF CLERKS OFFICE

PLEASE PRINT: <sup>827</sup> E. Parks Olmon  
Name: ~~4~~ Delores Olmon  
Address: 4401 E. University Dr.  
City/State: Denton Zip: 76208  
Phone: 940 382-3881

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group?  Yes  No  
If yes, which one? \_\_\_\_\_

IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.  
(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

*[Handwritten mark]*

October 17, 2006

OPA <sup>H</sup>

LaDonna Castanuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, TX 78711-3087

OCT 24 2006

BY JS

RE: Request for contested case hearing in the matter of the renewal of  
TCEQ Permit No. 50163, Safety-Kleen Systems, Inc., Denton Recycle Center,  
1702 Cooper Creek Road, Denton, TX 76208.

I am writing to request a contested case hearing on the renewal of TCEQ Permit No. 50163.

I am a member of Citizens for Healthy Growth and an "affected person" living less than one quarter of a mile from the Safety-Kleen facility. I am also a cancer victim. My water comes from a well close by the facility.

Past spills and fires at this facility have endangered my health and well being, and the additional storage allowed by this permit renewal brings potentially greater danger to me and my neighbors.

Consequently, I seek a hearing to fully discuss the dangers to the community posed by the increased volume of toxic chemical storage in the light of Safety-Kleen's past history of numerous spills and fires. For example, in September, 2001, a fire in a scrubber unit required all of the City of Denton's personnel. There were only two employees on duty at the facility at the time of the accident.

Furthermore, in the interest of public health, I seek a hearing because this permit should not be granted unless there are contingency plans, emergency response capabilities on site, and plans for protecting the community within the 2.4 mile vulnerability zone designated by Safety-Kleen Systems, Inc. own Risk Management Plan for the worst case scenario of an accidental release of hydrochloric acid vapor from a tank truck or toxic releases from storage tank overflows.

This hearing request also seeks a hearing on every issue raised in public comment, not just those raised by me. This request includes every issue to which the Executive Director responded.

Sincerely,



Joy Powell  
3501 Mingo Road  
Denton, TX 76208-3894  
940-382-1163

CHIEF CLERK

10/24/06

M

(1)

**TCEQ Public Participation Form**  
**Safety-Kleen Systems, Inc.**  
**Public Meeting**  
**Industrial & Hazardous Waste Amendment**  
**& Renewal of Permit No. 50163**  
**Monday, December 13, 2004**

PLEASE PRINT:

Name: JOY POWELL

Address: 3501 MINGO RD.

City/State: DENISON Zip: 76208

Phone: 940 382-1163

Please add me to the mailing list.

Are you here today representing a municipality, legislator, agency, or group?  Yes  No

If yes, which one? Earth Group

**IF YOU WANT TO GIVE FORMAL COMMENT PLEASE ✓BELOW**

I wish to provide formal oral comments.

I wish to provide formal written comments at tonight's public meeting.

(Written comments may be submitted any time during the meeting.)

Please give this to the person at the information table. Thank you.

(1)

October 24, 2006

H OPA  
OCT 30 2006  
BY KS

LaDonna Castanuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, TX 78711-3087

13087  
13087

CHIEF CLERKS OFFICE

2006 OCT 27 PM 2:49

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

RE: Request for contested case hearing in the matter of the renewal of  
TCEQ Permit No. 50163, Safety-Kleen Systems, Inc., Denton Recycle Center,  
1702 Cooper Creek Road, Denton, TX 76208.

I am the President of Citizens for Healthy Growth, 1620 Victoria Drive, Denton, TX 76209. I am writing on behalf of our organization to request a contested case hearing on the renewal of TCEQ Permit No. 50163.

Citizens for Healthy Growth (CHG) is an "affected person" because CHG seeks to protect the same environmental and public health interests presented by members of the community at the public meetings held on the renewal of this permit (December 13, 2004 and March 28, 2006). And, the organization seeks the same protections as does its members.

This hearing request seeks a hearing on every issue raised in public comment, not just those raised by CHG, and this request includes every issue to which the Executive Director responded.

Four members of CHG are petitioning the TCEQ as affected persons for a contested case hearing under their own names. They also serve as the representative members for CHG's hearing request. Those individuals are Joy Powell, Dee Wooten and her family, Delores Olmon, and E. Parks Olmon.

All of these individuals live within the 2.4 mile vulnerability zone as designated in Safety-Kleen's risk management plan. Joy Powell, a cancer victim, lives less than one-quarter mile from the facility and gets her water from a well. She resides at 3501 Mingo Road.

Dee Wooten lives less than one-half mile from Safety-Kleen. Her family suffers from allergies and asthma. Her daughter is incapacitated by a traumatic brain injury. She home schools her children. She resides at 3103 Twilight. Her neighborhood has only one street by which residents could flee in the event of a catastrophic accident at the facility.

