

**Thursby, Kim**

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**From:** Curtis, Jeff [Jeff.Curtis@safety-kleen.com]  
**Sent:** Thursday, January 10, 2008 1:09 PM  
**To:** Epost HWRS  
**Subject:** RE: Safety Kleen, Inc.-Boynton Beach;FLD 984 167 791;49625-HO-005

received

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**From:** Epost HWRS [mailto:EpostHWRS@dep.state.fl.us]  
**Sent:** Wed 1/9/2008 2:11 PM  
**To:** Curtis, Jeff  
**Cc:** pallas.jeff@epa.gov; Kantor, Karen E.; Bahr, Tim; Kuncicky, Daniel; Tripp, Anthony; Kothur, Bheem  
**Subject:** Safety Kleen, Inc.-Boynton Beach;FLD 984 167 791;49625-HO-005

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html).

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr  
Environmental Administrator  
Hazardous Waste Regulation  
Department of Environmental Protection  
E-Mail Address: [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**Thursby, Kim**

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**From:** Tripp, Anthony  
**Sent:** Monday, February 11, 2008 12:19 PM  
**To:** Epost HWRS  
**Subject:** Safety Kleen-Boynton Beach note

Kim,  
Before entering to OCULUS please attach this to the final permit sent January 09, 2008.

This OCULUS entry of the final permit for Safety Kleen-Boynton Beach, Permit Number 49625-HO-005, has since been nullified. This entry does not contain the language operating language. It was based on an incomplete permit intent.

The complete and final permit was issued on January 15, 2008. Refer to that OCULUS entry for information related to Permit # 49625-HO-005.

Anthony Tripp, Ph.D., P.E.  
Professional Engineer III  
Hazardous Waste Regulation Section  
(850) 245-8766



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**January 9, 2008**

**Sent Via E-mail**

**Jeff.Curtis@Safety-Kleen.inc**

Jeff Curtis  
Safety-Kleen Systems, Inc.  
5610 Alpha Drive  
Boynton Beach, Florida 33426

SUBJECT: Facility Name: Safety Kleen, Inc.  
EPA ID Number: FLD 984 167 791  
Operating/Corrective Action Permit 49625-HO-005  
County: Palm Beach

Dear Mr. Jeff Curtis:

Enclosed is Permit Number 49625-HO-005 specifically to operate drum and tank storage units within a service accumulation center including corrective action requirements under the Department's authorized program for continuing the federal Hazardous and Solid Waste Amendments (HSWA). This permit is being issued pursuant to Section 403.722, Florida Statutes (F.S.), and Chapters 62-4, 62-160, 62-730, and 62-780, Florida Administrative Code (F.A.C.).

This permit is final and effective ("issued") on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal.

The Notice of Appeal must be filed within thirty (30) days from the date the final permit is issued.

If you should have any questions, please contact Daniel Kuncicky at 850 245-8786 or [Daniel.Kuncicky@dep.state.fl.us](mailto:Daniel.Kuncicky@dep.state.fl.us).

Mr. Jeff Curtis  
January 9, 2008  
Page Two

Sincerely,

A handwritten signature in black ink, appearing to read "TJ Bahr".

Tim J. Bahr, Administrator  
Hazardous Waste Regulation

TJB/dmk  
cc with enclosure:

Jeff Pallas, EPA/Region 4 [pallas.jeff@epamail.epa.gov](mailto:pallas.jeff@epamail.epa.gov)  
Karen E. Kantor, DEP/West Palm Beach, [karen.e.kantor@dep.state.fl.us](mailto:karen.e.kantor@dep.state.fl.us)



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blairstone Road  
Tallahassee, Florida 32399-2400

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

**PERMITTEE:**

Safety-Kleen Systems, Inc.  
5610 Alpha Drive  
Boynton Beach, Florida 33426

**I.D. NUMBER:** FLD 984 167 791

**PERMIT/CERTIFICATION NUMBER:** 49625-HO-005

**DATE OF ISSUE:** JANUARY 9, 2008

**EXPIRATION DATE:** NOVEMBER 19, 2012

**ATTENTION:**

Mr. Jeff Curtis

**COUNTY:** PALM BEACH

**LATITUDE / LONGITUDE:** 26°32'22"N/80°04'55"W

**SECTION/TOWNSHIP/RANGE:** 20/45S/43E

**PROJECT:** OPERATION OF A HAZARDOUS WASTE  
CONTAINER STORAGE FACILITY, TREATMENT  
UNIT AND HSWA CORRECTIVE ACTION  
REQUIREMENTS

Pursuant to authorization obtained by the Florida Department of Environmental Protection (FDEP) under the Resource Recovery and Conservation Act [42 United States Code (U.S.C.) 6901, *et seq.*, commonly known as RCRA] and the Hazardous and Solid Waste Amendments of 1984 (HSWA), this permit is issued under the provisions of Section 403.722, Florida Statutes (F.S.) and Chapters 62-4, 62-160, 62-730, 62-777 and 62-780, Florida Administrative Code (F.A.C.). The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application May 2007, and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof. The RCRA-regulated units are specifically described as follows:

To operate drum and tank storage units within a service accumulation center (See Attachment A – Facility Layout).

**Tank Storage:**

Utilization of one above ground 15,000 gallon storage tank for managing waste solvent under this permit. One above ground 20,000 gallon tank containing waste oil and one 5,000 gallon tank containing oily water will be managed as a used oil transfer facility and shall not be used for hazardous waste or for used oil processing. One 20,000 gallon tank and one 15,000 gallon tank are used for fresh solvent and shall not be used for hazardous waste. All tanks are underlain by a 71 feet by 32 feet 4 inches by 6 inches deep concrete slab surrounded by a 36 inches high concrete wall (See Attachment C).

