

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: WAG Deborah A. Getzoff, District Director

THROUGH: WAG William Kutash, Waste Program Administrator

JD James Dregne, Hazardous Waste Program Manager (ol)

ER Elizabeth Knauss, HW Enforcement Coordinator

FROM: KH Kelly Honey, Environmental Specialist III

DATE: September 30, 2010

FILE NAME: Safety-Kleen Systems, Inc.

COUNTY: Hillsborough

PROGRAM: Hazardous Waste

PROJECT # WL10-0062HW29SWD

TYPE OF DOCUMENT: Warning Letter  
Penalty Computation Worksheet

REQUESTED ACTION: SIGNATURE

DESCRIPTION OF VIOLATIONS:

The facility had at least four containers of used oil without containment. There are also some containment areas that need to be resealed.

STATUS OF CORRECTIVE ACTIONS:

The facility must reseat its containment and contact the Department within 15 days to set up a meeting.

STATUS OF PENALTY ASSESSMENT:

The penalty has been prepared in accordance with Department and United States EPA RCRA Civil Penalty Policies.

PENALTY: ☐ Not Applicable

Amount: \$2,000

Costs & Expenses: \$300

Total: \$2,300

Secretary Approval ☒ Not required / Approved on \_\_\_\_\_

Attachments: Warning Letter  
Penalty Computation Worksheet



Florida Department of  
Environmental Protection  
Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi Drew  
Secretary

October 4, 2010

**CERTIFIED MAIL 7009 1680 0001 0455 2952**  
**RETURN RECEIPT REQUESTED**

Mr. Jeff Curtis, EHS Manager  
Safety-Kleen Systems, Inc.  
5610 Alpha Drive  
Boynton Beach FL 33426

RE: **Warning Letter #WL10-0062HW29SWD**  
Safety-Kleen Systems, Inc.  
EPA ID# FLD 980 847 271  
Hillsborough County

Dear Mr. Curtis:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on August 20, 2010, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection (Department) personnel made observations described in the attached inspection report. The report lists a summary of alleged violations of Department Rules.

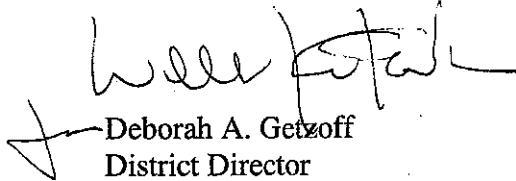
Sections 403.161 and 403.727, Florida Statutes (F.S.) provide that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Kelly Honey at (813) 632-7600, extension 369, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 2003, the penalties which would be assessed in this case are \$2,000.00. Costs and expenses in this case will be a minimum of \$300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff  
District Director  
Southwest District

DAG/kmh

enclosure

cc: Parvez Mallick, US EPA Region IV (via electronic mail)  
Glen Perrigan, Department, HWR Section (via electronic mail)  
Kelley Boatwright, Hillsborough County SQG Program (via electronic mail)  
Compliance File

## PENALTY COMPUTATION WORKSHEET

VIOLATOR'S NAME: SAFETY-KLEEN SYSTEMS, INC.

IDENTIFY VIOLATOR'S FACILITY: 5309 24<sup>TH</sup> AVE. S., TAMPA, FL (FLD 980 847 271)

