Hazardous Waste Management Facility Local Site Review Packet

March 2016

Nebraska Department of Environmental Quality

STATE OF NEBRASKA

Pete Ricketts
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY
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To the Interested Reader:

The purpose of this notebook is to provide background documents and information to the Site Review Committee established by §81-1521.09(1) and other interested persons on the proposal by Heritage Disposal and Storage, LLC (Heritage), to install and operate a hazardous waste management facility at 345 South 80th Rd., Alda, Nebraska. The primary duty of the Site Review Committee is to prepare a final report which conveys the thoughts of the community to the Director of the Nebraska Department of Environmental Quality (NDEQ) on the proposal. The Site Review Committee does not serve in an approval or decision making capacity, rather they are asked to ensure that the siting process is comprehensive, educational and credible.

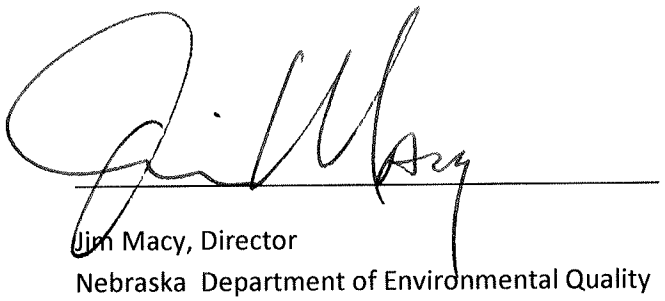
The Site Review Committee is required by statute (§81-1521.13) to consider the following:

- Economic considerations
- Function of the facility
- Technological considerations
- Site characteristics
- Environmental quality
- Transportation
- Emergency situations
- Applicable regulations and enforcement

The Site Review Committee is required to prepare a final report within 180 days of Heritage filing a Notice of Intent to apply for a permit to operate a commercial hazardous waste management facility. When the Director of the NDEQ receives the Site Review Committee report, Heritage then will make application for all required permits. NDEQ will review the applications to ensure they are complete, and copies of those applications and the Sire Review Committee report are forwarded to Hall County Board. The Hall County Board must hold a hearing within 45 days of the receipt the applications and the Site Review Committee report. If the Hall County Board approves the proposal, the Department of Environmental Quality will begin reviewing the application. If the Hall County Board rejects the proposal, the Department of Environmental Quality will take no action.

The statutory requirements applicable to the siting of a commercial hazardous management facility are unique and provide opportunities for issues to be raised at an early date. This affords Heritage the opportunity to address those issues before the formal review of the applications begins. Similarly the process allows Heritage the opportunity to fully explain their operation and address concerns.

On behalf of the Department we look forward to working with the Site Review Committee over the coming months and we welcome comments from the Committee, and any interested person. Please feel free to direct comments to me, Joe Francis, or any member of the Departments staff.



Jim Macy, Director
Nebraska Department of Environmental Quality

This notebook has been provided to all members of the Heritage Disposal and Storage, Site Review Committee.

The notebook will be a "living" document with additions made as the siting process proceeds - e.g. minutes from meetings. The initial contents of the notebook include a welcome and a short explanation of the siting process by Jim Macy, Director, Nebraska Department of Environmental Quality (NDEQ). Additionally the final report of a previous Site Review Committee is included as an example of how the Site Review Committee conducted their activities. The current Site Review Committee, formed to address the Notice of Intent submitted by Heritage Disposal and Storage, may choose to operate in a totally different manner. The previous report was included only as an example. The Nebraska statutes applicable to the Heritage Disposal and Storage Notice of Intent follow the previous report.

The notebooks will be available for review at the Grand Island Public Library, 211 N. Washington St., at the NDEQ Grand Island Field Office at 215 Kaufman Ave., Grand Island and at the NDEQ office in Lincoln, 1200 N St. The notebook will be available during normal business hours at the Grand Island Library and at the NDEQ Lincoln office. If you would like to review the notebook at the NDEQ Grand Island Office, please contact Nick Weaver (308) 991-1262. Additionally, all materials will be available on the NDEQ web site http://deq.ne.gov/NDEQProg.nsf/OnWeb/Heritage.

Questions may be directed to Joe Francis, Field Services and Assistance Division, at (402) 471-6087.

METROPOLITAN AREA PLANNING AGENCY
2222 Cuming St., Omaha, NE 68102-4328 Phone: (402) 444-6866

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MAPA
A COUNCIL OF GOVERNMENTS

December 16, 1991

Randolph Wood, Director
NE Department of Environmental Control
301 Centennial Mall - South
PO Box 98922
Lincoln NE 68509-8922

Dear Mr. Wood:

Enclosed is a copy of the Omaha Metropolitan Area Site Review Committee Report for the hazardous waste storage facility proposed by Van, Waters and Rogers Inc. I would like to point out that in the Executive Summary, while a majority of the Committee members found no justification that the proposed site would not be suitable for the proposed use, they did recognize there were some specific items that warrant additional consideration and that DEC would undertake a thorough technical analysis of the proposed site. There is also a section in the Executive Summary outlining a minority opinion of the Committee on the proposal.

If there are any questions on the contents of this report I would make myself available to discuss it.

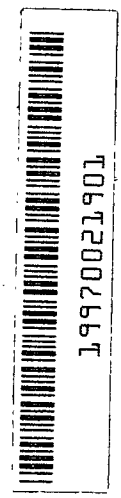
Sincerely,

Paul F. Mullen

Paul F. Mullen, MAPA Program Director
Chairman, Omaha Metropolitan Area Hazardous Waste Site Review Committee

PFM/ph

Enc.



Center For
Environmental
Solutions

Neutral Facilitation
Environmental Communications
Survey Research

Committee for Siting Commercial Hazardous Waste Facilities in Nebraska

SITE REVIEW COMMITTEE REPORT:

HAZARDOUS WASTE STORAGE FACILITY

PROPOSED BY VAN WATERS AND ROGERS INC.

December 12, 1991

3745 South 44th Street
Lincoln, Nebraska 68506
402.488.8426

Committee for Siting Commercial Hazardous Waste Facilities in Nebraska

SITE REVIEW COMMITTEE REPORT:

HAZARDOUS WASTE STORAGE FACILITY

PROPOSED BY VAN WATERS AND ROGERS INC.

December 12, 1991

Compiled By:

The Center for Environmental Solutions
3745 South 44th Street
Lincoln, NE 68506
402-488-8426

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Omaha, NE 68102

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10838 Old Mill Road, Suite 1
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South Omaha Environmental Task Force
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Omaha, NE 68107

Facilitator:

Tammy Hays
The Center for Environmental Solutions
3745 South 44th Street
Lincoln, NE 68506

Copies of this report can be obtained by contacting Ruth Johnston, Freedom of Information Officer, Office of Public Affairs, Nebraska Department of Environmental Control, 301 Centennial Mall South, Lincoln, NE 68509 402-471-2186

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FIGURES

TERMS AND ACRONYMS

CERCLA	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (popularly known as Superfund); the Federal law which regulates the clean-up of abandoned hazardous waste sites
DEC	Department of Environmental Control
hazardous waste	any material that is listed under RCRA (Sections 1004 of the Act and Federal regulations Part 261) or that is ignitable, corrosive, reactive, or toxic. The State of Nebraska define hazardous waste in Chapters 11-15 of Title 128
LB	Nebraska Legislative Bill (e.g., LB 114)
NDEC or DEC	Nebraska Department of Environmental Control
RCRA	Resource Conservation and Recovery Act of 1976 (commonly pronounced "rec-ra"); the Federal law which establishes procedures for management of hazardous waste facilities nationally
SARA	Superfund Amendments and Reauthorization Act of 1986; commonly referred to as "the right-to-know" law
storage	the temporary holding of a hazardous waste prior to it being treated, disposed of, or stored elsewhere
Superfund	Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)
Univar	the parent company for VWR
VWR	Van Waters and Rogers Inc., a subsidiary of Univar; the applicant proposing the hazardous waste storage facility

EXECUTIVE SUMMARY

This report summarizes the activities and findings of a site review committee formed according to Nebraska Legislative Bill 114. The site review committee process enabled early public involvement in a proposal by Van Waters and Rogers Inc. (VWR) to construct and operate a hazardous waste storage facility at 3002 F Street, Omaha, Nebraska. Sections 1.0 through 5.0 are a chronological accounting of the site review committee process and represent the issues and concerns raised by both the committee and the community at the committee meetings.

The resulting conclusions and recommendations of the committee are contained in this Executive Summary. Conclusions address issues raised by the process that the committee agrees are of primary concern, identifies those issues the committee believes require further consideration or study, and makes any appropriate recommendations to resolve those primary concerns. The committee does not have decision making authority regarding the facility proposal.

Legislative Background

In 1987, the Nebraska Legislature passed LB 114, and established a procedure to site hazardous waste treatment, storage, or disposal facilities utilizing existing governmental entities, the Nebraska Department of Environmental Control (NDEC), and county or municipal boards. The cornerstone of this siting procedure is a specific site review committee that provides for early public involvement in the consideration of any hazardous waste facility proposed after June, 1988. The committee itself does not make decisions regarding the proposed facility permit, but does gather information and characterize community concerns about it. (Section 1.0 of this report includes a general summary of the siting process and describes the roles and responsibilities of each of the groups involved in a site review committee process; Appendix B includes the relevant statutes.)

As directed by LB 114, each committee consists of twelve members, representing different interests and expertise (including environmentalists, academic experts, industry representatives, community planners, public interest groups, the medical community, and neighbors of the proposed facility), appointed by the local governing authority (in this case the Mayor of Omaha) and the Director of the NDEC. (Appendix A lists the members of this committee). Committees conduct a series of fact-finding meetings to address economic, functional, and operational considerations; site characteristics and environmental quality factors; transportation implications and emergency response plans; and applicable regulations and enforcement provisions related to a proposed facility.

As a result of its fact-finding, the committee prepares a final report at which point the company may then submit an application for a permit to the NDEC. A copy of the site review committee report and the applicant's written response to the report, if any, must be included with the permit application. The Director of the NDEC will then send the application and report to the local zoning authority (in this case the Omaha

City Council) to determine whether the facility will comply with zoning laws and local ordinances. If the local authority disapproves the facility, the NDEC will take no further action on the permit application unless that disapproval is reversed by a court decision. If it approves the facility, the NDEC will then determine whether the application complies with state law, rules, and regulations.

Once the NDEC completes the application review, the Director makes a tentative decision whether to issue or deny a permit for the facility. This decision will also be publicly noticed before a final decision is made. If requested during the public comment period, the NDEC may hold a public hearing. The Director's decision may be appealed as well.

Overview of the Applicant and Facility Proposal

Van Waters and Rogers Inc., the largest distributor of industrial chemicals in North America, proposes to become a permitted Resource Conservation and Recovery Act (RCRA) hazardous waste management facility. The facility would provide short-term storage of up to 11,000 gallons of containerized hazardous waste at the site of the company's Omaha chemical distribution facility. There are no waste treatment or disposal operations proposed at this facility, which currently has RCRA status as a generator and transporter.

At the onset of the site review process, the company had proposed that the hazardous wastes, primarily used solvents, be stored in a 60'x40' facility (30'x40' actual storage area) covered by a roof but without enclosing walls, and surrounded by an 8" concrete dike. The unit was to be constructed of single-pour concrete to eliminate joints. However, VWR revised its storage facility proposal as a result of several concerns raised throughout the site review committee process.

Their *revised proposal* relocates the storage facility inside the existing VWR chemical distribution warehouse. That existing space is fully equipped with sprinklers, enclosed by fire walls, and includes explosion proof lighting and concrete floors treated with an impervious coating. Like the original proposal, the facility would be a "dock high" unit that enables trucks to back directly up to the facility thus eliminating ramps. To ensure adequate environmental protection, curbing and containment measures would be added and materials appropriately segregated as required by city codes and permit regulations. (Appendix H includes the proposed site plan, conceptual design drawings, and containment calculations.)

The company estimates that annually, about 65,000 gallons of hazardous wastes would be stored within the unit (a maximum of 11,000 gallons at any one time). Different types of waste streams would be temporarily stored there and then manifested to different RCRA-permitted treatment facilities; all of the wastes would be shipped out-of-state to waste disposal, processing, or recycling facilities. For example, flammable wastes are typically stored for transport to alternative fuels or incineration facilities; chlorinated organic liquids are stored for transport to recycling facilities; and hazardous wastewaters are stored for transport to RCRA-authorized wastewater treatment facilities.

Specific Site Review Committee

This specific site review committee, for the VWR proposed hazardous waste storage facility, was established in July, 1991. This committee held seven public meetings from August through December to accomplish their mission: "conduct fact-finding meetings, gather information, and prepare a report that summarizes public issues and concerns and makes appropriate recommendations."

The committee had 180 days (from the date VWR notified the NDEC of their intent to file for a permit) to prepare this report documenting community concerns raised during the review process and noting those issues which were resolved and those which were not resolved. Sections 1.0 through 5.0 are a chronological accounting of the site review committee process. Each of these sections consist of the summaries prepared following each meeting. The material reflects the substance of the discussion which occurred during the committee meetings although it is not a verbatim transcript. Section 1.0 summarizes the committee's organizational framework, while sections 2.0 through 5.0 reflect the committee's topic-specific fact-finding activities. Appendices C through F contain topic-specific information presented by the applicant at each of the committee's fact-finding meetings. Appendix G includes the applicant's response to the issues which had remained unresolved until the December 5, 1991 committee meeting. Recommendations to the Omaha City Council and zoning authority, that the committee felt were appropriate, are included with the committee's majority and minority conclusions.

The committee presented this report to the NDEC, the community, and VWR at its last meeting on December 12, 1991.

Majority Conclusions and Recommendations

On December 5, 1991 upon completion of their fact-finding process, this site review committee met to consider and deliberate all of the issues raised in an attempt to identify those they believed were of the greatest concern and therefore deserved further consideration or more detailed study. The committee acknowledges they do not have the authority to approve the proposed hazardous waste storage facility and the NDEC would ultimately be responsible for conducting a thorough technical analysis of the company's permit application.

After the committee considered all the issues raised and information submitted, a majority of the committee members found no justification that the site (3002 F Street) is not suitable for the proposed use. But, the committee did agree there were several important issues and concerns that deserve further attention if the applicant pursues a permit application. These issues follow, and where possible and appropriate, the committee also identified options and agreed on recommendations that could mitigate if not resolve the primary concerns.

Existing Traffic Conditions

The committee agreed there is an existing problem with truck congestion in the adjacent residential area. In fact, this concern was one of the most frequently expressed by the neighbors. The committee did observe the miniscule addition of truck traffic from the proposed facility (an estimated three outbound trucks per month) would not significantly aggravate the current traffic conditions.

However, the committee recommends:

- The City of Omaha reconsider proposed engineering solutions to G and 29th Street traffic problems with the neighbors, the applicant, and other area industries that contribute to truck traffic. (VWR traffic comprises, on average, 17 inbound and 17 outbound trucks per day of the 92 trucks which use 29th Street daily.)

- The VWR facility not allow outbound hazardous waste shipments, either via VWR or common carriers, to leave the facility until icy and/or snowy roads are sanded.

Emergency Response

The committee recognized the importance of emergency response concerns to the community. Issues such as VWR and city emergency response capabilities, fire incidents, and restricted site access, were among the neighbors' most frequently raised concerns. The committee agreed they had received assurances from the appropriate emergency responders (company, local, and state) that such incidents can be managed.

However, the committee recommends:

- VWR and the City of Omaha maintain their emergency preparedness capabilities.

- That the permit holder be responsible for reasonable expenses incurred by the city and state in the event any "incident" (e.g, fire, spill, accident, etc.) occurs at the proposed hazardous waste storage facility. Such compensation would be confined to incidents involving hazardous waste (versus chemical product).

Facility Design

The committee agreed they would prefer a storage facility enclosed by four walls and a roof with necessary safeguards including appropriate segregation of incompatible materials and conformance with building codes. The majority of the committee members did not express a preference for whether such a facility should be a stand-alone structure or part of an existing building.

Public Sentiment

The committee acknowledged that residents living nearest to the proposed facility do not feel comfortable with having a hazardous waste storage site located in their neighborhood. However, the committee noted that the larger community already has a hazardous waste site located there (the proposed facility at F Street would replace the current operation at 3900 D Street). Some committee members also observed there appears to be some misconception about the magnitude of possible risks associated with the proposed storage facility relative to those associated with other operations already there.

- The committee encouraged VWR to continue its efforts to inform and educate the community about the scope of all its operations and maintain dialogue between the neighbors and the facility.

Site Zoning

The committee found through its fact-finding activities that hazardous waste storage operations can occur only at locations zoned heavy industrial. The VWR parcel, however, is currently zoned general industrial since it was down-zoned (from heavy) in 1987. To determine which is the appropriate zoning classification, former operations at that location must be researched to ascertain whether they may have handled hazardous materials.

The committee recommends:

- The company and the City of Omaha resolve the zoning status of the proposed site location.

Environmental Quality Data

The committee recommends:

- VWR collect baseline environmental quality data (e.g, sample soil and ground water) at the site of a stand-alone facility if one is constructed.

Minority Conclusions and Recommendations

A minority of the committee held a point of view that differed from that of the majority and developed this section to express those views. While they agreed that the committee does not have authority to approve or disapprove the proposed site, the minority opinion did not concur that the site was suitable for temporary storage of hazardous waste.

They believed that while the applicant's "revised proposal" (to locate the storage facility inside the existing VWR warehouse) dealt with some of the concerns raised

regarding the storage facility, that proposal raised new concerns. Furthermore, the public did not have an adequate opportunity to become familiar with or comment on the revised proposal because only three or four people attended the December 5th meeting at which the proposal was described (presumably because public comment was not allowed at that meeting) and there was not an opportunity for public comment at the December 12th meeting (until after the committee report was adopted).

These committee members also felt that many of the issues characterized as "resolved" in this report remain unresolved; statements made by the applicant did not adequately address or resolve many of these concerns. Although several issues may deserve more attention, the following minority conclusions and recommendations were developed in response to those issues the committee had agreed were most important if the applicant pursues a permit application.

Existing Traffic Conditions

The committee minority agreed that truck congestion in the adjacent residential area is one of the prime concerns of the public. Concern also exists about the inadequacy of the streets and intersections for large truck traffic. In addition, based on public comment, they believed it would be more fair to characterize the concern as not just about the number of trucks travelling area streets, but also about their contents, hazardous waste and material. They emphasized that in addition to the virgin hazardous material already being transported through the neighborhood, inbound and outbound shipments of up to 65,000 gallons of hazardous waste each year would move within a short distance of the neighbor's yards on 29th and G Streets.

Therefore, the minority recommends:

- If these community concerns cannot be resolved, they are serious enough to warrant denying the facility a permit.
- If a permit is granted, VWR should not allow inbound traffic (in addition to outbound traffic) to travel local roads during icy and/or snowy conditions.

Emergency Response

A minority of the committee members were not assured by emergency responders when they said they could manage emergency incidents at the facility. If the hazardous waste were moved inside the current warehouse, the committee minority felt that the flammable and explosive chemicals already there, and those piped inside from bulk storage tanks next door, would create a danger to the wastes in the event of a fire. They believed if the warehouse were to catch fire in a significant way, the local fire department could not handle the situation. Therefore, the community may experience not only the effects of toxic smoke from the virgin chemicals, but also the effects from burning hazardous waste which could contribute an amount of heavy metal particulates.

They noted that most of the emergency response concerns and issues were raised before VWR had introduced its revised proposal to store wastes within their existing warehouse.

Therefore, the minority recommends:

- If a permit is given to store hazardous waste in the existing warehouse, the facility design should include (at least): explosion proof walls; an automatic foaming system; and adequate containment for fire-fighting water which could become contaminated with chemicals in the event of an emergency incident (these liquids should be analyzed to determine if they must be managed as a hazardous waste).

- The City of Omaha view two local resident's video tapes of a non-hazardous material spill and the effects of snow and ice storms on truck traffic in the neighborhood. Both incidents occurred within the last few months and highlight many of the neighbors' emergency response and existing traffic concerns.

Facility Design

A minority of the committee members believed that locating hazardous waste in the current warehouse is less suitable than having wastes stored in a properly constructed, stand-alone structure. Placing the waste in the existing warehouse would put the containers in close proximity to existing forklift traffic, close to employee activity in the warehouse, and close to virgin product, much of which is flammable and volatile.

Public Sentiment

The minority believed more emphasis was due not only on the testimony of residents living nearest the proposed facility, but also on that of the larger community which for the most part, they believed, was against the proposed facility. The minority opinion characterized community testimony as being 90% against approval of the 3002 F Street site.

They further noted VWR's current hazardous waste storage facility (3900 D Street) met with opposition from several hundred community members (more than 1,000 individuals signed a petition in opposition), and yet it was permitted. A minority of the committee contends that public frustration which resulted when the D Street facility was permitted may have discouraged many more individuals from participating in this site review committee process.

Site Zoning

Comments were made at the committee's December 5th meeting that the VWR parcel may have been down-zoned from heavy industrial to general industrial by error or oversight in 1987. The committee minority interpreted further discussion as saying if an error or oversight had occurred, the local zoning authority may only be able to accept testimony on the oversight and not testimony relating to the actual issue of whether the current proposal merits a change from general to heavy industrial.

The minority recommends:

- The Omaha City Council hold a public hearing(s) so all interested parties may express their views and concerns regarding the proposal to locate a hazardous waste facility at 3002 F Street.

1.0 ORGANIZATIONAL MEETING

1.1 MEETING OVERVIEW

The first meeting of the Site Review Committee for the hazardous waste storage facility proposed by VWR convened at 6:30 pm on Wednesday, August 14th, at St. Stanislaus church, located at 41st and J Streets in Omaha. Randy Wood, Director of NDEC opened the meeting by welcoming the public, the siting committee, and VWR representatives. All members of the steering committee members were in attendance: Lou Andersen, Dale Jacobson, Gary Keefer, Louis Lamberty, Paul Mullen, Bill Neal, Gary Pryor, Jim Rhone, Mike Ryan, Phil Swanson, Bev Traub, and Toni Wasikowski. About fifty people representing the public and the media also attended the meeting.

As the committee's temporary chairperson, Mr. Wood chose and introduced the committee's facilitator, Tammy Hays from the Center for Environmental Solutions, in Lincoln. As the committee facilitator, her role is to objectively moderate questions, answers, and discussions among the committee, the community, and the applicant, encouraging balanced contributions by all meeting participants. Ms. Hays will also develop meeting agendas, and work to keep the committee on task and on time throughout the site review process. She is not considered a member of the committee, and as a neutral facilitator contributes only to the process of the meetings, not to the content of the discussions.

Ms. Hays reviewed the evening's agenda which was mostly organizational, but also included an introduction to the site review process, an overview of the proposed facility by the applicant, and an opportunity for the attending public to suggest questions they would like to have answered during the site review process. All committee members then introduced themselves, noted their organizational affiliations and described the particular expertise each brought to the process. Immediately following, NDEC staff and VWR representatives introduced themselves and described their roles in the process.

As part of the organizational agenda, the committee crafted their working mission statement, discussed the committee meeting structure, chose a committee chairperson (Paul Mullen), ordered the fact-finding topic areas, and scheduled remaining committee meeting dates and times. Following a short break, VWR representatives, Susan Schmid, Jim Hooper, and Barry Kopf presented a brief overview of the proposed hazardous waste storage facility, and answered some of the questions asked by the committee and the community. The issues and questions raised were recorded by the facilitator on flip charts to be subsequently categorized according to the fact-finding topic they represented. These issues are listed under the appropriate headings in section 1.3. The meeting adjourned shortly after 10:00 pm.

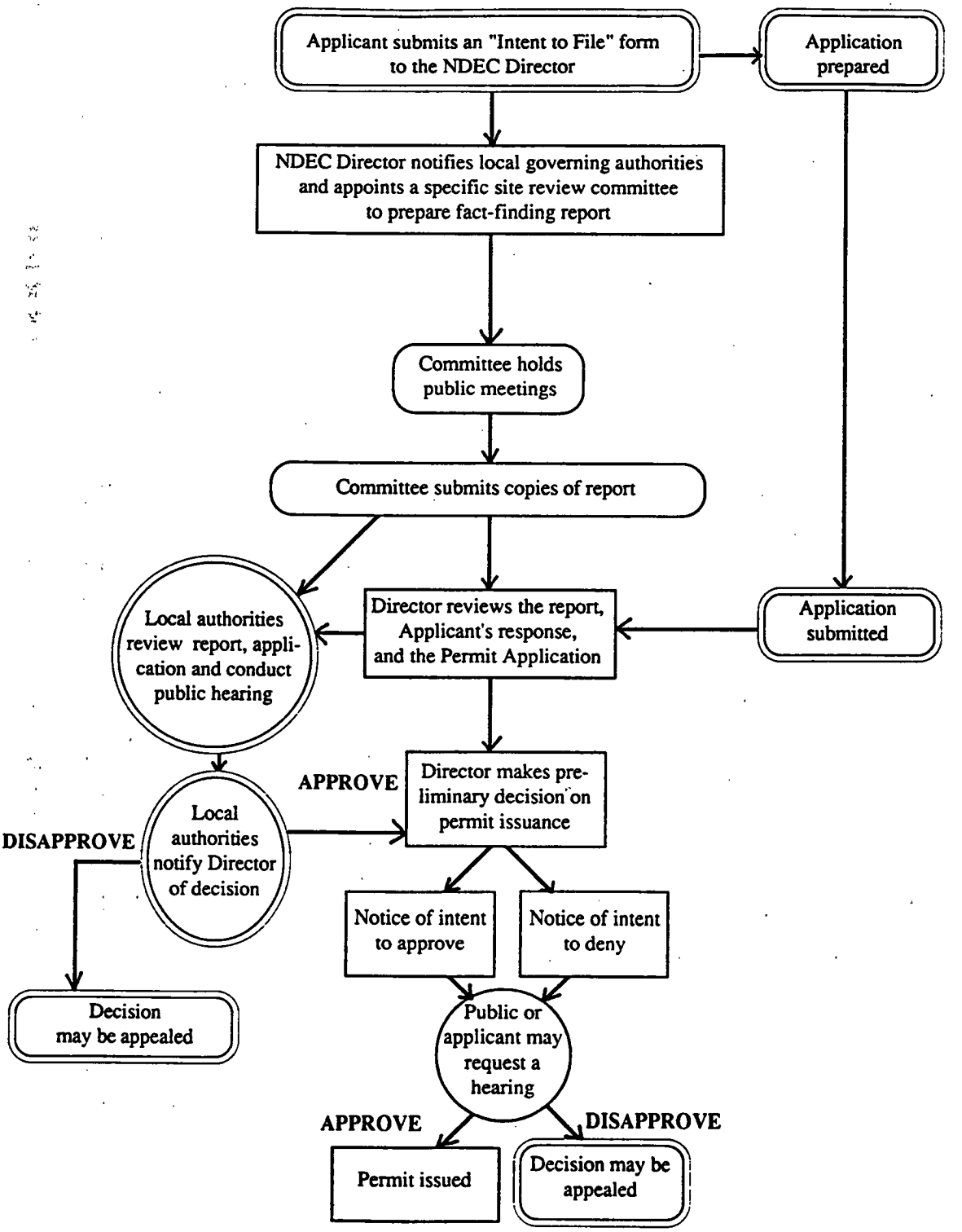
1.2 BACKGROUND

1.2.1 OVERVIEW OF THE PERMIT APPLICATION PROCESS

Annette Kovar, from the NDEC Legal Section, prepared an introduction to the site review process which included a summary of its legislative basis, Legislative Bill 114. A copy of the pertinent statutes from LB 114 are included as Appendix B; Figure 1 illustrates the

FIGURE 1

Hazardous Waste Facility Siting Process



siting process. She indicated that LB 114 was designed to provide early public involvement in the siting of commercial hazardous waste treatment, storage, or disposal facilities. An example of a treatment facility is an incinerator while an example of a disposal facility is a landfill. The facility proposed by VWR is for storage only.

All of these types of facilities must be licensed by the NDEC. After June 30, 1988, the siting law required any prospective applicant for a commercial hazardous waste facility of any kind, to file a "notice of intent" with the Director of the NDEC. The Director then notifies the appropriate local officials and establishes a site-specific review committee to review the proposed facility and gather facts about it. The applicant is charged a filing fee which includes the costs associated with the a committee.

The committee includes twelve members. The Director appointed six individuals to represent the following statutorily designated interests: environmental, academia, industry, community planning, public interest, and the medical community. Since the proposed facility is in Omaha, the Mayor there is designated by law to appoint the remaining six committee members. The purpose of the committee, as described by the law, is to hold a series of fact-finding meetings near the proposed site, gather information, and prepare a report. The Department staff will be available to the committee for technical and administrative support as needed. The committee is directed to consider several factors in their review, including: economic considerations, site characteristics, surface drainage, groundwater protection, transportation, plans for emergencies, the function of the facility itself, and regulatory enforcement.

The committee has 180 days from the date the notice of intent is filed to prepare their report. In this case, the anticipated completion of the report is mid-December. The report will document community concerns which have been raised during the review process, those which have been resolved or not resolved, and may include (at the committee's discretion) recommendations to the local governing body with zoning authority over the site. Copies of the report will be available to the NDEC, the applicant, and the public.

Once the report is completed, the applicant may submit its application for a permit to the NDEC. A copy of the site review committee report and the applicant's written response to the report, if any, must be included. The Director of the NDEC then sends the application and report to the local zoning authority, in this case the Omaha City Council. By law, the City Council must hold a public hearing within 45 days and decide whether to approve or disapprove the facility. The Council must determine whether the facility will comply with zoning laws and local ordinances. This decision may be appealed to a court.

If the City Council disapproves the facility, the NDEC will take no further action on the permit application unless that disapproval is reversed by a court decision. If the City Council approves the facility, the NDEC will determine whether the application complies with state law, rules, and regulations. Once the Department has completed the application review, the Director shall make a *tentative* decision whether to issue or deny a permit for the facility. This decision will also be publicly noticed before a final decision is made. If

requested during the public comment period, the NDEC may hold a public hearing. The Director's decision may be appealed as well.

1.2.2 DESCRIPTION OF THE PROPOSED STORAGE FACILITY[1]

Mr. Barry Kopf, the VWR Omaha Facility Manager, Ms. Susan Schmid, Director of Regulatory Affairs for Univar Corporation (of which VWR is a subsidiary), and Mr. Jim Hooper, VWR Northern Regional Regulatory Manager attended the meeting. As representatives of Van Waters & Rogers, Inc. they presented an overview of their company and the proposed facility.

In their presentation, they noted that VWR is the largest distributor of industrial chemicals in North America. ChemCare™ is the name of a hazardous waste management service introduced by VWR in 1988. Van Waters and Rogers Inc., through its ChemCare™ program proposes to become a permitted RCRA (Resource Conservation and Recovery Act) hazardous waste management facility.

The company proposes to operate a small hazardous waste container storage unit. Such a unit would provide temporary storage of containerized hazardous waste until truckload sized quantities (about 60 drums) are accumulated. Reportedly, it takes approximately 45 days to accumulate a truckload. At that point, the wastes would be manifested from storage to a permitted treatment facility capable of properly handling the wastes. Most of the wastes would be shipped out-of-state to waste disposal, processing, or recycling facilities.

The proposed operation would be co-located at VWR's current chemical distribution facility (3002 F Street, Omaha, Nebraska). Waste storage would be only a small portion of the ongoing operations there. The hazardous wastes, primarily spent solvents, would be stored in a 30'x40' area within a 60'x40' roofed facility encircled by at least an 8" concrete dike. The storage area will be a monolithic design, constructed by a single pour of concrete to eliminate all joints and cracks. No more than 11,000 gallons (two hundred 55-gallon drums) of hazardous waste would be stored at any one time.

1.3 FACT-FINDING QUESTIONS AND COMMENTS

The sections which follow represent the questions and issues raised by both the site review committee and the community during the August 14th meeting. They are categorized according to the fact-finding topic area they best reflect. Any questions that were adequately answered at the time are considered "resolved" whereas those questions which were not answered are considered "unresolved." Unresolved questions will be answered at subsequent, topic-specific meetings.

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[1]As a result of concerns raised during the site review process VWR revised its storage facility proposal. For more information on the revised proposal refer to the Executive Summary (page viii) and Appendix H.

1.3.1 Facility Operation, Technology, and Quality Assurance Programs[2]

1.3.1.1 Resolved Issues

Question / Concern	Answer / Comment
Are the barrels stacked in storage?	Yes, they are stacked two high.
Are containers sealed when you receive them?	Yes.
Do you mix or blend the materials that are stored?	No. The containers arrive sealed and remain sealed.
Is VWR owned by Waste Management?	No.
What is VWR's operating history?	We have been in operation over 15 years.
How long did you operate at D Street?	D Street was permitted in 1989.

1.3.1.2 Unresolved Issues

Question / Concern	Comment
Are the liquids stored subject to freezing?	
Why is the storage area not enclosed?	
Who is provided storage services?	

[2]Facility operations were addressed at the September 5th meeting (Section 2.0).

