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NORTHEAST DISTRICT  
**RECEIVED**  
DEC 19 1991  
DER-JACKSONVILLE  
*Jim DOR*  
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December 15, 1991

SENT VIA FACSIMILE AND  
CERTIFIED MAIL

Mr. Ernest Frey, P.E.  
Director of District Management  
Florida Department of Environmental  
Regulation - Northeast District  
Suite B200  
7825 Baymeadows Way  
Jacksonville, FL 32256-7577

RE: Response to Warning Notice,  
WL91-0285HW10NED

Dear Mr. Frey:

We acknowledge receipt of your letter on December 6, 1991. The purpose of this letter is to respond in writing to the matters set forth in your warning letter. Our response is a good faith effort to resolve the Department's concerns. It is our intention and expectation that nothing in this letter shall be construed as an admission or used against the company in any administrative or judicial proceeding. Safety-Kleen expressly reserves any and all defenses it might have to the matters set forth in your letter and does not intend to waive any of those defenses by making this response.

As discussed with Ms. Vicky Valade of your staff last December 9, it is no longer necessary to have a meeting because all of the possible violations have already been resolved to your staff's satisfaction.

40 CFR 262.34(a)(3) - The Hazardous Waste label has faded on the D001 waste mineral spirits storage tank.

Although faded, we feel the sign is still clearly visible and therefore complies with the regulation. Regardless, the sign was replaced last December 2 to resolve any concerns.

40 CFR 264.73(b)(9) - Facility was not able to locate the annual waste minimization certification in its operating record during the inspection.

**DOCKET # 8**

Although none of the facility personnel could locate the waste minimization certification at the time of the inspection (October 22, 1991), the certification was in the branch files. A copy was provided to Mr. Collado last December 2 which was the date he requested a copy.

A copy of the waste minimization certification for 1990 will be sent to your office under separate cover before the end of 1991.

I will be conducting a training exercise at the facility next year. Branch personnel will be familiarized on the location of all environmental files that are subject to inspection by the Department. In the interim, facility personnel have been instructed to contact me immediately when a file that is of interest to the Department could not be located. I have a pager and I can be accessible anytime.

**40 CFR 265.35 - Facility did not provide adequate aisle space for the containers in the transfer facility building.**

Adequate aisle space was provided in the shelter the same day of the inspection. The Department was informed of this corrective action last November 27.

Regarding containers that were returned from the State of South Carolina, the branch has instituted new procedures to ensure that no waste is picked up from any customer unless the authorization from South Carolina has been issued for that particular customer's waste.

We would appreciate having more open lines of communication with you and your staff. If you have any questions, please call me anytime.

Sincerely,



Victor L. San Agustin, P.E.  
Regional Environmental Engineer  
Tampa Region

cc: Vicky Valade, NE-FDER  
Ashwin Patel, NE-FDER  
Satish Kastury, BWPR  
Herb Collado, NE-FDER  
James Kutzman, USEPA IV