

Thursby, Kim

From: Curtis, Jeff [Jeff.Curtis@safety-kleen.com]
Sent: Wednesday, July 06, 2011 1:30 PM
To: Epost HWRS
Subject: RE: Safety-Kleen Systems, Inc. FLD 980 847 271,First Notice of Deficiencies

Received.

Thank you,

Jeff Curtis

EHS Manager, Florida
Safety-Kleen Systems, Inc.
Office: (561) 738-3026
Cell: (561) 523-4719
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jeff.curtis@safety-kleen.com
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From: Epost HWRS [<mailto:EpostHWRS@dep.state.fl.us>]
Sent: Thursday, June 30, 2011 12:38 PM
To: Curtis, Jeff
Cc: Bahr, Tim; Goddard, Charles; Dregne, James; Echevarria, Edgar; Honey, Kelly; Russell, Merlin; Tripp, Anthony
Subject: Safety-Kleen Systems, Inc. FLD 980 847 271,First Notice of Deficiencies

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. (An automatic "reply message" is not sufficient to verify receipt). 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.

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

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. 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.



Florida Department of
Environmental Protection
Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

June 30, 2011

Sent Via Email

Jeff.Curtis@safety-kleen.com

Mr. Jeff Curtis
Safety-Kleen Systems, Inc.
5309 24th Avenue South
Tampa, Florida 33619

**Subject: Safety-Kleen Systems, Inc. FLD 980 847 271, Operating Permit No. 34744-
HO-005
Hillsborough County
First Notice of Deficiencies**

Dear Mr. Curtis:

Your application for a hazardous waste permit has been reviewed and found to be incomplete. The required information and amendments necessary to complete your application are itemized in the enclosed Notice of Deficiencies.

When a permit application is incomplete, all processing of the application is suspended. You are hereby advised to provide us with the requested additional information pursuant to Florida Administrative Code (F.A.C.) Rule 62-730.220 and Chapter 403.722, Florida Statutes (F.S.).

If you cannot submit this information within thirty (30) days, you must provide a detailed schedule with dates when this information will be submitted.

Mr. Jeff Curtis
June 30, 2011
Page 2 of 11

You are encouraged to contact this office to discuss the deficiencies noted by the application review. This exchange of ideas will assist you in developing a complete and adequate response. If you would like to arrange a meeting or have any questions, please call me at 850-245-8796 or merlin.russell@dep.state.fl.us

Sincerely,

A handwritten signature in black ink, appearing to read "Merlin D. Russell Jr.", with a horizontal line extending to the right.

Merlin D. Russell Jr.
Professional Geologist II
Hazardous Waste Regulation

MR/mdr
Enclosure

cc via e-mail w/enclosure:

Jim Dregne, FDEP Tampa, James.Dregne@dep.state.fl.us
Edgar Echevarria, FDEP Tallahassee, Edgar.Echevarria@dep.state.fl.us
Kelly Honey, DEP Tampa, Kelly.Honey@dep.state.fl.us

ENCLOSURE
Safety-Kleen Systems, Inc.
Operating Permit No. 34744-HO-005
Hillsborough County

General Comments:

1. Any revisions to the Part B in one location must be done throughout the document. As an example, any changes to the "External Factors" paragraph must be done on pages 30-31, 72, 87 and any other places throughout the Part B. Although this NOD tries to point out multiple locations throughout the Part B where identical changes are required or suggested, it is the responsibility of Safety Kleen to ensure changes are made throughout the Part B.
2. Revised pages or sections can be submitted to replace pages in the 5/27/11, Revision 0 Part B. Any revisions must be identified as Revision 1 on each page.