Question / Concern	Comment
What health and safety training is provided to employees?	
What is the smallest waste quantity you will accept?	
What are the packaging requirements?	
What is the total storage volume?	
Do you store virgin product at the facility?	
Are barrels secured to the pallet?	
Are there side bars on the loads?	
What happens to the D Street facility (e.g. closure plans)?	
Why are you closing D Street storage facility?	
Can the public tour VWR?	
Will temporary employees be employed?	
Why is the VWR storage facility being built at that location (vs. a more rural setting)?	
How many employees?	
Does the company use special forklifts?	
Which incinerator does this company use? Why?	

Question / Concern	Comment
Does VWR do business with Lozier Corporation?	
Does VWR operate in York, Nebraska?	
What percentage of the wastes does the company recycle?	
Is there any way to monitor this?	
How does it recycle?	
What types of materials could be added to the list?	
With the wind velocities in Nebraska, will these barrels tilt or overturn?	

1.3.2 Operating Technology

These issues are included with 1.2 (above).

1.3.3 Economic Considerations and Financial Stability[3]

1.3.3.1 Resolved Issues

No issues were raised relative to this fact-finding topic.

1.3.3.2 Unresolved Issues

No issues were raised relative to this fact-finding topic.

[3]Economic considerations and financial stability were addressed at the September 26th meeting (Section 3.0).

1.3.4 Regulations, Enforcement and Compliance History[4]

1.3.4.1 Resolved Issues

Question / Concern	Answer / Comment
Must the permit application specify the chemicals you handle?	Yes.
You won't be able to handle anything else?	That's correct.
Does the permit process supersede local rules and regulations?	Probably not.
Can *only* the committee make a compensation recommendation?	No.

1.3.4.2 Unresolved Issues

Question / Concern	Comments
What is included in the permit?	This information will be provided as a handout at an upcoming meeting.
What is the process for adding other materials to the list later?	
What are future liabilities and responsibilities?	
Who enforces compliance? Health Department jurisdiction?	
Who will police this storage area?	

[4]Regulatory issues were addressed at the September 26th meeting (Section 3.0).

1.3.5 Site Characteristics[5]

1.3.5.1 Resolved Issues

Question / Concern	Answer / Comment
Is the building ventilated?	Yes, it is open air.
Why isn't a medical doctor represented on the committee?	Medical personnel were asked to participate, but none could commit the time. The University of Nebraska medical campus is represented. We will attempt to get a representative from the medical community or health professional as a resource at an upcoming meeting.

1.3.5.2 Unresolved Issues

No other issues were raised regarding this fact-finding topic.

1.3.6 Environmental Setting and Quality Considerations[6]

1.3.6.1 Resolved Issues

No issues were raised regarding this fact-finding topic that were answered at this meeting.

[5]Site characteristic issues were addressed at the October 23rd meeting (Section 4.0).
[6]Environmental setting and quality were considered at the October 23rd meeting (Section 4.0).

1.3.6.2 Unresolved Issues

Question / Concern	Comments
Concern: Need specialists to discuss long-term environmental considerations.	
What kind of air monitoring is necessary?	
Will water and soil samples be collected at the previous site?	
At the new site?	

1.3.7 Transportation Considerations[7]

1.3.7.1 Resolved Issues

No issues were raised relative to this fact-finding topic.

1.3.7.2 Unresolved Issues

No issues were raised relative to this fact-finding topic.

1.3.8 Emergency Response and Contingency Planning[8]

1.3.8.1 Resolved Issues

No issues were raised relative to this fact-finding topic.

[7]Transportation issues were considered in detail at the November 14 meeting (Section 5.0).
[8]Emergency response issues were covered in detail at the November 14th meeting (Section 5.0).

1.3.8.2 Unresolved Issues

Question / Concern	Comment
Are there automatic fire extinguishers and special foaming agents that will automatically go off in case of a fire?	
Is there an emergency plan on file at the health, fire, and police departments?	
Why wasn't an emergency response person appointed to the committee?	

1.4 Other Issues Raised

All substantive issues, questions, and concerns were presented in section 1.3.

In addition, however, several "meeting evaluation" forms were submitted commenting on a variety of procedural and process issues. Copies of all comments received were reproduced and placed in the information repositories. These comments and suggestions will be addressed and incorporated in future meetings.

In an attempt to summarize the areas of concern, comments were made regarding the procedure established for public input/comment, how public comment would be used and incorporated into the final report, what kinds of recommendations the report should include, how the procedure handbook (see below) should be used given the discrepancies it contains, public access (e.g., cable) and notice, and encouraging all project-related documents be made available to the public.

1.5 Committee Business

The objectives of this, the first committee meeting, were to establish the committee's organizational structure, fact-finding procedures, and meeting ground rules. For guidance, the committee members referred to a document entitled, *Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska*, prepared by the Nebraska Coalition On Hazardous Wastes (1988). Its purpose was not to be followed "to the letter," but to provide some guidance to all participants in the site review process (e.g., committee

members, applicant, and the public). In the case of conflicting information between the handbook and the laws and regulations of Nebraska, of course the laws and regulations prevail. Likewise, the committee can develop its own set of organizational guidelines, as long as those laws and regulations are not violated and the requirements of the pertinent statutes are met.

A substantial portion of the meeting was devoted to organizing the committee. To do so, the committee was asked to address a series of issues to direct and organize the committee's site review process. That series of issues and resulting decisions are summarized in this section. The committee began by creating a mission statement to define their purpose and direction.

> *Mission Statement:* The purpose of the Committee is to conduct fact-finding meetings, gather information, and prepare a report that summarizes public issues and concerns and makes appropriate recommendations.

The roles and responsibilities of the different groups involved with the proposed facility site review process were clarified throughout the meeting. The groups include, the committee, its chairperson, the facilitator, the community, the applicant, and the NDEC. The role of each group is summarized in Figure 2.

The committee was asked to consider how they prefer to make decisions, by majority rule or by attempting to reach consensus (group agreement). They decided that throughout their discussions, the siting committee will state their opinions and, when possible, make decisions by reaching a consensus. If consensus cannot be reached on an issue, the committee chairperson will call for the conclusion of discussion, and the issue will be characterized by describing the areas of consensus as well as dissent, noting that the issue remained unresolved.

The committee also felt it necessary to have a "quorum" present in order to conduct meetings and make decisions. A quorum was defined as two-thirds of the committee (8 members). In the event a committee member is unable to attend a particular meeting they are to contact the facilitator as soon as possible. The legislation, LB 114, does not allow committee member replacements or alternates in the event of absence.

The committee chose Paul Mullen, from the Metropolitan Area Planning Agency, to be their chairperson. The chairperson's role is also described in Figure 2.

The committee then discussed what topic areas and factors to consider and how they should be addressed within the context of the committee's proposed meeting schedule. The decision was to address the eight issue areas as outlined in the legislation, using the questions in the Handbook to guide each fact-finding meeting. Other issues raised during

FIGURE 2

ROLES AND RESPONSIBILITIES OF GROUPS INVOLVED WITH THE SITE REVIEW COMMITTEE PROCESS

Committee	Chairperson	Facilitator	Community	Applicant	NDEC
Represents the local community Establishes meeting procedures and ground rules Participates in public fact-finding meetings to consider *at least* the eight issue areas outlined in LB 114* Issues a report that documents concerns raised during the fact-finding meetings, issues which were and were not resolved, questions not answered and why not, and any recommendations Does *not* make decisions	Primary media contact, the only member which can speak *for* the committee Develops meeting agendas with the facilitator Ensures that fact-finding topics are thoroughly addressed, and information presented sufficiently answers committee and community questions Closes committee discussion when consensus cannot be reached Clearinghouse for questions from the applicant	Coordinates all meetings including arranging meeting sites near the proposed facility, developing agendas, and securing technical resources Facilitates committee meetings objectively and neutrally Moderates discussions among the committee, community and applicant Provides oversight and editorial guidance during meeting summary and report preparation Serves as a liaison between the committee and the NDEC Is not a NDEC employee Is not a member of the committee	Attends committee meetings Seeks out relevant siting information in order to provide informed input to the committee concerning issues of interest or concern, and questions to be answered during the course of fact-finding meetings; avenues for input include written comment cards and open comment times scheduled during committee meetings Is not a member of the committee	Attends each fact-finding meeting and responds to inquiries from the committee and community Makes technical advisors and other resource people available to the committee Submits a filing fee to cover expenses of administrative support, facilitator, report printing, and committee mileage Is not a member of the committee	Coordinates selection of committee members Organizes initial committee meeting Selects professional facilitator Provides administrative support to the committee Responds to committee questions providing technical information and regulatory or legal clarifications Clearinghouse for public communication with committee** Is not a member of the committee

the fact-finding process would be recorded and categorized according to the appropriate topic area, and addressed at the corresponding fact-finding meeting. The fact-finding topic areas, and the order in which they will be addressed are:

Order	Fact-Finding Topic	Additional Issues
1	Facility Operation	quality assurance, insurance, training
2	Operating Technology	
3	Economic Issues	financial stability
4	Regulations and Enforcement	compliance history
5	Site Characteristics	health impacts / risks
6	Environmental Setting and Quality	
7	Transportation	
8	Emergency Response	

The committee asked VWR to prepare short, topic-specific presentations (15 minutes each) at every fact-finding meeting. They further directed that these presentations should address the topic-specific questions suggested in the Handbook, and additional questions asked by the committee and the community. The public and the committee members will be given the opportunity ask questions following the topic-specific presentations. Each individual will be limited to three minutes for one question or comment; until everyone has had an opportunity to express themselves at which time individuals may then ask additional questions. The committee encouraged public comments to be focused and issue-specific. Issues of concern can also be entered into the process by completing and submitting public comments forms (available at each meeting) or by mail (attention: Cynthia Hobbs, Nebraska Department of Environmental Control). All comments will be forwarded to the committee.

In addition to the topic-specific presentations by VWR, other resources include committee members themselves, each chosen because of their individual expertise and perspectives, and the NDEC staff. Furthermore, it was suggested that a health professional be invited to contribute to the site characteristics meeting, and the fire department be asked to assist the emergency response fact-finding. These special resources will be secured for the appropriate meetings.

Two issues will be addressed at each meeting. Therefore, the first fact-finding meeting will address facility operations and operating technologies. To prepare for the first fact-finding meeting, the committee will tour the ongoing operations at the VWR chemical distribution facility and learn in more detail about the hazardous waste storage operation propose there. Members of the community who are interested will be given the same opportunity on another date.

Six meetings were suggested to allow the committee to complete its fact-finding endeavors and final report preparation within the 180 day statutory deadline. However, it was noted that, if necessary, an extension could be requested from the applicant. A schedule was established for the remaining five committee meetings.

Committee Meeting Schedule

Topics	Date	Day	Time
1, 2	September 5	Thursday	5:30 - 8:30 pm
3, 4	September 26	Thursday	6:30 - 9:30 pm
5, 6	October 23	Wednesday	6:30 - 9:30 pm
7, 8	November 14	Thursday	6:30 - 9:30 pm
Report	December 12	Thursday	6:30 - 9:30 pm

(Locations will be arranged prior to the next meeting.)

Much of the remaining committee deliberations related to information accessibility, media relationships, and public notice of the meetings. The NDEC identified the local information repositories which they had established to enable public accessibility and review of all documents and background information pertinent to the site review process. For example, materials available for review (and photocopying) will include meeting summaries, the "notice of intent" filed by VWR, Title 128 - Rules and Regulations Governing Hazardous Management in Nebraska, and other information compiled by the site review committee. Three informations repositories have been established: 1) W. Dale Clark Library (Main Library), 215 South 15th Street, Omaha; 2) Willa Cather Branch, 44th & Center, Omaha; and 3) at the NDEC offices, Lincoln. Furthermore, reference copies of all materials will be available at each committee meeting.

Both the committee and members of the community asked for sufficient publication of the committee's activities. At the request of the committee, NDEC assured them that a legal notice will be placed in the newspapers at least seven days prior to each meeting. In addition, press releases will forwarded to media resources and interest groups. Neighborhood churches were asked to announce the meetings in their weekly bulletins, and community members were encouraged to distribute any of the site review materials to their neighbors or post them in public places. NDEC will also establish a mailing list to distribute meeting summaries.

Committee business at the next meeting will include agenda items not covered at this meeting (i.e., meeting summary preparation, review and distribution, and compilation of the final report). In the meantime, the meeting summary will be prepared by NDEC. Prior to distribution (both to committee and community), the facilitator and committee chairperson will review and comment on it. Copies will also be available at each meeting.

1.6 PREPARATION FOR NEXT MEETING

The next site review committee meeting will be held on Thursday, September 5th beginning at 5:30 pm at Van Waters and Rogers, Inc. (3002 F Street, Omaha). Directions to the company will be distributed with this meeting summary. At the meeting, Van Waters and Rogers will make 15 minute presentations regarding each of these fact-finding topics: 1) facility operations and quality insurance programs (including training), and 2) operating technologies. The questions in the *handbook*[9] and the topic-specific "unresolved issues" raised by the committee and the community (refer to section 1.3) will guide that presentation.

The committee members will meet at VWR earlier (4:00 pm) to tour the company's ongoing chemical distribution operations and learn more about the site they propose as a hazardous waste storage facility.

1.6.1 Committee Directives

- review handbook questions (sections I, III, IVB, VIIIA, VIIIC, and VIIID) for upcoming fact-finding meeting.
- meet at the VWR F Street facility at 4:00 pm on September 5th to tour the existing operations and visit the site of the proposed storage facility.

1.6.2 NDEC Directives

- distribute a copy of Title 128 - Rules and Regulations Governing Hazardous Waste Management to each committee member.

1.6.3 VWR Directives

- in preparing the next fact-finding presentation, include answers to questions from appropriate sections (sections I, III, IVB, VIIIA, VIIIC, and VIIID) in the *Procedure Handbook for Siting Hazardous Waste Facilities in Nebraska*; and address the topic-specific unresolved issues raised in this meeting.

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[9] *Procedure Handbook for Siting Hazardous Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

2.0 FACILITY OPERATION, QUALITY ASSURANCE PROGRAMS AND EMPLOYEE TRAINING

2.1 MEETING OVERVIEW

The second meeting of the Site Review Committee for the hazardous waste storage facility proposed by Van Water and Rogers, Inc. convened at 5:45 pm on Thursday, September 5th, at the Van Waters and Rogers chemical distribution facility, 3002 F Street, Omaha. The fact-finding topics of this committee meeting were the proposed facility operations and technologies, including quality assurance programs, employee training, and insurance issues. Steering committee members in attendance were: Paul Mullen (committee chairperson), Lou Andersen, Dale Jacobson, Gary Keefer, Louis Lamberty, Jim Rhone, Mike Ryan, Phil Swanson, Bev Traub, and Toni Wasikowski. Absent from the committee were Bill Neal and Gary Pryor.

The meeting was opened with brief introductory remarks by the committee chairperson followed by an overview of the agenda and meeting ground rules by the facilitator.[10] Organizational ground rules were decided on at the first meeting by the committee, and include:

- decision making by consensus whenever possible;
- two-thirds of the committee (8 members) must be present to conduct a meeting (the facilitator should be notified of committee member absences in advance of the each meeting whenever possible);
- fact-finding will be conducted by having the applicant prepare a 30 minute presentation per meeting (i.e., 15 minutes per topic area) that addresses the relevant questions outlined in the committee process guidance document[11] and other questions asked by the committee and/or the public;
- specific meeting time is to be set aside giving the community an opportunity to ask questions, express concerns, or provide other input; and

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[10]The meeting was facilitated by Tammy Hays, a neutral, third-party facilitator from the Center for Environmental Solutions in Lincoln, Nebraska. The facilitator works to increase meeting productivity by planning agendas, keeping the group on task and on time during meetings, and encouraging balanced contribution by all participants. The facilitator is not a member of the committee and contributes only to the *process* of the meeting and *not to the content* of the discussions.

[11]*Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

- during open comment periods, each individual is limited to three minutes per comment, and may ask only one question until everyone who desires to speak has had an opportunity to address either the committee or the applicant.

Handouts and "table copy" reference documents were described and corrections noted to the meeting schedule. All committee members introduced themselves, as did the NDEC resource staff. Van Waters and Rogers Inc. representatives introduced themselves and then proceeded with a 30 minute presentation of the fact-finding topics. The applicant's presentation was followed by 30 minutes of questions and comments by the community members attending the meeting. A summary of those issues raised and the answers (if given) is contained in section 2.3. The committee members then also had 30 minutes to ask clarifying or investigative questions of the applicant as well; these are also summarized in section 2.3.

Following a 15 minute break, the committee moved on to prepare for the next fact-finding meeting. That meeting (to be held on September 26th, in the basement of St. Bridgets church) will address facility-specific economic issues, applicable regulations and enforcement procedures, and the company's compliance history. The community members in attendance were given an opportunity to suggest questions they would like addressed at that session.

The final agenda item was to finish "old" committee business from its first, organizational meeting: procedures for preparing, reviewing and distributing meeting materials (e.g., summaries), and the structure of their final report.

The August 14, 1991 meeting summary was accepted with the following changes: include a "disclaimer" noting that the summary is not a verbatim transcript of the meeting, and include explanations of what the attachments are (most notably the "general comments"). The meeting was adjourned at approximately 8:45 pm.

2.2 Fact-Finding Activities

2.2.1 Committee Site Visit

The committee met at the VWR 3002 F Street facility at 3:30 pm for a tour of the existing packaging and distribution facilities and to obtain a better understanding of the proposed hazardous waste storage operations. The same tour was offered to interested community members and sign-up sheets were provided for two different days and times prior to the next meeting.

2.2.2 APPLICANT PRESENTATION[12]

Van Waters and Rogers provided each committee member with a large three-ring binder containing background information relevant to the meeting's fact-finding topics. They explained that the binders would be updated for each of their subsequent presentations with topic-specific materials. A "table copy" of the binder was available during the meeting, and copies will be placed in each of the information repositories before the September 26th meeting.

Appendix C includes Section 2 of the binder, a summary of the VWR presentation; please refer to it for more detailed information.

Following introductory remarks by Barry Kopf, the Omaha Facility Manager, Ms. Susan Schmid, Director of Regulatory Affairs for Univar Corporation (of which VWR is a subsidiary) began the presentation by providing an overview of the company's background, national ChemCare™[13] operations, experience with similar facilities, and how the storage service is used by waste generators. She then referenced the types of wastes which could be stored there (section 8 of the binder) and the typical industries that would be serviced from the Omaha market area (Nebraska, Iowa, South Dakota, and Minnesota). Common waste streams included dry cleaning fluids, used paint thinners and other solvents used to clean industrial equipment. Industries included printing, food production, construction, pharmaceutical, public utilities and state government.

She also noted that although the 3002 F Street facility, which is primarily a chemical packaging and distribution operation, does not have a hazardous waste storage permit, it is a RCRA authorized transporter and generator of hazardous wastes. Further, the company's former D Street location, from which they moved in 1989, continues to have a permit to store hazardous wastes although it is no longer fully operational. The storage area under consideration is proposed for the northeast corner of the 3002 F Street property.

Following the conclusion of the background presentation, Mr. Jim Hooper, VWR Northern Regional Regulatory Manager, continued the fact-finding presentation with site-specific facility details such as its function and operating technologies. The function of the proposed facility was described as short-term container storage, serving the Omaha "market" area only, with the stored wastes being accumulated for transportation

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[12] As a result of concerns raised during the site review process VWR revised its storage facility proposal. For more information on the revised proposal refer to the Executive Summary (page viii) and Appendix H.

[13] ChemCare™ is a hazardous waste management service provided by VWR for "less than truckload" waste generators and offered at all of its 106 U.S. facilities.

out-of-state to permitted recycling, treatment, or disposal facilities. The storage operation would not include treatment, fuel blending, or consolidation. Further, he stressed that only Department of Transportation (DOT) approved waste containers would be accepted, and they would arrive sealed, remain sealed throughout storage, and depart the facility sealed.

The proposed storage unit itself was described as being an approximately 30'x40' roofed structure, with secondary containment and internal diking. It would be constructed by a single concrete pour (monolithic) to minimize joints. Any unavoidable joints would be caulked and all surfaces coated with an impermeable material. The proposed facility was not intended to be enclosed with walls, although the company is evaluating that option given the concerns raised through the site review process. It was noted that enclosed structures require a significantly more complex design which at the very least include sprinkler or possibly foam systems. Existing site security was described as including barbed wire fences and signs, infrared intrusion sensors and 24-hour monitoring.

He also noted that at time of facility closure, all wastes would be removed; management structure(s) and other equipment decontaminated and/or disposed of off-site in a RCRA permitted treatment/recycling/disposal facility in accordance with all NDEC regulations. Any closure operations would be conducted under the direction of a professional engineer.

It was explained that day-to-day operations are conducted in a manner VWR believes to minimize danger. For example, the containers are confined to a single area and inspected daily by trained employees. (Training requirements are a minimum of 24 hours initially with 8 hour annual refresher courses.) However, in the event of an emergency, Mr. Hooper explained that there was safety and emergency response equipment readily available, and detailed contingency plans are developed and shared with the locally responding fire and police departments.

The binder provided to the committee members by VWR addresses a number of items in more detail than could be presented here. For example, it contains sections which provide information on ChemCare™, VWR company policies on environmental health and safety, proposed waste codes to be accepted for storage, and the waste analysis plan. Specifically, section 7, the waste analysis plan, describes in detail the operating procedures for the proposed storage facility, including pickup, receiving, shipping and recordkeeping procedures. This material is reproduced in the three information repositories, and a "table copy" will be available during the meetings. Please refer to the binder for more detailed information. Section 2 of the binder, a summary of the VWR presentation on September 5th, is included as Appendix C.

2.3 FACT-FINDING QUESTIONS AND COMMENTS

The sections which follow represent the questions and issues raised by both the Site Review Committee and the community during the September 5th fact-finding meeting. Those questions that were answered are considered "resolved" whereas those questions which were not answered are considered "unresolved." Unresolved questions have been categorized according to the most appropriate fact-finding topic, and will be subsequently addressed at the topic-specific committee meeting (noted in the footnotes).

2.3.1 Facility Operation, Technology, and Quality Assurance Programs

2.3.1.1 Resolved Issues

Question / Concern	Answer / Comment
Does VWR manufacture chemicals?	No, VWR is a 135 year old chemical distribution business only.
Will VWR become a treatment facility?	No.
How many of VWR operations (facilities) are located in the middle of communities such as 3002 F Street?	There are 106 facilities nationally, of which about 25 store hazardous wastes. Most are located in industrial or light industrial zoned areas within the city limits.
Why is the D Street facility being closed?	A business decision by VWR to consolidate all its operations at its new, expanded location.
Would hazardous waste services be provided only to VWR customers? Must they have a contract with VWR?	Yes, VWR would only handle wastes from customers. If someone calls in need of such services, but doesn't have a contract, the wastes are first analyzed (according to the waste analysis plan, section 7 of the information binder) and then they initiate an agreement with ChemCare™. This process takes from 30 to 90 days.

Question / Concern	Answer / Comment
What portion of wastes are analyzed by VWR?	The D Street facility "fingerprints" wastes, meaning some containers are opened, and analyzed. The F Street waste analysis plan proposes pre-screening. If approved by NDEC, more upfront analytical data would be provided to VWR, enabling all containers to remain sealed throughout VWR management.
Is there currently any temporary storage at the F Street facility?	No, but the D Street facility is permitted to store hazardous wastes, and is operational.
Are there already hazardous chemicals at the facility now?	Yes, many of the raw materials are classified by DOT as hazardous.
What is the difference between raw (virgin) chemical products and hazardous waste?	Sometimes not much. For example, VWR sells dry cleaning fluid. As a raw product it is considered a hazardous material. After being used, it is "spent" and considered a hazardous waste. The volumes of materials are significantly different from each other as well: approximately 44 *million* pounds of virgin products are distributed annually versus about 80 *thousand* pounds of waste handled monthly.
How many of the wastes received would be suspended in water?	Based on previous experience, not many containers have water in them. However, many could have.
Where would wastes be received from?	The storage operation would service the same "market" area as the distribution operations. That is, the majority of wastes would come from Nebraska (approximately 2/3rds). The rest would come from Iowa, South Dakota, and a small portion from Minnesota.
Where are the wastes shipped?	Most go to a Wichita, Kansas cement kiln. Some also goes to Greenbrier, Arkansas.

Question / Concern	Answer / Comment
Describe daily operation of the proposed facility. What happens step-by-step?	Customer calls; if new customer they initiate a contract to handle waste. The manifest is faxed to VWR and checked for accuracy prior to shipment. The waste analysis is pulled from the file and used to determine where to store wastes (incompatible materials are separated). This information is given to the driver who picks up the wastes, collects and reviews the appropriate paperwork. The container(s) is thoroughly inspected and monitored during loading. The truck returns directly to VWR and turns paperwork over to supervisor for inspection. The truck backs up to the storage unit, the container is inspected again prior to being unloaded into the unit. Once in storage, the containers are inspected daily. To remove a waste, the process is essentially reversed. Structurally, there would be a ramp on the 30' side; a 10' truck dock; and a 20' dock to drive a fork lift in to move waste containers.
Will the storage structure have a sand or dirt berm around it?	It will have an 8" concrete lip around the foundation; note that the floor of the storage area will be off the ground to enable the trucks to back up to it for loading.[14]
What would be the response to an overnight leak?	The storage unit would contain the material. Any free material would then be adsorbed and collected in DOT-approved containers. The unit's concrete pad would be steam cleaned and that water also containerized. All these materials would then be manifested and managed as hazardous wastes.

[14] VWR provided an illustration of the proposed storage facility at the next meeting.

Question / Concern	Answer / Comment
Could the 30'x40' structure be expanded as well as the storage operation?	Yes, but any extensive modification to the unit would require a permit modification which in turn requires public notice and a public hearing.
Are plastic or metals drums used to contain wastes?	It depends on the kind of waste. The container material is specified by DOT to be compatible with the waste type.
Do the fork lifts have safety bars?	Yes.
Are the barrels attached to the pallets?	Not as a matter of routine.
Are temporary employees used at VWR? If so, what kind of training do they receive and what kind of work do they do?	Temporary employees receive 8 hours of health and safety training. They typically work in either the office or in the "stay cold" room where non-hazardous materials are packaged in the form of refreezable bags.
Concern: Although temporary employees may work primarily in non-hazardous positions, they are not confined there and could move throughout the facility and potentially come into contact with dangerous materials.	
Workers on the south side of the property were observed working in personal protection suits during the last few days. What debris or other materials were they handling and packaging in the orange containers?	That portion of the property was formerly owned by Warren Douglas. There was a fire during their tenure and VWR is demolishing the buildings, crushing those materials, and packaging them for shipment and disposal. The workers, fully health and safety trained, were taking precautions in case there were any hazardous residues remaining there.
Could these residues create an air quality hazard?	Precautions reduced airborne particles and dusts by controlling them with mist.

Question / Concern	Answer / Comment
As tonight's meeting convened, VWR employees were overheard discussing a "leaky barrel." Please clarify.	No one is aware of any leaky barrel. However, they may have been discussing the need to "overpack" a barrel. An overpack is a container slightly larger than a barrel, within which a barrel is placed. Sometimes during transit barrels get damaged. They are inspected when loaded and if the integrity of a container is suspect, it is overpacked as a precautionary measure (leak-prevention).

2.3.1.2 Unresolved Issues

Question / Concern	Comment
What are the alternatives if a permit is not obtained for the F Street facility? (i.e., would D Street go back in operation? would VWR move to a new location?)	
Of those 25 that store hazardous waste, how many are in town?	
What is the average percentage of flammable wastes that would be stored at any one time?	
What percentage of containers received are leaking or compromised?	
Concern: Containers are damaged during transportation and begin leaking enroute.	Over packs are used to prevent this from occurring, but we will get more information on "how many."

2.3.2 Operating Technology

These issues were included in section 2.3.1.

2.3.3 Economic Considerations and Financial Stability[15]

2.3.3.1 Resolved Issues

Questions / Comment	Answers / Comment
Are there other companies in the Omaha area that handle/store hazardous wastes?	Yes: Safety Kleen has an Omaha operation located at 139th and Lamont; and regional operations in Grand Island and Gering, Nebraska. Locally, hazardous wastes are stored at Offut and Brunswick although these are not the same type of commercial enterprise.

2.3.3.2 Unresolved Issues

No issues were raised that were not resolved.

2.3.4 Regulations, Enforcement and Compliance History[16]

2.3.4.1 Resolved Issues

Question / Concern	Answer / Comment
How do the regulations for managing hazardous materials versus hazardous wastes compare?	Hazardous wastes regulations are significantly more stringent. Especially the record keeping requirements.

[15]Economic considerations and financial stability were addressed on September 26th (Section 3.0).
[16]Regulatory issues were covered at the September 26th meeting (Section 3.0).

Question / Concern	Answer / Comment
The storage unit and its contents would be inspected daily by VWR. What other entities inspect or are able to inspect the operations?	Periodic inspections are conducted by the local fire and police department, U.S. EPA, OSHA (occupational health and safety agency), industry representatives (VWR suppliers and customers), and NDEC. The local health department has authority to inspect facility but to date has not.
At what frequency?	NDEC inspects the facility once each year. The law requires inspection once every two years; but the relatively small universe of TSDs (treatment, storage or disposal facilities) in Nebraska enables more frequent inspections.
Can special inspections be conducted in response to a problem, concern or complaint?	NDEC can and does conduct inspections as needed in response to special circumstances such as a complaint. These are conducted as soon as possible following notice -- usually within 1-2 days.
Does the VWR facility report to the toxic release inventory under SARA Title III Section 313?	No, as a small quantity generator VWR is not required to. However, the facility is required to report its inventory under SARA 312.

2.3.4.2 Unresolved Issues

Question / Concern	Comments
Are there any city ordinances which apply storage of chemical wastes? (e.g, zoning restrictions)	

2.3.5 Site Characteristics[17]

2.3.5.1 Resolved Issues

Question / Concern	Answer / Comment
Why isn't the facility being proposed for a more rural area?	The facility requires appropriately trained staff to operate it, and those staff are already at the VWR chemical distribution facility.
Access to this facility is difficult. Are the roads cleared in the winter? And will the gravel road be paved?	Yes, the roads are plowed and paving is planned.

2.3.5.2 Unresolved Issues

Question / Concern	Comment
Is there only one entrance/exit to the facility?	Yes, there is only one entry/exit.
Couldn't that be especially dangerous in the event of a fire or other emergency? Concern: A chemical reaction in a confined area with only one entrance/exit could lead to an uncontrollable situation and cause significant loss of life.[18]	VWR has operating procedures designed to prevent emergency situations, and contingency plans to address that event. Maps and access routes are filed with the fire and police departments. Additionally, they visit periodically and so know how to get to facility.

[17]Site characteristic issues were addressed at the October 23rd meeting (Section 4.0).

[18]Community and environmental setting issues were covered in detail at the October 23rd meeting (Section 4.0). Likewise, emergency response issues were addressed at the November 14th meeting (Section 5.0).

2.3.6 Environmental Setting and Quality Considerations[19]

No issues were raised that applied to this fact-finding topic area.

2.3.7 Transportation Considerations[20]

2.3.7.1 Resolved Issues

Question / Concern	Answer / Comment
Do the tanker trucks contain bulk chemicals?	Yes, but those chemicals are raw product not wastes. Wastes are only in 55-gallon drums or 300 gallon "totes."
Are trains used to transport hazardous waste materials or are trucks?	Trucks only. The type of truck used is an enclosed semi. Drivers are trained by VWR. In the event that VWR's own trucks and drivers are unavailable, there are only 15 other carriers nationwide approved by VWR to transport their materials, including wastes.[21]
Would these trucks (or fire engines) have difficulty turning onto F, G, or 29th Streets?	The trucks which would carry wastes would be the same trucks that currently carry raw chemicals. They are operating fine now, so no problems are anticipated.

2.3.7.2 Unresolved Issues

No issues were raised that were not resolved.

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[19]Environmental setting and quality were considered at the October 23rd meeting (Section 4.0).

[20]Transportation issues were considered in detail at the November 14 meeting (Section 5.0).

[21]VWR checked driver's and emergency response records to address this issue in more detail at the November 14th meeting when transportation and emergency response were the fact-finding topics (Section 5.0).

2.3.8 Emergency Response and Contingency Planning[22]

2.3.8.1 Resolved Issues

No issues raised were resolved.

2.3.8.2 Unresolved Issues

Question / Concern	Answer / Comment
Is there only one entrance/exit to the facility?	Yes, there is only one entry/exit.
Couldn't that be especially dangerous in the event of a fire or other emergency? Concern: A chemical reaction in a confined area with only one entrance/exit could lead to an uncontrollable situation and cause significant loss of life!	We understand your concern and VWR has operating procedures designed to prevent emergency situations, and contingency plans to address that event. Maps and access routes are filed with the fire and police departments. Additionally, they visit periodically and so know how to get to facility.
Kids are often observed shooting at pigeons and rats in the area. What would happen if the storage containers were shot at? Couldn't that cause a spark and ignite the whole area?	Yes, that is a danger and it would cause an emergency situation. We have contingency plans to address such danger, but VWR realizes that is an after-the-fact response. We are considering enclosing the building which would prevent such a concern from occurring.
What precautions would the new facility take to avoid fire?	The proposed structure would include lightening rods for sure. When designing the facility, the fire department would be consulted for their input regarding this concern.