E. Parks and Delores Olmon live less than a mile from the facility, near the discharge points for storm water runoff on the eastern boundary of Safety-Kleen's property, and fear the contamination of their well water, used both for drinking and for irrigating a

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large vegetable garden in the event of a major accident at the facility. They reside at 4401 E. University Drive.

Hodge Elementary School and Ryan High School are within the 2.4 mile vulnerability zone and two churches are within one-quarter mile of Safety-Kleen. CHG also has concerns that recreational areas such as the Trinity River Green Belt, Clear Creek Nature Preserve and Center, and the watershed of the Upper Trinity/Little Elm that feeds into Lake Lewisville could be affected by an accident that involves Safety-Kleen's entire facility.

Furthermore, a new housing development, Lake View Estates, is located on Cooper Creek, which receives storm water run-off from Safety-Kleen's property. Permit 50163 does not take into account the topographical changes to the area through which any potentially toxic run-off would flow in the event of a major accident at Safety-Kleen. These changes include the aforementioned housing development and the widening of US 380 and the potential for flooding.

CHG contests this permit on the grounds that it does not protect the public and environmental health. Safety-Kleen's contingency plan contains no "plans specifically for responding to a catastrophe."

According to the Denton Fire Department, Safety-Kleen in Denton has had at least 19 fires between 1992-2004, and at least 22 incidents involving chemical spills between 1991-2003 (Emergency Response Notification System). On the federal level, Safety-Kleen in Denton has been cited three times for EPA violations related to the treatment and disposal of polychlorinated biphenyl (PCB), and has had 14 violations of the Clean Air Act.

All of the City of Denton's fire fighting equipment responded when a scrubber unit caught fire in September 2001. Neighboring fire departments were placed on call to respond to any other emergencies in Denton at the time. There were only two employees on duty at Safety-Kleen at the time of the accident.

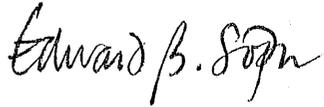
Given this record of accidents and spills it appears that Safety-Kleen has not taken the steps to identify and to prevent such problems—leaks, spills, and fires—before they occur. If this is true for small incidents it is also true for catastrophic situations.

The residential development in the area, hazards presented by the eventual full capacity, in 2011, of Safety-Kleen's storage capacity, indicate that the protection of the public health would best be served by extending the definition of "affected person" to those living within the 2.4 mile vulnerability zone designated by Safety-Kleen Systems, Inc. in their own Risk Management Plan. Without an adequate permit, and requirements for proper contingency plans that protect the community, this permit renewal should not be

granted. Safety-Kleen's activities involve serious risk of harm to the people, the land, and the water.

If the Executive Director, Office of Public Interest Counsel or the Applicant believes that this request does not comply with the requirements for a request for a hearing, or if additional information is required, please notify me of any such alleged discrepancies and I shall supply what information I am able to.

Sincerely,

A handwritten signature in cursive script that reads "Edward B. Soph".

Edward B. Soph  
President, Citizens for Healthy Growth  
1620 Victoria Drive  
Denton, TX 76209  
940.383.4693

October 18, 2006

LaDonna Castanuela, Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, TX 78711-3087

*Handwritten:* 43813  
C/105

OPA

OCT 24 2006

BY *[Signature]*

RE: Request for contested case hearing in the matter of the renewal of  
TCEQ Permit No. 50163, Safety-Kleen Systems, Inc., Denton Recycle Center,  
1702 Cooper Creek Road, Denton, TX 76208.

I am writing to request a contested case hearing on the renewal of TCEQ Permit No.  
50163.

I am a member of Citizens for Healthy Growth and an "affected person" living less than  
one half mile from the Safety-Kleen facility. Our neighborhood was established in the  
1960's before Safety-Kleen was even here. Our family all suffers from severe allergies  
and respiratory problems. My daughter is incapacitated by a traumatic brain injury and is  
wheelchair-bound. She, like me, also suffers from asthma.

Past spills and fires at this facility have endangered my family's health and well being,  
and the additional storage and lack of appropriate protections allowed by this permit  
renewal brings potentially greater danger to us and our neighbors.

Consequently, I seek a hearing to fully discuss the dangers to the community posed by  
the increased volume of toxic chemical storage in the light of Safety-Kleen's past history  
of numerous spills and fires.

Furthermore, in the interest of public health, I seek a hearing because this permit should  
not be granted unless there are contingency plans, emergency response capabilities on  
site, and plans for protecting me and my family within the 2.4 mile vulnerability zone  
designated by Safety-Kleen Systems, Inc. own Risk Management Plan.

This hearing request also seeks a hearing on every issue raised in public comment, not  
just those raised by me. This request includes every issue to which the Executive Director  
responded.

Sincerely,

*[Handwritten Signature: Dee Wooten]*

Dee Wooten  
3103 Twilight  
Denton, TX 76208

940-566-7973

*Vertical stamp:* CHIEF CLERK OFFICE  
OCT 24 2006

*Handwritten mark:* MB