General Comments on Part II.K Closure

(Page/paragraph or section)

3. (94/3): Here and elsewhere, if contaminants in the rinseate are known to be from a listed hazardous waste, then TCLP would not need to be performed for the purposes of a hazardous waste determination, i.e., the rinsewater would be hazardous by the mixture rule. However, TCLP or other analyses may be desired by the recipient of the waste.
4. (97/2) If site assessment, interim measures or corrective action is required, these actions must be done in accordance with Chapter 62-780, F.A.C. and permit requirements.
5. (97/3 and elsewhere) As was noted above for the rinseate (above), if contamination on the concrete (or any other debris or discarded material) is known to be from a listed hazardous waste, then TCLP would not need to be performed for the purposes of hazardous waste determination, i.e., the concrete would be hazardous by the mixture rule.
6. (98/4) Florida no longer has closure permits. Closure would be performed in accordance with your closure plan submitted with this Part B. Your closure plan lacks some of the details that would normally be included if you were preparing to close at this time. However, for this operating permit, a less detailed plan is acceptable although a few specific requirements/clarifications are identified below. If and when you intend to close, we recommend that you notify the Department as soon as practicable. At that time, we can mutually work out any remaining closure details

based upon site-specific circumstances, and current regulations and guidance. Requirements for postclosure care (if needed) can be discussed at that time.

7. A "solid waste management unit" (SWMU) includes any unit which has been used for the treatment, storage, or disposal of solid waste at any time, irrespective of whether the unit is or ever was intended for the management of solid waste including RCRA regulated hazardous waste management units. SWMUs include areas that have been contaminated by routine and systematic releases of hazardous waste or hazardous constituents, excluding one-time accidental spills that are immediately remediated and cannot be linked to solid waste management activities (e.g., product or process spills).

Specific Comments:
(Page/paragraph or section)

Part I

8. Part I.A.10: Billy Ross signed as the Operator on the certification page of the April 1 renewal, and he needs to be identified as the Operator on the Part I. Ensure that his address and phone number are also used in this section.

9. Part I.A.11: Billy Ross signed as the Owner on the certification page of the April 1 renewal, and he needs to be identified as the Owner on the Part I. Ensure that his address and phone number are also used in this section.

10. Table 2.2-2, page 11 of 11 is blank. Was something left out or should this table be only 10 pages in length?

11. Part I.B.1: Update the coordinates for the facility. A better representation of the facilities location would be 24° 55' 34" N, 82° 23' 39"W.

12. Part I.B. Site Information, page 3: The application incorrectly states that there are no water bodies within ¼ mile of the facility. There appear to be at least three water bodies within that distance from the facility. Update the application accordingly.

13. Part I.B.3 (page 1) The application states that Fluid Recovery Service (FRS) wastes are transfer wastes (i.e., 10 days maximum allowed). These wastes must be specifically spelled out. The list of "examples" included on page 7 is nearly the same as the examples of permitted wastes. Your application must be revised to specify how the wastes differ and how Safety-Kleen differentiates when the wastes are on site.

Part I.D Operating Information

14. The following comments are on used oil:

1. Apparently the site has converted one of its solvent Above-ground Storage Tanks (AST) (not the hazardous waste AST) to a used oil AST, and is now storing up to 15,000-gallons of used oil on site. Safety Kleen registered as a used oil transfer facility in January 2011 but has not registered the change in the type of product stored with the Department's Storage Tanks Program as required by subparagraph 62-762.451(1)(b)3, F.A.C.
2. Additionally, Safety-Kleen must update the emergency response arrangements, send out the revised contingency plan, etc., if it has not yet done so.
3. The hazardous waste solvent AST is referred to on the site sketches and throughout the application (e.g., in the contingency plan) as "used solvent". The tank should more appropriately be called the "hazardous waste solvent" AST and the CP should state it contains hazardous waste.
4. The application states that the used oil is taken to the TransFlo terminal "on an as needed basis." Although we concur that it should be an "as needed basis" the application should also state "but at least every thirty-five days, as specified in 40 CFR 279."

15. Figure 2.2-5 shows the HW management areas. The return/fill station area is designated as a "tank storage waste management area" which is partially correct because the fills for the HW AST are here, but containers are also managed in this area (staged for dumping, satellite containers, etc.) and also in the loading docks. The figure must be updated to show container management in this area.

16. Page 6 states "Most of the 150 solvent used by customers will be utilized by the Branch for the washing of used containers." This is not correct. See comment 27 on the CUP program below.