[22]Emergency response issues were covered in detail at the November 14th meeting (Section 5.0).

2.4 Other Issues Raised

Some members of the community expressed an interest in touring the D Street storage facility as well as the F Street distribution facility. The committee agreed that some kind of basic understanding of the former facility would be helpful, if not a tour then by some other means (e.g., a slide show). This topic was referred to VWR to resolve. It was also noted that the public can request information and (with a reason) a tour of that facility through the Freedom of Information Act (FOYA) by contacting the NDEC Office of Public Affairs. For example, all of the facility's compliance history information is on file in Lincoln and available to the public through FOYA.

Concern was raised that the meeting summaries distributed following the first meeting were incomplete and did not include all the questions raised there. The facilitator and the NDEC staff were unaware of any problems but were directed to look into and correct any such problem. Related to the summaries, it was suggested that they somehow better reflect the degree of community interest, input and opinion.

Community awareness of the process and the meetings was thought to be inadequate. The sufficiency of meeting notice was questioned. It was explained that meeting were publicized several ways: press releases are made to all regional media and interest groups; each meeting is legally noticed in the Omaha World Herald a week prior to the meeting; local churches are sent notices and invitations to attend; and public service announcements are requested from radio and T.V. stations. The facilitator encouraged anyone who had other suggestions for additional ways to publicize the meeting to please share them with herself, Cynthia Hobbs (NDEC), or turn them in using an evaluation card. Additionally, it was noted that the project schedule could be copied and distributed publicly; participants in attendance were encouraged to do so.

2.5 Committee Business

The committee business included accepting the meeting summary from the initial committee meeting with these changes: include a "disclaimer" noting that the summary is not a verbatim transcript of the meeting, and include explanations of any attachments.

Subsequent meeting summaries were also addressed. Committee members requested they be produced as quickly as possible and structured in a manner that reflected the suggested report outline in the first meeting packet (basically by fact-finding topic, and subdivided into resolved and unresolved issues and questions). Tammy Hays, the meeting facilitator will now be preparing meeting summaries although they will continue to be distributed by the NDEC. Summaries will be reviewed by Paul Mullen, committee chairperson, prior to distribution.

The final point of business addressed the committee's final report. Specifically: how will it be reviewed and accepted by the committee members, and what will it look like? It was agreed that the body of the final report would be a compilation of the fact-finding meeting summaries. The conclusions and recommendations of the committee would be highlighted in an executive summary. This executive summary section will be prepared by the facilitator with substantive guidance by the committee (i.e., the committee will direct its contents). Prior to the third fact-finding meeting, and most likely at the November 14th meeting, the committee will determine the main issues and summarize their conclusions to date thereby providing a basis from which the facilitator can begin preparing the final report's executive summary.

2.6 PREPARATION FOR NEXT MEETING

Following the operations and quality assurance fact-finding, time was specifically devoted to planning the next fact-finding meeting. That meeting will address economic issues, and financial stability, applicable regulations, enforcement, and compliance history. During that period both the community and the committee were asked if there were questions in addition to those in the *handbook*[12] that they would like to be addressed at the upcoming fact-finding meeting. There were a few questions and issues raised. These are included in the previous section, Fact-Finding Questions and Comments.

The next site review committee meeting will be held on September 26th beginning at 6:30 pm at St. Bridgets (4112 South 26th Street). Van Waters and Rogers will again prepare 15 minutes presentations regarding each fact-finding topic. The questions in the *handbook*[23] and the "unresolved issues" raised by the committee and the community which are applicable to those fact-finding topics will guide that presentation.

2.6.1 Committee Directives

- review handbook questions (section I and IX) regarding upcoming fact-finding topics.
- review and comment on this meeting summary.

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[23]*Procedure Handbook for Siting Hazardous Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

2.6.2 NDEC Directives

- prepare a summary of the freezing temperatures for the chemical materials (section 8 of binder) to be stored at proposed facility.

- prepare summaries of VWR's compliance history company-wide and of the D Street facility.

- copy and place VWR binder material in information repositories.

2.6.3 VWR Directives

- address the unresolved issues (from the September 5th meeting) contained in section 2.3.1.2, which includes determining the average volume of flammable wastes that would be stored at any one time and the number of leaky drums the facility could be expected to receive.

- in preparing the next fact-finding presentation, include answers to questions from sections I and IX in the *Procedure Handbook for Siting Hazardous Waste Facilities in Nebraska,* unresolved issues in the previous meeting summary and those in section 2.3.4.2 of this summary.

- make four extra copies of fact-finding materials for the committee binders (three copies will be placed in information repositories; one will be circulated at next meeting as a "table copy").

- bring an illustration of the proposed facility to the next meeting for the committee and public review, ideally it should be reduced to an 81/2"x11" handout to be distributed to all meeting attendants.

- determine how the community can become familiarized with the (former) D Street facility.

3.0 ECONOMIC ISSUES AND FINANCIAL STABILITY; AND REGULATIONS, ENFORCEMENT, AND COMPLIANCE HISTORY

3.1 MEETING OVERVIEW

The third meeting of the Site Review Committee for the hazardous waste storage facility proposed by Van Water and Rogers, Inc. convened at 6:35 pm on Thursday, September 26th, in the basement of St. Bridgets Church, 4112 South 26th Street, Omaha. The fact-finding topics of this committee meeting were 1) economic issues and financial stability, and 2) regulations, enforcement, and compliance history. All steering committee members were in attendance: Paul Mullen (committee chairperson), Lou Andersen, Dale Jacobson, Gary Keefer, Louis Lamberty, Bill Neal, Gary Pryor, Jim Rhone, Mike Ryan, Phil Swanson, Bev Traub, and Toni Wasikowski.

The meeting was opened with brief introductory remarks by the committee chairperson followed by an overview of the agenda and reference to the meeting ground rules by the facilitator.[24] Organizational ground rules were decided on at the first meeting by the committee, and include:

- decision making by consensus whenever possible;
- two-thirds of the committee (8 members) must be present to conduct a meeting (the facilitator should be notified of committee member absences in advance of the each meeting whenever possible);
- fact-finding will be conducted by having the applicant prepare a 30 minute presentation per meeting (i.e., 15 minutes per topic area) that addresses the relevant questions outlined in the committee process guidance document[25] and other questions asked by the committee and/or the public;
- specific meeting time is to be set aside giving the community an opportunity to ask questions, express concerns, or provide other input; and

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[24]The meeting was facilitated by Tammy Hays, a neutral, third-party facilitator from the Center for Environmental Solutions in Lincoln, Nebraska. The facilitator works to increase meeting productivity by planning agendas, keeping the group on task and on time during meetings, and encouraging balanced contribution by all participants. The facilitator is not a member of the committee and contributes only to the *process* of the meeting and *not to the content* of the discussions.

[25]*Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

- during open comment periods, each individual is limited to three minutes per comment, and may ask only one question until everyone who desires to speak has had an opportunity to address either the committee or the applicant.

Handouts and "table copy" reference documents were described. NDEC noted that the local information repository was being moved from the Willa Cather Branch to the South Omaha Branch. The repository at the main library will remain there. All committee members introduced themselves, as did the NDEC resource staff. Van Waters and Rogers representatives introduced themselves and then proceeded with a 30 minute presentation of the fact-finding topics. The applicant's presentation was followed by 30 minutes of questions and comments by the community members attending the meeting. A summary of those issues raised and the answers (if given) is contained in section 3.3 under the appropriate topic heading. The committee members then also had 30 minutes to ask clarifying or investigative questions of the applicant as well; these are also summarized in section 3.3.

Following a 15 minute break, the committee moved on to prepare for the next fact-finding meeting. That meeting (to be held on Wednesday, October 23th, in the social hall at St. Bridgets church) will address site characteristics of the proposed storage facility, and the area's environmental setting and quality. The committee and the community members in attendance were given an opportunity to suggest questions they would like addressed at that session. Those questions too are included in section 3.3.

The final agenda item addressed committee business: approving the former meeting summary, clarifying the final report preparation, suggesting additional resources for upcoming meetings (e.g., toxicologist, fire department and other emergency responders), and setting up a committee visit of the D Street facility schedule. The September 5, 1991 meeting summary was accepted without additions or corrections. The meeting was adjourned at approximately 9:35 pm.

3.2 FACT-FINDING ACTIVITIES

3.2.1 COMMUNITY SITE VISITS

Interested community members were offered the opportunity to attend tours of the VWR chemical distribution operations located at 3002 F Street facility to learn more about their ongoing operations as well as the proposed hazardous waste storage facility. This was the same tour provided to the committee members on September 5th. Sign-up sheets had provided for two different days and times prior to this meeting. Nine persons expressed interest in the tours, and of those, three attended a facility tour.

3.2.2 APPLICANT PRESENTATION

At the September 5th meeting, Van Waters and Rogers provided each committee member with a large three-ring binder containing background information relevant to the meeting's fact-finding topics. At the September 26th meeting, VWR provided topic-specific information materials to supplement those already distributed. A "table copy" of the binder and updates was available during the meeting, and copies will be placed in each of the information repositories before the October 23th meeting.

Appendix D includes Section 9 of the binder, a summary of the VWR presentation; please refer to it for more detailed information.

Following introductory remarks by Barry Kopf, the Omaha Facility Manager, Ms. Susan Schmid, Director of Regulatory Affairs for Univar Corporation (of which VWR is a subsidiary) began the presentation by emphasizing the company's financial stability and their commitment to future operations. To illustrate, corporate sales were reported at 1.3 billion dollars in 1991, with net profit of 19.6 million. Also in that fiscal year, the corporation spent about 5 million dollars for voluntary corrective actions to comply with federal, state, and local regulations -- 26% of net profits. She noted that Univar (the VWR parent company) spent 4.5 million on its "new" facility on F Street. In addition, she noted that they have already expended nearly 20 thousand dollars in filing fees to comply with the siting law (LB 114 which directed the site review committee to be established).

She continued by indicating that because the proposed hazardous waste storage facility is not considered a significant expansion of their currently operating business, no additional city services would be required (e.g., fire, police, public works). In fact, she indicated that the new facility would increase the community tax base through the increased valuation of the VWR property. Furthermore, they believe the state-of-the-art chemical distribution facility and other property improvements have already contributed to increased property values.

The F Street storage operations are being proposed to replace D Street operations by consolidating all company operations in one location. VWR recognized that both neighborhoods have concerns; and also noted that F Street is the more appropriate site given its industrial setting, and the better security, emergency response equipment, and fire protection systems. She emphasized that the VWR commitment to the community was evident in its facilities development, and willingness to participate in the review committee to identify and address community concerns.

As she had noted at the last meeting, VWR has 26 hazardous waste facilities operating nationally. All 26 of these are in compliance with all local, regional, state, and federal, regulations. One facility located in Phoenix, Arizona is working with the state under a consent order to address some historical deficiencies. Another facility, in Little Rock, Arkansas, has received awards for environmental excellence from the US EPA in 1989 and 1990.

Ms. Schmid concluded her presentation with a short employee video narrated by the president of Univar. The video emphasized the importance of safety and environmental safeguards. In it, each employee was directed to act responsibly and report any environmental or occupational health and safety deficiencies they observed to corporate management.

Following the video, Mr. Jim Hooper, VWR Northern Regional Regulatory Manager, continued the fact-finding presentation by explaining why the facility was needed, the insurance it carries, employee training, and noting primary regulations that would be enforced at the proposed facility. He also stated that if the facility would need to be closed at any time, all wastes would be removed; management structure(s) and other equipment decontaminated and/or disposed of off-site in a RCRA permitted treatment/recycling/disposal facility in accordance with all NDEC regulations. Any closure operations would be conducted under the direction of an independent professional engineer.

Ability to pay the cost of closure is assured by a standby trust and a surety bond in the amount of over seventy six thousand dollars. As required by law, the closure estimate, and therefore the bond, will be increased annually. Further, the NDEC may ask for a reevaluation of the estimate at any time. In addition to the closure surety bond, VWR is required to maintain hazardous waste and liability insurance to cover accidental occurrences associated with hazardous waste management. VWR coverage for environmental impairment is five million dollars; excess general liability coverage is one hundred million dollars.

In addition to the attached section, the binder provided to the committee members by Van Waters and Rogers addresses a number of items in more detail than could be presented here. For example, it contains sections which provide information on ChemCare™, VWR environmental health and safety policies, proposed waste codes to be accepted for storage, and the waste analysis plan. The binder material is reproduced in the three information repositories, and a "table copy" will be available during the meetings. Please refer to the binder for more detailed information. Section 9 of the binder, a summary of the VWR September 26th presentation is included as Appendix D.

3.3 FACT-FINDING QUESTIONS AND COMMENTS

The sections which follow represent the questions and issues raised by both the Site Review Committee and the community during the September 26th fact-finding meeting. Those questions that were adequately answered are considered "resolved" whereas those questions which were not are considered "unresolved." Unresolved questions have been categorized according to the most appropriate fact-finding topic, to be addressed at the topic-specific committee meeting (see the footnotes). Additionally, unresolved issues that were not adequately answered from former meetings are included again in the appropriate topic-specific section.

3.3.1 Facility Operation, Technology, and Quality Assurance Programs[26]

3.3.1.1 Resolved Issues

Question / Concern	Answer / Comment
Given the average amount of employee training you provide each year, do you have a lot of turn over?	No, we are proud of our employment record -- most are long term employees and many are from this neighborhood. For example, one of the truck drivers has been with us for 40 years; the newest employee has been with the company 2 years; the majority have been employed by VWR for more than 10 years.
How long has D Street been operating?	The former owner, McKesson, operated D Street under an interim permit from 1980-1986. VWR purchased the facility in 1988 and operated under interim status until it was permitted in 1988.

[26]Facility operations were addressed at the September 5th meeting (Section 2.0).

Question / Concern	Answer / Comment
How will the waste analysis plan work if drums remained sealed throughout storage?	The F Street waste analysis plan proposes pre-screening, providing equivalent data. If approved by NDEC, more upfront analytical data would be provided to VWR, enabling all containers to remain sealed throughout the VWR hazardous waste management process. The wastes would be sampled and analyzed several times, only never by VWR, who will rely on profiles.
Seems like a lot of faith is being placed in others. What are the incentives not to falsify data?	Before we could accept the waste, samples would be analyzed by the ultimate receiver (e.g., for disposal) who approves or disapproves the profile. There are financial disincentives: at least $350-$1,500 per drum if they are returned.

3.3.1.2 Unresolved Issues

Question / Concern	Comment
What are the alternatives if a permit is not obtained for the F Street facility? (would D Street continue to operate? would VWR move to a new location?)	
What is the average percentage of flammable wastes that would be stored at any one time?	
What percentage of containers received are leaking or compromised?	Over packs are used to prevent this from occurring, but VWR will get more information on "how many."

3.3.2 Operating Technology

No new issues were raised relative to this fact-finding topic.

3.3.3 Economic Considerations and Financial Stability[27]

3.3.3.1 Resolved Issues

Question / Concern	Answer / Comment
If the proposed facility operations are so safe, why do you carry so much insurance?	We all live in a society where people like to take other people to court. Just as we need to carry vehicle insurance, we are required to carry a minimum level of environmental liability insurance. Our corporate officers think it is a prudent business decision, and many of our customers and suppliers require proof of insurance before doing business with us.
What area do you serve? Where are the nearest VWR storage facilities in all directions?	This facility would serve the area west to Ogallala, north to South Dakota (east of the river), the western quarter of Iowa, and seven counties in Minnesota. The closest VWR storage facilities are Wichita, Kansas to the south; San Jose, California to the west; St. Paul, Minnesota to the north; and Little Rock, Arkansas to the (south) east.
Given those distances, could you conduct an economic analysis of the associated financial costs and benefits of moving this proposed facility to a remote location?	VWR has considered the economics and logistics of such an option. For economic reasons Omaha is important to the company and we are look forward to continuing our business here.

[27]Economic considerations and financial stability were addressed on September 26th (Section 3.0).

Question / Concern	Answer / Comment
Are there other companies in the Omaha area that handle/store hazardous wastes?	Yes: Safety Kleen has an Omaha operation; and regional operations are in Grand Island and Gering, Nebraska. Locally, hazardous wastes are also stored at Offutt and Brunswick (in Lincoln) although these are not the same type of commercial enterprise.

3.3.3.2 Unresolved Issues

No issues were raised that were not resolved.

3.3.4 Regulations, Enforcement and Compliance History[28]

3.3.4.1 Resolved Issues

Question / Concern	Answer / Comment
What regulatory entities inspect or are able to inspect the operations?	Periodic inspections are conducted by the local fire and police department, U.S. EPA, OSHA (occupational health and safety agency), industry representatives (VWR suppliers and customers), and NDEC.
At what frequency?	NDEC inspects the facility once each year although the law requires inspection once every two years. The most recent inspection was in June, 1991.
Can special inspections be conducted?	NDEC can and does conduct inspections as needed in response to special circumstances such as a complaint. These are conducted as soon as possible following notice -- usually within 1-2 days.

[28]Regulatory issues were addressed at the September 26th meeting (Section 3.0).

Question / Concern	Answer / Comment
Are NDEC inspections scheduled or unannounced?	Compliance inspections by NDEC are unannounced. They are very thorough, requiring 1-2 days to complete and several days of preparation. NDEC inspections include: reviewing record keeping, manifests, waste analysis plans, contingency plans, training program, and evaluating the physical condition of the storage area (phones, signs, labels, container condition)
Is the internal audit program run by the Corporate offices in Seattle?	The safety and environmental audits are run out of the VWR regional and area offices -- therefore there are two audits done annually. In addition, there is an independent audit department in the corporate headquarters that also visits each facility. That department reports directly to the corporate Board of Directors. All levels of compliance are addressed, RCRA, OSHA, etc.
Where is the local accountability for employees?	The facility conducts daily inspections and tracks who conducts the inspections and what was checked. Barry Kopf and Dennis Smith (Omaha operations manager) make sure the inspection schedules are maintained.
What kinds of compliance problems have other facilities encountered and how have they been addressed?	All 26 facilities are in full compliance. There is only one "problem" -- at the facility in Arizona there is some clean up being conducted under a consent order with the state. If non-compliance is suspected, we cooperate fully with inspectors and provide whatever information is needed.
Are there any city ordinances which apply to storage of chemical wastes? (e.g, zoning restrictions)	Yes. This being a "hazardous waste" facility it will require a zoning hearing to reclassify the area as *heavy* industrial.
Will new storm water regulations apply to your operations?	Yes.

3.3.4.2 Unresolved Issues

Question / Concern	Comments
The Annual Report notes section 107 letters under Superfund. Can you provide more information regarding how many are de minimus?	VWR is and has been a low volume generator of hazardous wastes. We have never treated or disposed of our own wastes. Wastes were disposed of at facilities owned and operated by others -- VWR is now involved in 22 Superfund sites -- all but 1 or 2 are de minimus. The others are not because the large contributors are now out of business.
Can you provide more information at the next meeting?	Yes.

3.3.5 Site Characteristics[29]

3.3.5.1 Resolved Issues

Question / Concern	Answer / Comment
Where are the other VWR facilities located? How are they zoned? Of those 26 that store hazardous waste, how many are located in town?	Some are in neighborhoods like this (F Street) and some heavier industry. But, all VWR facilities are in industrial zoned areas.
Comment: How can a residential backyard be zoned industrial?!	
Comment: At least there are no neighbors immediately adjacent to the property.	

[29]Site characteristic issues were addressed at the October 23rd meeting (Section 4.0).

3.3.5.1 Unresolved Issues

Question / Concern	Comment
Is there only one entrance/exit to the facility?	Yes, there is only one entry/exit.
Concern: A chemical reaction in a confined area with only one entrance/exit could lead to an uncontrollable situation and cause significant loss of life given the nearby residential setting.[30]	VWR has operating procedures designed to prevent emergency situations, and contingency plans to address that event. Maps and access routes are filed with the fire and police departments. Additionally, they visit periodically and so know how to get to facility.
Are there any studies of how the proposed facility could affect property values in the neighborhood?	
Concerns: I've been asking people if they would live in an area with a hazardous waste retaining site and getting a very negative reaction. As a homeowner, I would rule out buying a home here.	VWR acquired this property -- an industrial site, and fixed it up considerably by removing dilapidated structures, and constructing an aesthetically pleasing and technologically upgraded facility. Your concern is shared by every neighborhood in every city, but this neighborhood was already industrial -- which is why we chose it (versus a green belt area). Further, the proposed F Street location is much more appropriate than D Street which is actually immediately across the street from homes. We are trying to eliminate a facility that has been an ongoing source of concern.

[30]Community and environmental setting issues were covered in detail at the October 23rd meeting (Section 4.0). Likewise, emergency response issues were addressed at the November 14th meeting (Section 5.0).

3.3.6 Environmental Setting and Quality Considerations[31]

3.3.6.1 Resolved Issues

No issues raised were resolved.

3.3.6.2 Unresolved Issues

Question / Concern	Comments
Have there been any tests or monitoring to know how these types of facilities affect the surrounding environment?	(There are three other commercial operations in the state.)
Have there been any events at other facilities that caused environmental damage? What were the impacts?	
When this property was acquired by Warren Douglas, was an environmental assessment conducted or any remediation?	

3.3.7 Transportation Considerations[32]

3.3.7.1 Resolved Issues

Question / Concern	Answer / Comment
What does Wynne transportation carry for VWR?	They carry many different things, but mostly sulfuric acid and solvents.

[31]Environmental setting and quality were considered at the October 23rd meeting (Section 4.0).
[32]Transportation issues were considered in detail at the November 14 meeting (Section 5.0).

Question / Concern	Answer / Comment
We observed a Monsanto truck that almost tipped over. Does VWR insurance cover transportation accidents?	Yes, if it is our truck that is involved. If the truck belongs to another company, then that company's insurance covers accidents.
Comment: Insurance cannot replace lost lives.	

3.3.7.2 Unresolved Issues

Question / Concern	Answer / Comment
What is the number and size of vehicles moving in and out of the facility on weekly basis?	
How many new trucks would result from the proposed facility?	Waste products would amount to about two truckloads per month.
What hours do or can the trucks move? When is traffic heaviest?	
Concern: Trucks and their air brakes create a lot of noise.	
How safe is truck traffic around the 4100 block of south 29th Street?	
Concern: There is a steep incline, a tight corner, and no room to by-pass. Brakes can be heard squealing often. Trucks even come down our alley.	Comment: If our trucks are going down the alley we want to know, because they should not be. Contact Barry Kopf, plant manager, immediately.
Has there been any study of how the freeway opening will affect local traffic?	Comment: We are concerned along with the other businesses and the community about the traffic situation.

3.3.8 Emergency Response and Contingency Planning[33]

3.3.8.1 Resolved Issues

Question / Concern	Answer / Comment
Is there a HazMat contract in place at the facility?	Yes.

3.3.8.2 Unresolved Issues

Question / Concern	Answer / Comment
What is the worst case scenario? If the community could hire their own consultant, what would their report say? Comment: What does "worst case" mean? It could be that VWR goes bankrupt or some kind of accident. Comment: Does this mean for the wastes or the virgin products? What is the worst possible accident that could occur there, and what would be the impact on the local community? If a fire broke out that involved a variety of chemicals, how would fire fighters respond? Could they handle such a situation?	

[33]Emergency response issues were covered in detail at the November 14th meeting (Section 5.0).

Question / Concern	Answer / Comment
What precautions would the new facility take to avoid fire?	The proposed structure would include at least lightening rods. When designing the facility, the fire department would be consulted for their input regarding this concern.
Is there only one entrance/exit to the facility? What are the problems with only one exit? Couldn't that be especially dangerous in the event of a fire or other emergency?	Yes, there is only one entry/exit.
Concern: A chemical reaction in a confined area with only one entrance/exit could lead to an uncontrollable situation and cause significant loss of life!	We understand your concern and VWR has operating procedures designed to prevent emergency situations, and contingency plans to address that event. Maps and access routes are filed with the fire and police departments. Additionally, they visit periodically and so know how to get to facility.
Kids are often observed shooting at pigeons and rats in the area. What would happen if the storage containers were shot at? Couldn't that cause a spark and ignite the whole area?	Yes, that is a danger and it would cause an emergency situation. We have contingency plans to address such danger, but VWR realizes that is an after-the-fact response. We are considering enclosing the building which would prevent such a concern from occurring.

3.4 OTHER ISSUES RAISED

Some issues were raised that do not clearly fit the fact-finding topic areas. These issues and discussions are summarized below.

A community member, with many concerns about the proposed facility, asked how the community's opinion affected the permitting process. For example, they thought the NDEC Director, Randy Wood, who had opened the committee process, indicated what the local community wants is an important consideration. In response, it was thought that what the Director had meant was that city government will consider community

sentiment in making their recommendation to the NDEC. The local governing body, in this case the Omaha city council, would have to approve the facility even before a permit application could be considered by NDEC. Therefore, if the council denies the facility it will not go to NDEC for consideration unless appealed through the courts.

The fact that community sentiment may not uniformly support the proposed facility was noted as being important. A suggestion was made that VWR become more proactive in communicating about their operations, specifically to realtors who could then be in a better position to discuss the facility with potential clients. The VWR representatives agreed, noting such an approach is quite consistent with the Chemical Manufacturers Association Responsible Care program.

Another member of the community, apparently either neutral or in favor of the facility, stressed that VWR is already in the hazardous materials business -- as a chemical distributor. Continuing, it was explained that products distributed by VWR are used by many businesses in the area, and those used materials are simply being returned for proper disposal. To contrast the proposed facility with another, a former hazardous waste storage operation historically located behind the ConAgra facility was used to illustrate his point. There, hazardous waste materials were improperly handled, abandoned, and found only when a bunch of kids got into the shed. Continuing further, the grain mill was noted as another nearby hazard that would go off like a "bomb" if it ever had a fire.

The questions were also asked what kind of civic contributions VWR makes to the local community and if the company contributes to political campaigns of local officials. The company does not make political contributions as it is expressly forbidden in corporate policies. Local contributions by VWR have included sponsoring Earth Day activities, participating in schools' career days, and making contributions to the United Way, Boy Scouts, and Crime Stoppers. Nationally, the company prepares and distributes environmental health, safety and quality teaching materials and has established the Univar foundation which has supported the Nature Conservancy. In fact, it was noted, the Univar president served on the Nature Conservancy Board of Directors.

A committee member thought a key consideration should be that VWR already has a facility operating -- they are not starting totally anew. Further, if in the neighborhood's shoes, having a new, upgraded on F Street would seem better than continuing D Street operations.

No comments were received regarding any aspect of the committee process itself. Likewise, no meeting evaluation cards were submitted. However, one site review committee member stressed the importance of the community's comments and encouraged them to submit questions or speak directly with the committee members.

3.5 COMMITTEE BUSINESS

The committee accepted the September 5th meeting summary without change and agreed the format was acceptable to continue throughout the remaining summaries. The August 14th summary will be reformatted similarly. Summaries will continue to be reviewed by Paul Mullen, committee chairperson, prior to distribution.

The committee discussed the preparation of their final report. The body of the final report will be a compilation of the fact-finding meeting summaries. The conclusions and recommendations of the committee would be highlighted in an executive summary. Those highlights and recommendations will be arrived at through consensus-building discussion following the final fact-finding meeting. Those conclusions and recommendations will then go to the NDEC Director and Omaha City Council for consideration. In the essence of time, the non-evaluative parts of the executive summary will be prepared prior to the committee's final December meeting, and the conclusions and recommendations will be incorporated following that meeting. If consensus cannot be reached at that time, the committee will ask for an extension in order to conduct another meeting. Some discussion occurred of how the timing of the committee report related to VWR's zoning hearing process.

The final point of business addressed additional resources for the upcoming meetings. The facilitator asked for recommendation for toxicologists and emergency responders for the upcoming meetings.

3.6 PREPARATION FOR NEXT MEETING

Following this meeting's fact-finding, time was specifically devoted to planning the next fact-finding meeting. That meeting will address site characteristics and environmental setting and quality issues. During that period both the community and the committee were asked if there were questions in addition to those in the *handbook*[12] that they would like to be addressed at the upcoming fact-finding meeting. There were a few questions and issues raised. These are included in the previous section, Fact-Finding Questions and Comments, as unresolved issues.

The next site review committee meeting will be held on Wednesday, October 23rd beginning at 6:30 pm at St. Bridgets social hall (4112 South 26th Street). Van Waters and Rogers will again prepare 15 minutes presentations regarding each fact-finding topic. The questions in the *handbook*[34] and the "unresolved issues" raised by the committee and the community which are applicable to those fact-finding topics will guide that presentation.

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[34]*Procedure Handbook for Siting Hazardous Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

3.6.1 Committee Directives

- review handbook questions (section V and VI) for upcoming fact-finding meeting.
- review and comment on this meeting summary.
- begin to identify issues raised to date that should be presented in the Executive Summary of the final report.

3.6.2 NDEC Directives

- prepare a summary of the freezing temperatures for the chemical materials (section 8 of binder) to be stored at the proposed facility.
- bring to next meeting a RCRA inspection checklist for committee and community.
- place VWR binder material in information repositories.

3.6.3 VWR Directives

- provide the facilitator with information regarding VWR fire department and emergency response contacts.
- provide committee with more information on Superfund involvement.
- prepare summary of compliance program for new storm water regulations.
- in preparing the next fact-finding presentation, include answers to questions from sections V and VI in the *Procedure Handbook for Siting Hazardous Waste Facilities in Nebraska*; address the unresolved issues raised in the previous three meetings, including those contained in section 3.3, which includes determining the average volume of flammable wastes that would be stored at any one time, the number of leaky drums the facility could be expected to receive, and previous environmental assessments conducted at the Warren Douglas property.
- make four extra copies of fact-finding materials for the committee binders (three copies will be placed in information repositories; one will be circulated at next meeting as a "table copy").
- provide an "as-built" drawing of the proposed facility if one exists; bring a more visual illustration of it to the next meeting for the committee and public to review.

4.0 SITE CHARACTERISTICS AND ENVIRONMENTAL SETTING AND QUALITY

4.1 MEETING OVERVIEW

The fourth meeting of the Site Review Committee for the hazardous waste storage facility proposed by Van Water and Rogers, Inc. convened at 6:40 pm on Wednesday, October 23rd, in the social hall at St. Bridgets Church, 4112 South 26th Street, Omaha. The fact-finding topics of this meeting were 1) site characteristics, and 2) environmental setting and quality. Steering committee members in attendance were: Paul Mullen (committee chairperson), Lou Andersen, Dale Jacobson, Gary Keefer, Louis Lamberty, Jim Rhone, Mike Ryan, Phil Swanson, Bev Traub, and Toni Wasikowski. Bill Neal and Gary Pryor were absent. About thirty members of the public attended the meeting.

The meeting was opened with brief introductory remarks by the committee chairperson followed by an overview of the agenda and reference to the meeting ground rules by the facilitator.[35] Organizational ground rules were decided on at the first meeting by the committee, and include:

- decision making by consensus whenever possible;
- two-thirds of the committee (8 members) must be present to conduct a meeting (the facilitator should be notified of committee member absences in advance of the each meeting whenever possible);
- fact-finding will be conducted by having the applicant prepare a 30 minute presentation per meeting (i.e., 15 minutes per topic area) that addresses the relevant questions outlined in the committee process guidance document[36] and other questions asked by the committee and/or the public;
- specific meeting time is to be set aside giving the community an opportunity to ask questions, express concerns, or provide other input; and

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[35]The meeting was facilitated by Tammy Hays, a neutral, third-party facilitator from the Center for Environmental Solutions in Lincoln, Nebraska. The facilitator works to increase meeting productivity by planning agendas, keeping the group on task and on time during meetings, and encouraging balanced contribution by all participants. The facilitator is not a member of the committee and contributes only to the *process* of the meeting and *not to the content* of the discussions.

[36]*Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

- during open comment periods, each individual is limited to three minutes per comment, and may ask only one question until everyone who desires to speak has had an opportunity to address either the committee or the applicant.

Handouts and "table copy" reference documents were described. One copy of those documents and other project materials are placed in the information repositories so the interested members of the public can review them in greater detail between the meetings. The Nebraska Department of Environmental Control noted that the director of the Omaha Public Library System had turned down their attempt to establish a local information repository at the South Omaha Branch. Furthermore, he had also returned to them repository materials previously placed at the Willa Cather Branch. The remaining information repositories are at Omaha's main library and at the NDEC office in Lincoln. The NDEC staff asked for suggestions on where to establish a local information repository for the remainder of the committee process.

Tom Baker, from the Douglas County Health Department, was introduced and welcomed as a special resource to the community and the committee. At the initial committee meeting, some community members had expressed concern that the committee did not include a health professional. Mr. Baker agreed to attend in order to fulfill that need and help address community and committee questions regarding health issues. He has ties to the local area and so is known by many of the neighbors as well as committee members. As a resource, Mr. Baker is *not* considered a committee member.