**Solvent Return / Fill Station:**

Spent solvents enter the waste storage tank through the two wet dumpsters located in the Solvent Return / Fill Station. The wet dumpsters can hold a maximum of 275 gallons each but are not intended for storage of liquid hazardous waste (See Attachment B).

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#### Container Storage:

The container storage area is a 48 feet by 78 feet area with a sloped floor and collection sump. A maximum of 6,912 gallons of hazardous waste will be stored in this area at any one time (See Attachment D).

#### Non-container Storage:

Safety-Kleen has registered as a used oil and used oil filter transporter and transfer facility in accordance with Chapter 62-710, F.A.C.

Spent antifreeze is stored in a tanker truck, and later picked up by a recycler for processing into pure product for sale.

Safety-Kleen has registered as a transporter and store of mercury containing lamps and devices that are regulated in accordance with Chapter 62-737, F.A.C. A maximum of 2,000 kilograms of mercury containing lamps and devices destined for recycling may be stored and managed in compliance with Rule 62-737.400, F.A.C.

#### Solid Waste Management Units (SWMUs):

##### Units with No Further Action

- SWMU-1 Container Storage Area
- SWMU-2 Tank Storage Area
- SWMU-3 Debris Field From Construction
- SWMU-4 Storm Water Retention Pond
- SWMU-5 Oil Filter Storage
- SWMU-6 Mercury Lamps Storage Area
- SWMU-7 Used Antifreeze Tanker

The Permittee is required to investigate any releases of hazardous waste or hazardous constituents at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. SWMU(s) and AOC(s) identified to date are listed in Appendix A. Pursuant to 40 Code of Federal Regulations (CFR) 260.10 [as adopted by reference in Rule 62-730.020(1)], the corrective action requirements of this RCRA permit extend to all contiguous property under the control of the Permittee (see Attachment A, a map which demarks the property boundaries of land under the Permittee's control) and to all contamination that originated from discharges at the contiguous property under control of the Permittee.

This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with Rule 62-730.290, F.A.C and potential enforcement action.

Compliance with this RCRA permit constitutes compliance for purposes of enforcement with Subtitle C of RCRA, except for those requirements not included in the permit which become effective by statute; are

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promulgated under 40 CFR Part 268 restricting placement of hazardous waste in or on the land; or are promulgated under 40 CFR Part 264 regarding leak detection systems for new and replacement surface impoundments, waste piles, and landfill units, and lateral expansions of surface impoundments, waste piles, and landfill units, as specified in 40 CFR 270.4. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3008(a), 3008(h), 3004(v), 3008(c), 3007, 3013 or Section 7003 of RCRA, Sections 104, 106(a), 106(e), or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*, commonly known as CERCLA), or any other law providing for protection of public health or the environment.

The facility is located at 5610 Alpha Drive, Boynton Beach, Florida.

The following documents were used in the preparation of this permit:

1. RCRA Operating Permit Renewal Application Dated May 2007



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## **PART I – GENERAL AND STANDARD CONDITIONS**

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are “permit conditions” and are binding and enforceable pursuant to Sections 403.141 and 403.727, F.S. The Permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in Sections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The Permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
  - a. Have access to and copy any records that must be kept under conditions of the permit;
  - b. Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

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- c. Sample or monitor any substances or parameters at any location reasonable necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

8. The Permittee shall comply with the following notification and reporting requirements:

- a. Reports of compliance or noncompliance with, or any progress reports on, requirements in any compliance schedule shall be submitted no later than 14 days after each schedule date.
- b. If, for any reason, the Permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the Permittee shall immediately provide the Department with the following information:
  - (1). A description of and cause of noncompliance; and
  - (2). The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.
- c. Notification of any noncompliance which may endanger health or the environment, including the release of any hazardous waste that may endanger public drinking water supplies or the occurrence of a fire or explosion from the facility which could threaten the environment or human health outside the facility, shall be reported verbally to the Department within 24 hours, and a written report shall be provided within five days. The verbal report shall include the name, address, I.D. number, and telephone number of the facility, its owner or operator, the name and quantity of materials involved, the extent of any injuries, an assessment of actual or potential hazards, and the estimated quantity and disposition of recovered material. The written submission shall contain:
  - (1). A description and cause of the noncompliance.
  - (2). If not corrected, the expected time of correction, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
- d. Permittee shall comply with the "Notices" provisions of Rule 62-780.220, F.A.C.
- e. The Permittee shall give written notice to the Department as soon as possible of any planned physical alterations or additions, including Permittee-initiated emergency response or interim source removal. The notice shall include at a minimum, a summary of the planned change, the reason for the planned change, a discussion of the impact(s) the planned change will have on the ability to investigate contamination at or from the SWMU or AOC, and a discussion of the impact(s) the planned change will have on the known or suspected contamination.
- f. The Permittee shall revise **"Part I - General" of the Application for a Hazardous Waste Facility Permit** [DEP Form 62-730.900(2)(a)] and submit the revised form to the Department within 30 days of any changes in the Part I information.

