



Florida Department of Environmental Protection

Northwest District
160 West Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Interim Secretary

July 15, 2015

Mr. Jeffrey Curtis
EH&S Manager
Safety-Kleen Systems, Inc.
5610 Alpha Drive
Boynton Beach, Florida 33426

SUBJECT: Department of Environmental Protection v. Safety-Kleen Systems, Inc.,
OGC File No.: 15-0412-HW-37
EPA ID: FLD982133159

The State of Florida Department of Environmental Protection ("Department") finds that Safety-Kleen, Inc. ("Respondent") in violation of Code of Federal Regulations Rule 265.174. Although there are no actions required to correct the violation(s), the Respondent remains subject to civil penalties as a result of the violation. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking \$750.00 in civil penalties and \$250.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$1,000.00. The civil penalties are apportioned as follows: \$750.00 for violation of Code of Federal Regulations Rule 265.174.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at Northwest District Office at State of Florida, Department of Environmental Protection, 160 West Government Street, Suite 308, Pensacola, Florida 32502-5740 by August 10, 2015. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a

final order of the Department pursuant to Section 120.52(7), F.S., and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you,

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

- (1) Respondent must pay \$1,000.00 in full by August 10, 2015.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at:
<http://www.fldepportal.com/go/pay/>
It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the

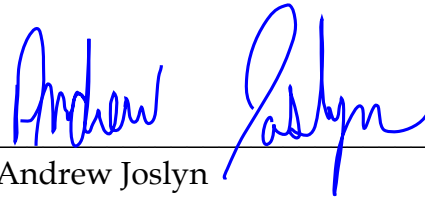
attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Aaron Mitchell at (850)595-0621 or by e-mail at Aaron.Mitchell@dep.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Joslyn", is written over a horizontal line.

Andrew Joslyn
Compliance Assurance Administrator
Northwest District Office

FOR THE RESPONDENT:

I, _____ [Type or Print Name], **HEREBY ACCEPT
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
[Signature]

Date: _____

Title: _____
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this ____ day of _____, 2015, in Escambia County,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Emile D. Hamilton
District Director
Northwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department
Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Attachments: Notice of Rights

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@dep.state.fl.us)

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- 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 Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the 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 Order.

The petition 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 at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



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

FACILITY INFORMATION:

Facility Name: Safety - Kleen Systems Inc

On-Site Inspection Start Date: 06/01/2015

On-Site Inspection End Date: 06/01/2015

ME ID#: 20821

EPA ID#: FLD982133159

Facility Street Address: 4426 Entrepot Blvd, Tallahassee, Florida 32310-8740

Contact Mailing Address: 5610 Alpha Drive, Boynton Beach, Florida 33426

County Name: Leon

Contact Phone: (561) 523-4719

NOTIFIED AS:

LQG (>1000 kg/month)

Transporter

Transfer Facility

TSD Facility Unit Type(s)

Used Oil

INSPECTION TYPE:

Routine Inspection for LQG (>1000 kg/month) facility

Routine Inspection for Transporter facility

Routine Inspection for Transfer Facility

Routine Inspection for TSD Facility Unit Type(s)

Routine Inspection for Used Oil facility

INSPECTION PARTICIPANTS:

Principal Inspector: Aaron Mitchell, Inspector

Other Participants: Bobby Mitchell, Customer Service Manager

LATITUDE / LONGITUDE: Lat 30° 24' 6.3651" / Long 84° 19' 31.045"

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

TYPE OF OWNERSHIP: Private

Introduction:

Safety-Kleen Systems, Inc. (S-K), 4426 Entrepot Boulevard, Tallahassee, Florida is a generator, transporter and permitted storage and transfer facility for hazardous waste. This facility is permitted for both a container storage area and a tank storage area with Permit No. 009207-HO-010, which was renewed March 4, 2015. S-K was purchased by Clean Harbors, and has recently undergone a managerial staff change. This facility was last inspected on February 15, 2013, with no violations noted.

Process Description:

A. Return/Fill Shelter:

The area was inspected when no loading/unloading activity was underway. Both the drain dumpsters lids were closed. One Satellite Accumulation Area (SAA) contained a closed, labeled 55-gallon drum for hazardous waste solids/sludge from the dumpster/drum washing unit.

B. 10 Day Transfer Station Area:

This area contained 13 pallets of mixed hazardous and non-hazardous drums awaiting shipment. All drums were labeled, dated and within the 10-day transfer date (oldest date May 26, 2015). Documentation for containers was checked and found to be in order.

Inspection Date: 06/01/2015

The safety equipment locker was fully equipped and in order. A SAA has been established in this area for expired used oil vacuum samples. This SAA was labeled and in good condition.

C: TSD Storage Area:

This area contained 26 containers of hazardous waste awaiting shipment. The oldest date observed was April 11, 2015. All containers were labeled dated and in good condition. Approximately 23 boxes of universal waste lamps were present in closed, labeled, and dated boxes. Oldest universal waste date observed was May 19, 2015.

D. Tank Storage:

The covered and enclosed tank storage area contains a 150° solvent, used oil tank and permitted hazardous waste storage tank. Outside this area are a 150° solvent tank and a used antifreeze tank. All tanks and the load/unload pipe manifold area appeared to be in good condition. The hazardous waste solvent tank contents are transported by Safety Kleen Systems, Inc. (TXR000050930) to destination facility Safety Kleen Systems, Inc (SCD077995488) as waste combustible liquids (D001, D018, D039 & D040) approximately once a month.

E. External Area:

The outside storage/laydown area, driveways, vehicle parking lot, solid waste dumpsters and the perimeter fence/lawn areas were inspected with no violations noted. Signs are attached to the perimeter fencing and in good condition. At the time of inspection the used oil wastewater tank was being removed and replaced with an empty tank. Secondary containment for this tanker was closed and in good condition.

F. Records Review:

Emergency fire and spill control equipment within the facility was randomly inspected and appeared to be in good condition. A review of randomly selected training records, 10-day Transfer Area, Storage Tanks, and safety equipment were reviewed with no discrepancies noted. The daily inspection of the difficult to monitor values and fitting have been conducted per permit requirements with no deficiencies noted. The weekly inspection checklists for the hazardous waste storage area were reviewed and a deficiency noted. The Weekly Inspection Checklist for the hazardous waste storage area was not completed during the dates of July 28, 2014 through September 29, 2014.

This inspection verified S-K is a large quantity generator of hazardous waste; a transporter and transfer facility of hazardous waste and used oil; and a permitted hazardous waste storage facility.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	265.174
Explanation:	Safety Kleen Systems during the time period July 28, 2014 through September 29, 2014, did not conduct the Weekly Inspection Checklists for the HW storage area were not filled out by facility staff. This is a possible violation of 40 CFR 265.174, which requires and dictates the parameters in which TSD facilities must conduct weekly inspections of their hazardous waste storage areas.
Corrective Action:	The facility needs to ensure that in the event of an employee change that a plan is in place to conduct the routine weekly inspection checklists for the facility hazardous waste storage area.

Inspection Date: 06/01/2015

PHOTO ATTACHMENTS:

HW Storage Area



Used antifreeze tank



Tank loading and unloading piping



Facility grounds and signage



Conclusion:

SKS needs to ensure that the weekly inspection checklist is completed as required by permit conditions and TSD requirements.

Inspection Date: 06/01/2015

Signed:

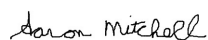
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection 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.

Aaron Mitchell

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

6/26/2015

DATE

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.