NAME OF DEPARTMENT STAFF RESPONSIBLE FOR THE PENALTY COMPUTATIONS: KELLY HONEY

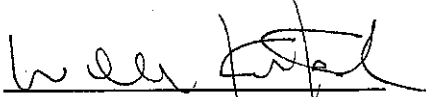
CASE #: WL10-0062HW29SWD

DATE: SEPTEMBER 28, 2010

VIOLATION TYPE	VIOLATION CODE	VIOLATION CATEGORY	EXTENSION/DEVIATION	MAJOR FINE	TOTAL
1. FAILURE TO IMMEDIATELY CLEAN UP TWO SMALL SPILLS OF USED OIL NEAR THE RETURN/FILL AREA <b>40 CFR 279.22(d)(3)</b>	UO-143	N/A (ELRA)	N/A (ELRA)	\$2,000	\$2,000
2. FAILURE TO MAINTAIN AN IMPERVIOUS SECONDARY CONTAINMENT SYSTEM AT THE RETURN/FILL AREA <b>403.727(1)(c), FS</b>	HW-005	MAJOR	MAJOR	\$28,330 TO \$37,500	NO PENALTY SOUGHT
3. FAILURE TO PROVIDE SECONDARY CONTAINMENT FOR AT LEAST 4 CONTAINERS HOLDING >2-INCHES OF USED OIL <b>62-710.401(6), FAC</b>	UO-145	N/A (ELRA)	N/A (ELRA)	\$500 OR \$4,000	COMBINED WITH ITEM 1
SUB-TOTAL					\$2,000
DEPARTMENT COSTS					\$300

**TOTAL PENALTIES INCLUDING DEPARTMENT COSTS:**

**\$2,300**

  
 DEBORAH A. GETZOFF  
 DISTRICT DIRECTOR  
 SOUTHWEST DISTRICT

10/4/10  
 DATE



**Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report**

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**FACILITY INFORMATION:**

**Facility Name:** Safety - Kleen Systems Inc

**On-Site Inspection Start Date:** 08/20/2010

**On-Site Inspection End Date:** 08/20/2010

**ME ID#:** 1792

**EPA ID#:** FLD980847271

**Facility Street Address:** 5309 24th Ave S, Tampa, Florida 33619-5368

**Contact Mailing Address:** 3003 W Breezewood Lane, Neenah, Wisconsin 54957-0368

**County Name:** Hillsborough

**Contact Phone:** (800) 558-5011

**NOTIFIED AS:**

LQG (>1000 kg/month)

Transporter

Transfer Facility

TSD Facility Unit Type(s)

Used Oil

**INSPECTION TYPE:**

Routine Inspection for TSD Facility Unit Type(s)

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Hazardous Waste Transfer Facility

Routine Inspection for Universal Waste Transporter facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kelly M. Honey, Environmental Specialist III

**Other Participants:** Shannon Camp, Environmental Specialist II; Kathleen Downey, Environmental Specialist I; John Walters, Branch Manager

**LATITUDE / LONGITUDE:** Lat 27° 55' 33.9629" / Long 82° 23' 39.6154"

**SIC CODE:** 4212 - Trans. & utilities - local trucking, without storage

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Safety-Kleen Systems, Inc., (Safety Kleen) was inspected to determine its compliance with state and federal hazardous waste regulations. SK is a permitted hazardous waste storage and recycling facility and also sells and leases out various parts cleaning machines to its customers. Core business lines include parts cleaners, immersion cleaners and paint gun cleaners, as well as aqueous cleaners (brake and parts cleaners). In addition, Safety Kleen collects used oil and used oil filters, spent mercury-containing lamps and spent antifreeze (ethylene glycol). The company is also a hazardous waste transfer facility that receives wastes from its customers for consolidation and shipment to other facilities. All hazardous wastes received or generated at the facility are stored in containers or tanks. The inspectors were accompanied by Mr. John Walters, Branch General Manager, who is also the designated emergency coordinator.

**Process Description:**

The facility has not changed since the previous inspection. Other than materials handling, the major process ongoing at the facility is drum cleaning, which utilizes an enclosed, automated spritzer system. Used solvent is brought back to the facility from designated customers and used to clean drums. After cleaning, the spent solvent is pumped to the facility's hazardous waste storage tank. The cleaning process, as well as the process of emptying drums of customers' spent

Inspection Date: 08/20/2010

solvent, generates hazardous waste solids/debris and sludge, which are accumulated in a 55-gallon drum located at the facility's wet dumpster. When full, the drum is moved into storage and managed with the rest of the stored wastes. Additional details about the facility may be found in Permit #34744-HO-005 and the associated permit application. The current permit expires on November 23, 2011. A complete application for the renewal of the permit must be submitted to the Department no later than May 27, 2011.