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- g. Biennial report. A biennial report covering facility activities during the previous calendar year shall be submitted by March 1 of each even numbered year pursuant to Chapter 62-730, F.A.C.
  - h. Unmanifested waste report. The Permittee shall submit an unmanifested waste report to the Department within 15 days of receipt of unmanifested waste.
  - i. Manifest discrepancy report. If a significant discrepancy in a manifest is discovered, the Permittee shall attempt to rectify the discrepancy. If not resolved within 15 days after the waste is received, the Permittee shall immediately submit a letter report, including a copy of the manifest, to the Department.
- 9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.
  - 10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard.
  - 11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and 62-730.290(6) F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department. Before transferring ownership or operation of this facility during the term of this permit, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 264 and Chapter 62-730, F.A.C. [40 CFR 264.12(c)].
  - 12. This permit or a copy thereof shall be kept at the work site of the permitted activity. In the event that there is no building or reasonable repository for such a copy at the work site, then the permit or a copy thereof shall be kept at an alternate location agreed to by the Department.
  - 13. This permit also constitutes:
    - a. Determination of Best Available Control Technology (BACT);
    - b. Determination of Prevention of Significant Deterioration (PSD);
    - c. Certification of compliance with state Water Quality Standards (Section 401, PL 92-500); and
    - d. Compliance with New Source Performance Standards.
  - 14. The Permittee shall comply with the following recordkeeping requirements:

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- a. Upon request, the Permittee shall furnish all records and plans required under Department rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Department.
- b. The Permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by the permit; copies of all reports required by this permit; records of all data used to complete the application for this permit; and all monitoring data required by 40 CFR Part 264 Subparts F and G, and 40 CFR 264.228. These materials shall be retained at least three years from the date of the sample, measurement, report, or application unless otherwise specified by Department rule.
- c. Records of monitoring information shall include at a minimum:
  - (1). The date, exact place, and time of sampling or measurements;
  - (2). The person responsible for performing the sampling or measurements;
  - (3). The dates analyses were performed;
  - (4). The person responsible for performing the analyses;
  - (5). The analytical techniques or methods used; and
  - (6). The results of such analyses.
- d. As a generator of hazardous waste, the Permittee shall retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to 40 CFR Part 268 for at least three years from the date that the waste which is the subject of such documentation was last sent to on-property or off-property treatment, storage, or disposal, or until remedial activity is completed, whichever date is later. These periods may be extended by request of the Department at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.
- e. The Permittee shall keep a written operating record at the facility, which includes:
  - (1). The results of any waste analysis;
  - (2). Copies of manifests for three years (40 CFR 264.71, 264.72 and 264.76);
  - (3). The results of inspections;
  - (4). The closure plan, postclosure plan, and corrective measures (remedial action) plans for each applicable SWMU and AOC, along with cost estimates for each plan;
  - (5). Inspections of emergency and safety equipment (General and Standard Condition 27 of this Part);
  - (6). Biennial reports;

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- (7). Personnel training records (Operating Condition 2 of this Part II);
  - (8). The Waste Minimization Program Plan;
  - (9). Biennial certification of waste minimization;
  - (10). The description and quantity of each hazardous waste [received/generated];
  - (11). The location of each hazardous waste within the facility and the quantity at location;
  - (12). Notices to generators as specified in 40 CFR 264.12(b);
  - (13). A log of dates of operations and unusual events; and
  - (14). A summary report and details of incidents that require implementation of the contingency plan.
15. When requested by the Department, the Permittee shall within a reasonable time furnish any information required by law which is needed to determine compliance with the permit. If the Permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.
16. Except as otherwise specifically provided in this permit, all submittals in response to permit conditions shall be as follows:
- One hard and one electronic copy shall be sent to:
- Environmental Administrator  
Hazardous Waste Regulation Section  
M.S. 4560  
Bureau of Solid and Hazardous Waste  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400
17. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating the name and date of the document submitted, the number(s) of the Specific Condition(s) affected, and the permit number and project name of the permit involved. All documents proposing modifications to the approved permit and involving the practice of engineering must be submitted to the Department for review and be signed, sealed, and certified by a Professional Engineer registered in the State of Florida, in accordance with Chapter 471, F.S. and Rule 62-730.220(9), F.A.C. All submittals incorporating interpretation of geological data shall be signed and sealed by a Professional Geologist registered in the State of Florida in accordance with Chapter 492, F.S. and Rule 62-730.220(10), F.A.C.
18. All reports or information required by the Department or provided by a hazardous waste Permittee shall be signed by a person authorized to sign a permit application.

Permittee:  
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19. The Department of Environmental Protection's 24-hour emergency telephone number is (850) 413-9911 or (800) 320-0519. During normal business hours, the DEP District Office may be contacted at (561) 681-6600.
20. The following conditions apply to permit modification and revocation of this permit:
  - a. The Department may modify, revoke, reissue or terminate for cause this permit in accordance with Chapters 62-4 and 62-730, F.A.C. The filing of a request for a permit modification, revocation, reissuance, or termination or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent modifications to the Department for approval. These revisions shall meet the requirements of Rule 62-730.293, F.A.C. The Permittee shall submit the revisions to the addresses in Condition 16 of this Part. The Permittee shall submit a copy of the cover letter accompanying the revisions and the fee to:

Florida Department of Environmental Protection  
Post Office Box 3070  
Tallahassee, Florida 32315-3070

The modification fee may also be submitted electronically. However, if Permittee intends to submit the modification fee electronically, Permittee shall obtain instructions from the Department on how to submit the renewal fee electronically PRIOR to attempting such submittal and shall follow such instructions in making the electronic fee submittal.

- b. If at any time the Department or the Permittee determines that modification of to required time frames are necessary, the permit may be modified to reflect the change(s), with Department approval. If the Department determines that steps or dates in the permit may be changed, combined or streamlined without modification of the permit, it may do so with the concurrence of the Permittee following the guidance of the most recent RCRA reforms.
21. Prior to 180 calendar days before the expiration of this permit, the Permittee shall submit a complete application for the renewal of the permit on forms and in a manner prescribed by the Department unless postclosure care and all corrective action have been completed and accepted by the Department. If the Permittee allows this permit to expire prior to Department acceptance of the certification of postclosure and termination of all corrective action, the Permittee must reapply for a postclosure permit in accordance with DEP Form 62-730.900(2), F.A.C. The Permittee shall submit the renewal to the addresses in Specific Condition 1 of this Part. The Permittee shall submit one copy of the cover letter accompanying the renewal and the fee to:

Florida Department of Environmental Protection  
Post Office Box 3070  
Tallahassee, Florida 32315-3070

The renewal fee may also be submitted electronically. However, if Permittee intends to submit the renewal fee electronically, Permittee shall obtain instructions from the Department on how to submit the renewal fee electronically PRIOR to attempting such submittal and shall follow such instructions in making the electronic fee submittal.