17. Part I D 3, (page 9) The table included in the Part B is different than the information required by the hazardous waste permit application (Form 62-730.900(2)(a)). As an example, your table does not include the "Process design Capacity and Units of Measure" required by the application. The table must be reformatted and identical to the table in Part I D 3. [Note: if the new table uses a single asterisk (*), ensure it is identified in the notes at the bottom rather than a single dot (•) which is a typo].

Part II A. General

18. The Contingency Plan (CP):

1. The CP should contain a Table of Contents so that one can locate information quickly within the plan.

2. Throughout the permit application and in the CP, Safety-Kleen states that waste will be going to a "recycle center." We presume you mean a permitted TSD, but the application should explicitly say so.
3. Page 8 of the CP indicates types of dry cleaning wastes that are managed at the facility except lint although it is mentioned later in the plan as a part of the filter cartridges on page 50. Lint is also removed from lint traps and is technically a separate waste stream.
4. In the facility description and the contingency plan (9/4), Safety-Kleen indicates that the *area* storing universal waste lamps will be marked in accordance with paragraph 62-737.400(5)(b), FAC. The boxes or the lamps must be labeled, not the area in which they are stored (Page 53 correctly states the containers will be labeled). Safety-Kleen should be using the marking requirements required by 40 CFR 273.14(e).
5. (9/3) Safety-Kleen states that "...used products are basically fresh products with impurities of dirt and metals." DEP recommends including language such as, "They may also be contaminated with other solvents, such as aerosol brake cleaners." You should also refer to the used product as "waste product" because they are wastes.
6. Page 13 of the CP states "the Branch Manager or designee is the emergency coordinator" and then refers the reader to page iii. Page iii does not have the words "emergency coordinator" anywhere on it. This title must be added to page iii.
7. (19/2) This paragraph specifies that spills within the building will be cleaned up by personnel wearing respirators. If this is correct, then no change is required. However by putting this requirement in the CP, Safety-Kleen is committing to doing it every time. You may wish to rethink this language and use something more similar to what is written on page 20.
8. The section beginning on page 20, Tank Spills or Leakage, must be updated to include used oil and not just solvent.
9. The CP does not contain timeframes for loading/unloading trucks and vehicles. Safety-Kleen must propose a reasonable timeframe for unloading inbound containers and a reasonable timeframe for shipping outbound containers after loading onto a truck or vehicle.
10. A site sketch showing clearly marked evacuation routes and the location of the assembly area must be included.
11. When discussing the waste codes potentially carried by the spent solvent, there is no mention of F001. F001 must be included.
12. On page 53, under "Branch Generated Liquids and Solids (Debris)," there is no mention of the waste generated from cleaning out the wet dumpsters. It is mentioned elsewhere, but should also be mentioned here.
13. The CP does not explicitly discuss the prevention of contamination of water supplies (Part II.A.4.c(4)).

14. The CP does not address hurricanes (see additional comments below). Discussion of hurricanes would be very appropriate in the "External Factors" section located on page 30-31 (and pages 72, 87).

EPA's guidance entitled *Preparedness and Prevention Requirements for RCRA TSDFs (Response to Chemical Safety Board Recommendation 2007-01-I-NC)* was sent to Jeff Curtis on March 11, 2010. Based upon the guidance, FDEP is recommending that the plan be reviewed at least annually. We plan to have such a requirement in your new permit. In addition, we plan to require that an electronic copy (and subsequent revisions) be submitted to first responders each time a revision is approved.

You should visit EPA's *As Hurricane Season Begins: A Reminder to Minimize Process Shutdown Related Releases and to Report Releases In a Timely Manner*, located at: http://www.epa.gov/region4/r4_hurricanereleases.html for information on hurricane preparedness and EPA requirements.