All committee members introduced themselves, as did the NDEC resource staff. Van Waters and Rogers representatives introduced themselves and then proceeded with a short presentation addressing the fact-finding topics. The applicant's presentation was followed by approximately 40 minutes of questions and comments by the community members attending the meeting. A summary of those issues raised and the answers (when given) is contained in section 4.3 under the appropriate topic heading. The committee members then had approximately 30 minutes to ask clarifying or investigative questions of the applicant as well; these too are summarized in section 4.3.

Following a 15 minute break, the committee moved on to prepare for the next fact-finding meeting. That meeting (to be held on Thursday, November 12th, at St. Francis school) will address transportation and emergency response issues associated with the proposed storage facility. The committee and the community members in attendance were given an opportunity to suggest questions they would like addressed at that session. Those questions too are included under the appropriate headings in section 4.3.

The final agenda item addressed committee business: approving the former meeting summary, clarifying the final report preparation, suggesting additional resources for upcoming meetings (e.g., fire department and HazMat responders), and discussing the

types of recommendations appropriate for the committee to make. The September 26, 1991 meeting summary was accepted without additions or corrections. The meeting was adjourned at approximately 9:40 pm.

4.2 FACT-FINDING ACTIVITIES

4.2.1 COMMITTEE D STREET FACILITY VISIT

Prior to the fact-finding meeting, the committee and NDEC staff met with VWR representatives at their current hazardous waste storage facility located at 3900 D Street. Some community members subsequently requested an opportunity to visit the D Street facility as well, and sign-up sheets were provided by VWR to do so.

During their visit, the committee members observed the present storage technology and site conditions, and asked questions of VWR and NDEC regarding its operation and applicable regulations. The committee described the storage facility as a rudimentary 12'x20' assembly of black metal pans within which about 67 drums of waste were stacked two high on wooden pallets. The storage area was not roofed, and was centrally located on the site of the former chemical distribution activities. There was no indication of any leakage or spillage either on the drums or in the pans, and the surrounding area had grass and weeds growing there. One committee member noted that the presence of vegetation was a sign that no hazardous material had contacted the adjacent ground. VWR mentioned that had not yet collected soils or water samples from the area, but the RCRA closure procedure could include some environmental sampling and analysis.

The committee learned the D Street facility is currently permitted to store 118 drums of wastes, whereas the proposed F Street facility would store up to about 200. The proposed facility would also provide more space per drum, a roof, monolithic pour concrete base, and greater containment provisions (8" berm). The D Street facility was surrounded by a 10' high fence topped with barbed wire and included a system of Wells Fargo security sensors. It is typically staffed during regular business hours. VWR has not experienced any "incidents" there historically, but if one should occur they explained the sensors automatically alert Wells Fargo, facility personnel and the police department. The site included all required health and safety equipment, including emergency response kits and a telephone.

Hazardous waste materials are accumulated at the facility for shipment off site, usually within 45 days. However, the permit allows VWR to store the wastes for up to one year. Extensions are possible, but not typically granted even for unusual wastes products. The committee observed drum dates ranging from late August through mid-October and the next shipment off site was expected within a few days. The committee also did a quick inventory of the types of materials in storage and found waste paint sludge, freon, xylene, and other solvents.

The committee members asked if any events which could have created an emergency (such as the drums being shot at) had occurred there in the past. They continued by asking whether the probability of such a scenario was any more or less likely than at the proposed site. VWR responded that no potentially catastrophic events had occurred there; and some committee members expressed the belief that it was probably no more likely to happen at the proposed facility given its buffered location at the far north side of the VWR property.

4.2.2 APPLICANT PRESENTATION

At the September 5th meeting, Van Waters and Rogers provided each committee member with a large three-ring binder containing background information relevant to the meeting's fact-finding topics. At each subsequent meeting, VWR has provided supplemental topic-specific information materials. A "table copy" of the binder and updates was available during the meeting, and copies will be placed in the information repositories before the next meeting.

Appendix E includes Section 14 of the binder, a summary of the VWR presentation; please refer to it for more detailed information.

Following introductions by Barry Kopf, the Omaha Facility Manager, Ms. Susan Schmid, Director of Regulatory Affairs for Univar Corporation (of which VWR is a subsidiary) began the presentation by noting that her portion of the presentation would address why the site was chosen and the proposed facility's impact on traffic patterns in and out of the facility. She explained the site was chosen for economic and logistical reasons. The F Street and the D Street operations, both chemical distribution facilities, were acquired in the mid-1980s. Following extensive improvements and installation of state-of-the-art equipment at the F Street location, the company made a decision to consolidate its activities there. All activities have since moved from D Street to the F Street facility, except the hazardous waste storage portion of the operation.

Ms. Schmid concluded her presentation by explaining the transfer of the hazardous waste portion of the business to F Street would not significantly affect the current traffic patterns. She indicated that all of the *inbound* waste materials would be "less than truckload" and therefore carried aboard vehicles already utilized by the facility's ongoing operations. The *outbound* waste materials would require two additional trucks each month.

Following her presentation, Mr. Jim Hooper, VWR Northern Regional Regulatory Manager, continued the fact-finding presentation by characterizing the setting of the site, including the environmental aspects. He noted that because it is a site of container storage, neither federal or state regulations will require an extensive geotechnical investigation of the proposed site. He continued by describing the underlying geological formations and surficial soil types, the topography, and surrounding land uses.

The predominant land uses are general industrial (on the site and immediately north), heavy industrial (immediately south and west), and general industrial and residential (immediately east). He noted the existence of fourteen single family homes on the northeast side of the VWR property. No environmentally sensitive resources had been inventoried around the site nor are there any drinking water sources.

He explained that the facility design included provisions for preventing inflow of "run-on" to the proposed site, as well as containing run-off from the site. If warranted, any precipitation that would accumulate at the storage site would be analyzed for its chemical and physical properties before being discharged to the sewer system. Should the analytical results indicated chemical contamination, the precipitation would then be managed as a hazardous waste. In this way, he believes ground and surface waters were protected from any contamination. He further explained that because the containers would remain sealed throughout there residence at the VWR facility, there would not be emissions to the air either.

In addition to the attached section, the other binder materials provided VWR address a number of items in more detail than could be presented here. For example, the binder contains sections which provide information on ChemCare™, VWR environmental health and safety policies, proposed waste codes to be accepted for storage, and the waste analysis plan. The binder material is reproduced in the remaining two information repositories, and a "table copy" will be available during the meetings. Please refer to the binder for more detailed information. Section 14 of the binder, a summary of the VWR presentation on October 23rd, is included as Appendix E.

4.3 FACT-FINDING QUESTIONS AND COMMENTS

The sections which follow represent the questions and issues raised by both the Site Review Committee and the community during the October 23rd fact-finding meeting. They are organized according to the fact-finding topic area they best reflect. Those questions that were adequately answered are considered "resolved" whereas those questions which were not are considered "unresolved." Unresolved questions are answered at subsequent, topic-specific meetings. In addition, unresolved issues that were not adequately answered from former meetings are included again in the relevant section.

Issues associated with impacts on human health and site-specific risk assessments are included in section 4.3.5, Site Characteristics.

4.3.1 Facility Operation, Technology, and Quality Assurance Programs[37]

4.3.1.1 Resolved Issues

Question / Concern	Answer / Comment
What are the alternatives if a permit is not obtained for the F Street facility? (would D Street continue to operate? would VWR move to a new location?)	Our alternatives are *either* D or F Streets -- VWR would not look for a third site. Instead, we may look at whether the business should withdraw from the Omaha market area entirely.

4.3.1.2 Unresolved Issues

Question / Concern	Comment
What is the average percentage of flammable wastes that would be stored at any one time?	
What percentage of containers when received are leaking or compromised?	VWR will get more information on "how many." Once received, overpacks are used to prevent such an occurrence.
We received the list of chemicals and their freezing points because the proposed structure is not enclosed. Over 50 chemicals are subject to freezing. Has VWR changed its mind about enclosing the structure?	We haven't yet committed to any facility design. Other cold climate facilities are open and store similar chemicals without any problems (i.e., drum compromise/breakage). The Twin Cities in Minnesota, is an example.

[37]Facility operations were addressed at the September 5th meeting (Section 2.0).

4.3.2 Operating Technology

No new issues were raised relative to this fact-finding topic.

4.3.3 Economic Considerations and Financial Stability[38]

No issues were raised relative to this fact-finding topic.

4.3.4 Regulations, Enforcement and Compliance History[39]

4.3.4.1 Resolved Issues

Question / Concern	Answer / Comment
Will the new storm water regulations apply to your operations?	Yes. VWR will be required to get a storm water discharge permit for the facility, but we aren't at that stage yet.

4.3.4.2 Unresolved Issues

Question / Concern	Comments
The summary of the D Street compliance history indicates two violations on 2/87 and 3/88. Specifically, they noted a container in poor condition, and that leaky drums that weren't detected (respectively). Please address.	The first was a heavily creased drum that wasn't leaking. In response, we changed our inspection protocols to include "overpacking" suspect containers. The second, VWR believes was misstated. They believe instead it should read: VWR was not conducting its inspections properly, so that they would not have been able to detect a leak *should* one occur.

[38]Economic considerations and financial stability were addressed on September 26th (Section 3.0).
[39]Regulatory issues were addressed at the September 26th meeting (Section 3.0).

Question / Concern	Comments
If the proposed facility is approved, would it require a zoning change?	We don't know for sure but are looking into it. We may be able to answer your question at the next meeting.
The Annual Report notes section 107 letters under Superfund. Can you provide more information regarding how many are de minimus?	VWR is and has been a low volume generator of hazardous wastes. We have never treated or disposed of our own wastes. Wastes were disposed of at facilities owned and operated by others -- VWR is now involved in 22 Superfund sites -- all but 1 or 2 are de minimus. The others are not because the large contributors are now out of business.
Can you provide more information at the next meeting?	Yes.

4.3.5 Site Characteristics[40]

4.3.5.1 Resolved Issues

Question / Concern	Answer / Comment
Have there been any "worst case" risk assessments done? The community would be interested in the results. People would probably accept a one in a million risk.	No we have not and do not intend to since they are not required for a RCRA Part B permit.

[40]Site characteristic issues were addressed at the October 23rd meeting (Section 4.0).

Question / Concern	Answer / Comment
Are there outside, private entities that can conduct risk assessments? I am skeptical of information provided to us by businesses.	Yes there are such consultants, but they and the risk assessment process are very expensive. The site review committee, is a group of 12 professionals appointed by your state and local officials, whose function in a sense is to act as your informed, outside entity.
Comments: In thinking about risks, it is also important to look at the probability of such an event occurring.	Nevertheless, VWR wants you to be comfortable with us. We believe many risks are manageable and that is one reason we offered community tours. If you could observe of our state-of-the-art facility, you might better understand how we manage those risks.
At an earlier meeting we discussed preparing and disseminating background information to communicate with the neighborhood and local real estate agencies about the facility and its operations. Has anything been done regarding that?	No, we haven't followed up on that yet.
Comment: There are many more homes near the D Street facility than around the proposed site at VWR's F Street facility. Also, because the storage area is plainly visible from the Street, I am sure the residents would have noticed and reported any problems.	

4.3.5.2 Unresolved Issues

Question / Concern	Comment
Many chemicals you propose to handle are suspected of causing cancer. How do cancer and illness rates among your employees compare with other industries?	I don't know. Those statistics are maintained by VWR, but we don't have that information here tonight.
Of the other 26 VWR facilities that store hazardous waste, *how many* are located in town? How are they zoned?	Some are in neighborhoods like this (F Street) and some heavier industry. But, all VWR facilities are in industrial zoned areas.
Is there only one entrance/exit to the facility? In an emergency, having only one entrance/exit may lead to significant loss of life given the residential setting.[41]	VWR has operating procedures designed to prevent emergency situations, and contingency plans to address such emergencies in the event they occur.
Are there any studies of how the proposed facility could affect property values in the neighborhood?	
Concerns: I've been asking people if they would live in an area with a hazardous waste retaining site and getting a very negative reaction. As a homeowner, I would rule out buying a home here.	VWR acquired this property -- an industrial site, and fixed it up considerably by removing dilapidated structures, and constructing an aesthetically pleasing and technologically upgraded facility. Your concern is shared by every neighborhood in every city, but this neighborhood was already industrial -- which is why we chose it (versus a green belt area). Further, the proposed F Street location is much more appropriate than D Street which is actually immediately across the street from homes. We are trying to eliminate a facility that has been an ongoing source of concern.

[41] Community and environmental setting issues were covered at the October 23rd meeting (Section 4.0). Emergency response issues were addressed at the November 14th meeting (Section 5.0).

4.3.6 Environmental Setting and Quality Considerations[42]

4.3.6.1 Resolved Issues

Question / Concern	Answer / Comment
When the buildings on the south side of the property were taken down and misted to control the dusts, did the mist generate any liquid run off? If so, what was done with it? Were either the run off or the soils sampled?	The misting process was used to control airborne materials and was so fine it did not generate any run off. Any liquid was absorbed by the material which was containerized and properly disposed of.
Sampling conducted after closure of the D Street facility, and after the construction of a new facility, is too late.	There has been no reason to collect samples since there have been no spills since we began operating it in 1986.
What happens to the wastes after it leaves your facility? What are the end uses? How are they disposed of? How much is recycled, landfilled, etc.?	Tab 7 of the notebook (white binder) lists all the treatment, storage, and disposal facilities in VWR uses nationwide. The Omaha facility does not use all of them. We will identify which are used by Omaha.
Concern: Our wastes are being taken and dumped somewhere else. Injection well disposal is just underground dumping.	Disposal has changed significantly over the years, today we are moving away from landfills. To illustrate, the first option we recommend is recycling, second we market fuel blending or incineration, and the least desirable option is to landfill.
Does the customer always choose the ultimate disposal option?	Yes.
Comment: 80% of all wastes are now land banned -- that means they cannot be put in a landfill.	

[42]Environmental setting and quality were considered at the October 23rd meeting (Section 4.0).

Question / Concern	Answer / Comment
Surface drainage for the entire site is channeled to a storm sewer drain. Is the valve closed?	The valve is under our control. It is opened after its contents have been determined to be safe for discharge. Generally, if our chemical product inventory in the morning is the same as the evening before, we release any run off to the sewer system. We will be required to get a storm waster discharge permit.
Where has the fresh dirt piled between the alley and the street been coming from?	That dirt is coming from the packing company. It stinks and has flies on it and VWR has complained about it like the neighbors have.
There is the potential for environmental impact if the integrity of the concrete pad is compromised. Is the pad inspected for cracks -- all concrete cracks.	VWR will conduct visual inspections daily. Maybe we should consider an engineering assessment.
When this property was acquired from Warren Douglas, was an environmental assessment conducted or any remediation?	In 1980, VWR did not conduct any pre-purchase investigations. However, a few years after we bought it we did initiate some soils sampling and found some areas of concern on the south side of the property. The chemical residue left in the soil there is from a Warren Douglas fire in the early 50's. We may have bought a problem. Therefore, we are currently in the process of evaluating the problem with help from the US EPA. If the investigation warrants it, we will clean it up. Our work to date has been voluntary with the EPA in Kansas City, and does not involve the NDEC. Our company policy is to voluntarily investigate our property for potential contamination. The area of the site in question is south of where we propose to build the storage facility.

4.3.6.2 Unresolved Issues

Question / Concern	Comments
Have there been any tests or monitoring to know how these types of facilities affect the surrounding environment?	
Have there been any events at other facilities that caused environmental damage? What were the impacts?	
Could we get some clarification of the storm water issue at the next meeting?	

4.3.7 Transportation Considerations[43]

Several comments were made and issues raised that were not necessarily questions that could be answered within the scope of the site review committee process, but should be recorded as community concerns. Those issues, and any solutions (if suggested) are summarized here.

Twenty ninth street is used to access the Kennedy freeway which creates a lot of traffic. When the new freeway opens even more traffic will be created. Perhaps the city of Omaha could consider purchasing the remaining few homes there.

A committee member, also a city official, commented that only a couple of years ago, when VWR was building the F Street facility, the city had suggested (at that time) new transportation routes. The neighboring community however, did not want them.

[43]Transportation issues were considered in detail at the November 14 meeting (Section 5.0).

4.3.7.1 Resolved Issues

Question / Concern	Answer / Comment
There was a spill in our neighborhood on October 8 from one of your trucks. We weren't given any information to know what was going on. What was spilled?	That was an unfortunate event. It was a transportation incident involving a common carrier we hired -- not a VWR vehicle. Our business with that carrier has been suspended. The material that spilled -- really sloshed out of an open lid -- was about 400 pounds of a nonhazardous product used to clean locomotives. It is similar to household cleaners like 409™ or Fantastic.™ We immediately sent out an emergency response team and contained the product which kept it from entering the sewer system and sent street cleaners out to remove the absorbent materials and product. The entire scene was cleaned in about 45 minutes.
What was used to absorb the liquid? Concern: It was very dusty, and could create a health hazard by being inhaled.	Oil Dry.
Couldn't the same type of spill occur with the hazardous wastes?	No, hazardous wastes will not be transferred in bulk containers.
What are the "escorted" vehicles carrying?	None of our vehicles require escorts.
What is the number and size of vehicles moving in and out of the facility on weekly basis?	In the VWR presentation it was explained that both tractor trailers and straight trucks will be used to transport in- and out-bound shipments of containerized wastes. Generally, there are 17 in-bound and 17 out-bound truckloads of product each day from the existing operations.

Question / Concern	Answer / Comment
How many new trucks would be running as a result of the proposed facility?	In the VWR presentation it was explained deliveries of less than truckload quantities of hazardous wastes will occur, usually, as part of the 17 in-bound truck loads. Based on present volume, there will be two additional out-bound truck loads of containerized hazardous waste every month.
Since this facility is bigger (118 vs. 200 drums), at full capacity could there be more trucks than this?	No, it shouldn't be more than 2-3 per month.

4.3.7.2 Unresolved Issues

Question / Concern	Comments
What hours do or can the trucks move? When is traffic heaviest?	
Concern: Trucks and their air brakes create a lot of noise.	
How safe is truck traffic around the 4100 block of south 29th Street?	
Concern: There is a steep incline, a tight corner, and no room to by-pass. Brakes can be heard squealing often. Trucks even come down our alley.	Comment: If our trucks are going down the alley we want to know, because they should not be. Contact Barry Kopf, plant manager, immediately.
Has there been any study of how the freeway opening will affect local traffic?	

Question / Concern	Comments
What changes can be made at F Street to remedy the public concerns? For example, could there be a second exit?	Lou Lamberty will look into these issues with the city traffic engineer. He did note that the grades at the end of the facility are quite steep and would make an exit difficult.
The proposed storage facility would be located away from the traffic. Is D Street going to be closed due to the expansion of the Kennedy freeway? If so, could the north end of the VWR property be opened onto D Street?	
What are the impacts of closing D Street?	
Could north bound traffic be eliminated and directed south instead (to Kennedy freeway via another route)?	
Does the public works proposal include acquisition of any homes?	
Would the Nebraska Department of Roads be interested in purchasing these homes?	
If a zoning change is made, how would it affect local traffic, and in turn the neighborhood residents?	
What percentage of VWR vehicles are "common carriers"?	
What happens in the event of an accident on public roads (off the VWR site)?	

4.3.8 Emergency Response and Contingency Planning[44]

4.3.8.1 Resolved Issues

Question / Concern	Answer / Comment
Is there a contract with a private company to respond to or clean up an accident?	Yes.
Does fire department have a list of VWR's hazardous materials?	Yes.

4.3.8.2 Unresolved Issues

Question / Concern	Comments
What is the worst case scenario? If the community could hire their own consultant, what would their report say?	
Comment: What does "worst case" mean? It could be that VWR goes bankrupt or some kind of accident.	
What is the worst possible accident that could occur there, and what would be the impact on the local community?	
If a fire broke out that involved a variety of chemicals, how would fire fighters respond? Could they handle such a situation?	

[44]Emergency response issues were covered in detail at the November 14th meeting (Section 5.0).

Question / Concern	Comments
What is the procedure involved in responding to a catastrophic incident? (i.e., after 911 is called, what happens?)	
At what point is the privately contracted accident response or cleanup team called in?	
Does fire department have a list of VWR's hazardous materials?	
What precautions would the new facility take to avoid fire?	At least lightening rods -- the fire department would be consulted when designing the facility
What are the trade offs between an open versus enclosed structure in the event of a spill or fire?	
Is there only one entrance/exit to the facility? What are the problems with only one exit? Couldn't that be especially dangerous in the event of a fire or other emergency?	VWR has operating procedures designed to prevent emergency situations, and contingency plans to address that event. Maps and access routes are filed with the fire and police departments. Additionally, they visit periodically and so know how to get to facility.
Kids are often observed shooting at pigeons and rats in the area. What would happen if the storage containers were shot at? Couldn't that cause a spark and ignite the whole area?	Yes, that is a danger and it would cause an emergency situation. We have contingency plans to address such danger, but VWR realizes that is an after-the-fact response. We are considering enclosing the building which would prevent such a concern from occurring.

4.4 OTHER ISSUES RAISED

Some issues were raised that do not clearly fit the fact-finding topic areas. These issues and discussions are summarized below.

The question was asked whether the facility could expand once it was built. VWR replied that there are no plans for expansion at the present time. Expansion requires a permit modification, which in turn requires a new permit process including public hearings. This site review process however, only applies to *new* facilities. It was then asked how many of VWR's facilities initially said they would not expand and then did it anyway? VWR responded that none had.

A member of the attending public asked each of the committee members whether or not they conduct business with VWR. Most of the committee members did not. However, two committee members noted that their respective organizations occasionally disposed of hazardous wastes or purchased chemicals from VWR. Continuing, the attendant asked those committee members to resign because he felt they had a conflict of interest. In response, it was explained that the potential for a conflict of interest had been considered during the committee selection process and it was not perceived by NDEC an issue. Nevertheless, the NDEC will review the legislative directives for choosing committee members and also get an opinion from the Accountability and Disclosure Commission on whether a conflict does exist.

No other comments were received regarding the committee process. Likewise, no meeting evaluation cards were submitted.

4.5 COMMITTEE BUSINESS

The committee accepted the September 26th meeting summary without change. The August 14th summary will be reformatted similarly before the next meeting as will the "boiler plate" sections of the final report's Executive Summary. Meeting summaries will continue to be reviewed by Paul Mullen, committee chairperson, prior to distribution.

The facilitator asked the committee to identify, without evaluation, the issues expressed to date they each thought should be included in the final report. However, the committee members felt they should wait until after *all* the issues have been identified. The committee also expressed different ideas about the substance of their final report, particularly the type of recommendations they should make. For example, some committee members thought the committee had a responsibility to make recommendations and provide guidance to the Omaha City Council and the NDEC regarding whether they felt the proposed facility should be "approved or disapproved." Other committee members thought their role and thus the final report was to flush out the issues of concern and make only facility-specific recommendations (e.g., regarding construction) because they do not have sufficient information to make more definitive

recommendations. It was suggested that perhaps the committee could recommend whether the permit process itself should continue, based on available information, and include specific recommendations as appropriate.

Such decisions and deliberations are complex and currently unresolved among the committee members. They realized more time was necessary to discuss them and come to some kind of consensus. Furthermore, the NDEC Director, Randy Wood, has expressed interest in attending the committee's presentation of the final product, but did not want to be present during the deliberations (so as not to influence that process in any way). Therefore, the committee agreed to hold a seventh meeting, on Wednesday, December 4th (beginning at 7:00 pm) to determine the final decisions and recommendations to be highlighted in the final report.

The final point of business addressed the next meeting which will address transportation and emergency response issues. A concern was expressed about how to *define* those issues -- for example, separate existing issues and those associated with the current activities, from those that could result from the proposed facility itself. The status of additional resources for the upcoming meeting was noted: Tom Baker, Douglas County Health Department, will attend that meeting; Mike Gorman, the Omaha traffic engineer, will be approached regarding his help and possible participation; the Omaha HazMat team has been invited but not yet committed to attend; and the local fire station has also been approached by VWR.

4.6 PREPARATION FOR NEXT MEETING

Following this meeting's fact-finding, time was specifically devoted to planning the next fact-finding meeting. That meeting will address transportation and emergency response issues. Both the community and the committee were asked if there were questions in addition to those in the *handbook*[12] that they would like to be addressed at the upcoming fact-finding meeting. The questions and issues raised have been included in the previous section, Fact-Finding Questions and Comments, as unresolved issues.

The next site review committee meeting will be held on Thursday, November 14th beginning at 6:30 pm at St. Francis school (4513 South 32nd Street). The church and school are located between J and K streets; ample parking is provided behind the school. Van Waters and Rogers will again prepare 15 minute presentations regarding each fact-finding topic. The questions in the *handbook*[45] and the "unresolved issues" raised by the committee and the community which are applicable to those fact-finding topics will guide that presentation.

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[45] *Procedure Handbook for Siting Hazardous Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

4.6.1 Committee Directives

- research neighborhood traffic patterns, transportation options such as additional access routes, and the public works proposal (L. Lamberty).
- prepare background information on risk assessments (D. Jacobson, G. Keefer).
- review handbook questions (section VII and VIIIB) for upcoming fact-finding meeting.
- review and comment on this meeting summary.
- identify issues raised to date that should be presented in the Executive Summary of the final report.
- think about the type(s) of recommendations you feel are appropriate for the committee to make.

4.6.2 NDEC Directives

- fulfill requests for the list of VWR's facility addresses, nationwide.
- clarify violations at the D Street facility cited in their compliance history .
- establish a new information repository if possible; place VWR binder materials in all repositories.
- ask the Accountability and Disclosures Commission to review any potential committee conflicts of interest.

4.6.3 VWR Directives

- secure the fire department resource for the next meeting; provide resource person with background materials do they will be adequately prepared; give facilitator their name so she can confirm their participation and review the agenda with them.
- provide committee with more information on Superfund involvement.
- prepare summary of compliance program for new storm water regulations.
- assemble list of TSD facilities utilized by the Omaha facility.

- in preparing the next fact-finding presentation, include answers to questions from appropriate sections in the *Procedure Handbook for Siting Hazardous Waste Facilities in Nebraska*; address the unresolved issues raised in all previous meetings and presented in the meeting summaries, which includes (for example) determining the average volume of flammable wastes that would be stored at any one time, the number of leaky drums the facility could be expected to receive, and how many common carriers are typically used in transportation.

- obtain VWR illness and cancer incidence rates relative to other industries.

- clarify questions regarding the D Street facility compliance history.

- make four extra copies of fact-finding materials for the committee binders (three copies will be placed in information repositories; one will be circulated at next meeting as a "table copy").

- provide an "as-built" drawing of the proposed facility if one exists; bring a more visual illustration of it to the next meeting for the committee and public to review (ideally it should be reduced to an 81/2"x11" handout to be distributed to all meeting attendants).

5.0 TRANSPORTATION AND EMERGENCY RESPONSE PLANS

5.1 MEETING OVERVIEW

The fifth meeting of the Site Review Committee for the hazardous waste storage facility proposed by Van Water and Rogers, Inc. convened at 6:30 pm on Thursday, November 14th, in the school hall at St. Francis Church, 4513 South 32nd Street, Omaha. This was the last of the committee's fact-finding activities. The fact-finding topics of this meeting were 1) transportation and 2) emergency response plans. All committee members were in attendance. In addition, Fire Chief Don Brunken, Omaha City Traffic Engineer Mike Gorman, and David Tewes from the NDEC spill response team attended as topic-specific resources to the committee and to answer the community's questions. About thirty members of the public attended the meeting.

The meeting was opened with brief introductory remarks by the committee chairperson followed by an overview of the agenda and reference to the meeting ground rules by the facilitator.[46] Organizational ground rules were decided on at the first meeting by the committee, and include:

- decision making by consensus whenever possible;
- two-thirds of the committee (8 members) must be present to conduct a meeting (the facilitator should be notified of committee member absences in advance of the each meeting whenever possible);
- fact-finding will be conducted by having the applicant prepare a 30 minute presentation per meeting (i.e., 15 minutes per topic area) that addresses the relevant questions outlined in the committee process guidance document[47] and other questions asked by the committee and/or the public;
- specific meeting time is to be set aside giving the community an opportunity to ask questions, express concerns, or provide other input; and

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[46]The meeting was facilitated by Tammy Hays, a neutral, third-party facilitator from the Center for Environmental Solutions in Lincoln, Nebraska. The facilitator works to increase meeting productivity by planning agendas, keeping the group on task and on time during meetings, and encouraging balanced contribution by all participants. The facilitator is not a member of the committee and contributes only to the *process* of the meeting and *not to the content* of the discussions.

[47]*Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska*, prepared by the Nebraska Coalition on Hazardous Waste, June 1988.

- during open comment periods, each individual is limited to three minutes per comment, and may ask only one question until everyone who desires to speak has had an opportunity to address either the committee or the applicant.

Handouts and "table copy" reference documents were described. One copy of those documents and other project materials are placed in the information repositories so interested members of the public can review them in greater detail between meetings. The NDEC noted that in response to participant suggestions, an information repository had been located at South High School. Site review committee materials will be available on request from the office staff. The other information repositories remain at Omaha's main library and at the NDEC office in Lincoln.

Fire Chief Don Brunken, Omaha City Traffic Engineer Mike Gorman, David Tewes from the NDEC spill response team, and Tom Baker from the Douglas County Health department attended the meeting. They were welcomed and introduced. As resources to the committee they are not considered *members* of the committee. Their contributions were sought in response to requests made at previous committee meetings.

Introductions were made of all committee members, the NDEC resource staff, Van Waters and Rogers representatives, and the special resources to the committee. Mike Gorman, the Traffic Engineer for the city of Omaha, then proceeded by presenting the results of recent traffic survey, comparisons to historical data, and a brief analysis of the current transportation conditions. Chief Brunken then discussed the fire department's emergency response role and an assessment of the facility from a fire-fighting standpoint. A video made by a facility neighbor was shown of a recent spill to illustrate the transportation conditions and emergency response concerns. During the video, VWR addressed the transportation conditions and explained the spill response procedures they followed. They then proceeded with short presentations addressing the fact-finding topics. The applicant's presentation was followed by approximately 30 minutes of questions and comments by the community members attending the meeting. A summary of those issues raised and the answers is contained in section 5.3 under the specific topic heading. The committee members then had approximately 30 minutes to ask clarifying or investigative questions of the applicant as well; these too are summarized in section 5.3.

Following a 10 minute break, the committee agreed to hold its "interim" working session on Thursday, December 5th, at St. Francis School (4513 South 32nd Street). At that meeting committee members will review the issues and concerns raised by their fact-finding activities and prepare their final report. That meeting, like the others, will begin at 6:30 pm. It will be open to the public to attend and observe, although there will not be an opportunity for public comment.

The committee members then asked VWR to address the remaining unresolved issues (as noted in the summaries) that they felt were most important. Acceptance of the

October 23rd meeting summary was postponed until the December 5th meeting. The meeting was adjourned at approximately 9:50 pm.

5.2 FACT-FINDING ACTIVITIES

5.2.1 TRAFFIC AND ACCIDENT REPORT

The city Traffic Engineer, Mike Gorman complied some traffic and accident statistics for this meeting. He reported that 1989 traffic on 29th Street between F and G Streets was 864 vehicles (cars) per day compared to the 1991 count of 974 vehicles per day. Likewise, he reported that in 1989 truck traffic was 82 per day compared to 92 per day in 1991. These statistics indicate a 13% increase in vehicle traffic and a 12% increase in truck traffic from 1989 to 1991. He pointed out that trucks account for about 10% of the total traffic volume. To put these figures in perspective, he continued by explaining that residential streets typically will carry 100-2,000 vehicles per day. Therefore, the neighborhood's traffic is not "relatively" high.

He also presented accident data compiled from the past 5 years. At the 29th and F Street area, there had been 5 accidents involving trucks and 3 involving vehicles. At F Street and the Kennedy expressway, there had been 9 accidents, of which 6 involved trucks. He explained those accidents most often involved cars and trucks going off the road and hitting parked cars or poles. These incidents were attributed to the narrow roadway.

He explained the city recognized the transportation issue and had proposed three solutions: 1) ban street parking and pave the alley, 2) widen 29th Street on the west side, or 3) widen 29th Street in the east side. Unfortunately, he noted, the neighborhood rejected each of these proposed solutions. However, he continued, the city still believes these proposals are viable alternatives that could be re-considered if the neighborhood was interested.

To finish his presentation, he answered the specific questions which had been raised in previous meeting and recorded in the summaries. Those responses are included with the questions in section 5.3.7.1.

5.2.2 FIRE DEPARTMENT COMMENTS

The Fire Department Chief, Don Brunken, visited the VWR facility, unannounced, to learn about the proposed hazardous waste storage facility prior to attending this meeting. From a fire fighting standpoint, he believed the chemical distribution facility was well-located. The single entrance/exit was not unlike many other facilities, and not a concern unless the entrance itself was blocked. He also commented that the facility has two approaches, one from the north and one from the south.