Except for QA samples and the occasional drum, used oil transported by SK is not brought back to the facility, but is taken to the Trans-Flo Tampa transfer facility and loaded onto a rail car for shipment to another SK facility in Illinois. Used oil filters may be stored in large containers on the east side, north of the return/fill area where there is no secondary containment. At the time of the inspection, there were no used oil filters on site, however, examination of the contents of some of containers showed that at least four of them had measurable used oil of at least 2-inches inside. Staff were directed to move those with used oil into the contained area, or get them pumped out. This was noted in the previous inspection report. Also in the return/fill area, the coating of the containment floor was observed to be peeling up and was in need of recoating. One of the loading dock sumps on the east side of the facility was also in need of recoating. This has been scheduled. Two small spills of used oil were observed on the ground outside the return/fill area on the west side.

Since the previous inspection, Safety Kleen has gotten rid of its tanker of used ethylene glycol, which is no longer stored on site. According to documentation received after the inspection, Safety Kleen picks up used only ethylene glycol that has been comingled with used oil. The used oil is processed at Safety Kleen's East Chicago, Illinois, facility by heating and then condensing the light ends which are collected and shipped for further ethylene glycol recovery by unnamed third parties.

Inspection of the storage areas of the facility indicates that the facility was within the allowable volume storage limits, as well as the allowable time limits. All the waste containers observed were labeled and dated, although there were inconsistencies regarding where the dates on some of the wastes were marked. The Department is concerned that the inconsistencies could lead to transfer wastes being stored for more than 10 days. Additionally, some of the drums from the nonflammables storage area had been temporarily moved and were not arranged with adequate aisle space.

Records were reviewed and found to be in order. Manifests, including some used oil records, were reviewed and found to be acceptable. Transfer logs indicate that no transfer waste was on site for more than nine days. The 2009 Biennial Report was submitted to the Department on March 9, 2010. Other records reviewed included the permit and associated application, the closure plan, training records, the Waste Minimization Plan and Annual Certification, updated financial assurance and closure cost documents, the contingency plan and list of emergency contacts, which were last revised on October 8, 2008, daily inspections of the Container Storage and Container Loading/Unloading Areas, the Continued Use System, the Storage Tank System and the air emissions equipment, equipment inventory, repairs and monitoring reports and weekly inspections of safety and emergency equipment.

#### **New Potential Violations and Areas of Concern:**

##### **Checklist Independent Potential Violations and Areas of Concern**

Type: Violation

Rule: 403.727(1)(c)

Explanation: During the inspection, it was observed that the containment area at the east side of the return / fill station needed recoating. Also, a sump under one of the loading docks was also in need of recoating.

Corrective Action: Since the inspection, Safety-Kleen has begun the process of getting the containment area and the loading dock sump resealed. Estimated time for completion of the project is 45 days.

Inspection Date: 08/20/2010

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Type: Area Of Concern

Rule: 268.50(a)(2)(i)

Explanation: During the inspection, it was observed that warehouse personnel were not consistent when marking dates on the containers' labels.

The labels placed on containers when they arrive at Safety Kleen have three spaces available for dates: a space for the accumulation start date for the generator, a place for the start date for the transfer facility, and a place for the start date for the TSD facility. In the past, Safety Kleen has consistently filled in the dates as follows: for wastes generated on site, the date was marked in the space for generators; for transfer wastes, the date was marked in the space for transfer facilities; and for wastes received for storage (i.e., Safety Kleen is the designated facility) the date was marked in the space for TSDs.

It was observed that some of the containers for which Safety Kleen was the designated facility had dates marked in the space for transfer facility wastes and vice versa.

Corrective Action: As discussed during the inspection, the Department recommends marking the dates on container labels in a consistent and logical manner, as was done in the past. This will assist in ensuring that no transfer facility wastes are on site for more than 10 days in the event of personnel changes or absences.