19. The Waste Analysis Plan (WAP):

1. The WAP should reflect the use of waste analyses that generators supply (if any). (Part II.A.6). We suggest that the following language be inserted: "Safety-Kleen is responsible for reviewing all submitted information for accuracy and consistency. If analytical data provided do not support the waste profile completed by the generator, the waste will not be accepted."
2. (55/1) Does Safety-Kleen perform the "full analysis" for nonconforming material? If so, provide additional details on the process of characterizing such wastes.
3. (55/2) The WAP is silent on confirming waste profiles, with the exception of visually looking at certain wastes when they are still at the generators' sites (e.g., spent parts washer solvent, dry cleaning wastes). Safety-Kleen is ultimately responsible for the accuracy of every waste profile, including permitted and transfer wastes. Further, under 49 CFR 171.1, Safety Kleen is performing pre-transportation functions for their customers and is jointly responsible for ensuring compliance with materials classification, labeling, marking, packaging and preparation of shipping papers on behalf of their customers. Most of these customers are not registered with PHMSA and do not have staff that have USDOT hazardous materials training. We suggest the following sentence be added to the end of the Summary for the Job Description of the MSS (Table 6.1-4): "Safety-Kleen is liable for waste profiles and shipping papers supplied to the generator unless the generator's representative certifies under penalty of law that he has received training in USEPA hazardous waste regulations and USDOT hazardous materials regulations within the last three years and that he is fully aware that providing false information on a waste profile may subject him to civil and criminal penalties pursuant to federal and state law."
4. (56/1) Describe in more detail what is involved in an "environmental review".

5. (57/2 & 3 and elsewhere in this WAP) This section should clarify whether Safety-Kleen analyzes the collected samples or whether the samples are sent off to a lab for analysis or if both, which analyses are performed where.

20. Indicate all other federal laws that may apply to the issuance of the permit according to 40 CFR Part 270.3 (Part II.A.8).

Part II.B Containers

21. (68-69, and 92) The location of the underground pipe and unused tank containment area must be illustrated on one of the figures.

22. (69/3) For clarification, are the containment areas of the tank systems also sealed with Sikagard® 62 or equivalent? If so, it would be appropriate to add to the tanks information.

23. (70/2) Aisle space must be sufficient to inspect drums or to replace damaged or leaking drums at a site. The Department generally *recommends* 3' aisle clearance.

24. (71/1) If immersion cleaner, dry cleaning, paint waste and FRS containers are never opened at the Branch Office, then at what point is the characterization verified, if needed?

25. The inspection logs provided in Figure 8.4-1 are very specific (e.g., "total volume of 30 gal paint waste"). What logs does Safety-Kleen use for containers that contain other types of waste? Will these always be transfer wastes? It appears as though other types of wastes are manifested to Safety-Kleen in Tampa as the designated facility. Safety-Kleen may wish to amend the log to include a line for "other wastes volumes".

26. (75) Containers are inspected to verify that all container identification, dates, labels, etc., are attached and current, but there is no line specifically for this information. We recommend adding a line for all the bullets identified on page 75 to ensure that the inspector is checking all the required items.

Part II.J Tank System

27. The application should include your written Continued Use Program (CUP). The reference to washing containers on page 77 makes it sound like any returned solvent can be used as continued use solvent, and there is no mention of the CUP vat. Your former permit application (Appendix G) contains details on the vat and the barrel washers.

28. Figure 9.4-1, "Inspection Sheet for: Daily Inspection of Storage Tank System" identifies one tank as "Dirty MS Tank." If this is the HW storage tank, it should be

identified as such. Also the second tank is identified as the "Used Oil Tank" but it says "EMPTY" underneath in parentheses. Is this tank empty or in use? If it's empty now, does Safety-Kleen intend to use it in the future? If the answer is yes, they should remove the word "empty" from the inspection sheet.

Part II.K Closure

29. There are minor inconsistencies in the descriptions between Part II.J and the "Facility Data" section. The sections need to be accurate and consistent. Some examples from page 92:

1. North Storage Area capacity-5,200 gal. vs. 5,197 gal.
2. South Storage Area capacity-41,220 gal. vs. 41,367 gal.
3. The South Overflow Pipe and containment capacity (containment area and pipe) is 5,491 gal. On page 68, the total containment is listed as 6,151 gal.