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22. Safety Kleen Systems, Inc. intends to transfer parcels in whole, in part or in combination thereof to third parties in the foreseeable future once suitable buyers are found. In accordance with the minor modification requirements of Rule 62-730.290(4), FAC, the Permittee may drop a parcel from the Facility covered by this permit, so long as the parcel never contained a SWMU or an AOC, or so long as any contamination associated with the SWMU or AOC has been addressed to the satisfaction of the Department. A parcel of the property may be sold with certain legal restrictions upon the future use and/or remedial activity requirements.
23. Even though a parcel is no longer defined as part of the facility in the permit modification, in the unanticipated and improbable event that a contaminated SWMU or AOC is found on the parcel, and such contamination resulted from activities which occurred prior to the sale, Safety Kleen Systems, Inc. will be responsible for any corrective action.
24. The Permittee shall comply with those sections of 40 CFR Part 124 specified in Rule 62-730.200(3), F.A.C., 40 CFR Parts 260 through 268, and 40 CFR Part 270 as adopted in Chapter 62-730, F.A.C., until released from postclosure care requirements and all facility-wide corrective action requirements.
25. The Permittee shall comply with the security provisions of 40 CFR 264.14 and the facility security provisions at Section 4 of the permit application May 19, 2007.
26. This facility is a suspected or confirmed contaminated facility where there may be a risk of exposure to the public, and therefore, the Permittee must comply with the warning sign requirements of Section 403.7255, F.S., and Rule 62-730.225(3), F.A.C. The Permittee is responsible for supplying, installing and maintaining the warning signs.
27. The Permittee shall visually inspect the facility emergency and safety equipment in accordance with 40 CFR 264.15 and Section 5 of the permit application dated May 19, 2007, during permitted activities. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with the requirements of 40 CFR 264.15(c). A schedule for the inspection of the facility emergency and safety equipment must be maintained as the operating record of the facility. Changes, additions, or deletions to the schedule must be approved in writing by the Department.
28. The Permittee shall comply with the following conditions concerning preparedness and prevention:
  - a. At a minimum, the Permittee shall have the equipment available at the facility which are described in the Section 5 of the permit application dated May 19, 2007, as required by 40 CFR 264.32.
  - b. The Permittee shall test and maintain the equipment specified in Specific Conditions 12 and 15.a of this Part as necessary to assure its proper operation in time of emergency, as required by 40 CFR 264.33.
  - c. The Permittee shall maintain access to the communications or alarm system, as required by 40 CFR 264.34.
  - d. The Permittee shall maintain arrangements with State and local authorities as required by 40 CFR 264.37. If State or local officials refuse to enter into preparedness and prevention arrangements with the Permittee, the Permittee must document this refusal in the operating record.



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- e. At a minimum, the Permittee shall maintain aisle space as required by 40 CFR 264.35.
- 29. The conditions in this permit shall take precedence over the permit application documents where there are differences between these documents and the permit conditions.
- 30. The Permittee may claim confidential any information required to be submitted by this permit in accordance with Rule 62-730.100(3), F.A.C.
- 31. All work plans, reports and schedules and other documents ("submittals") required by this permit are subject to approval by the Department prior to implementation. The Department will review the submittals and respond in writing. Upon written approval by the Department, the Permittee shall implement all work plans, reports and schedules as provided in the approved submittal. If the Department disapproves a submittal, the Department may:
  - a. Notify the Permittee in writing of the reason(s) why the submittal does not contain information adequate to support the conclusion, alternative, plan, proposal or recommendation, or why the conclusion, alternative, plan, proposal or recommendation is not supported by the applicable criteria. In this case the Permittee shall submit a revised submittal within 60 days of receipt of the Department's disapproval; or
  - b. Revise the submittal, or approve the submittal with conditions, and notify the Permittee of the revisions or conditions. In the case of work plans, the Department may notify the Permittee of the start date of the schedule within the revised or conditionally approved work plan.
- 32. Any dispute resolution will be conducted in accordance with Chapter 120, F.S. (Administrative Procedures Act), Chapter 28-106, F.A.C. and the Department's existing rules and procedures.
- 33. The following conditions apply to land disposal (placement) of hazardous wastes:
  - a. 40 CFR Part 268 identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage, or disposal unit. The Permittee shall maintain compliance with the requirements of 40 CFR Part 268. Where the Permittee has applied for an extension, waiver, or variance under 40 CFR Part 268, the Permittee shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached pending final approval of such application.
  - b. A restricted waste identified in 40 CFR Part 268 Subpart C may not be placed in a land disposal unit without further treatment unless the requirements of 40 CFR Part 268 Subparts C and/or D are met.
  - c. The storage of hazardous wastes restricted from land disposal under 40 CFR Part 268 is prohibited unless the requirements of 40 CFR Part 268 Subpart E are met.
- 34. The Permittee shall implement remedial activities beyond the facility boundary where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Department that, despite the Permittee's best efforts, as determined by the Department, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee

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shall use all reasonable efforts, including but not limited to correspondence, telephone calls, personal contacts, drafting and redrafting agreements, and payment of a fee, to obtain any access to real property necessary for work to be performed in the implementation of this permit. If necessary access cannot be obtained by the Permittee, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, the Permittee shall notify the Department within five business days of such refusal or revocation. The Department may at any time thereafter seek to obtain such access as is necessary to implement the terms of this permit. The Permittee shall reimburse the Department for any damages, costs, or expenses, including expert and attorneys' fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain necessary access to said property. The Permittee shall pay these sums to the Department, or arrange a payment schedule with the Department, within 30 days of demand by the Department. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-property access is denied. On-site measures to address such releases will be determined on a case-by-case basis.