He had reviewed the types of wastes VWR proposes to store there, and found most of them to be flammable. Therefore, he explained, the facility's fire fighting needs are the same as for flammable liquids. The site is already equipped with an adequate water supply.

Closest Fire Stations are located at South 25th and L Streets, and at 42nd and Valley. Those two stations have four fire trucks and a rescue squad. Their response time is less than 3 minutes. The closest HazMat team is located at 67th and F Streets.

The Fire Department is aware of the facility chemicals, its physical layout, and access routes. Furthermore, he said, the Department identifies "target hazards" throughout the city of which the VWR operation is one. A target hazard is one which presents an unusual hazard or could impact a significant number of people. Examples included hospitals, schools, and manufacturing facilities. A team of emergency responders make special visits to target hazards in order to map the facility, identifying water supplies, ingress and egress, and special materials. The team then develops a site-specific response strategy. All of their information is filed with 911 and can be accessed in the event of an emergency there.

In closing, he addressed some of the specific questions which had been raised in previous meetings and which were recorded in the summaries. Those responses are included with the questions in section 5.3.8.1.

5.2.3 NEIGHBOR'S VIDEO

A short video of the October 8th truck spill (refer to 5.3.7.1) was shown immediately prior to the applicant's presentation. A neighbor had made the video to illustrate the community's transportation and emergency response concerns. During the video, VWR commented on their response activities. A second video, in which trucks were stuck on the ice and in the snow in front of their homes, was shown during the break (because of time constraints).

5.2.4 APPLICANT PRESENTATION

At the September 5th meeting, Van Waters and Rogers provided each committee member with a large three-ring binder containing background information relevant to the meeting's fact-finding topics. At each subsequent meeting, VWR has provided supplemental topic-specific information materials. A "table copy" of the binder with updates was available during the meeting, and copies will be placed in the information repositories.

Appendix F includes Section 15 of the binder, a summary of the VWR presentation; please refer to it for more detailed information.

Mr. Jim Hooper, VWR Northern Regional Regulatory Manager, began the applicant's topic-specific presentation by reviewing the company's policies toward safety and emergency response. He explained the emergency response strategy was really a risk management strategy. Explaining, he said VWR prepared for an emergency first by minimizing the probability an emergency would occur, developing contingency plans in case it did, and finally, in the event of an emergency -- they respond accordingly. He stressed the importance of prevention and preparedness.

Ms. Susan Schmid, Director of Regulatory Affairs for Univar Corporation (of which VWR is a subsidiary) continued the presentation with a video illustrating how to respond to transportation emergencies and reviewed company transportation policies. The company's approach to transportation safety was much the same as to emergency response -- a risk management strategy. She closed the presentation, the last in the committee's fact-finding process, by referencing the corporate "Quality Policy," of meeting the requirements of customers, government, and neighbors where they operate facilities.

In addition to the attached section, the other binder materials provided by VWR address a number of items in more detail than could be presented here. For example, the binder contains sections which provide information on ChemCare, VWR environmental health and safety policies, proposed waste codes to be accepted for storage, and the waste analysis plan. The binder material is reproduced in the information repositories, and a "table copy" will be available during the meetings. Please refer to the binder for more detailed information. Section 15 of the binder, a summary of the VWR presentation on November 14th, is included as Appendix F.

5.3 FACT-FINDING QUESTIONS AND COMMENTS

The sections which follow represent the questions and issues raised by both the Site Review Committee and the community during the November 14th fact-finding meeting. They are organized according to the fact-finding topic area they best reflect. Those questions that were adequately answered are considered "resolved" whereas those questions which were not are considered "unresolved." Unresolved issues that were not adequately answered from former meetings are included again in the relevant section.

Discussions were primarily focused on the specific, fact-finding topics. Numerous unresolved transportation and emergency response concerns had been raised throughout the previous meetings and had been postponed as "unresolved" until tonight's meeting. When the special resources were able to provide answers to specific questions, they are included in that topics' "resolved" section.

Issues associated with impacts on human health and site-specific risk assessments are included in section 5.3.5, Site Characteristics.

5.3.1 Facility Operation, Technology, and Quality Assurance Programs[48]

5.3.1.1 Resolved Issues

Question / Concern	Answer / Comment
Will the proposed 8" berm around the facility provide adequate containment for the entire volume of wastes to be stored there?	Regulations require containment for 10% of the maximum volume allowed to be stored there at one time; in this case, a minimum of 1,000 gallons. Our plans provide for greater than 10% containment (we typically plan 15%), but not 100%. However, our facility (i.e., product distribution operations) is designed to contain high volume releases. There are drains around the perimeter of the property which are locked shut to contain any product loss. So, yes, even if the immediate storage area did overflow, all material would be contained.
Is one single person responsible for checking wastes and container integrity? How often are inspections conducted?	Hazardous wastes are inspected daily. An inspection checklist is included in Tab 13 of the notebook.
Has VWR changed its mind about enclosing the structure?	We have not yet committed to any facility design. However, now under consideration is an option which would convert our existing flammable materials storage area into the waste storage area. (Refer also to section 5.3.8.1)

[48]Facility operations were addressed at the September 5th meeting (Section 2.0).

5.3.1.2 Unresolved Issues

Question / Issue	Comment
What is the average percentage of flammable wastes that would be stored at any one time?	
What percentage of containers when received are leaking or compromised?	VWR will get more information on "how many." (Once received, overpacks are used to prevent such an occurrence.)

5.3.2 Operating Technology

No new issues were raised relative to this fact-finding topic.

5.3.3 Economic Considerations and Financial Stability[49]

No issues were raised relative to this fact-finding topic.

[49]Economic considerations and financial stability were addressed on September 26th (Section 3.0).

5.3.4 Regulations, Enforcement and Compliance History[50]

5.3.4.1 Resolved Issues

Question / Concern	Answer / Comment
The summary of the D Street compliance history indicates two violations on 2/87 and 3/88. Specifically, they noted a container in poor condition, and leaky drums that weren't detected (respectively). Please clarify.	The NDEC rechecked their compliance records to clarify these two events. In the first event, there was evidence (such as a stain) in the secondary containment area indicating there had been a leak although there was no free product in the pan. However, records did not recount any response. This led the NDEC to conclude that inspections were not conducted properly. In the second instance NDEC found a creased container with a small spot of material which had leaked. In response, VWR changed their inspection protocols to include "overpacking" suspect containers.
What is the area around the site currently zoned?	General or heavy industrial.
If the proposed facility is approved, would it require a zoning change?	Yes. The site is currently zoned general industrial and must be zoned heavy industrial.
Clarification of storm water issue:	Section 14 describes where the stormwater runoff flows. VWR will be required to get a storm water discharge permit for the facility. Part I is filed, when regulations are established for Part II we will file those. Refer to section 17 of the notebook for permit information. Any waters discharged to the water treatment system must be within a certain pH range.

[50]Regulatory issues were addressed at the September 26th meeting (Section 3.0).

Question / Concern	Answer / Comment
The Annual Report notes section 107 letters under Superfund. Can you provide more information regarding how many are de minimus?	VWR is and has been a low volume generator of hazardous wastes. We have never treated or disposed of our own wastes. Wastes were disposed of at facilities owned and operated by others -- VWR is now involved in 22 Superfund sites -- all but 1 or 2 are de minimus. The others are not because the large contributors are now out of business. Refer to section 18 of the binder for more information.

5.3.4.2 Unresolved Issues

No issues were raised relative to this fact-finding topic.

5.3.5 Site Characteristics[51]

5.3.5.1 Resolved Issues

No issues were raised relative to this fact-finding topic.

[51]Site characteristic issues were addressed at the October 23rd meeting (Section 4.0).

5.3.5.2 Unresolved Issues

Question / Issue	Comment
Of the other 26 VWR facilities that store hazardous waste, *how many* are located in town? How are they zoned?	Some are in neighborhoods like this (F Street) and some heavier industry. But, all VWR facilities are in areas zoned industrial.
Many chemicals you propose to handle are suspected of causing cancer. How do cancer and illness rates among your employees compare with other industries?	I don't know. Those statistics are maintained by VWR, but we don't have that information.
At an earlier meeting we discussed preparing and disseminating background information to communicate with the neighborhood and local real estate agencies about the facility and its operations. Has anything been done regarding that?	No, we haven't followed up on that yet.
Are there any studies of how the proposed facility could affect property values in the neighborhood?	
Concerns: I've been asking people if they would live in an area with a hazardous waste retaining site and getting a very negative reaction. As a homeowner, I would rule out buying a home here.	VWR acquired this property -- an industrial site, and fixed it up considerably by removing dilapidated structures, and constructing an aesthetically pleasing and technologically upgraded facility. Your concern is shared by every neighborhood in every city, but this neighborhood was already industrial -- which is why we chose it (versus a green belt area). Further, the proposed F Street location is much more appropriate than D Street which is actually immediately across the street from homes. We are trying to eliminate a facility that has been an ongoing source of concern.

5.3.6 Environmental Setting and Quality Considerations[52]

5.3.6.1 Resolved Issues

Question / Concern	Answer / Comment
What happens to the wastes after it leaves your facility? What are the end uses? How are they disposed of?	Disposal has changed significantly over the years, today we are moving away from landfills. To illustrate, the first option we recommend is recycling, second we market fuel blending or incineration, and the least desirable option is to landfill. (Refer to Tab 7 which lists all treatment, storage, and disposal facilities in VWR uses nationwide.)
How much is recycled, landfilled, etc.?	VWR estimates that at the Omaha facility, 80% goes to fuel and energy recovery facilities; 12-15% is recycled; 5-10% goes to water treatment plants; 5% incinerated; none is disposed of by deep well injection.
Surface drainage for the entire site is channeled to a storm sewer drain. Is the valve closed?	The valve is under our control. It is opened after its contents have been determined to be safe for discharge. Generally, if our chemical product inventory in the morning is the same as the evening before, we release any run off to the sewer system. We will be required to get a storm waster discharge permit. (refer also to section 5.3.4.1.)

[52]Environmental setting and quality were considered at the October 23rd meeting (Section 4.0).

5.3.6.2 Unresolved Issues

Question / Concern	Comment
Have there been any tests or monitoring to know how these types of facilities affect the surrounding environment? Have there been any events at other facilities that caused environmental damage? What were the impacts?	

5.3.7 Transportation Considerations[53]

5.3.7.1 Resolved Issues

Question / Concern	Answer / Comment
There was a spill in our neighborhood on October 8 from one of your trucks. We weren't given any information to know what was going on. What was spilled? (Note: a neighbor's video of this incident and VWR response to it was shown during the meeting.)	That was an unfortunate event. It was a transportation incident involving a common carrier we hired -- not a VWR vehicle. Our business with that carrier has been suspended. The material that spilled -- really sloshed out of an open lid -- was about 400 pounds of a nonhazardous product used to clean locomotives. It is similar to household cleaners like 409™ or Fantastic.™ We immediately sent out an emergency response team and contained the product which kept it from entering the sewer system. VWR street cleaners then removed the absorbent materials and product. The entire scene was cleaned in about 45 minutes.

[53]Transportation issues were the fact-finding topic of this meeting.

Question / Concern	Answer / Comment
What was used to absorb the liquid?	Oil Dry.
Concern: It was very dusty, and could create a health hazard by being inhaled.	The absorbant material is the same as in household kitty litter. It is nonhazardous.
How does the Health Department feel about how the October 8th spill was handled?	The Health Department wishes that communication with the community could be improved. In response, VWR representatives noted their first concern was safety and second was communication. Further, they explained that they were on the site visiting with the community members at the time of the incident. They believed the site review committee meetings also provided a forum for further communication.
The leaking tanker was observed by another truck following it out of the facility. Are trucks always followed out?	No.
Would it make sense to have trucks followed out on a regular basis?	Don't think so, there is no difference between hazardous waste transportation and other trucks.
How safe is truck traffic around the 4100 block of south 29th Street?	According to traffic statistics, that block is relatively safe when compared to city-wide traffic/accident averages over the last five years.
Has there been any study of how the freeway opening will affect local traffic?	The freeway opening should not affect 29th Street traffic; however in the long run, it may increase F Street traffic somewhat.

Question / Concern	Answer / Comment
The proposed storage facility would be located away from the traffic. Is D Street going to be closed due to the expansion of the Kennedy freeway?	Yes, D Street will be closed.
If so, could the north end of the VWR property be opened onto D Street?	The city has looked at the north end before. But because the grades at that end of the facility are quite steep an exit there is not feasible. A functional analysis has not been done, but the grades appear to be twice as steep as the 29th Street entrance.
What are the impacts of closing D Street?	Isolate the ConAgra facility and force them to use 29th Street. It won't affect 29th Street south of F Street.
Could north bound traffic be eliminated and directed south instead (to Kennedy freeway via another route)?	Trucks are not likely to take such a circuitous route which includes many turns and junctures. They would be more likely to cut through another residential area.
Does the public works proposal include acquisition of any homes?	No, not at this time.
Would the Nebraska Department of Roads be interested in purchasing these homes?	The Department of Roads has long range plans that include widening the freeway to six lanes. When that occurs, they will look at purchasing those homes. However, there is no guarantee *when* that might occur.
If a zoning change is made, how would it affect local traffic, and in turn the neighborhood residents?	A zoning change would have no effect on the local traffic.

Question / Concern	Answer / Comment
Concern: Recently two trucks were stuck in the snow and ice on the hill in front of our home. They blocked traffic completely preventing residents from leaving. They would have also blocked emergency response vehicles in the event of a fire.	This process is to address the waste storage facility and its impacts. Should the proposed waste storage facility be permitted, it would increase truck traffic by only 3 or less outbound loads per month.
Is there any way to keep this from happening?	We at VWR identify with your concerns and would be interested in revisiting -- with the community -- the solutions offered earlier by the city Traffic Engineer (with respect to widening the road).
What is the VWR transportation policy for responding to adverse road conditions?	If VWR feels they cannot safely run, we won't send the trucks out.
Suggestion: Omaha has a priority system for grading, sanding, and clearing streets. This street should be made a priority.	(Following the meeting, the City Traffic Engineer checked the street's priority and found it was already classified as a high priority. He then spoke with the road maintenance staff who assured him they would pay special attention to the street in the future.)
Why do some residential neighborhoods get a six ton vehicle limit on their streets, while ours does not?	When there is only one entrance to a facility, the ordinance does not apply.
What changes can be made at F Street to remedy the public concerns?	In 1989 the city offered three solutions, all of which unfortunately the neighborhood rejected. These were: 1) ban street parking and pave the alley behind homes; 2) widen 29th Street on the west; or 3) widen 29th Street on the east side.

Question / Concern	Answer / Comment
A city ordinance states that neighborhood impacts from a facility must be mitigated and access "shall not be across a residential district." Why wasn't the ordinance followed?	The facility was in existence in the past and so is not considered a new facility. There was no place to direct truck traffic but through residential neighborhood. The city tried to mitigate any impacts but all three proposals were rejected by the neighbors. The city Traffic Engineer offered to revisit those proposals with the neighbors if they were interested. He indicated the city would move ahead on one with the neighborhood's approval.
People are scared because the street is so narrow and close to their homes. Can there be another review?	Yes, there can, but the engineering solutions to date have not been acceptable to the community members living there.
In your professional opinion (to the Traffic Engineer), based on safety conditions alone, should 29th Street (between F and G Streets) and G Street be widened?	Yes.
If so, should the companies whose business necessitates this action be asked to assist with the expense?	Yes.
How many new trucks would be running as a result of the proposed facility?	Based on present volume, there will be just 2 additional out-bound truck loads of containerized hazardous waste every month. Deliveries of less than truckload quantities of hazardous wastes will be part of our regular 17 in-bound truck loads.
Would moving operations from the old facility to the new facility change the number of trucks?	No.

Question / Concern	Answer / Comment
What hours do or can the trucks move?	The majority of trucks activity usually occurs during regular business hours, between 8:00 am and 4:30 pm. However, some VWR truck are sometimes loaded as early as 6:00 am; a few trucks occasionally come in after 4:30 pm. as well.
When is traffic heaviest?	8:00 am to 10:00 am.
Concern: Tankers have arrived at midnight and parked outside the gates on G Street and left their engines running all night. The engines and the air brakes create a lot of noise. There have been three instances within the past three weeks.	VWR trucks have access to the gates and should not be parking out there overnight. VWR proclaimed an "instant policy" against such practices. The Traffic Engineer also noted the city can post "No Truck Parking" signs there making violations enforceable.
Will other forms of transportation be used (e.g., rail)?	No, all hazardous wastes will be moved in and out of our facility only on trucks. There are no "bulk" wastes.
What happens in the event of an accident on public roads (off the VWR site)? How far outside the facility will VWR go to respond to a transportation incident?	We go as far as necessary. Nationally, if any VWR vehicle is involved in an incident, we dispatch someone to the scene from the nearest VWR facility. Their role may be to gather information or assist in the response. We also respond to other incidents at the request of CHEMTREC, and fire or police departments. VWR facilities have emergency response kits they can load and transport with them to an accident scene.

5.3.7.2 Unresolved Issues

Question / Concern	Comment
What percentage of VWR vehicles are "common carriers"?	

5.3.8 Emergency Response and Contingency Planning[54]

5.3.8.1 Resolved Issues

Question / Concern	Answer / Comment
What is the procedure involved in responding to a catastrophic incident? (i.e., after 911 is called, what happens?)	The Fire Department explained that typically when a fire breaks out, it initiates a sprinkler system which in turn triggers an alarm. When the alarm goes off, it automatically contacts 911 which "speakers out" the announcement. The incident is announced three times, and before the third announcement, the fire trucks are enroute. Their response time to the VWR facility is 2-21/2 minutes following a call to 911.
The emergency response video did not use residential examples of how to manage trucks on fire. What would happen if a truck caught on fire in a residential neighborhood like ours?	The Fire Department's would handle it much the same as a structural fire, although with more intensity because of the residential setting. The Department would confine the fire at its point of origination and if necessary, evacuate the neighborhood with Police Department assistance. In Chief Brunken's 26 years, he could not recall any incident involving a truck with flammable liquids in a residential neighborhood.

[54]Emergency response issues were the fact-finding topic of this meeting.

Question / Concern	Answer / Comment
Does the Fire Department have a list of VWR's hazardous materials?	Yes, and "tier II" reports which also includes their volumes.
Under SARA Title III, would VWR report these wastes to the Fire Department?	No, however, RCRA permit conditions would require similar reporting. SARA Title III does include the products.
Comment: RCRA conditions will also ensure an adequate water supply for fire fighting capabilities.	There is sufficient water there already.
Where is the closest fire plug to the proposed storage site?	Codes require at least one hydrant within 600 feet; there are two within 600 feet of the proposed site. Both are "green topped" which means they produce at least 1,500 gallons per minute. That is a more than adequate water supply.
If a fire broke out that involved a variety of chemicals, how would fire fighters respond? Could they handle such a situation?	After reviewing the list of materials proposed for storage, the Fire Department explained the wastes would be treated as flammable liquids. Therefore, in a fire, water would be used to cool the containers and foam would be used to suppress the fire.
Don't chemical mixtures create a more dangerous situation?	The materials proposed for storage are flammables, and mixtures are still considered a flammable liquid. Further, VWR does not propose to store any reactive materials. In the event of a fire involving chemical mixtures, there are several specialized resources (e.g, MSDs and CHEMTREC) which are utilized to assist in handling such a situation. The key is to *first* determine what materials are involved and *then* determine if their mixture presents any special concerns.

Question / Concern	Answer / Comment
It was noted that there is only one entrance/exit to the facility, but with two approaches. What does that mean?	There are two different approaches to the facility on 29th Street: one from the south and one from the north. However, both approaches meet at one entrance, at 29th and G streets.
Are there problems with only one exit/entrance? Couldn't that be especially dangerous in the event of a fire or other emergency?	One exit/entrance with multiple approaches is not uncommon for such facilities. From a fire fighting standpoint the facility is fairly well located. The only concern would be if the entrance to the gate is blocked.
What are the trade offs between an open versus enclosed structure in the event of a spill or fire?	The Fire Department observed that an enclosed structure is less likely to be vandalized, provides shelter from the elements (e.g., heat, cold, precipitation), and allows for increased security measures and greater control. Construction would also be likely to include fire walls and a sprinkler system.
The facility design currently proposed is an open unit without sides, from a fire-fighting standpoint, would the Fire Department prefer it to be enclosed?	Yes, because of its protection from vandalism and adverse weather condition as well as for fire fighting purposes.
Would a three-wall enclosure be okay? or is a completely enclosed building better?	During the visit Chief Brunken was not satisfied with the site as proposed. He and VWR identified an alternative to current proposal: VWR would modify the existing flammable storage area within the product warehouse to become the hazardous waste storage area. Given the concerns raised through the site review process, VWR agreed that an enclosed site of some sort may be in their best interest. Therefore, they are seriously considering this suggestion.

Question / Concern	Answer / Comment
What exactly was unsatisfactory?	Concern that the proposed site was too near a hydrant -- a fire could preclude its use.
Does the Fire Department foresee an event so catastrophic they would have to evacuate the neighborhood and just let a fire go?	That possibility is very remote, but it could happen. Having the facility enclosed and equipped with automatic sprinklers would certainly help keep things from getting out of control before the Department responds.
It was noted before that the Fire Department had targeted the facility as a high priority. Are there a number of such facilities in the city?	Yes, probably 35-40. Target hazards are determined by emergency responders to be "high loss" hazards. They typically are schools, hospitals, manufacturing facilities, pipelines, etc.
Does VWR have a standard disciplinary program as part of its emergency response planning and training program?	Yes, there are company-wide disciplinary policies which are strictly enforced by the regional offices. However, the actual "forms" or associated paperwork at each facility may differ somewhat.
Why was an emergency response representative not appointed to the committee?	One of the committee members, Jim Rhone, noted he is a RCRA-certified emergency responder.
Is there a contract with a private company to respond to or clean up an accident?	Yes.

5.3.8.2 Unresolved Issues

Question / Concern	Comment
At what point is the privately contracted accident response or cleanup team called in?	
If the facility was enclosed, would it be required to have an automatic fire extinguishing system?	Unsure.
What is the worst case scenario? If the community could hire their own consultant, what would their report say?	
Comment: What does "worst case" mean? It could be that VWR goes bankrupt or some kind of accident.	
What is the worst possible accident that could occur there, and what would be the impact on the local community?	
What precautions would the new facility take to avoid fire?	At least lightening rods -- the Fire Department would be consulted when designing the facility. VWR is considering their existing flammable product storage area as an alternative waste storage site. That existing facility includes fire walls and sprinkler system.
Kids are often observed shooting at pigeons and rats in the area. What would happen if the storage containers were shot at? Couldn't that cause a spark and ignite the whole area?	Yes, that is a danger and it would cause an emergency situation. We have contingency plans to address such danger, but VWR realizes that is an after-the-fact response. We are considering enclosing the building which would prevent such a concern from occurring.

5.4 Other Issues Raised

Some issues are raised during meetings that do not clearly fit the fact-finding topic areas. This section summarizes those issues and discussions.

At the previous meeting, possible conflict of interest concerns were raised regarding committee members whose organizational affiliations occasionally disposed of hazardous wastes or purchased chemicals from VWR. The NDEC subsequently reviewed the legislative directives for choosing committee members and solicited an opinion from the Accountability and Disclosure Commission on whether a conflict of interest did exist. It was the Commission's lawyer's opinion that a conflict of interest did not exist. Copies of the NDEC inquiry and the Commission response were available at the meeting for public review.

No comment or meeting evaluation cards were submitted.

5.5 Committee Business

The acceptance of both the October 23rd and revised August 14th meeting summaries were postponed until the December 5th meeting. A draft Executive Summary was circulated to the committee for their review before the next meeting. Its text incorporated introductory and background material from previous meeting summaries. The committee's conclusions and any recommendations will be formulated at their next meeting.

5.6 Preparation for Next Meeting

This was the committee's last fact-finding activity. They plan to conduct an interim meeting to prepare their final report which will then be presented at their final meeting on December 12th. In preparation for their interim meeting, the committee highlighted the remaining "unresolved issues" they believed were of greatest concern which VWR would address at the next meeting.

The committee also discussed with VWR the implications of their proposal to consider the chemical distribution facility's existing flammable storage area as an alternative to the currently proposed hazardous waste storage facility site. The committee expressed some concern over how to proceed given a new and uncertain option. To assist the committee in understanding this new option, the applicant will provide more information about it at the next meeting.

The next site review committee meeting will be held on Thursday, December 5th beginning at 6:30 pm at St. Francis school (4513 South 32nd Street). The church and school are located between J and K streets; ample parking is provided behind the school.

That meeting is a working session among committee members to prepare their final report it will not include an opportunity for pubic comment. Nevertheless, the public is welcome to attend and observe the committee's discussions.

5.6.1 Committee Directives

- review and comment on this, October 23rd, and August 14th (revised format) meeting summaries.
- identify issues raised to date that should be highlighted in the Executive Summary of the final report.
- think about the type(s) of recommendations appropriate for the committee to make.

5.6.2 VWR Directives

- address unresolved issues as directed by the committee.
- provide committee with design specifications for the alternative storage site and a diagram of its location within the existing facility.
- schedule and conduct community tour of D Street facility on December 5th.

APPENDIX A:

SPECIFIC SITE REVIEW COMMITTEE MEMBERS

Committee Members:

Lou Andersen
Assistant to the Omaha City Council
1819 Farnam Street
Omaha, NE 68102

Dale Jacobson
Jacobson Helgoth Consultants
10838 Old Mill Road, Suite 1
Omaha, NE 68107

Paul Mullen *
Metropolitan Area Planning Agency
2222 Cuming Street
Omaha, NE 68102

Gary Pryor
City Planning Director
1819 Farnam Street
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Mike Ryan
Audubon Society
11130 Jackson Street
Omaha, NE 68154

Bev Traub
Chairperson
Recycle Omaha
3230 Burt Street
Omaha, NE 68131

Gary Keefer
University of Nebraska - Lincoln
129 Engineering
UNO, 60th and Dodge Streets
Omaha, NE 68182

Louis Lamberty
City of Omaha Public Works Director
1819 Farnam Street
Omaha, NE 68102

Bill Neal
Omaha Public Power District
444 South 16th Street Mall
Omaha, NE 68102

Jim Rhone
Director, Hazardous Materials Dept.
University of Nebraska Medical Center
and University of Nebraska - Lincoln
600 South 42nd Street
Omaha, NE 68198

Phil Swanson
Plant Manager
Crown Cork and Seal
4133 South 72nd Street
Omaha, NE 68127

Toni Wasikowski
Chairperson
South Omaha Environmental Task Force
4436 South 34th Street
Omaha, NE 68107

* Site Review Committee Chairperson

APPENDIX B:

STATUTES 81-1521.08 TO 81-1521.23

Legislative Bill 114

license to the applicant upon filing by the applicant with the director proof of financial responsibility pursuant to subdivision (21)(a) of section 81-1505.

Source: Laws 1971, LB 939, §18; Laws 1972, LB 1435, §12; Laws 1979, LB 321, §4; Laws 1980, LB 853, §5; Laws 1984, LB 1078, §5. Effective date April 11, 1984

Legal Citation: Neb. Rev. Stat. §81-1518 (Reissue 1987)

81-1519. Disposal area; license; expiration; renewal. Licenses shall expire five years following the date of issuance but may be renewed if the licensee has complied with the provisions of the Environmental Protection Act and the rules and regulations adopted and promulgated pursuant to the act.

Source: Laws 1971, LB 939, §19; Laws 1980, LB 853, §6; Laws 1987, LB 152, §6; Effective date August 30, 1987

Legal Citation: Neb. Rev. Stat. §81-1519 (Reissue 1987)

81-1520. Disposal area; license; revocation. The director may revoke a license, after reasonable notice and hearing, if he or she finds that the disposal area is not operated in accordance with the provisions of the Environmental Protection Act and the rules and regulations adopted and promulgated pursuant to the act.

Source: Laws 1971, LB 939, §20; Laws 1987, LB 152, §7.
Effective date August 30, 1987.

Legal Citation: Neb. Rev. Stat. §81-1520 (Reissue 1987)

81-1521. Repealed. Laws 1974, LB 1029, §10.

81-1521.01. Transferred to section 81-1521.15.

81-1521.02. Transferred to section 81-1521.17.

81-1521.03. Transferred to section 81-1521.20.

81-1521.04. Transferred to section 81-1521.21.

81-1521.05. Transferred to section 81-1521.22.

81-1521.06. Transferred to section 81-1521.23.

81-1521.07. Repealed. Laws 1987, LB 152, §12.

81-1521.08. Hazardous waste; terms, defined. For purposes of sections 81-1521.08 to 81-1521.23, unless the context otherwise requires:

(1) Chief executive officer shall mean the mayor, city manager, or chairperson of the board of trustees of a municipality;

(2) Commercial hazardous waste management facility shall mean a hazardous waste management facility which accepts hazardous waste for treatment, storage, or disposal which is generated by any person other than the person which owns or operates such facility;

(3) Committee shall mean the specific site review committee established in response to a notice of intent filed pursuant to section 81-1521.09;

(4) Hazardous waste management facility shall mean all contiguous land, and structures, other appurtenances, and improvements on the land, used for the treatment, storage, or disposal of hazardous waste. A hazardous waste management facility may consist of several treatment, storage, or disposal operational units such as one or more landfills or surface impoundments or any combination of such operational units;

(5) Municipality shall mean an incorporated city or village; and

(6) Other definitions found in section 81-1502 shall apply.

Source: Laws 1987, LB 114, §2. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.08 (Reissue 1987)

81-1521.09. Hazardous waste; commercial hazardous waste management facility; notice of intent to apply for permit; fee; director; establish committee; director; appoint designee. (1) Commencing on June 30, 1988, any person who desires a permit for a commercial hazardous waste management facility shall, at least one hundred eighty days prior to making application therefor, file a notice of intent with the director on a form provided by the director. The notice of intent shall include such information as prescribed by the director and shall be accompanied by a fee established by the department in an amount sufficient, but not in excess of the amount necessary, to pay the department for the direct and indirect costs of processing the notice of intent and to pay the costs and expenses specified in section 81-1521.12. Within fifteen days of receipt of a notice of intent, the director shall notify the appropriate local officials and shall establish a specific site review committee. The purpose of establishing the committee shall be to provide for early public involvement in the consideration of a proposed facility.

(2) The director may appoint a designee to carry out duties assigned to the director related to a notice of intent or an application for a permit except the duty to make the decision required by section 81-1521.19.

Source: Laws 1987, LB 114, §3. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.09 (Reissue 1987)

81-1521.10. Hazardous waste; site review committee; membership. (1) The committee shall consist of twelve members, six of whom shall be local members and six of whom shall be regional members.

(2) The six local members shall be chosen as follows:

(a) If the proposed facility will be located within the zoning jurisdiction of a municipality, the chief executive officer of the municipality shall appoint six members who reside within such zoning jurisdiction;

(b) If the proposed facility will be located in an unincorporated area which is within five miles of the zoning jurisdiction of one or more municipalities, the chief executive officer of each such municipality shall appoint a member who resides within the zoning jurisdiction of the respective municipality and the chairperson of the county board of the county in which the facility would be located shall appoint additional members who reside within five miles of the proposed facility for a total of six members; and

(c) If the proposed facility will be located in an unincorporated area which is more than five miles from the zoning jurisdiction of any municipality, the chairperson

of the county board of the county in which the facility would be located shall appoint six members who reside within five miles of the proposed facility.

(3) The six regional members shall be appointed by the director to represent various interests affected by a proposed facility and shall include at least one environmental representative, one academic expert, one industry representative, one community planner, one representative of public interest groups, and one representative of the medical community. The regional members shall be appointed for two-year terms and shall serve whenever a committee is needed during that time. Alternates shall be appointed to serve in case a regional member is unable to do so or is already serving on a committee.

Source: Laws 1987, LB 114, §4. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.10 (Reissue 1987)

81-1521.11. Hazardous waste; site review committee; meetings; officers; professional facilitator. The director shall organize a meeting of the committee within twenty-one days of the filing of a notice of intent by an applicant. The director shall serve as temporary chairperson of the committee and shall select as a professional facilitator a person trained in group dynamics and objectivity to handle committee meetings with the public and the applicant. At its first meeting, the committee shall select a chairperson and any other officers it deems necessary and shall adopt procedures for gathering information and preparing a report. The committee shall hold factfinding meetings near the proposed site for the facility. The applicant shall make a technical advisor and other resource people available to the committee.

Source: Laws 1987, LB 114, §5. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.11 (Reissue 1987)

81-1521.12. Hazardous waste; department; provide staff; applicant; pay expenses. The department shall provide a secretary and other staff persons to assist the committee. The applicant shall pay the expenses for such clerical and other help and the salary of the professional facilitator, shall pay the costs of printing the committee's report, and shall reimburse the committee members for their mileage expenses at the rate provided in section 81-1176 for state employees. The department shall keep a record of all such costs and expenses and assess the applicant for any amount over the estimated amount on which the fee paid by the applicant was based.