30. (94/first bullet) This paragraph states (for the south overflow pipe and containment system) "...if sufficient documentation exists..." decontamination will not be required. The application must be revised to identify what Safety-Kleen envisions as "sufficient documentation."

31. On page 96, there should be a note that the two regulated ASTs will be closed in accordance with Chapter 62-762, FAC.

32. (96/4th bullet) Safety-Kleen must include one additional sample under the tanker connections for a total of four samples. Depending upon the sample results, groundwater monitoring may also need to be performed.

33. (100) The closure cost estimates are not sufficiently detailed in order to determine if the costs are reasonable. One of the specific line items should include the cost of T&D of the wastes. The \$186,750 for mobilization and preparation for closure seems high without knowing more specifically the activities included in this category. It is also not clear if a contingency was included in the cost estimate.

Part II.P Information Requirements Regarding Potential Releases from Solid Waste Management Units and Part II.Q Information Requirements for Solid Waste Management Units

34. Fifteen Solid Waste Management Units (SWMUs) are identified in the current permit (and Part B) but the locations of these SWMUs are not included in the Part B. A map showing the location of each SWMU is required. In addition, as discussed on June 8, 2011, SWMUs not listed in your Part B include:

1. Fluorescent Lamp Storage Area.

2. Non-flammable Waste Transfer Waste Area (located within SWMU-1 (Service Center Drum Storage Area and Associated Trench)).
3. Flammable Waste Transfer Storage Area (located within SWMU-10 (Drummed Flammable Waste Storage Room)).
4. Satellite Accumulation Area (SAA) (located within SWMU-3 (Solvent Return Wet Dumpsters)).
5. Less than 90-day storage area (located within SWMU-10 (Drummed Flammable Waste Storage Room)).

You should carefully determine if there are other SWMUs at your facility. Common examples include, aerosol can and drum crushers, fluorescent bulb crushers, used oil management areas, etc. Part II.P and Q information requirements for each new SWMU must be submitted.

Part II.R Process Vents and Part II.S Requirements for Equipment

35. There is already a comment on the poor quality of Figure 11.1-1. This figure also needs to be updated along with being made legible.
36. Part II.S, Page 103: Provide information on how the 2,000 ppm vapor phase concentration was calculated.
37. Part II.S, Page 105: To what does Method 21 refer?

Appendix A, Site photographs

38. The clarity of the photos is poor. We would recommend submitting clear photographs with explanations. Ideally, the explanation should indicate the name of the area being photographed, any significant features, the direction of the photograph (e.g., facing north), the name of the photographer and the date of the photo.

Appendix C Containment Calculations

39. Volume calculation. Page 3 of 5 for South CSA (non-flammable). It appears that two different heights are averaged in the volume calculation. Please explain the need to add two heights and divide by two to obtain a height for the calculations.
40. Tank Containment: Page 3 of 4. The units for the Volume of Largest Tank need to be in ft³, not gallons.

Appendix D Subpart BB and CC information

41. (103) Regarding the Subpart BB requirements and the components diagramed in Figure 11.1-1, the figure is too small to adequately discern all the unique numbers given

to each component and the list is difficult to read. The figure and list must be re-done so that each can be clearly read.

42. Safety Kleen's contention is that all fluids are heavy volatile mixtures. Please provide documentation and calculations to support this contention.

43. Page 108 states that Figure 2.2-5 depicts the location and types of hazardous waste management units subject to Subpart CC, and also references the "indoor storage tank farm." There is nothing about Subpart CC on Figure 2.2-5, nor is there any reference to an indoor storage tank farm. The Department is unsure what is meant by either of these statements. Subpart CC containers must be managed anywhere Safety Kleen receives containers (e.g., loading docks, return/fill) and anywhere Safety Kleen stores them (with the possible exception of the corrosives and reactives).

44. Table 11.2-1 indicates the waste codes associated with the hazardous waste AST and again, there is no mention of F001 (See comment 11)

45. Page 110 references Table 11.2-2, but there is no Table 11.2-2 in the application.

46. (110) It is unclear which assessment Safety-Kleen is talking about. Is it the API 10-year assessment or something to do with Subpart BB/CC?