35. The Permittee shall maintain compliance with 40 CFR Part 264, Subpart H - Financial Requirements and Rule 62-730.180(6), F.A.C. All submittals in response to this Specific Condition shall be submitted to:

Financial Assurance M.S. 4560  
Hazardous Waste Regulation Section  
Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Financial assurance shall be based on estimates of the costs to close the facility and to implement postclosure care and/or corrective action (including the assessment phase and interim measures) (collectively referred to hereinafter as "remedial activities") for a continuing (rolling) period of 30 years, unless this period is shortened or increased by the Department in a permit renewal or modification. The Permittee shall include cost estimates with every work plan required by this permit. Cost estimates are subject to review and approval by the Department. In the event the total cost estimate for all remedial activities increases beyond the amount provided by Permittee, the financial assurance instrument(s) must be increased accordingly within 60 days of the estimate increase, or, for those facilities using a financial test, in the next scheduled submittal. If the estimate increase causes the inability of the facility to provide financial assurance through its currently selected mechanism, alternate financial assurance must be provided within 60 days. If contamination from the facility goes beyond the property boundary, the Permittee shall provide assurances of financial responsibility for completion of corrective action beyond the property boundary.

## **PART II - OPERATING CONDITIONS**

1. The Permittee shall notify the Department in writing four weeks prior to receipt of hazardous waste from a foreign source. Notice of subsequent shipments of the same waste from the same foreign source is not required. [40 CFR 264.12(a)]
2. Facility personnel must successfully complete the approved training program indicated in Section 6 of the permit application dated May 19, 2007, within six (6) months of employment or assignment to a facility or to a new position at the facility. Verification of this training must be kept with the

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personnel training records and maintained at the facility. Personnel shall not work unsupervised until training has been completed. The training must be reviewed by facility personnel at least annually. The Permittee shall maintain an updated list of personnel handling hazardous waste and their respective job titles at the facility [40 CFR 264.16].

3. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
4. The Contingency Plan must be reviewed periodically and immediately amended and distributed to the appropriate agencies if any criteria in 40 CFR 264.54 are met. Amendments to the plan must be approved in writing by the Department.
5. The Permittee shall comply with the following conditions concerning the Contingency Plan:
  - a. The Permittee shall immediately carry out the provisions in Section 5 of the permit application dated May 19, 2007, and follow the emergency procedures described by 40 CFR 264.56, whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which threatens or could threaten human health or the environment. The Permittee shall give proper notification if an emergency situation arises and, within five calendar days, must submit to the Department a written report which includes all information required in 40 CFR 264.56(j).
  - b. The Permittee shall comply with the requirements of 40 CFR 264.53.
  - c. Within seven calendar days of meeting any criterion listed in 40 CFR 264.54(a), (b) and (c), the Permittee shall amend the plan and submit the amended plan for Department approval. Any other changes to the plan must be submitted to the Department within seven days of the change. All amended plans must be distributed to the appropriate agencies.
  - d. The Permittee shall comply with the requirements of 40 CFR 264.55, concerning the emergency coordinator.
6. Sampling and analysis of permitted and new hazardous wastes shall be conducted in accordance with Section 7 – Waste Analysis Plan of the permit application (40 CFR 264.13).
7. The Permittee shall comply with 40 CFR 264.73(b)(9) and Section 3005(h) of RCRA, 42 U.S.C. 6925(h). The Permittee must certify, no less often than annually, that:
  - a. The Permittee has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable;
  - b. The proposed method of treatment, storage or disposal is the most practicable method available to the Permittee, which minimizes the present and future threat to human health and the environment; and
  - c. The Permittee shall maintain copies of certification in the facility operating record as required by 40 CFR 264.73(b)(9).

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8. In addition to the copies sent to the Hazardous Waste Regulation Section in Tallahassee, one copy of all submittals in response to permit conditions in this Part shall be sent to the district office at:

Hazardous Waste Supervisor  
Department of Environmental Protection  
400 North Congress Avenue  
West Palm Beach, Florida 33401

### **PART III - POST-CLOSURE CONDITIONS**

1. Not applicable at this time.

### **PART IV - ENVIRONMENTAL MONITORING CONDITIONS**

1. The Permittee shall comply with the requirements of 40 CFR 264.97.

### **PART V - GENERAL CORRECTIVE (REMEDIAL) ACTION CONDITIONS**

1. The Conditions of this Part apply to:
  - a. The SWMUs and AOCs identified in Appendix A;
  - b. Any additional SWMUs or AOCs discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means; as used in this Part of the permit, the terms “discover”, “discovery”, or “discovered” refer to the date on which the Permittee either:
    - (1). visually observes evidence of a new SWMU or AOC;
    - (2). visually observes evidence of a previously unidentified release of hazardous constituents to the environment; or
    - (3). receives information which suggests the presence of a new release of hazardous waste or hazardous constituents to the environment; and
  - c. Contamination that has migrated beyond the facility boundary, if applicable.
2. Within 15 calendar days of discovery, the Permittee shall notify the Department in writing of any newly discovered release(s) of hazardous waste or hazardous constituents; any suspected new AOC(s); and any additional SWMU(s) discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means. The notification shall include, at a minimum, the location of the release, AOC or SWMU (hereinafter referred to collectively as “site”), and all available information (*e.g.*, location of site(s) on a topographic map of appropriate scale; general dimensions of site; media affected; hazardous constituents released; and magnitude of release). The Department may conduct, or require that the Permittee conduct, confirmatory sampling in order to determine whether contamination is present. The Department will notify the Permittee in writing of the final determination as to the status of the newly discovered or suspected site.