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Type: Area Of Concern

Rule: 263.12

Explanation: Although the facility has a log that cross references specific containers with the allowable time on site (i.e., transfer vs. storage), on the floor it was very difficult to determine which containers were transfer containers and which were storage containers due to the inconsistency with where the dates were marked on the labels. Additionally, some of the rows, especially in the nonflammables storage area, are not dedicated solely to one type of container or another. The inspectors could not determine which containers were transfer containers without consulting the log, which is kept in the office. The Department is concerned that warehouse personnel would also need to consult the log to determine which containers are transfer containers, and that this could lead to improper storage of transfer wastes.

Corrective Action: As discussed during the inspection, the Department recommends that Safety Kleen encourage its warehouse personnel to use the spaces on the container labels designated for transfer and storage wastes.

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Type: Violation

Rule: 62-710.401(6)

Explanation: During the inspection, at least four used oil filter containers storing at least 2-inches of used oil were observed outside the containment area. This was an Area of Concern in the previous inspection report.

Corrective Action: Containers of used oil must be provided with secondary containment capable of holding 110% of the volume of the largest container within.

Inspection Date: 08/20/2010

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Type: Violation  
Rule: 279.22(d)(3)  
Explanation: During the inspection, there were two small spills (approximately 1-ft diameter and 2-ft diameter) of used oil noted outside the containment area on the west side of the fill / return area. (corrected)  
Corrective Action: Facility staff were directed to immediately clean up the used oil.

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Type: Area Of Concern  
Rule: 264.35  
Explanation: At the time of the inspection, the facility had temporarily moved several pallets of drums out of the storage aisles to another part of the facility. The relocated pallets drums were placed very close to each other, and there was not adequate space between them.  
Corrective Action: As discussed, the facility should ensure that there is adequate aisle space between drums at all times. This includes drums that have been temporarily relocated.

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**Summary of Potential Violations and Areas of Concern:**Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
403.727(1)(c)		08/20/2010	During the inspection, it was observed that the containment area at the east side of the return / fill station needed recoating. Also, a sump under one of the loading docks was also in need of recoating.
62-710.401(6)		08/20/2010	During the inspection, at least four used oil filter containers storing at least 2-inches of used oil were observed outside the containment area. This was an Area of Concern in the previous inspection report.
279.22(d)(3)		08/20/2010	During the inspection, there were two small spills (approximately 1-ft diameter and 2-ft diameter) of used oil noted outside the containment area on the west side of the fill / return area. (corrected)

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Checklist Independent Areas of Concern			
268.50(a)(2)(i)		08/20/2010	During the inspection, it was observed that warehouse personnel were not consistent when marking dates on the containers' labels.

Inspection Date: 08/20/2010

Rule Number	Area	Date Cited	Explanation
			<p>The labels placed on containers when they arrive at Safety Kleen have three spaces available for dates: a space for the accumulation start date for the generator, a place for the start date for the transfer facility, and a place for the start date for the TSD facility. In the past, Safety Kleen has consistently filled in the dates as follows: for wastes generated on site, the date was marked in the space for generators; for transfer wastes, the date was marked in the space for transfer facilities; and for wastes received for storage (i.e., Safety Kleen is the designated facility) the date was marked in the space for TSDs.</p> <p>It was observed that some of the containers for which Safety Kleen was the designated facility had dates marked in the space for transfer facility wastes and vice versa.</p>
263.12		08/20/2010	<p>Although the facility has a log that cross references specific containers with the allowable time on site (i.e., transfer vs. storage), on the floor it was very difficult to determine which containers were transfer containers and which were storage containers due to the inconsistency with where the dates were marked on the labels. Additionally, some of the rows, especially in the nonflammables storage area, are not dedicated solely to one type of container or another. The inspectors could not determine which containers were transfer containers without consulting the log, which is kept in the office. The Department is concerned that warehouse personnel would also need to consult the log to determine which containers are transfer containers, and that this could lead to improper storage of transfer wastes.</p>
264.35		08/20/2010	<p>At the time of the inspection, the facility had temporarily moved several pallets of drums out of the storage aisles to another part of the facility. The relocated pallets drums were placed very close to each other, and there was not adequate space between them.</p>

Inspection Date: 08/20/2010

**Conclusion:**


Based on the observations made during this inspection, Safety Kleen was not in compliance with rules governing treatment, storage and disposal facilities.