Source: Laws 1987, LB 114, §6. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.12 (Reissue 1987)

81-1521.13. Hazardous waste; committee; consider factors; enumerated. Factors to be considered by the committee shall include, but not be limited to:

(1) Economic considerations such as whether the facility is needed, profit expectations for the facility, how the facility will be operated, effects on the community, the potential for compensation to the local governing body, and aspects related to closure of the facility;

(2) The function of the facility, including the management processes involved, the wastes to be handled, the relationship to any integrated system or master plan for hazardous waste management, and plans for future expansion;

(3) Considerations related to the technology to be used such as why that process was chosen, plans for quality control, reliability of the technology, and the sequence of steps involved from generation of the wastes to postclosure of the facility;

(4) Characteristics of the site for the facility, the methods for determining the characteristics, and why the site was chosen;

(5) Surface drainage, ground water protection, air emissions, and other factors related to environmental quality;

(6) Transportation considerations such as methods to be used, waste containment during transport, party responsible for transport, timing of arrivals, routing, and response plans in case of spills;

(7) Plans for responses to emergencies and for site security, qualifications and training of personnel, and actions to be taken when there are operating problems; and

(8) Enforcement provisions, including applicable regulations, monitoring plans, who is responsible for enforcement, sequence and timing of possible enforcement, and the ability of governmental agencies to ensure compliance.

Source: Laws 1987, LB 114, §7. Operative date 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.13 (Reissue 1987)

81-1521.14. Hazardous waste; committee; issue report; contents. The committee shall issue a report no later than one hundred eighty days from the date the notice of intent is filed, except that the deadline may be extended by mutual agreement between the applicant and the committee. The report shall document the discussion of community concerns raised during review by the committee of the proposed commercial hazardous waste management facility, including identification and discussion of the issues which were resolved, the issues which were not resolved, and the questions which were not answered, including the reasons they were not answered.

The report may also include recommendations on the compensation which the applicant should pay or provide to the local governing body. Any recommendations shall be subject to further negotiations between the applicant and the local governing body.

Copies of the report shall be made available to committee members, the department, the applicant, and the public.

After issuance of its report, the committee shall have no further duties, except that the department may ask the committee to review any changes related to the proposed commercial hazardous waste management facility which are proposed by the applicant and to amend its report if appropriate.

Source: Laws 1987, LB 114, §8. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.14 (Reissue 1987)

81-1521.15. Commercial hazardous waste management facility; application for permit. At the conclusion of the process involving the committee, the person desiring a permit for a commercial hazardous waste management facility shall make

application therefor to the director on a form provided by the director. The application shall contain the name andresidence of the applicant, the location of the proposed facility, and such other information as may be necessary and shall be accompanied by a copy of the committee's report and any written response by the applicant to such report.

Source: Laws 1980, LB 853, §8; R.S. 1943, (1981), §81-1521.01; Laws 1987, LB114, §9. Operative date June 30, 1988

Legal Citation: Neb. Rev. Stat. §81-1521.15 (Reissue 1987)

81-1521.16. Commercial hazardous waste management facility; application; hearing by local governing body. If the application for a commercial hazardous waste management facility contains all of the information required by the department, the director shall send a copy of the application, of the committee's report, and of any response by the applicant to the report to the county board of the county if the proposed facility will be located outside the zoning jurisdiction of a city or village or to the city council or board of trustees if it will be located within the zoning jurisdiction of a city or village. A hearing shall be held by the county board, city council, or board of trustees within forty-five days of receipt of the copy of the application.

Source: Laws 1987, LB 114, §10. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.16 (Reissue 1987)

81-1521.17. Commercial hazardous waste management facility; notice of hearing; decision by local governing body. Before the county board, city council, or board of trustees approves or disapproves a proposed commercial hazardous waste management facility, notice shall be given once at least thirty days but not more than forty days before the hearing and a second time at least ten days before the hearing. Such notice shall be given by publication of a notice in a newspaper either published in or having general circulation in the county, city, or village where the proposed facility is to be located and shall state the time and place of hearing, the name of the applicant for a permit, and the exact location of the proposed facility. In deciding whether to approve or disapprove such facility, the county board, city council, or board of trustees shall determine if such facility will be in compliance with its zoning laws or violate any local ordinances or resolutions. The local governing body shall make its decision within one hundred eighty days of receipt of a copy of the application from the director and shall notify the department and the applicant of its action. If the local governing body disapproves the application, it shall specify its reasons for disapproval. If the local governing body disapproves the application, the department may not take further action on the application unless the disapproval is reversed by court order. For purposes of appeal, the decision of the local governing body to disapprove the application shall be deemed a final order.

Source: Laws 1980, LB 853, §9; R.S. 1943 (1981), §81-1521.02; Laws 1987, LB 114, §11; Laws 1987, LB 152, §8.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB114, section 11, with LB 152, section 8, to reflect all amendments.

Note: The changes made by LB152 became effective August 30, 1987. The changes made by LB 114 become operative June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.17 (Reissue 1987)

81-1521.18. Commercial hazardous waste management facility; appeal of decision. The disapproval decision made by the local governing body may be appealed to district court. The court may affirm the decision or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(1) In violation of constitutional provisions;

(2) In excess of the statutory authority or jurisdiction of the local governing body;

(3) Made upon unlawful procedure;

(4) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or

(5) Arbitrary or capricious.

Source: Laws 1987, LB 114, §12. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.18 (Reissue 1987)

81-1521.19. Commercial hazardous waste management facility; approval; director; duties. Following approval action by the local governing body, the director shall determine if the proposed facility complies with the provisions of the Environmental Protection Act and all rules regulations, and standards promulgated pursuant to such act. The review shall include, but not be limited to, consideration of factors related to air quality, water quality, waste management, and hydrogeology and of the environmental risks and benefits to the vicinity in which the facility would be located. Each person in the department who reviews the application shall prepare and sign a written statement for evaluation by the director who shall decide whether to approve or disapprove the application.

Source: Laws 1987, LB 114, §13. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.19 (Reissue 1987)

81-1521.20. Commercial hazardous waste management facility; publication of notice; additional hearing; permit; issuance; conditions. The department shall publish notice of an application for a permit for a commercial hazardous waste management facility, together with the action taken by the local governing body, the director's decision, and whether the permit will be granted or denied, in a legal newspaper either published in or having general circulation in the vicinity affected. A copy of such notice shall also be provided to the applicant. The public may comment or request a public hearing within thirty days after the date such information is made available, and the director may, within his or her discretion, hold a hearing on the granting or denial of the permit if he or she determines that the circumstances justify it.

Prior to issuing the permit, the director shall find that the applicant is a responsible and suitable person to conduct the business and that the proposed facility complies with the provisions specified in section 81-1521.19 and has the requisite approval of the local gpverning body. Permit conditions established by the department shall supersede any ordinances, resolutions, regulations, or requirements of the local governing body, then or thereafter in effect, which are inconsistent with such conditions.

Source: Laws 1980, LB 853, §10; R.S. 1943, (1981), §81-1521.03; Laws 1987, LB 114 §14. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.20 (Reissue 1987)

81-1521.21. Commercial hazardous waste management facility; permittee; financial responsibility and insurance. As a condition of granting a permit for any commercial hazardous waste management facility, the permittee shall provide proof of financial responsibility pursuant to subdivision (21)(a) of section 81-1505 and liability insurance, including coverage against nonsudden and accidental occurrences, in an amount determined by the director.

Source: Laws 1980, LB 853, §11; Laws 1984, LB 1078, §6; R.S. Supp., 1986, §81-1521.04; Laws 1987, LB 114, §15. Operative date June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.21 (Reissue 1987)

81-1521.22. Commercial hazardous waste management facility permit; expiration; renewal. Permits shall expire five years following the date of issuance but may be renewed if the permittee has complied with the provisions of the Environmental Protection Act and the rules and regulations adopted and promulgated thereunder.

Source: Laws 1980, LB 853, §12; R.S. 1943, (1981), §81-1521.05; Laws 1987, LB 114, §16; Laws 1987, LB 152, §9.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB 114, section 16, with LB 152, section 9, to reflect all amendments.

Note: The changes made by LB 152 became effective August 30, 1987. The changes made by LB 114 become operative June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.22 (Reissue 1987)

81-1521.23. Commercial hazardous waste management facility permit; revocation; when. The director may revoke the permit for a commercial hazardous waste management facility, pursuant to subsection (3) of section 81-1507, if he or she finds that the facility is not being operated in accordance with the Environmental Protection Act and rules and regulations adopted and promulgated thereunder.

Source: Laws 1980, LB 853, §13; R.S. 1943, (1981), §81-1521.06; Laws 1987, LB 114, §17; Laws 1987, LB 152, §10.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB 114, section 16, with LB 152, section 9, to reflect all amendments.

Note: The changes made by LB 152 became effective August 30, 1987. The changes made by LB 114 become operative June 30, 1988.

Legal Citation: Neb. Rev. Stat. §81-1521.23 (Reissue 1987)

81-1522. Disposal of household refuse; exempt from sections. Sections 81-1514 to 81-1522 shall not prohibit a person from disposing of refuse from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health.

Source: Laws 1971, LB 939, §22.

Legal Citation: Neb. Rev. Stat. §81-1522 (Reissue 1987)

81-1523. Accumulation of junk; unlawful. It shall be unlawful for any property owner or person in lawful possession of property to allow the accumulation of junk on property that is not purely agricultural in character to the extent that such accumulation is a potential hazard to health.

Source: Laws 1971, LB 939, §23.

Legal Citation: Neb. Rev. Stat. §81-1523 (Reissue 1987)

81-1524. Accumulation of junk; investigation; removal; notice. The department of health of a city, or the director, as the case may be, shall have the power to investigate all complaints of violations of section 81-1523 and, if either the department or director finds that the property owner or person in lawful possession of the property has allowed an unlawful accumulation of junk, shall givenotice to the owner or person in lawful possession of the property by certified or registered mail to remove the accumulation within thirty days.

Source: Laws 1971, LB 939, §24.

Legal Citation: Neb. Rev. Stat. §81-1524 (Reissue 1987)

81-1525. Accumulation of junk; failure to remove; violation; penalty. Any property owner or person in lawful possession of property who fails or refuses to remove an accumulation of junk as directed by the director pursuant to section 81-1524 shall be guilty of a Class V misdemeanor.

Source: Laws 1971, LB 939, §25; Laws 1972, LB 1435, §13; Laws 1977, LB 39, §305.

Legal Citation: Neb. Rev. Stat. §81-1525 (Reissue 1987)

81-1526. Rules and regulations; provisions applicable; exceptions. (1) All rules and regulations adopted by the council and all hearings and other proceedings of the director, and judicial review thereof shall be subject to the provisions of the Administrative Procedure Act.

(2) Nothing in this section shall be construed to require a hearing prior to the issuance of an emergency order pursuant to section 81-1507.

(3) Nothing in the Administrative Procedure Act, shall be construed to render inapplicable or unenforceable the procedure set forth in section 81-1507. In any case of inconsistency or conflict, the provisions of section 81-1507 shall prevail.

Source: Laws 1971, LB 939, §26; Laws 1974, LB 1029, §8.

Legal Citation: Neb. Rev. Stat. §81-1526 (Reissue 1987)

81-1527. Records, information; confidential use. (1) Any records or other information furnished to or obtained by the department concerning one or more air, water, or land contaminant sources, which records or information, as certified by the owner or operator and determined by the director to relate to methods or processes entitled to protection as trade secrets of such owner or operator, shall be only for the confidential use of the department in the administration of the Environmental Protection Act, unless such owner or operator shall expressly agree to their publication or availability to the general public, except that emission data obtained under the federal Clean Air Act of 1970, 42 U.S.C. 1857 et seq., or effluent data, permit applications, draft permits, or permits as issued, all under the National Pollutant Discharge Elimination System, pursuant to the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended, shall be available to the public during business hours, and any information to be accorded confidential status in a national pollutant discharge elimination system form shall be forwarded to the Regional Administrator of the Environmental Protection Agency for concurrence with

APPENDIX C:

VAN WATERS AND ROGERS PRESENTATION MATERIALS

TOPICS:
FACILITY OPERATIONS,
QUALITY ASSURANCE PROGRAMS AND
EMPLOYEE TRAINING

September 5, 1991

Van Waters & Rogers Inc.
3002 F Street
Omaha, Nebraska 68107

Public Meeting - September 5, 1991

SUMMARY OF ISSUES

Introduction

In preparing this September 5, 1991 Summary of Issues, Van Waters & Rogers has provided information responsive to the following issues and question listed in the June 1988 Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska: II. Function of Facility, III. Technology to be Used - General Questions, IV. Technologies to be Used - Specific Questions and VIII. Operations.

Van Waters & Rogers Inc. Overview

Van Waters & Rogers Inc. is a wholly-owned subsidiary of Univar Corporation. Both Van Waters & Rogers Inc. and Univar are headquartered in Kirkland, Washington. Our business is industrial chemical distribution. We have 106 facilities in the United States.

These 106 facilities are managed from corporate headquarters through three regional offices. Our Western, Northern and Southern Regions are headquartered in Los Angeles, California; Oak Brook, Illinois and Atlanta, Georgia, respectively. Each regional office supervises a group of area offices which in turn supervise our branch locations. Omaha is a branch office in the St. Louis area of Van Waters & Rogers' Northern Region.

Van Waters & Rogers distributes a wide variety of industrial chemical products to a diverse group of customers. Section 3 of your notebooks contains representative examples of the types of products and industries served. To bring that home to Omaha, our primary customers here include the meat packing, pharmeceutical, food production, electronics and printing industries.

A good number of the industrial chemical products we distribute are regulated as hazardous materials by the United States Department of Transportation. Our customers use these materials to produce the goods and services that benefit the communities where our facilities are located.

Function of Facility:

National ChemCare Overview

In 1980, the Resource Conservation and Recovery Act was implemented at the federal level. This law, known as RCRA, regulates hazardous waste. Virtually every industrial process using the chemicals we distribute results in "by-products" which are regulated as hazardous waste under RCRA.

With the implementation of RCRA, there developed a great need among industrial chemical users for environmentally responsible, safe and legal hazardous waste management services that were also cost effective. In response to this need Van Waters & Rogers developed ChemCare, a "reverse distribution system".

We developed ChemCare not only to meet the needs of our customers, but also to support our commitment to product stewardship. Van Waters & Rogers' management and employees believe that, along with the privilege to distribute industrial chemicals, comes the responsibility to see that the waste materials generated are properly recycled, treated or disposed of.

This belief is reflected in our Policy on Safety and Environmental Affairs, our Quality Policy and our commitment to Responsible Care. Section 5 of your notebooks contains these policies.

We recognize that there is increased public concern over the existence and potential for mismanagement of hazardous materials and waste. Van Waters & Rogers and Univar are taking steps to address this concern, in part by participating with you in this type of public process and by involvement in Responsible Care. Responsible Care is a chemical industry initiative to continue to improve industry performance on environmental issues. We believe that product stewardship and ChemCare benefit the community by preventing environmental problems.

Our ChemCare service is offered at all of our facilities in the Unites States. ChemCare provides technical assistance to customers who are faced with the legal obligation to comply with RCRA. This includes assistance with waste sampling and paperwork. ChemCare also provides transportation of the waste materials from the customer location to a RCRA authorized treatment/recycling/disposal facility. We temporarily store at our facilities, for short periods of time, waste materials from groups of customers until full truckload quantities can be assembled for shipment to the treatment/recycling/disposal facility. Temporary storage in excess of 10 days requires a hazardous waste storage permit in Nebraska. Van Waters & Rogers needs a storage permit to be able to offer cost effective and environmentally responsible transportation services to its customers. Section 4 of your notebooks contains representative examples of ChemCare advertising and customer

education materials.

The Omaha F Street Facility

The facility will function as a hazardous waste container storage facility. Section 8 of your notebooks has a list of the types of containerized wastes to be managed at our Omaha F Street facility. These wastes are both listed and characteristic wastes from specific industrial processes and non-specific sources. Examples of the waste streams proposed for temporary storage include used dry cleaning fluid, used paint thinner and other solvents used to clean industrial equipment.

Industries served will be from the Omaha "Market Area", and include the printing, food production, construction and pharmeceutical industries, public utilities and state government. Only wastes manifested to the facility will be accepted. Only waste streams authorized for storage will be accepted.

The area proposed for the hazardous waste management unit is the northeastern corner of the facility property. There is presently no such unit as the Omaha "F" Street Branch does not have any RCRA status as a storage facility. Van Waters & Rogers Inc. has extensive experience in hazardous waste management. We currently operate 25 facilities authorized under RCRA interim status or Part B storage permits throughout the United States. Many of our RCRA storage facilities have been authorized and in operation for more than 10 years. Our Omaha F Street facility is currently authorized as a RCRA generator and transporter of hazardous wastes.

Van Waters & Rogers Inc. has entered into written agreements for hazardous waste management services with treatment/recycling/disposal facilities throughout the United States. These agreements enable us to offer our ChemCare customers several hazardous waste management alternatives, including:

Recycling
Fuel Blending
Incineration
Treatment (Deactivation, Stabilization, Neutralization)
Class 1 Landfill
Deep Well Injection
Wastewater Treatment

Exhibit 1 to the Waste Analysis Plan in Section 7 of your notebook contains a current listing of the treatment/recycling/disposal facilities currently under agreement with Van Waters & Rogers Inc. and of the treatment technologies offered at each treatment

facility location. This listing changes from time to time and is attached for information only.

At closure of the facility, all wastes will be removed. All waste management structures, equipment, and supplies will be decontaminated and/or disposed of at off-site RCRA authorized treatment/recycling/disposal facilities. Closure will be in conformance with NDEC requirements and covered by a closure plan included in the hazardous waste management permit. Closure activities will be supervised by an independent registered professional engineer. Closure performance will be approved by NDEC.

Technology to be Used:

Van Waters & Rogers Inc.'s Total Quality Process

Univar Corporation and Van Waters & Rogers are committed to implementation of a Total Quality Process in all of our business activities. This includes our dealings with customers, suppliers, the community, regulatory agencies and our employees.

By quality, what do we mean? At Van Waters & Rogers, quality means meeting requirements - the requirements of our customers concerning product performance and on-time delivery as well as the requirements of government agencies concerning product handling, employee training and community right-to-know. The quality improvement process recognizes that "requirements" are moving targets, changing from time to time depending upon many factors. For example, as the laws change, so do regulatory requirements. Therefore, our quality process must be one of continual improvement to meet these changing requirements.

Van Waters & Rogers has established a training program to implement the Total Quality Process throughout the company. Quality training began in the spring of 1990 with a program of ten two-hour sessions for all employees. This training is now almost complete at corporate headquarters and in our Western and Southern Regions. This training will begin in our Northern Region, which includes Omaha, this autumn. Training of all employees should be complete in 1992. We will then continue quality training for new hires and for refresher or specialized training.

Van Waters & Rogers has adopted the Philip Crosby method of quality training which some of you may know of. This process relies on commitment from the highest levels of management to giving all employees the tools they need to perform their jobs properly and

effectively.

The Total Quality Process contributes directly Van Waters & Rogers' fitness for a hazardous waste storage permit. For example, using the Quality Process, we developed a RCRA Storage Facility Operating Record to meet RCRA regulatory requirements and for use by government agencies during regulatory inspections. This Operating Record will be used at our Omaha F Street facility when a hazardous waste storage permit issues.

Another example of the quality process at work is the Van Waters & Rogers Lab Manual. This manual is now in use at all facilities with laboratories, including the Omaha F Street facility.

Section 7 of your notebooks contains the Van Waters & Rogers waste analysis plan. This plan will be part of our storage permit application in Nebraska. It describes in detail our procedures for management of hazardous waste materials stored at our facilities. This plan is another Van Waters & Rogers quality assurance program.

Van Waters & Rogers' commitment to total quality assures that ChemCare will benefit this community by continuing to improve and protect the environment.

Storage Unit Design and Construction

When a RCRA permit to store containers of hazardous waste is issued, Van Waters & Rogers will construct a storage unit with a secondary containment system. The proposed unit will be constructed of concrete. The interior dimensions will be 40 feet long by 30 feet wide. The unit will have eight inch high dike walls on three sides. The south side of the unit will have an eight inch gradual slope for easy entry and exit by forklift. Internal diking will be integrated into the design to properly segregate incompatible waste streams while in storage. The unit will be roofed to minimize exposure to weather.

A monolithic construction process will be used to eliminate seams. Expansion joints and seams, where necessary to prevent structural failure, will be caulked. The entire surface of the storage unit will be sealed with a non-reactive epoxy resin to enhance impermeability of the concrete. The final design of the storage unit is still under consideration. We are considering alternative designs, including a totally enclosed building to enhance protection from severe weather.

Equipment and Containers

Heavy equipment at the facility includes tractor-trailer rigs, straight trucks, and fork lift trucks. Equipment used in the day to day business of the facility includes containers, pumps, pallets, and scales. There are also emergency response kits, spill clean-up equipment (inert absorbents, shovels, and recovery drums), as well as safety equipment (first-aid supplies, safety clothes, and fire extinguishers).

Van Waters & Rogers will accept only United States Department of Transportation approved containers for transportation and storage of wastes. Containers will remain sealed at all times. Van Waters and Rogers Inc. does not repackage or mix waste streams from different containers. All wastes will be stored in containers compatible with the waste and its characteristics. If a container in storage lacks integrity or begins to leak, we put the container into a larger overpack container to prevent spillage. We use only United States Department of Transportation approved overpack containers for this purpose.

Security is provided by a 6-foot chain link fence topped with barbed wire. The facility is surrounded by an infra-red beam system. The system is monitored 24-hours per day by the Wells Fargo Security Company. "DANGER - UNAUTHORIZED PERSONNEL KEEP OUT" signs are posted every 100-feet on the perimeter fence.

Fire protection is provided by the Omaha Fire Department. There is a hydrant on-site. Fire extinguishers are located throughout the facility such that no location is more than 50 feet away from one. The extinguishers are, at a minimum, rated as 2A:40B:C units suitable for class A, B, and C fires. Fire extinguishers located in proximity to electrical equipment are Halon type extinguishers. All personnel are trained in the use of fire extinguishers and fire fighting safety precautions.

Aisles in and all access routes to the proposed hazardous waste storage area are sized and maintained so that personnel and equipment may move freely about and have unimpaired visual observation of containers during inspections and any emergency. A minimum of three feet will be maintained between rows of hazardous waste containers. Routes to the storage unit are large enough to accommodate fire trucks, ambulances, and heavy equipment, if necessary.

Emergency response equipment kept at the facility is in the form of Emergency Response Kits as well as other independent gear. There are three types of Emergency Response Kits, Kits A, B, and C. The kits are similar to one another and are used primarily for spill containment and cleanup. Kit A contains equipment and supplies

necessary to control releases of hazardous materials from drums and pails. Kit B is intended for use on releases of bulk quantities of hazardous materials, such as releases from portable tanks. Kit C is intended for use on releases of compressed gasses. All kits contain safety clothing and equipment. In addition, fire extinguishers and spill control materials (inert absorbents, neutralization materials, recovery drums, shovels, soaps and scrubbers) are located throughout the facility.

Operations:

Van Waters & Rogers Inc. has developed procedures for acceptance of off-site generated wastes for temporary storage and the subsequent transportation of the waste from our Omaha F Street facility to a third party RCRA authorized recycling/treatment/disposal facility. We have detailed hazardous waste management requirements for the following activities:

- Waste stream pre-acceptance procedures;
- Van Waters & Rogers Inc. pickup procedures;
- Van Waters & Rogers Inc. receiving procedures;
- Van Waters & Rogers Inc. shipping procedures; and
- Third party treatment facility receiving procedures.

Hazardous waste operations at our Omaha "F" Street facility will consist of the temporary storage of containers of hazardous waste until truckload sized quantities are accumulated. The wastes are then transported and manifested to an off-site RCRA authorized recycling/treatment/disposal facility. No more than 11,000 gallons of containerized hazardous waste will be stored at any one time at our Omaha F Street facility.

Containers of hazardous waste will be brought into the facility on trucks owned and operated by Van Waters & Rogers or by licensed hazardous waste trucking firms. Upon arrival at the facility, the containers will be delivered directly to the waste storage unit.

The integrity of waste containers and the storage unit will be inspected daily. Inspections of structures, equipment, and supplies used during the operation of our Omaha F Street facility are routinely conducted by our personnel. The Regional Environmental & Operations Manager and the Regional Regulatory Manager for our Northern Region, and the Area Operations Manager for our St. Louis Area perform safety and environmental audits at this facility twice a year to assure that structures, equipment, and supplies are in proper working order. These audits are required to be performed twice a year at all Van Waters & Rogers facilities in the United States. These audits also provide

additional training and oversight for all branch facilities. Our safety and environmental audit program helps us to continually improve handling procedures and environmental awareness at our facilities.

Operations Training and Emergency Procedures

Employees assigned hazardous waste management responsibilities are given a minimum of 24-hours of specific hazardous waste management training before being allowed to handle hazardous waste without direct supervision. The 24-hours of training consists of both formal classroom studies as well as on-the-job-training. Employees are given 8-hours annually of specific hazardous waste management refresher training. Hazardous waste training is specifically required by RCRA and the Occupational Safety and Health Administration, known as OSHA. In calendar year 1990, our United States employees received more than 38,000 hours of training in operations procedures and regulatory compliance.

Personal protective equipment and training in its use is provided to all employees. Monthly safety meetings attended by all operations personnel routinely cover such topics as first aid, use and maintenance of respiratory equipment, reading and understanding Material Safety Data Sheets, and using personal protective equipment on the job. Personal protective equipment used on the job includes but is not limited to safety shoes, safety glasses, and protective clothing such as gloves and aprons. In addition, self-contained breathing apparatus, respirators, and first aid kits are located at convenient locations throughout the facility.

Our Omaha F Street facility has no processes for which a power failure or equipment failure could cause a threat to human health or the environment. If proper conditions for handling hazardous wastes are not available due to a power failure (such as loss of lights), operations will be suspended until power is restored.

Every Van Waters & Rogers facility, including Omaha F street, has a Contingency Plan. The Van Waters & Rogers Inc. Contingency Plan is a comprehensive document which will be discussed in detail in a later public meeting concerning emergency response. Briefly, the plan specifies emergency response procedures, responsibilities, and authorities. The plan covers the management of natural disasters, fires, releases, explosions, and other emergencies. There are sections on pre-emergency planning, evacuation, first-aid, coordination with local authorities, and other important items which must be considered during emergencies.

Operations personnel receive specific training in emergency

response. All operations personnel are qualified under the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) standard to respond to emergencies.

In the event of any emergency, affected operations at the Omaha F Street facility will be discontinued and resumed only when the emergency has been resolved and operating conditions have returned to normal. Van Waters & Rogers will operate only when conditions assure there is adequate protection for human health and the environment.

APPENDIX D:

VAN WATERS AND ROGERS PRESENTATION MATERIALS

TOPICS:
ECONOMIC ISSUES AND FINANCIAL STABILITY; AND
REGULATIONS, ENFORCEMENT, AND COMPLIANCE HISTORY

September 26, 1991

Van Waters & Rogers Inc.
3002 F Street
Omaha, Nebraska 68107

Public Meeting - September 26, 1991

SUMMARY OF ISSUES

Introduction

In preparing this September 26, 1991 Summary of Issues, Van Waters & Rogers has provided information responsive to the following issues and question listed in the June 1988 Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska: I. Economic Considerations, and IX. Enforcement.

ECONOMIC CONSIDERATIONS

A. Financial Overview of Van Waters & Rogers Inc.

Van Waters & Rogers Inc. is the wholly owned subsidiary of Univar Corporation. Univar Corporation is a publicly held company regulated by the Securities and Exchange Commission and traded over the New York Stock Exchange.

Univar Corporation's annual report for fiscal year 1991 and first quarter report for fiscal year 1992 are included in Section 10 of the Committee's notebook.

As stated in the annual report Univar Corporation's sales for fiscal year 1991 were $1,396,229,000 with a net profit of $19,648,000. In that fiscal year, Univar Corporation spent approximately $5,127,000 for voluntary actions and to comply with federal, state and local environmental regulations. This amount is 26% of net profit for fiscal year 1991, a significant percentage. Univar Corporation spent approximately $4,500,000 to construct this facility on F Street in Omaha.

The financial reports provided demonstrate Univar Corporation's financial stability, ability to pay the significant sums of money necessary to comply with environmental regulations and to stand behind its future financial obligations.

B. Why the Facility is Needed

This facility is needed to service the lower volume or less than full truckload generator of containerized hazardous waste. Less than truckload generators may lack the sophistication and resources necessary to comply with the complex and strict hazardous waste management regulations in existence today. These lower volume

generators, on an individual basis, do not have easy access to leading and financially stable RCRA authorized treatment/recycling/disposal facilities in the United States. ChemCare, the waste management service provided by Van Waters & Rogers Inc. assists less than truckload generators to comply with strict hazardous waste management regulations in a cost effective manner which protects human health and the environment.

In most business situations, there are economies of scale. In the hazardous waste business, the same is true. Generators pay lower per volume rates at waste treatment facilities and for waste transportation services when they generate larger quantities of waste. Most treatment facilities have a minimum treatment charge, regardless of quantity, and a gradually lowered unit charge as volume to be treated increases. The ability of Van Waters & Rogers Inc. to store and consolidate wastes from less than truckload generators affords us the ability to deliver the economic benefits ordinarily available only to large quantity generators. After accumulating less than truckload quantities of waste from several generators, we transport the waste to a treatment facility and accrue the savings afforded large quantity generators. The savings are passed on to the small businessperson. In addition, the small business maintains compliance with environmental laws and regulations, and human health and the environment are protected.

The proposed technology is a significant improvement over the technology presently offered by Van Waters & Rogers Inc. at its Omaha D Street permitted storage facility. The F Street storage unit will provide an impermeable base, a large containment capacity, weather protection, and consolidation of waste management with other business activities in one location. Existing technologies, such as those used at our D Street waste storage facility provide only an impermeable base and limited containment capacity.

The proposed F Street facility will replace the D Street facility. While we recognize that residential neighbors of both the D and F Street locations have concerns, the F Street location is in a more industrial area. The D Street facility is in the middle of a residential neighborhood with very little industrial activity. The F Street location is more suitable.

Consolidating our chemical distribution and waste management activities at one location also enhances safety for surrounding businesses and residences. The D Street facility does have security and is regularly inspected. However, there are a greater number of employees on site at F Street at all times. There is also

more emergency response equipment and greater fire protection and security at the F Street facility.

The F Street facility will serve the same geographical area presently served by our D Street facility. That area is Nebraska, Northeastern Kansas, Southeastern South Dakota, and Western Iowa.

C. Risk and Longevity Factors

The expansion of Van Waters & Rogers Inc.'s activities at F street to include temporary containerized waste storage presents a very low risk to the community. The size and capacity of the proposed storage unit are not a significant expansion of this distribution facility. This facility is situated on 8.2 acres with a warehouse of 75,000 square feet. The proposed storage unit will be located northwest of the warehouse; its dimensions are 30 feet by 40 feet or 1,200 square feet. Section 11 of the Committee's notebook contains a site plan of the F Street facility and a foundation and floor plan for the proposed storage unit.

Van Waters & Rogers Inc. is the owner of this facility. Van Waters & Rogers Inc. has roots in the chemical distribution business going back 135 years and in the Omaha area since 1955. We have a made a substantial economic investment in Omaha and plan to remain in this community for the foreseeable future. No expansion of the proposed storage unit capacity is planned at the present time.

D. Facility Operators

Van Waters & Rogers Inc. will own and operate the proposed waste storage facility. Van Waters & Rogers Inc. will obtain all required permits on its own behalf.

Van Waters & Rogers Inc. has operated hazardous waste container storage facilities since the implementation of the Resource Conservation and Recovery Act in May 1980. We currently operate 16 fully permitted facilities and 10 facilities under RCRA interim status authority. Of the 10 facilities where we operate under RCRA interim status authority, we are in the permit application process at 6 of them. The other 4 are scheduled for RCRA closure in 1992. We are in the application phase at 3 of our newer facilities, including Omaha, where we are seeking authority under RCRA to operate a hazardous waste container storage facility.

E. Economic Effects on Community

All local, state, and federal taxes applicable to hazardous waste storage activities will be paid by Van Waters & Rogers Inc.

Van Waters & Rogers Inc. now operates a distribution business at this facility. We will not require increased support services from the police and fire departments, or the City of Omaha Public Works Department. There should not be any increase in public expense created by the need to maintain publicly supported structures and services. Emergency response equipment and facilities necessary to serve our facility and the surrounding community are already in place.

We believe that we have already contributed to an increase in the tax base and property values by the construction of this facility in Omaha. When this property was acquired from the Warren Douglas Chemical Company in 1980, the site had not been well maintained or improved for some time. Our actions to demolish dilapidated structures and construct and pay for a technologically superior facility have added economic value to Omaha.

F. Potential for Compensation to Community

Van Waters & Rogers Inc. is required to pay a permit application fee as part of this process. To date, we have paid $19,500 to the State of Nebraska towards that fee. It is our payment of this fee that is making possible this public process and the work of the Committee at no cost to the public.