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3. Upon notification by the Department, the Permittee shall prepare and submit a Confirmatory Sampling (CS) Work Plan for known, suspected, or newly discovered sites. Unless the notification letter specifically establishes a different time frame for work plan submittal, the Work Plan shall be submitted within 60 calendar days of notification by the Department that a CS Work Plan is required. The CS Work Plan shall include schedules for implementation and completion of specific actions necessary to determine whether or not contamination has occurred in any potentially affected media. In order to partly or wholly satisfy the CS requirement, previously existing data may be submitted with the work plan for the Department's consideration. In accordance with the schedule in the approved CS Work Plan, or no later than 60 calendar days after Department approval of a CS Work Plan if no schedule is included in the Work Plan, the Permittee shall submit a Confirmatory Sampling (CS) Report identifying those sites that are contaminated and those sites that are not contaminated. The CS Report shall include an analysis of the analytical data to support all determinations. Based on the results of the CS Report, the Department will determine the need for further investigation at sites covered in the CS Report and notify the Permittee in writing.
4. Upon notification by the Department, the Permittee shall commence site rehabilitation in accordance with Rule 62-730.225 and Chapter 62-780, F.A.C., for all SWMUs and/or AOCs identified in the notification. Unless the notification letter specifically establishes a different time frame to commence or complete site assessment, the Permittee shall commence and complete site assessment in the manner and within the time limits set forth in Rule 62-780.600, F.A.C.
5. If the Department or the Permittee at any time determines that any approved work plan no longer satisfies the requirements of 40 CFR 264.101 or this permit for prior or continuing releases of hazardous waste or hazardous constituents from SWMUs and/or AOCs, the Permittee shall submit an amended work plan to the Department within 90 calendar days of such determination.

## **PART VI – REMEDY SELECTION AND IMPLEMENTATION**

1. A remedy shall be selected from the remedial alternatives evaluated in accordance with Chapter 62-780, F.A.C.
2. Within 30 days of Department approval of the remedial alternative selected, the Permittee shall publish notice of a proposed permit modification in accordance with Rule 62-730.292(3)(c), F.A.C. This modification will serve to incorporate a final remedy, including a Corrective Action Management Unit (CAMU) if necessary, into this permit. Final approval of remedial action which is achieved through interim measures shall be in accordance with this condition.
3. When site rehabilitation is complete, the Permittee shall submit to the Department a Site Rehabilitation Completion Report in accordance with Chapter 62-780, F.A.C.
4. For site rehabilitation involving the cleanup of groundwater contaminated by a release from a regulated unit, the Permittee must demonstrate that the concentration of constituents of concern remain below cleanup goals for three consecutive years after active remediation has ceased.

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## Appendix A - Summary of Facility Sites

A.1. List of SWMUs and AOC requiring Confirmatory Sampling:				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment and Basis for Determination	Dates of Operation	
There are no units identified as not undergoing remedial activities at this time pursuant to this permit.				
A.2. List of SWMUs/AOCs requiring a Site Assessment (a/k/a RCRA Facility Investigation [RFI] or a Risk Assessment:				
SWMU/AOC Number/Letter	SWMU/AOC Name	SWMU/AOC Comment	Dates of Operation	Potentially Affected Media
There are no units identified at this time as requiring a Site Assessment.				
A.3. List of sites requiring a Remedial Action Plan or Natural Attenuations with Monitoring Plan (a/k/a Corrective Measures Study [CMS]):				
SWMU/AOC Number/Letter	SWMU/AOC Name	Dates of Operation	Potentially Affected Media	
There are no units identified at this time requiring a Natural Attenuation with Monitoring Plan or Remedial Action Plan.				
A.4. List of SWMUs/AOCs <u>implementing</u> a Remedial Action Plan or Natural Attenuation with Monitoring Plan (a/k/a Corrective Measures Study [CMS]):				
SWMU/AOC Number/Letter	SWMU/AOC Name	Dates of Operation	Potentially Affected Media	
There are no units identified at this time undergoing a Natural Attenuation with Monitoring Plan or a Remedial Action Plan.				
A.5. List of SWMUs/AOCs at which Site Rehabilitation Completion Determinations without controls have been made:				
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA		
SWMU 1	Container Storage Area*	RFA		
SWMU 2	Tank Storage Area *	RFA		

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A.5. List of SWMUs/AOCs at which Site Rehabilitation Completion Determinations without controls have been made:		
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA
SWMU 3	Debris Field From Construction	RFA
SWMU 4	Storm Water Retention Pond	RFA
SWMU 5	Oil Filters Storage Area	RFA
SWMU 6	Mercury Lamps Storage Area	RFA
SWMU 7	Used Antifreeze Tanker	RFA
* Regulated Unit		
A.6. List of SWMUs/AOCs at which Site Rehabilitation Completion Determinations with controls have been made:		
SWMU/AOC Number/Letter	SWMU/AOC Name	Unit Comment and Basis for NFA
There are no units identified at this time at which Site Rehabilitation Completion Determinations with controls have been made.		

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Issued January 9, 2008

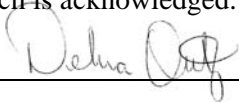
STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



CHARLES F. GODDARD, CHIEF  
BUREAU OF SOLID AND HAZARDOUS WASTE

**Filing and Acknowledgment**

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.