Inspection Date: 08/20/2010

**Signed:**

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kelly M. Honey	Environmental Specialist III	
<b>PRINCIPAL INSPECTOR NAME</b>	<b>PRINCIPAL INSPECTOR TITLE</b>	
	FDEP	9/28/2010
<b>PRINCIPAL INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>	<b>DATE</b>
<hr/>		
Shannon Camp	Environmental Specialist II	
<b>INSPECTOR NAME</b>	<b>INSPECTOR TITLE</b>	
NO SIGNATURE	FDEP	
<b>INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>	
<hr/>		
Kathleen Downey	Environmental Specialist I	
<b>INSPECTOR NAME</b>	<b>INSPECTOR TITLE</b>	
NO SIGNATURE	FDEP	
<b>INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>	
<hr/>		
John Walters	Branch Manager	
<b>REPRESENTATIVE NAME</b>	<b>REPRESENTATIVE TITLE</b>	
NO SIGNATURE	Safety-Kleen Systems, Inc.	
<b>REPRESENTATIVE SIGNATURE</b>	<b>ORGANIZATION</b>	

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

7009 1680 0001 0455 2952

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Certified Fee	OCT 04 2010
Return Receipt Fee (Endorsement Required)	SOUTHWEST DISTRICT TEMPLE TERRACE
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	
Sent <b>Mr. Jeff Curtis, EHS Manager</b>	
Safety-Kleen Systems, Inc.	
5610 Alpha Drive	
Boynton Beach, FL 33426	
PS Form 3800, April 2008 See reverse for instructions	

## Stewart, Patricia

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**From:** Stewart, Patricia  
**Sent:** Monday, October 04, 2010 2:12 PM  
**To:** 'Mallick.Parvez@epamail.epa.gov'; Perrigan, Glen; 'boatwright@epchc.org'  
**Subject:** Safety Kleen FLD 980 847 271 Warning Letter  
**Attachments:** Safety Kleen.pdf; image003.jpg

Attached please find a copy a warning letter. This is the only copy you will receive.

**NOTE:** If you have any questions concerning the contents of this documents, please contact the DEP Environmental Specialist III [Kelly.Honey@dep.state.fl.us](mailto:Kelly.Honey@dep.state.fl.us)

Acrobat Reader 6.0 or greater is required to read these documents. It is available for downloading at:  
<http://www.adobe.com/products/acrobat/readstep.html>



Thank you,  
Patricia Stewart  
Senior Clerk  
Department of Environmental Protection  
Southwest District  
13051 N. Telecom Parkway  
Temple Terrace, Florida 33637  
813-632-7600, X 356  
FAX: 813-632-7664  
[Patricia.Stewart@dep.state.fl.us](mailto:Patricia.Stewart@dep.state.fl.us)

**Stewart, Patricia**

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**From:** Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]  
**To:** Mallick.Parvez@epamail.epa.gov  
**Sent:** Monday, October 04, 2010 2:13 PM  
**Subject:** Relayed: Safety Kleen FLD 980 847 271 Warning Letter

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

Mallick.Parvez@epamail.epa.gov

**Subject:** Safety Kleen FLD 980 847 271 Warning Letter

**Stewart, Patricia**

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**From:** Microsoft Exchange  
**To:** 'boatwright@epchc.org'  
**Sent:** Monday, October 04, 2010 2:13 PM  
**Subject:** Relayed: Safety Kleen FLD 980 847 271 Warning Letter

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'boatwright@epchc.org'

**Subject:** Safety Kleen FLD 980 847 271 Warning Letter

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Sent by Microsoft Exchange Server 2007

**Stewart, Patricia**

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**From:** Microsoft Exchange  
**To:** Perrigan, Glen  
**Sent:** Monday, October 04, 2010 2:13 PM  
**Subject:** Delivered: Safety Kleen FLD 980 847 271 Warning Letter

**Your message has been delivered to the following recipients:**

Perrigan, Glen

**Subject:** Safety Kleen FLD 980 847 271 Warning Letter

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Sent by Microsoft Exchange Server 2007