G. Closure and Post Closure

At closure of the facility, all wastes will be removed. All waste management structures, equipment, and supplies will be decontaminated and/or disposed of at off-site RCRA authorized treatment/recycling/disposal facilities. Closure will be in conformance with Nebraska Department of Environmental Control requirements and covered by a closure plan included in the hazardous waste management permit. Closure activities will be supervised by an independent registered professional engineer. Closure performance will be approved by NDEC.

Ability to pay the cost of closure is assured by the establishment of a closure cost estimate and closure surety bond. Our current closure cost estimate is $76,500. This estimate is based upon the

NDEC having to contract with a remediation company to perform closure. It covers such items as the removal of all remaining containers, the cost of their treatment, sampling and analysis for potential contamination, and decontamination of site structures and equipment.

Van Waters & Rogers Inc. uses a Surety Bond and a Standby Trust Agreement to ensure that money will be available to perform closure. As required by law, the closure cost estimate will be increased annually using the Implicit Price Deflator for Gross National Product to adjust for inflation. Also, the NDEC has the authority to require a reevaluation of the basis for the closure cost estimate at any time during the operation of the facility.

In addition to the establishment of a closure surety bond, Van Waters & Rogers Inc. is required to maintain hazardous waste facility liability insurance. This insurance covers sudden and accidental occurrences related to hazardous waste management at the facility. Our coverage for environmental impairment is $5,000,000 and we maintain excess general liability coverage of $100,000,000.

ENFORCEMENT

A. Regulations - General

Van Waters & Rogers Inc. is heavily regulated by local, state, and federal government agencies. Some of the laws which govern our operations are:

Federal Insecticide Fungicide & Rodenticide Act (FIFRA)
Federal Water Control Act (FWCA)
Occupational Safety & Health Act (OSHA)
Clean Air Act (CAA)
Federal Water Pollution Control Act (FWPCA)
Safe Drinking Water Act (SDWA)
Hazardous Materials Transportation Act (HMTA)
Toxic Substances Control Act (TSCA)
Resource Conservation & Recovery Act (RCRA)
Clean Water Act (CWA)

Comprehensive Environmental Response Compensation & Liability Act (Superfund)

Superfund Amendments & Reauthorization Act (SARA)
Emergency Planning & Community right-To-Know Act (EPCRA)
Pollution Prevention Act (PPA)

The number of environmental laws and regulations has dramatically increased in recent years. Charts showing this increase and summarizing significant environmental laws affecting Van Waters & Rogers Inc.'s business activities are included in Section 12 of the Committee's notebooks.

B. Regulations - Hazardous Waste

The laws and regulations which govern our proposed hazardous waste storage operations are the federal Resource Conservation and Recovery Act (RCRA) and the Nebraska Environmental Protection Act. The rules and regulations which implement these laws are codified in Title 40 of the Code of Federal Regulations, and Title 128 of the Code of State Regulations.

In order to operate a storage unit, Van Waters & Rogers Inc. requires a RCRA Part B storage permit. This permit is issued by both the Federal and Nebraska agencies. The permit will govern operating practices and specify any on-site corrective action which may be required at permit issuance or in the future.

RCRA Part B storage permit applications are voluminous documents which contain information concerning the storage unit structure and management plans for waste identification, personnel training, inspection, emergency response and closure.

C. Monitoring to Ensure Environmental Protection

The techniques used to ensure environmental protection at the facility include both sophisticated automated equipment as well as management systems.

The storage unit will be constructed to prevent the release of hazardous wastes. There will be electronic alarm systems installed that will ensure continuous monitoring for intruders and fire.

Van Waters & Rogers Inc. will conduct and document daily, weekly and monthly inspections of the waste storage unit, the containers in which wastes are stored and emergency equipment. Copies of the inspection schedules which Van Waters & Rogers Inc. will include in its permit application are included in Section 13 of the Committee's notebooks.

Van Waters & Rogers Inc. provides continuous training to its employees in emergency response, hazard communication, hazardous waste and materials, use of safety and emergency equipment and

general safety. In calendar year 1990, Van Waters & Rogers Inc. provided more than 84 hours of training to each of its employees with responsibility in these areas. This is a total of approximately 1,350 hours of training in Omaha alone. A copy of the list of training classes offered to Omaha employees in 1990 is included in Section 13 of the Committee's notebook.

Public review of our operations consists of the process we are currently participating in, as well as the public notification/hearing process which will take place when the NDEC issues a draft permit. In addition, hazardous waste management regulations require annual reporting of our waste activities, and the permit, when issued, will specify reporting requirements concerning environmental monitoring, release reporting, and contingency plan implementation. These reports become part of the public record.

D. Who is Responsible for Enforcement

The NDEC and any other agency with jurisdiction are responsible for enforcement of applicable laws and regulations. This includes Municipal, County, State, and Federal authorities.

We are regularly inspected by the Nebraska Department of Environmental Control, the U.S. Environmental Protection Agency - Region 7, the Occupational Safety and Health Administration, the Drug Enforcement Agency, the Food and Drug Administration, the Department of Transportation, the Sedgwick County Health Department, and the Omaha Fire Department.

In addition to government inspections, Van Waters & Rogers Inc.'s facilities and operations are regularly audited by customers and suppliers.

Van Waters & Rogers Inc. also assumes responsibility for enforcement by our commitment to protect the environment and the health and safety of our employees and the community. Our facilities each undergo a safety and environmental review and audit conducted by regional and area management two times a year. The internal audit procedure requires action to continually improve facility safety and environmental performance.

This commitment is likewise reflected in our site investigation and remediation efforts at facilities we presently operate or have previously operated. There are now 17 such investigations underway. While in a some cases, the investigation is being conducted under an administrative order, the majority of these

actions are being conducted voluntarily and on the initiative of Van Waters & Rogers Inc.

Our participation in Responsible Care® requires us to make health, safety and environmental considerations a priority in our planning for all existing and new products and processes. This is a requirement that we willingly agree to meet. See Section 5 of the Committee notebook for information on Responsible Care®.

E. What is the Government's Capability to Ensure Compliance

The government agencies which regulate Van Waters & Rogers Inc. have many ways of ensuring compliance. These include a right of entry for facility inspection and request for documents and the ability to impose permit conditions. The agencies also have the administrative power to issue compliance orders, initiate civil and criminal proceedings and impose civil and criminal fines and penalties.

The Omaha-D Street facility was acquired by Van Waters & Rogers Inc. in 1986. From 1955 to 1986, this facility was operated by McKesson Corporation.

Since our acquisition in 1986, the D street facility has been inspected by the NDEC four times. Two of these inspections occurred before issuance of our waste storage permit in September 1988 and noted minor violations, principally in recordkeeping. These violations were corrected with a full return to compliance from NDEC.

Since issuance of our permit, the Omaha-D Street hazardous waste storage facility has been inspected by the Nebraska Department of Environmental Control on June 20, 1991 and March 10, 1989. This facility was determined to be in full compliance at both inspections.

Van Waters & Rogers Inc.'s 26 hazardous waste storage facilities are regularly inspected to ensure compliance. These facilities are in compliance with the regulations and the permits issued to the facilities. One of these facilities in Phoenix, Arizona is working with the state environmental agency to ensure correction of some prior deficiencies under a Consent Order. This Consent Order was mutually negotiated by the agency and Van Waters & Rogers Inc.

Our Little Rock, Arkansas hazardous waste storage facility has received an award for environmental excellence from the U.S. Environmental Protection Agency for the years 1989 and 1990.

APPENDIX E:

VAN WATERS AND ROGERS PRESENTATION MATERIALS

TOPICS:
SITE CHARACTERISTICS AND ENVIRONMENTAL SETTING AND QUALITY

October 23, 1991

Van Waters & Rogers Inc.
3002 F Street
Omaha, Nebraska 68107

Public Meeting - October 23, 1991

SUMMARY OF ISSUES

Introduction

In preparing this October 23, 1991 Summary of Issues, Van Waters & Rogers has provided information responsive to the following issues and questions listed in the June 1988 Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska: V. Site Characteristics, and VI. Environmental Quality.

SITE CHARACTERISTICS

A. Determination of Site Characteristics

The proposed project is hazardous waste container storage. According to Federal and State regulations governing the permitting of these facilities, extensive investigations into the geotechnical aspects of the site are not required. The facility will not operate any waste piles, landfills, surface impoundments, or land treatment units. The hazardous waste unit at this facility will be an engineered storage unit with a secondary containment system. The unit will be designed and operated to exclude precipitation and other run-on. Similarly, the design and operation of the unit prevents run-off of material from within. Hazardous waste accepted for storage in the permitted unit will be managed in sealed containers.

B. Characteristics to be Considered

The site is constructed on Monona-Ida Association soils, specifically Monona Silt Loams with 11 to 17% slopes. The Monona-Ida Association is characterized as deep well drained nearly level to very steep silty soils on bluffs adjacent to the Missouri River. Monona Silt Loam is generally 30 to 50 feet thick and formed in loess. The soil is characterized as having moderate permeability, a high water capacity, and a slightly acidic pH. These soils overlay glacial tills which are anywhere from 100 to 200 feet thick. The soils cover the bedrock, which is Dakota Sandstone.

Soil at the site is characterized by loesses and glacial tills overlying shales and Pennsylvanian Age limestones. Quartenary Loveland loess is exposed in the bluffs to the east of the property and the site is located on the Bignell and Peorian loesses of

Wisconsonian glaciation. These loesses are underlain by clayey and sandy tills of Kansan Glaciation origin. Pennsylvanian bedrock is encountered approximately 200 feet below the present ground surface.

According to geological and hydrographic reports published by the Nebraska Geological Survey, groundwater in the vicinity of the facility is located at an average depth of 150 feet.

Boring logs taken prior to the construction of the facility indicate that soils within the site boundary are fairly uniform both vertically and laterally. Up to 2 feet of fill gravel, sand, or soil was frequently encountered at boring locations where asphalt or concrete cover the ground surface. The underlying soils are fairly uniform site-wide, ranging from a yellow to a dark reddish brown, clayey silt. In general, the soil can be characterized as soft, moist, and moderately plastic with stiffness increasing slightly with depth. A medium to light brown clay unit exists at depths anywhere between 40 to 60 feet.

The facility is at approximately 1,130 feet above mean sea level. The topography surrounding the site is characterized as rolling hills. Surrounding elevations vary between 1,100 and 1,200 feet above MSL. The site has been graded and there is little variation in elevation within the working portion of the property boundaries. The front parking lot slopes slightly to the southwest. There is approximately a three foot decline from the northeast corner to the southwest corner of the parking lot. The truck dock area and back yard slope slightly towards valved storm drains.

Winters are cold with a mean temperature of 21.8 degrees F. and an average daily minimum temperature of 12.6 degrees F. The Summers are fairly warm with a mean temperature of 77.4 degrees F and an average daily maximum temperature of 87.7 degrees F. Average annual precipitation is about 30 inches, 27 inches occurring between April and September. Average annual snowfall is around 18 inches.

Winds are generally from the southwest and average between 5 and 15 mph during the Summer months. During the Winter months winds are generally from the northwest and average between 10 and 20 mph. Douglas County, Nebraska has a typical climate for the region.

The site is not located near environmentally sensitive areas. There are no wetlands or shorelands located within two miles of the site. The site is not flood prone. The site is not located over or near a sole source aquifer recharge zone. There are no critical

habitats for endangered species located within two miles of the site. The site is not located in a hurricane storm surge area. There are no prime agricultural areas located within two miles of the site.

Subsidence is not a problem in this area.

There are five (5) schools within a 1-mile radius of the site. The closest school to the facility is approximately one-quarter mile away, towards the east southeast.

The evacuation route from the facility is the entry/exit located at G Street and 29th Street. Evacuation from the surrounding neighborhood and industrial facilities may occur in several directions and without having to cross through Van Waters & Rogers Inc. property

The population of the City of Omaha, based on figures from the 1990 census was 335,795. This figure continues a downward trend since the 1970 census, when the population was measured at 346,929. Douglas County and the Omaha Metropolitan Statistical Area (MSA) experienced growth between 1970 and 1990. The 1990 population of the county and the MSA were 416,444 and 618,262, respectively. These figures are up from the 1970 figures of 389,455 and 542,646, respectively.

The total labor force of the Omaha MSA is 340,743. Currently, 8,791 workers are unemployed, representing 2.6% of the labor force. There are 309 public and private schools, and 17 hospitals in the Omaha MSA. Within 10 miles of the city there are 13 public golf courses, more than 150 public parks, more than 130 public tennis courts, and over 30 public pools.

The facility is currently zoned general industrial. To the north the adjacent property is zoned general industrial. To the south, and west adjacent properties are zoned heavy industrial. Adjacent properties to the east are zoned general industrial and residential.

Trucks entering and leaving the facility will be trucks from our own fleet and those of common carriers and suppliers. The present volume of truck traffic at the facility on a daily basis generally consists of 17 in-bound truckloads of product, and 17 out-bound truckloads of product. Deliveries of less than truckload quantities of containers of hazardous waste will occur, usually, as part of the 17 in-bound truckloads. Based on present volume, there will be two out-bound truckloads of containerized hazardous waste

from the facility every month. Permitting of the proposed hazardous waste storage unit will not result in a significant increase in in-bound or out-bound truck traffic.

Both tractor trailers and straight trucks will be used to transport in-bound and out-bound shipments of containerized hazardous waste.

Passenger car traffic to and from the facility is approximately 25 cars a day. Three-fourths of these cars are employee's vehicles which arrive in the morning and are parked on-site until the end of the workday. Approximately one-fourth of all passenger car traffic (or about 6 vehicles per day) is due to visitors. Passenger car traffic is restricted to the parking lot area directly in front of the facility's office area.

The facility is located on "F" Street. "F" Street is a four-lane concrete/blacktop roadway. "F" Street intersects Interstate Route 80 (the Kennedy Expressway) less than one-quarter mile from the facility. Traffic to the facility must exit I-80 at "F" Street and proceed south on 29th Street to "G" Street and then west on "G" Street to the gate entrance to the facility. 29th Street is a two-lane city street with residences on the west side of the street.

C. Why was this Site Chosen

This site was chosen for a variety of economic and logistical reasons. Van Waters & Rogers Inc. acquired the 3002 "F" Street property from the Warren Douglas Chemical Company in 1980. The property had been operated by Warren Douglas as a chemical processing, warehouse and distribution facility for many years. At the time of this acquisition, Van Waters & Rogers Inc. intended to construct a new office, warehouse and tank farm facility north of the "F" Street overpass. This new facility was completed in 1989.

In 1986, Van Waters & Rogers Inc. completed an asset acquisition of the McKesson Chemical Company from McKesson Corporation. McKesson had operated a chemical warehouse and distribution facility in Omaha at 3900 "D" Street since 1955. After the McKesson acquisition, Van Waters & Rogers Inc. made the decision to consolidate its Omaha operations at the "F" Street location. There was no economic or logistical need for two distribution facilities in Omaha.

Today, Van Waters & Rogers Inc.'s warehousing and distribution activities are managed at the "F" Street facility. Because the "D" Street facility has a hazardous waste storage permit, Van Waters &

Rogers Inc. continues to operate this facility for temporary waste storage only. It makes economic and logistical sense to consolidate waste storage activities with our primary business activities at the "F" Street location. The "F" Street facility is located in an area that is primarily zoned heavy and general industry and is a more suitable location for our business activities than the "D" Street facility.

ENVIRONMENTAL QUALITY

A. Surface Drainage

The facility and the proposed hazardous waste storage unit are not located within the 100-year floodplain according to the Flood Plain Map (National Flood Insurance Program) of the area.

The waste storage unit will be built four feet above ground level. The storage unit will be roofed. This construction design will greatly minimize any potential contact of sealed waste containers with storm water. Any storm water which collects in the waste storage unit will be pumped into a container and analyzed. Depending upon analytical results, the collected storm water will be discharged through the storm sewer or managed and disposed of as hazardous waste.

The external boundary of the entire "working" portion of the facility is bermed with concrete. The working portion of the facility is sloped such that storm water is directed to storm drains located in the side and back yard areas. These drains lead to a valved discharge located at the northwestern corner of the property. This valve remains closed during working hours.
Storm water discharged at this point enters a ditch along the railroad right-of-way on the west side of the property boundary. Storm water then flows south along the railroad right-of-way on the west side of U.S. 75 to Mud Creek. Mud Creek continues to flow south along the west side of U.S. 75 until it joins Papillon Creek west of Offot Air force Base.

B. Groundwater Protection

According to the Omaha/Douglas County Health Department, there are no known drinking water wells within two (2) miles of the facility. Drinking water for the City of Omaha is obtained from the Missouri River and a municipal well field located near the Platte River and Highway 75. Drinking water is purified for human consumption, and distributed to residential, commercial, and industrial facilities by the Omaha Metropolitan Utilities District - Public Water Supply

Department.

The waste storage unit will be constructed of concrete sealed with an impermeable epoxy coating. The unit's concrete base will be approximately 6 inches thick. The concrete and coating will be regularly inspected and maintained to preserve it as a barrier between the sealed containers and the soil and groundwater beneath it.

C. Air Emissions

There will be no air emissions from the waste storage unit. Containers of hazardous waste will arrive sealed, remain sealed while on-site, and depart sealed.

APPENDIX F:

VAN WATERS AND ROGERS PRESENTATION MATERIALS

TOPICS:
TRANSPORTATION AND
EMERGENCY RESPONSE PLANS

November 14, 1991

Van Waters & Rogers Inc.
3002 F Street
Omaha, Nebraska 68107

Public Meeting - November 14, 1991

SUMMARY OF ISSUES

Introduction

In preparing this November 14, 1991 Summary of Issues, Van Waters & Rogers has provided information responsive to the following issues and question listed in the June 1988 Procedure Handbook for Siting Commercial Hazardous Waste Facilities in Nebraska: VII. Transportation, and VIII-B. Operations - Emergency Response.

TRANSPORTATION

Van Waters & Rogers' Policy on Safety and Environmental Affairs states:

> Transportation equipment will be selected and maintained to minimize risk and to comply with all applicable State and Federal regulations.

We demand the same high standard from the common carriers that Van Waters & Rogers uses.

To meet this standard, Van Waters & Rogers has developed and implemented transportation risk prevention systems. These systems include driver qualification procedures, employee training programs, fleet selection and maintenance programs, common carrier qualifications programs and vehicle inspection programs.

Our drivers are trained in hazardous waste transportation, defensive driving and off-site emergency response. Each driver is required to follow comprehensive Driver Work Rules which include specific rules for Load Management, Regulations/Paperwork and Driving. Van Waters & Rogers supervisors are required conduct a "check ride" annually for all drivers. The check ride focuses not only on safe driving practices but also on pre-trip inspection procedures. These pre-trip procedures include checks of vehicle, emergency equipment, shipping papers, placards and materials to be hauled. The check ride is a review of each driver's performance under actual working conditions and training for the driver to enhance safe transportation skills.

Van Waters & Rogers also has specific driver qualification procedures and maintains a qualification file on each driver. Before employment by Van Waters & Rogers, a driver applicant must

have a physical examination and take a written examination as well as a road test. The applicant's prior driving record is reviewed and prior employers are contacted for information concerning driving performance.

Van Waters & Rogers selects only high quality fleet equipment and has specific fleet maintenance procedures. We maintain our U.S. Department of Transportation safety rating by safe operating practices. Our vehicles are regularly inspected by government agencies as part of the licensing process.

Section 16 of your notebooks contains materials regarding driver training and qualification and fleet licensing and maintenance.

When a Van Waters & Rogers truck leaves our facility, both the vehicle and the driver are prepared for an emergency should one occur. There is emergency response equipment in the cab of the truck within easy access of the driver. The vehicle is placarded in accordance with U.S. Department of Transportation requirements to advise the public and emergency response teams of the hazards of the materials being transported. Inside the cab of the truck, the driver has shipping papers which contain more information concerning the materials being transported and a U.S. Department of Transportation Emergency Response Guide. The Emergency Response Guide provides emergency procedures for hazardous materials and is keyed to the descriptions in the shipping papers and the hazards identified on the placards.

Van Waters & Rogers participates in CHEMTREC. CHEMTREC is an national information service for hazardous materials and emergency response assistance. Van Waters & Rogers provides to CHEMTREC Material Safety Data Sheets for the chemical products distributed through its facilities. These Data Sheets contain specific information regarding the product, including health and safety information, first aid procedures, emergency response procedures and warnings concerning product use. Van Waters & Rogers' trucks display the CHEMTREC 1-800-424-9300 telephone number. Van Waters & Rogers personnel throughout the United States are registered with CHEMTREC as being trained and available to provide emergency response services for hazardous materials incidents regardless of whether one of our shipments is involved.

Van Waters & Rogers is prepared for transportation emergencies. However, we believe that our transportation risk prevention systems protect the community by minimizing the likelihood that a transportation emergency will occur.

EMERGENCY RESPONSE

Fire protection is provided by the Omaha Fire Department. There is a hydrant on-site. Fire extinguishers are located throughout the facility such that no location is more than 50 feet away from one. The extinguishers are, at a minimum, rated as 2A:40B:C units suitable for class A, B, and C fires. Fire extinguishers located in proximity to electrical equipment are Halon type extinguishers. All personnel are trained in the use of fire extinguishers and fire fighting safety precautions.

Aisle space of the hazardous waste storage area and all access routes to the storage area are sized and maintained such that personnel and equipment may move freely about during inspections and emergencies. A minimum of three feet will be maintained between rows of hazardous waste containers. Routes to the storage unit are large enough to accommodate fire trucks, ambulances, and heavy equipment, if necessary.

Emergency response equipment kept at the facility is in the form of Emergency Response Kits as well as other independent gear. There are three types of Emergency Response Kits, Kits A, B, and C. The kits are similar to one another and are used primarily for spill containment and cleanup. Kit A contains equipment and supplies necessary to control releases of hazardous materials from drums and pails. Kit B is intended for use on releases of bulk quantities of hazardous materials, such as releases from portable tanks. Kit C is intended for use on releases of compressed gasses. All kits contain safety clothing and equipment. In addition, fire extinguishers and spill control materials (inert absorbents, neutralization materials, recovery drums, shovels, soaps and scrubbers) are located throughout the facility.

The facility maintains a supply of inert adsorbent materials (diatomaceous earth, clay, and sand) and manufactured adsorbent diking (socks and pillows). Materials to neutralize spills of acids and bases are also available at the facility. Shovels (non sparking) and recovery drums (both metal and plastic) are located throughout the facility and are easily and quickly accessible from any area if needed. The facility also has access to a steam jenny and detergents for use in decontaminating surfaces and equipment.

Employees assigned hazardous waste management responsibilities are given a minimum of 24-hours of specific hazardous waste management training before being allowed to handle hazardous waste without direct supervision. The 24-hours of training consists of both

formal classroom studies as well as on-the-job-training. Employees are given 8-hours annually of specific hazardous waste management refresher training. Operations personnel receive specific training in emergency response. All operations personnel are qualified under the OSHA HAZWOPER standard to respond to emergencies. In 1990 over 38,000 hours of training were given to Van Waters & Rogers Inc. operations employees.

Personal protective equipment and training in its use is provided to all employees. Monthly safety meetings attended by all operations personnel routinely cover such topics as first aid, use and maintenance of respiratory equipment, reading and understanding Material Safety Data Sheets, and using personal protective equipment on the job. Personal protective equipment used on the job includes but is not limited to safety shoes, safety glasses, and protective clothing such as gloves and aprons. In addition, self-contained breathing apparatus, respirators, and first aid kits are located at convenient locations throughout the facility.

Should a release of hazardous waste occur, the facility will implement its Contingency Plan. The Van Waters & Rogers Inc. Contingency Plan is a comprehensive document which specifies emergency response procedures, responsibilities, and authorities. The plan covers the management of natural disasters, fires, releases, explosions, and other emergencies. There are sections on pre-emergency planning, evacuation, first-aid, coordination with local authorities, and other important items which must be considered during emergencies.

Operations will proceed only when the emergency has been resolved and operating conditions have been returned to normal. Operations will proceed only when operating conditions assure adequate protection of human health and the environment.

APPENDIX G:

VAN WATERS AND ROGERS RESPONSES TO UNRESOLVED ISSUES

December 5, 1991

VAN WATERS AND ROGERS RESPONSES TO UNRESOLVED ISSUES

These responses were provided to the committee by VWR at the December 5th meeting.

Facility Operation, Technology, and Quality Assurance Programs

Question / Issue	Comment
What is the average percentage of flammable wastes that would be stored at any one time?	75% - based on past operating history at D Street.
What percentage of containers when received are leaking or compromised?	Typically none. Suspect containers are overpacked.

Site Characteristics

Question / Issue	Comment
Of the other 26 VWR facilities that store hazardous waste, *how many* are located in town? How are they zoned?	11 (42%) are within 1/2 mile from the nearest residence; 8 (31%) are between 1/2 and 1 mile from the nearest residence; and 7 (27%) are more than 1 mile away from the nearest residence. The proposed facility, like D Street, is within 1/2 mile from residences.
Many chemicals you propose to handle are suspected of causing cancer. How do cancer and illness rates among your employees compare with other industries?	VWR has implemented a medical surveillance program according to OSHA regulations promulgated about two years ago. At the initiation of this program, VWR conducted more than 800 baseline examinations of employees exposed to chemicals in their workplace; there were no indications of any work-related cancers.
At an earlier meeting we discussed preparing and disseminating background information to communicate with the neighborhood and local real estate agencies about the facility and its operations. Has anything been done regarding that?	VWR does communicate with its neighbors and the city council. We don't have any plans to regularly communicate with real estate agencies unless there is an expression of interest from them to do so.

Site Characteristics (continued)

Question / Issue	Comment
Are there any studies of how the proposed facility could affect property values in the neighborhood?	VWR has not conducted any such study, nor has anyone to our knowledge. We believe by improving our property we have increased residential values near the site. We realize our point of view is subjective, and maybe the situation is different for the homes along 29th Street than for the larger community. Further, VWR is only one of many developments (e.g., the new freeway) which have been introduced into the neighborhood.

Environmental Setting and Quality Considerations

Question / Concern	Comment
Have there been any tests or monitoring to know how these types of facilities affect the surrounding environment?	VWR has not conducted such a study and we are not aware of any by others.
Have there been any events at other facilities that caused environmental damage? What were the impacts?	There has not been any catastrophic releases. Many VWR chemical distribution operations, some of which are acquired properties, have been in operation for 30 to 50 years. Some of the older facilities have had incidental product releases over the course of their historical operations. The VWR policy is to voluntarily investigate and remediate any suspect contamination.

Transportation Considerations

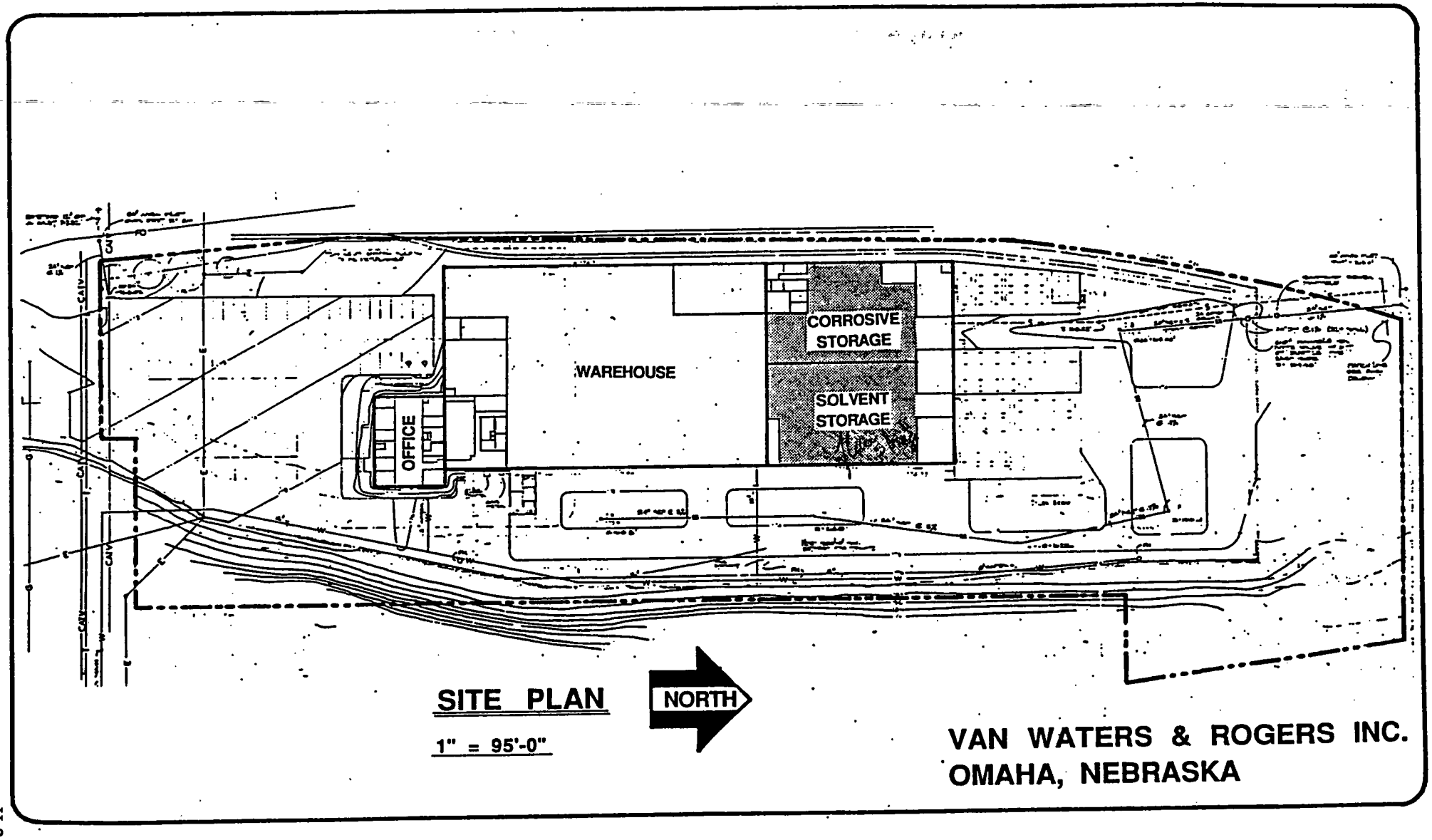
Question / Concern	Comment
What percentage of VWR vehicles are "common carriers"?	At the Omaha facility, approximately 50% are common carriers. Inbound shipments of hazardous waste would be on VWR vehicles, while about 1/2 truckload of outbound wastes might be carried on common carriers.

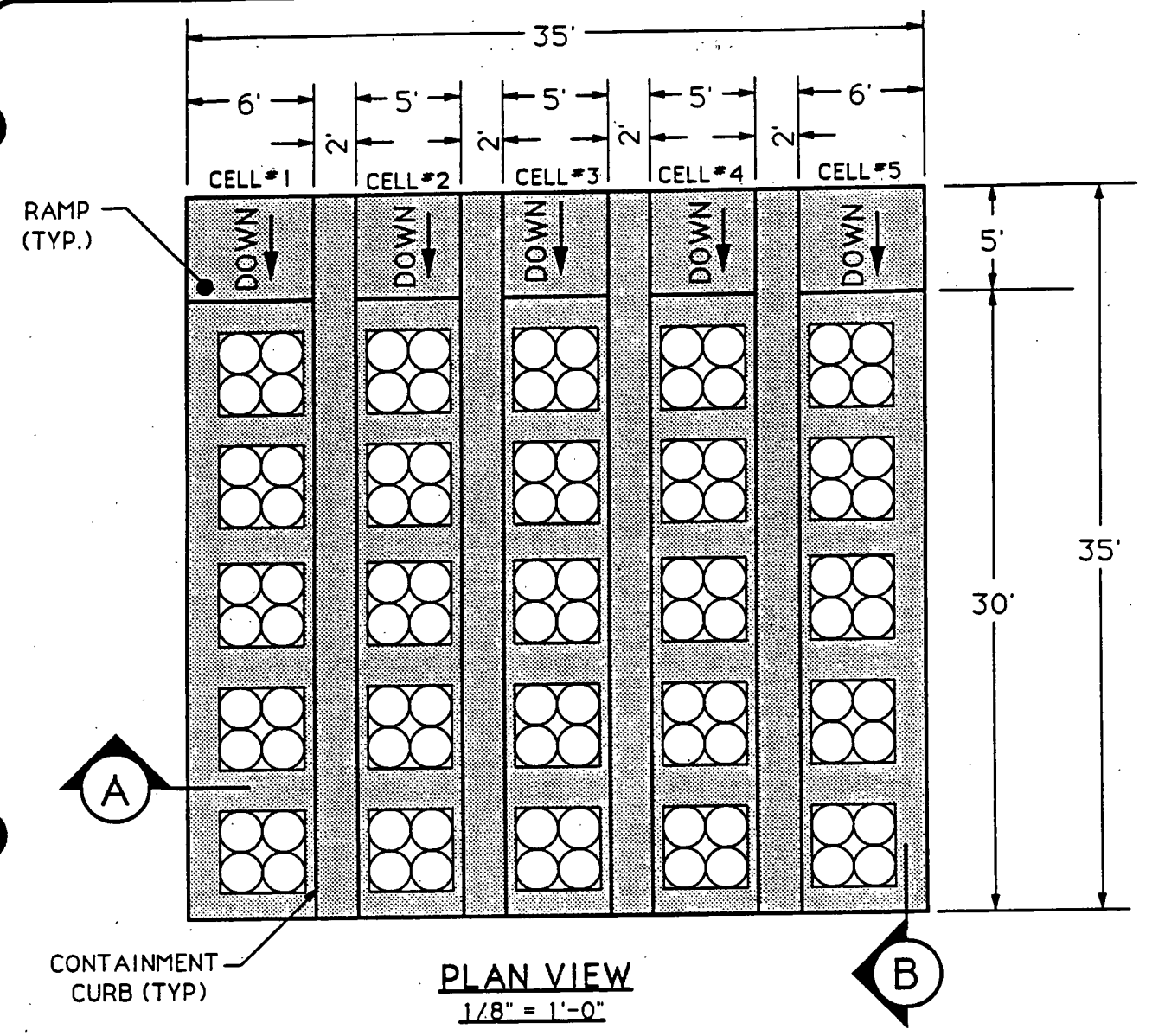
Emergency Response and Contingency Planning

Question / Concern	Comment
At what point is the privately contracted accident response or cleanup team called in?	They are a cleanup team -- they do not handle the response. If they are required, the team would come in when the incident is over. They have not been in during the last two years.
If the facility was enclosed, would it be required to have an automatic fire extinguishing system?	Unsure, but we would provide whatever the building and fire codes require. The existing warehouse building already has an automatic fire extinguishing system.
What precautions would the new facility take to avoid fire?	Whatever the fire codes would require.
What is the worst possible accident that could occur there, and what would be the impact on the local community?	VWR does not do such predictive "modeling". As discussed at the November 14th meeting, VWR focuses instead on risk management and emergency preparedness.
Comment: What does "worst case" mean? It could be that VWR goes bankrupt or some kind of accident.	
Kids are often observed shooting at pigeons and rats in the area. What would happen if the storage containers were shot at? Couldn't that cause a spark and ignite the whole area?	VWR proposes to enclose the facility on all sides so vandalism and any resulting incidents would not be a concern.