CLERK

January 9, 2008

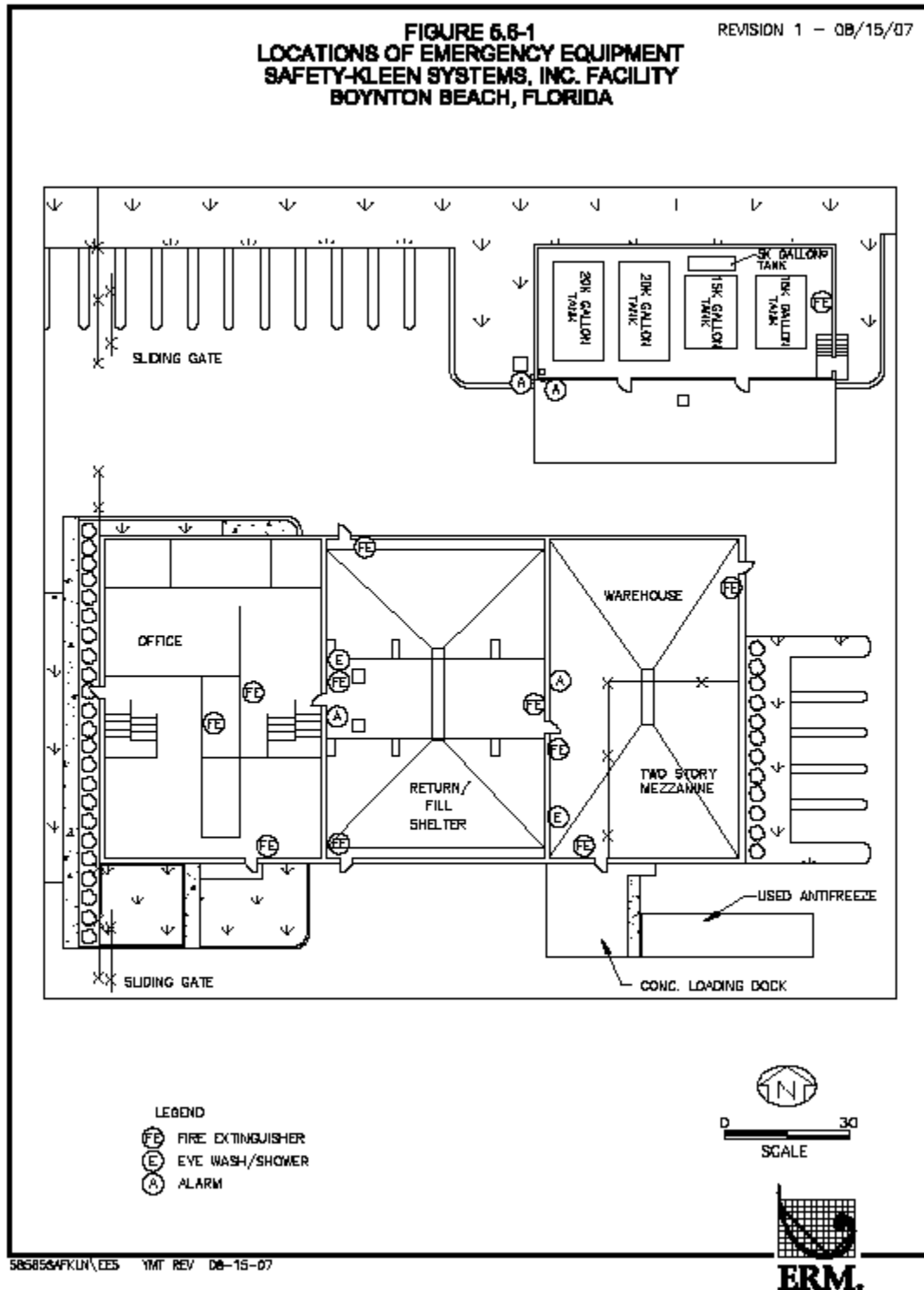
DATE



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### Attachment A - Description of Facility



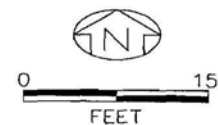
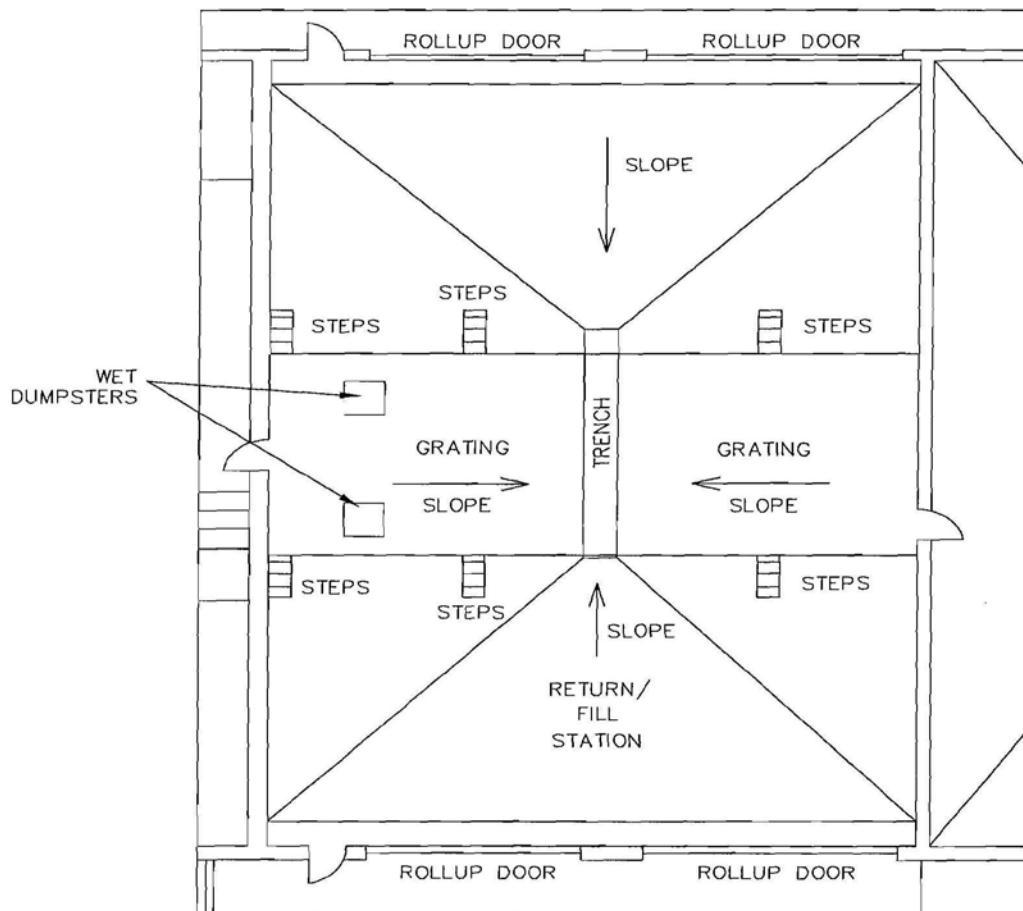
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**Attachment B – Solvent Return/Fill Station**

