



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

November 22, 2010

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

SUBJECT: Proposed Settlement of Safety-Kleen Systems, Inc.  
EPA ID # FLD 980 847 271  
OGC File No.: 10-3492

Dear Mr. Curtis:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated October 4, 2010, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,600.00, along with \$300.00 to reimburse Department costs, for a total of \$1,900.00. The civil penalty in this case does not include any violations of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. Payment shall be made within 10 days of your signing this letter. Payment must be made payable to the Department of Environmental Protection by cashier's check or money order, and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL 33637-0926.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it and the attachments to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address within ten (10) business days of receipt, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,

  
Deborah A. Getzoff  
District Director  
Southwest District

**FOR THE RESPONDENT:**

I, Virgil Duffie, on behalf of Safety-Kleen Systems, Inc., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By:   
Virgil Duffie, Vice President, Assistant General Counsel

Date: 12/3/10

.....  
**FOR DEPARTMENT USE ONLY**

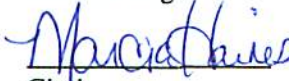
DONE AND ENTERED this 10<sup>th</sup> day of December, 2010

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Deborah A. Getzoff  
Director Of District Management

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to § 120.52, Florida Statutes,  
With the designated Department Clerk, receipt of which is hereby  
Acknowledged.

  
Clerk 12-10-10  
Date

Copies furnished to: Lea Crandall, Agency Clerk, Mail Station 35

## NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

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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.

Inserted Into Oculus

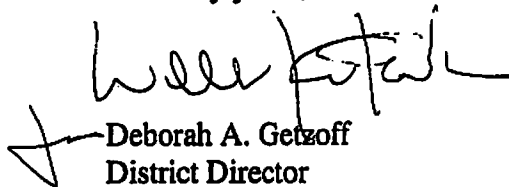
OCT 04 2010

Initials: 

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.

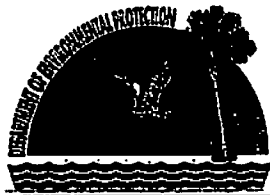
Sincerely yours,

  
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



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

**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)(l)**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>

**Conclusion:**

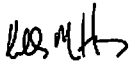
**Based on the observations made during this inspection, Safety Kleen was not in compliance with rules governing treatment, storage and disposal facilities.**

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

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.