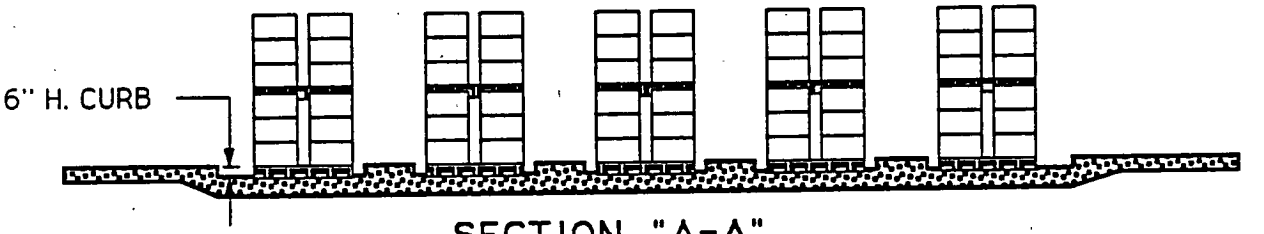
APPENDIX H:

SITE PLAN, CONCEPTUAL DESIGN, AND CONTAINMENT CALCULATIONS FOR THE REVISED STORAGE FACILITY PROPOSAL

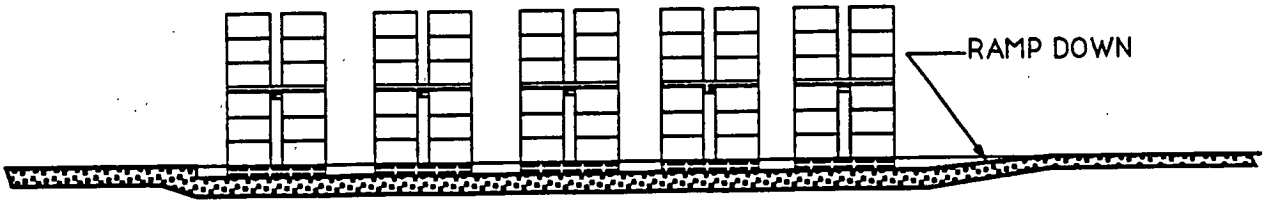

CORROSIVE STORAGE
WAREHOUSE
SOLVENT STORAGE
OFFICE
SITE PLAN
1" = 95'-0"
NORTH
VAN WATERS & ROGERS INC.
OMAHA, NEBRASKA



PLAN VIEW
1/8" = 1'-0"



SECTION "A-A"



SECTION "B-B"

VAN WATERS & ROGERS INC.
OMAHA, NEBRASKA

HAZARDOUS WASTE STORAGE UNIT

VAN WATERS & ROGERS INC.
OMAHA, NEBRASKA

HAZARDOUS WASTE STORAGE UNIT
CONTAINMENT CALCULATION

Assume that drums to be placed on pallet, volume loss due to displacement of pallet is 14 Gal. /pallet

1.) **CELL #1**

a.) Provided

6'W x 30' L x 6"D	=	90 Cu. Ft.	or	673 Gal.
Displacement of pallet, 5 ea. @14 gal.			=	(70 Gal.)
Avail. Containment Volume			=	603 Gal.

b.) Required (Largest vessel volume or 10% of aggregate volume.)

40 drums x 55 gal/drum x10%	=	220 Gal.

2.) **CELL #2**

a.) Provided

5'W x 30' L x 6"D	=	75 Cu. Ft.	or	561 Gal.
Displacement of pallet, 5 ea. @14 gal.			=	(70 Gal.)
Avail. Containment Volume			=	491 Gal.

b.) Required (Largest vessel volume or 10% of aggregate volume.)

40 drums x 55 gal/drum x10%	=	220 Gal.

3.) **CELL #3**

a.) Provided

5'W x 30' L x 6"D	=	75 Cu. Ft.	or	561 Gal.
Displacement of pallet, 5 ea. @14 gal.			=	(70 Gal.)
Avail. Containment Volume			=	491 Gal.

b.) Required (Largest vessel volume or 10% of aggregate volume.)

40 drums x 55 gal/drum x10%	=	220 Gal.

4.) **CELL #4**

a.) Provided

5'W x 30' L x 6"D	=	75 Cu. Ft.	or	561 Gal.
Displacement of pallet, 5 ea. @14 gal.			=	(70 Gal.)
Avail. Containment Volume			=	491 Gal.

b.) Required (Largest vessel volume or 10% of aggregate volume.)

40 drums x 55 gal/drum x10%	=	220 Gal.

5.) **CELL #5**

a.) Provided

6'W x 30' L x 6"D	=	90 Cu. Ft.	or	673 Gal.
Displacement of pallet, 5 ea. @14 gal.			=	(70 Gal.)
Avail. Containment Volume			=	603 Gal.

b.) Required (Largest vessel volume or 10% of aggregate volume.)

40 drums x 55 gal/drum x10%	=	220 Gal.

Total containment provided:	**2,679 Gal.**
Total containment required:	**1,100 Gal.**

COMMITTEE FOR SITING COMMERCIAL HAZARDOUS WASTE FACILITIES IN NEBRASKA

MEETING SUMMARY
THURSDAY, DECEMBER 12, 1991

FINAL COMMITTEE MEETING: PRESENTATION OF THE COMMITTEE REPORT

Please Note: Although every attempt was made to be as comprehensive as possible, this summary is not a verbatim representation of the meeting process and should not be considered a meeting transcript.

INTRODUCTION

The material which follows is intended to reflect the discussion and comments made at the December 12th meeting regarding the committee report and the proposed hazardous waste storage facility. Although a verbatim transcript was not prepared, an audio record of the meeting was produced by the Nebraska Department of Environmental Control's (NDEC) public information office.

Van Waters and Rogers, Inc. (VWR) has proposed short term storage of up to 11,000 gallons (two hundred 55-gallon drums) of hazardous waste. Such an operation would be co-located at their current chemical distribution facility (3002 F Street, Omaha, Nebraska). Most of the wastes would be shipped out-of-state to waste disposal, processing, or recycling facilities.

At the onset of the site review process, the company had proposed that the hazardous wastes, primarily used solvents, be stored in a 60'x40' facility (30'x40' actual storage area) covered by a roof but without enclosing walls, and surrounded by an 8" concrete dike. However, at the November 14th meeting, the Omaha Fire Chief noted they might instead consider storing the hazardous wastes in an existing flammable materials storage area.

VWR subsequently revised its storage facility proposal. Their *revised proposal* seems to address several concerns raised throughout the site review process by relocating the storage facility inside the existing VWR chemical distribution warehouse. That existing space is fully equipped with sprinklers, enclosed by fire walls, and includes explosion proof lighting and concrete floors treated with an impervious coating. Like the original proposal, the facility would be a "dock high" unit that enables trucks to back directly up to the facility thus eliminating ramps. To ensure adequate environmental protection, curbing and containment measures would be added and materials appropriately segregated as required by city codes and permit regulations.

In response to the company's intent to file a permit for a hazardous waste storage facility, a Site Review Committee was formed, according to LB 114, to review the suitability of the proposed site and operations. The committee had twelve members, all from Omaha, who represented multiple disciples and interests, including academia, community planning, medical, industrial, environmental, city government, and the local neighborhood. At its first meeting, the committee clarified its purpose and direction by agreeing on its mission.

> *Mission Statement:* The purpose of the Committee is to conduct fact-finding meetings, gather information, and prepare a report that summarizes public issues and concerns and makes appropriate recommendations.

The committee met seven times from mid-August to mid-December. On December 5th, the committee members deliberated the results of their fact-finding activities and agreed on issues to be highlighted and recommendations for inclusion in the report's Executive Summary. The site review committee report was presented at this, their last, meeting. All of the meetings were open to the public. The fact-finding meetings provided an opportunity for public questions and comments and community input to the applicant's proposal.

MEETING OVERVIEW

The seventh meeting of the Site Review Committee for the hazardous waste storage facility proposed by Van Water and Rogers, Inc. convened at 6:30 pm on Thursday, December 12th at St. Bridgets, 4112 South 26th Street, Omaha. This was the final committee meeting. Committee members in attendance were: Paul Mullen (Committee Chairperson), Lou Andersen, Gary Keefer, Louis Lamberty, Jim Rhone, Mike Ryan, Phil Swanson, Bev Traub, and Toni Wasikowski; absent were: Dale Jacobson, Bill Neal, and Gary Pryor. In addition, Randy Wood, Director of the NDEC, and Senator Bernice Labedz attended the meeting; about fifteen members of the public were also present.

The meeting was opened with introductory remarks by the facilitator. She noted the objective of the meeting was to finalize and present the committee report. She also referenced VWR's proposal revisions that would place the facility inside the existing chemical distribution warehouse (refer to page 1), and suggested that public comment be made regarding the revised proposal as well as the committee report. Appendix H of the report was distributed which diagrammed the existing warehouse, and provided a conceptual design and containment calculations for the revised proposal.

In continuing the agenda overview, she emphasized that the site review committee was not a decision making body, but rather the first step in the permit application process. She pointed out that the NDEC would describe the siting and permit process and note where the public has an opportunity to provide input again.

The NDEC staff, VWR representatives, and the committee members introduced themselves. Paul Mullen, the committee chairperson, then explained how the report was compiled and organized. The report consists of the meeting summaries prepared and distributed throughout the committee process, organized in numerical/chronological order. The committee then prepared an Executive Summary to highlight the issue-areas they felt were most important and made some recommendations to resolve or mitigate them. Not all committee members agreed with the majority conclusions, however, and they subsequently worked together to characterize their minority conclusions. Both the majority and minority conclusions and recommendations were available at this meeting. With little discussion and no objections, the committee finalized its report, by agreeing that the Executive Summary should characterize all committee views as presented in the majority and minority conclusions and recommendations.

PUBLIC COMMENTS

The committee members concluded their business by 7:00 pm and moved on to the public comment time. Again, the public attendants were asked to comment on both the revised facility proposal as well as the committee report.

Comment	Response / Clarification
Why would it matter if the minority summary was separate from the majority summary?	The committee was tasked with preparing one, not two, reports.
The public did not have an opportunity to comment on the revised proposal. VWR side-stepped the process by presenting this new information at the last minute. The drawings make it evident they intended all along to propose a facility located inside.	There have been many opportunities to comment on and provide input to this proposal -- there will be more opportunities for public input at public hearings by the City Council and possibly by the NDEC.
Will there be any public hearings during the City Council review?	Yes. If the City Council does not recommend that this process go forward, the application essentially "dies." If it does go forward, then the NDEC will review it and decide if the facility should be permitted or not.

Comment	Response / Clarification
What are the opportunities for public comment?	(At this point the NDEC presented their overview of the siting and permit process.) It was noted that the City Council would hold a public hearing(s) within 45 days following receipt of the committee report. If the permit process continues to move forward, the public or the applicant may request a hearing. (A flow diagram which describes the process is included with this summary.)
How will people know when it is time for public input to the City Council?	The earliest would be sometime in January. The Council meets at 2:00 pm on Tuesdays. When a public hearing is held, anyone who wants to can speak. The Council office will contact Toni Wasikowski with the date. In addition, a "calling list" is available at the front table -- if you sign up on the list, the City Council office will also call you with the date. Further, the meetings are always publicly noticed in the classified section of the Sunday Omaha World Herald.
Will it go to the Planning Board to address the zoning issue before it goes to the City Council? Concern: Because the site was down-zoned possibly in error or as an oversight, the re-zoning hearing might not take into account the merits of the site for the proposed use.	Yes. The Planning Board will address the zoning issue on Wednesday, January 8th. The Board meets at 3:00 pm.
The Planning Board's preliminary agenda for the January 8th re-zoning mentions two addresses -- 3002 F Street and Buckingham Place. Are these the two existing facilities?	No. The Buckingham Place address is contiguous to 3002 F Street. It is not the D Street location.

Comment	Response / Clarification
If the proposed facility is moved inside the existing warehouse building, does the property still have to be re-zoned?	A zoning change is required regardless of the location of the facility.
If the zoning is changed to heavy industrial, what will happen to our property values? This question was asked quite awhile ago. Could VWR get some data on the how these types of facilities affect property values? Why not call some local real estate agencies and ask if the local industries influence decisions to buy here.	There really isn't any data on this issue. VWR believes because they have improved their property it probably improved surrounding property values. It was suggested that community members may want official appraisers to comment on this issue.
Early in the process it was requested that committee members receive and review the city ordinances, specifically section 55. Did the committee get copies?	No, the committee did not.
The purpose of land use laws is to separate incompatible land uses. What is the sense of having such rules if nobody uses them? Neighborhood homes will be directly influenced by this land use.	The committee did its job of raising key issues. Those related to zoning and city codes will be addressed by the Planning Board and the City Council.
Comment: Following committees should not just identify problems, but should "find facts." This committee failed to do that.	
Comment: I disagree. The committee has put a lot of time and effort into this. My main concern is that the first meeting was not interactive, but the rest of the meetings gave people a lot more opportunity to talk. As Joan Q. Public, I can at least say "thanks" for putting in the time and doing your job.	

CLOSING REMARKS

Senator Labedz offered to help notify local community members of upcoming hearings on the proposed facility.

The applicant, Van Waters and Rogers, thanked the community and the committee for their contributions. They noted their company participates in public meetings around the country but has never gone through a process as intensive as this one was. Because of the process they learned a lot about the community and its concerns which they found valuable.

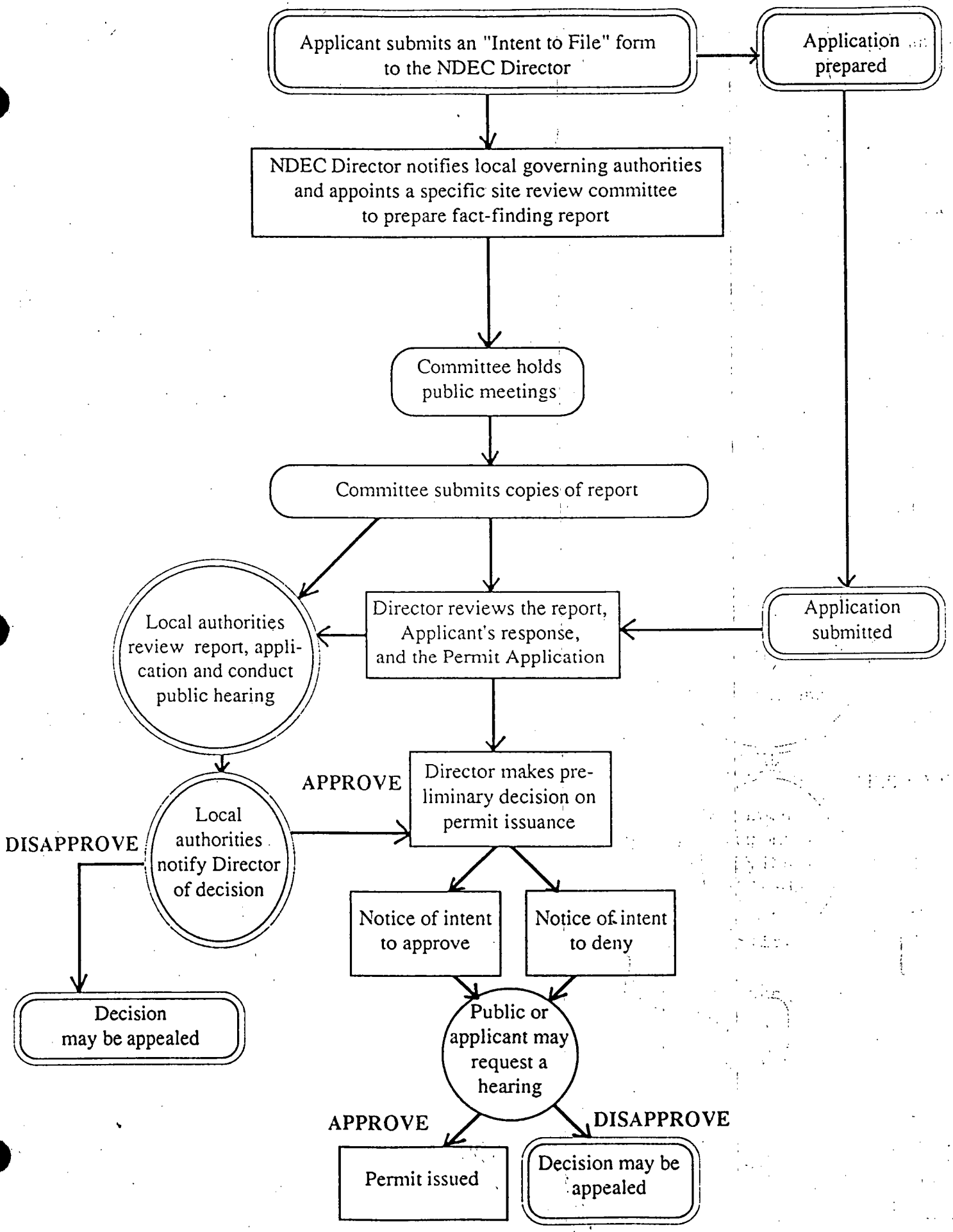
Mr. Wood, NDEC Director, also thanked the committee for their contributions noting that each member had chosen to forgo personal leisure time and instead contribute to the betterment of the community. He was impressed by the Senator's attendance at the meetings. He recognized the community's interest and concerns regarding the proposed facility, and characterized the committee as having successfully accomplished its mission.

Paul Mullen closed the meeting by recapping the next steps in the site review process and noting that a final mailing would include this meeting summary and the final Executive Summary. Copies of the final report in its entirety will be placed in each of the information repositories (Main Public Library downtown, South High School, and the NDEC office in Lincoln) which will remain open throughout the City Council's review process. Further comments on the process should be directed to Cynthia Hobbs, at the NDEC (301 Centennial Mall South, Box 98922, Lincoln, NE 68509).

A survey was distributed, and all meeting participants were asked to complete one before leaving. The survey results will be used to evaluate the success of the site review committee process and help structure future processes by capitalizing on what worked best. For those who were not able to attend the meeting, evaluations will be distributed by mail.

This, the last, committee meeting was adjourned at approximately 7:30 pm.

Hazardous Waste Facility Siting Process



ABOUT THE APPLICANT: Van Waters & Rogers Inc.

Van Waters and Rogers Inc. (VW&R) submitted an Intent to File notice with the Nebraska Department of Environmental Control on June 17, 1991. They are proposing to build a hazardous waste storage unit at their present facility, located at 3002 "F" Street in Omaha, Nebraska.

Following are area maps and background information provided by VW&R. A comolete copy of their Intent to File notice can be found at the local repositories identified elsewhere in this handout.

Following is the statute that is applicable to the siting of commercial hazardous waste management facilities in Nebraska.

81-1521.08. Hazardous waste; terms, defined.

For purposes of sections 81-1521.08 to 81-1521.23, unless the context otherwise requires:

(1) Chief executive officer shall mean the mayor, city manager, or chairperson of the board of trustees of a municipality;

(2) Commercial hazardous waste management facility shall mean a hazardous waste management facility which accepts hazardous waste for treatment, storage, or disposal which is generated by any person other than the person which owns or operates such facility;

(3) Committee shall mean the specific site review committee established in response to a notice of intent filed pursuant to section 81-1521.09;

(4) Hazardous waste management facility shall mean all contiguous land, and structures, other appurtenances, and improvements on the land, used for the treatment, storage, or disposal of hazardous waste. A hazardous waste management facility may consist of several treatment, storage, or disposal operational units such as one or more landfills or surface impoundments or any combination of such operational units;

(5) Municipality shall mean an incorporated city or village; and

(6) Other definitions found in section 81-1502 shall apply.

Source: Laws 1987, LB 114, § 2.

81-1521.09. Hazardous waste; commercial hazardous waste management facility; notice of intent to apply for permit; fee; site review committee; director; appoint designee.

(1) Commencing on June 30, 1988, any person who desires a permit for a commercial hazardous waste management facility shall, at least one hundred eighty days prior to making application therefor, file a notice of intent with the director on a form provided by the director. The notice of intent shall include such information as prescribed by the director and shall be accompanied by a fee established by the department in an amount sufficient, but not in excess of the amount necessary, to pay the department for the direct and indirect costs of processing the notice of intent and to pay the costs and expenses specified in section 81-1521.12. Within fifteen days of receipt of a notice of intent, the director shall notify the appropriate local officials and shall establish a specific site review committee. The purpose of establishing the committee shall be to provide for early public involvement in the consideration of a proposed facility.

(2) The director may appoint a designee to carry out duties assigned to the director related to a notice of intent or an application for a permit except the duty to make the decision required by section 81-1521.19. If the applicant is an individual, the application shall include the applicant's social security number.

Source: Laws 1987, LB 114, § 3; Laws 1997, LB 752, § 225.

81-1521.10. Hazardous waste; site review committee; membership.

(1) The committee shall consist of twelve members, six of whom shall be local members and six of whom shall be regional members.

(2) The six local members shall be chosen as follows:

(a) If the proposed facility will be located within the zoning jurisdiction of a municipality, the chief executive officer of the municipality shall appoint six members who reside within such zoning jurisdiction;

(b) If the proposed facility will be located in an unincorporated area which is within five miles of the zoning jurisdiction of one or more municipalities, the chief executive officer of each such municipality shall appoint a member who resides within the zoning jurisdiction of the respective municipality and the chairperson of the county board of the county in which the facility would be located shall appoint additional members who reside within five miles of the proposed facility for a total of six members; and

(c) If the proposed facility will be located in an unincorporated area which is more than five miles from the zoning jurisdiction of any municipality, the chairperson of the county board of the county in which the facility would be located shall appoint six members who reside within five miles of the proposed facility.

(3) The six regional members shall be appointed by the director to represent various interests affected by a proposed facility and shall include at least one environmental representative, one academic expert, one industry representative, one community planner, one representative of public interest groups, and one representative of the medical community. The regional members shall be appointed for two-year terms and shall serve whenever a committee is needed during that time. Alternates shall be appointed to serve in case a regional member is unable to do so or is already serving on a committee.

Source: Laws 1987, LB 114, § 4.

81-1521.11. Hazardous waste; site review committee; meetings; officers; professional facilitator.

The director shall organize a meeting of the committee within twenty-one days of the filing of a notice of intent by an applicant. The director shall serve as temporary chairperson of the committee and shall select as a professional facilitator a person trained in group dynamics and objectivity to handle committee meetings with the public and the applicant. At its first meeting, the committee shall select a chairperson and any other officers it deems necessary and shall adopt procedures for gathering information and preparing a report. The committee shall hold factfinding meetings near the proposed site for the facility. The applicant shall make a technical advisor and other resource people available to the committee.

Source: Laws 1987, LB 114, § 5.

81-1521.12. Hazardous waste; department; provide staff; applicant; pay expenses.

The department shall provide a secretary and other staff persons to assist the committee. The applicant shall pay the expenses for such clerical and other help and the salary of the professional facilitator, shall pay the costs of printing the committee's report, and shall reimburse the committee members for their mileage expenses at the rate provided in section 81-1176 for state employees. The department shall keep a record of all such costs and expenses and assess the applicant for any amount over the estimated amount on which the fee paid by the applicant was based.

Source: Laws 1987, LB 114, § 6.

81-1521.13. Hazardous waste; site review committee; consider factors; enumerated.

Factors to be considered by the committee shall include, but not be limited to:

(1) Economic considerations such as whether the facility is needed, profit expectations for the facility, how the facility will be operated, effects on the community, the potential for compensation to the local governing body, and aspects related to closure of the facility;

(2) The function of the facility, including the management processes involved, the wastes to be handled, the relationship to any integrated system or master plan for hazardous waste management, and plans for future expansion;

(3) Considerations related to the technology to be used such as why that process was chosen, plans for quality control, reliability of the technology, and the sequence of steps involved from generation of the wastes to postclosure of the facility;

(4) Characteristics of the site for the facility, the methods for determining the characteristics, and why the site was chosen;

(5) Surface drainage, ground water protection, air emissions, and other factors related to environmental quality;

(6) Transportation considerations such as methods to be used, waste containment during transport, party responsible for transport, timing of arrivals, routing, and response plans in case of spills;

(7) Plans for responses to emergencies and for site security, qualifications and training of personnel, and actions to be taken when there are operating problems; and

(8) Enforcement provisions, including applicable regulations, monitoring plans, who is responsible for enforcement, sequence and timing of possible enforcement, and the ability of governmental agencies to ensure compliance.

Source: Laws 1987, LB 114, § 7.

81-1521.14. Hazardous waste; site review committee; issue report; contents.

The committee shall issue a report no later than one hundred eighty days from the date the notice of intent is filed, except that the deadline may be extended by mutual agreement between the applicant and the committee. The report shall document the discussion of community concerns raised during review by the committee of the proposed commercial hazardous waste management facility, including identification and discussion of the issues which were resolved, the issues which were not resolved, and the questions which were not answered, including the reasons they were not answered.

The report may also include recommendations on the compensation which the applicant should pay or provide to the local governing body. Any recommendations shall be subject to further negotiations between the applicant and the local governing body.

Copies of the report shall be made available to committee members, the department, the applicant, and the public.

After issuance of its report, the committee shall have no further duties, except that the department may ask the committee to review any changes related to the proposed commercial hazardous waste management facility which are proposed by the applicant and to amend its report if appropriate.

Source: Laws 1987, LB 114, § 8.

81-1521.15. Commercial hazardous waste management facility; application for permit.

At the conclusion of the process involving the committee, the person desiring a permit for a commercial hazardous waste management facility shall make application therefor to the director on a form provided by the director. The application shall contain the name and residence of the applicant, the location of the proposed facility, and such other information as may be necessary and shall be accompanied by a copy of the committee's report and any written response by the applicant to such report.

Source: Laws 1980, LB 853, § 8; R.S.1943, (1981), § 81-1521.01; Laws 1987, LB 114, § 9.

81-1521.16. Commercial hazardous waste management facility; application; hearing by local governing body.

If the application for a commercial hazardous waste management facility contains all of the information required by the department, the director shall send a copy of the application, of the committee's report, and of any response by the applicant to the report to the county board of the county if the proposed facility will be located outside the zoning jurisdiction of a city or village or to the city council or board of trustees if it will be located within the zoning jurisdiction of a city or village. A hearing shall be held by the county board, city council, or board of trustees within forty-five days of receipt of the copy of the application.

Source: Laws 1987, LB 114, § 10.

81-1521.17. Commercial hazardous waste management facility; notice of hearing; decision by local governing body.

Before the county board, city council, or board of trustees approves or disapproves a proposed commercial hazardous waste management facility, notice shall be given once at least thirty days but not more than forty days before the hearing and a second time at least ten days before the hearing. Such notice shall be given by publication of a notice in a newspaper either published in or having general circulation in the county, city, or village where the proposed facility is to be located and shall state the time and place of hearing, the name of the applicant for a permit, and the exact location of the proposed facility. In deciding whether to approve or disapprove such facility, the county board, city council, or board of trustees shall determine if such facility will be in compliance with its zoning laws or violate any local ordinances or resolutions. The local governing body shall make its decision within one hundred eighty days of receipt of a copy of the application from the director and shall notify the department and the applicant of its action. If the local governing body disapproves the application, it shall specify its reasons for disapproval. If the local governing body disapproves the application, the department may not take further action on the application unless the disapproval is reversed by court order. For purposes of appeal, the decision of the local governing body to disapprove the application shall be deemed a final order.

Source: Laws 1980, LB 853, § 9; R.S.1943, (1981), § 81-1521.02; Laws 1987, LB 114, § 11; Laws 1987, LB 152, § 8.

81-1521.18. Commercial hazardous waste management facility; appeal of decision.

The disapproval decision made by the local governing body may be appealed to district court. The court may affirm the decision or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the decision is:

(1) In violation of constitutional provisions;

(2) In excess of the statutory authority or jurisdiction of the local governing body;

(3) Made upon unlawful procedure;

(4) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or

(5) Arbitrary or capricious.

Source: Laws 1987, LB 114, § 12.

81-1521.19. Commercial hazardous waste management facility; approval; director; duties.

Following approval action by the local governing body, the director shall determine if the proposed facility complies with the provisions of the Environmental Protection Act and all rules, regulations, and standards promulgated pursuant to such act. The review shall include, but not be limited to, consideration of factors related to air quality, water quality, waste management, and hydrogeology and of the environmental risks and benefits to the vicinity in which the facility would be located. Each person in the department who reviews the application shall prepare and

sign a written statement for evaluation by the director who shall decide whether to approve or disapprove the application.

Source: Laws 1987, LB 114, § 13.

81-1521.20. Commercial hazardous waste management facility; publication of notice; additional hearing; permit; issuance; conditions.

The department shall publish notice of an application for a permit for a commercial hazardous waste management facility, together with the action taken by the local governing body, the director's decision, and whether the permit will be granted or denied, in a legal newspaper either published in or having general circulation in the vicinity affected. A copy of such notice shall also be provided to the applicant. The public may comment or request a public hearing within thirty days after the date such information is made available, and the director may, within his or her discretion, hold a hearing on the granting or denial of the permit if he or she determines that the circumstances justify it.

Prior to issuing the permit, the director shall find that the applicant is a responsible and suitable person to conduct the business and that the proposed facility complies with the provisions specified in section 81-1521.19 and has the requisite approval of the local governing body. Permit conditions established by the department shall supersede any ordinances, resolutions, regulations, or requirements of the local governing body, then or thereafter in effect, which are inconsistent with such conditions.

Source: Laws 1980, LB 853, § 10; R.S.1943, (1981), § 81-1521.03; Laws 1987, LB 114, § 14.

81-1521.21. Commercial hazardous waste management facility; permittee; financial responsibility and insurance.

As a condition of granting a permit for any commercial hazardous waste management facility, the permittee shall provide proof of financial responsibility pursuant to subdivision (21)(a) of section 81-1505 and liability insurance, including coverage against nonsudden and accidental occurrences, in an amount determined by the director.

Source: Laws 1980, LB 853, § 11; Laws 1984, LB 1078, § 6; R.S.Supp.,1986, § 81-1521.04; Laws 1987, LB 114, § 15.

81-1521.22. Commercial hazardous waste management facility permit; expiration; renewal.

Permits shall expire five years following the date of issuance but may be renewed if the permittee has complied with the provisions of the Environmental Protection Act and the rules and regulations adopted and promulgated thereunder.

Source: Laws 1980, LB 853, § 12; R.S.1943, (1981), § 81-1521.05; Laws 1987, LB 114, § 16; Laws 1987, LB 152, § 9.

81-1521.23. Commercial hazardous waste management facility permit; revocation; when.

The director may revoke the permit for a commercial hazardous waste management facility, pursuant to subsection (3) of section 81-1507, if he or she finds that the facility is not being

operated in accordance with the Environmental Protection Act and rules and regulations adopted and promulgated thereunder.

Source: Laws 1980, LB 853, § 13; R.S.1943, (1981), § 81-1521.06; Laws 1987, LB 114, § 17; Laws 1987, LB 152, § 10.