**FIGURE 5.6-4  
RETURN/FILL STATION  
SAFETY-KLEEN SYSTEMS, INC. FACILITY  
BOYNTON BEACH, FLORIDA**

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58585SAFKLN\RFS5



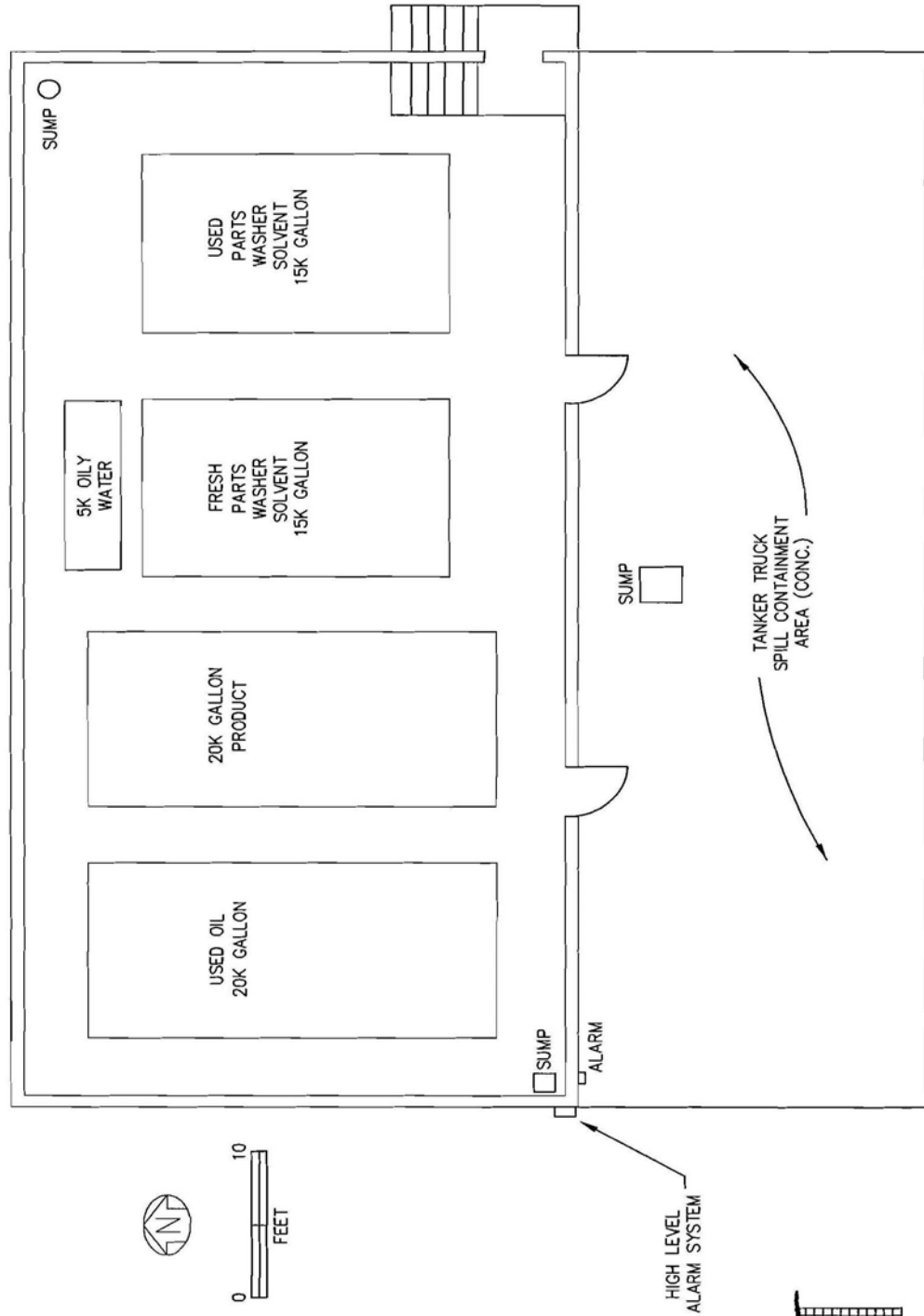
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### Attachment C – Tank Storage

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FIGURE 5.6-5  
 TANK STORAGE AREA  
 SAFETY-KLEEN SYSTEMS, INC. FACILITY  
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### Attachment D – Container Storage Area

