Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

November 2, 2015

Mr. Steve Gugino, Branch General Manager
Safety-Kleen Systems, Inc.
5309 24th Avenue S
Tampa, Florida 33619
steve.gugino@safety-kleen.com

Re: Compliance Assistance Offer
Safety-Kleen Systems - 24th Avenue
Facility ID No. FLD980847271 (Hazardous Waste)
Hillsborough County

Dear Mr. Gugino,

A Hazardous Waste Compliance inspection was conducted at your facility on August 25, 2015, under the authority of Section 403.061, Florida Statutes (F.S). During this inspection, possible violations of Chapter 403, F.S., Chapter 62-4, Florida Administrative Code (F.A.C.), Chapter 62-730, F.A.C, and Title 40, Code of Federal Regulation (CFR) were observed. The purpose of this letter is to offer you compliance assistance as a means of resolving these matters.

Please see the attached inspection report for a full account of Department observations and be advised this Compliance Assistance Offer is part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), F.S. We request you review the items of concern noted in the attached inspection report and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should either:

1. Describe what you have done to resolve the issue (see "Recommendations for Corrective Action" section of the report),
2. Provide information that either mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for one of our inspectors to visit your property to offer suggested actions to return to compliance without enforcement.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in the attached inspection report so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Roger Evans of the Southwest District Office at (813) 470-5867 or via e-mail at roger.evans@dep.state.fl.us. We look forward to your cooperation with this matter.

Sincerely,

Kelly L. Bishop, PG
Assistant Director
Southwest District
Florida Department of Environmental Protection

KLB/rv/re

Enclosures: Inspection Report with Attachments

ec: Jeff Curtis, EHS Manager, Safety-Kleen Systems, jeff.curtis@safety-kleen.com
Gerry Javier, Hillsborough County EPC, SQG Program, javierg@epchc.org
Roger Evans, FDEP SWD, roger.evans@dep.state.fl.us
Elizabeth Knauss, FDEP SWD, elizabeth.knauss@dep.state.fl.us
Richard Vaughn, FDEP SWD, richard.vaughn@dep.state.fl.us

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Safety-Kleen Systems Inc

On-Site Inspection Start Date: 08/25/2015 **On-Site Inspection End Date:** 08/25/2015

ME ID#: 1792 **EPA ID#:** FLD980847271

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

Contact Mailing Address: 5309 24th Ave S, Tampa, Florida 33619-5368

County Name: Hillsborough **Contact Phone:** (561) 738-3026

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)

INSPECTION PARTICIPANTS:

Principal Inspector:	Roger Evans, Inspector
Other Participants:	Steve Gugino, Branch General Manager; Chris Abel, Lead Material Handler; Shannon Camp

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., (SK) was inspected on August 25, 2015, to determine the facility's compliance with state and federal hazardous waste regulations. The Department most recently conducted a hazardous waste inspection at this facility in April 2013, and has inspected the facility many times in the past. The inspectors were accompanied during the inspection by Steve Gugino, Branch General Manager, and Chris Abel, Lead Material Handler.

Process Description:

SK is a permitted hazardous waste storage and recycling facility. The facility 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, SK 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 facility has not changed operations since the previous inspection. However, the facility's on-site septic system was taken off-line on 4/22/14, and the wastewater is now discharged to the City of Tampa Publicly Owned Treatment Works (POTW). Other than material handling, the major process taking place at the facility is drum cleaning.

The return and fill area, located between the North and South buildings, is where drivers pick up the clean solvents in the morning for customer delivery and, in the evening, drop off spent solvent

picked up from the customers that day. Parts washer solvent from customers participating in SK's Continued Use Program (CUP) is used to clean returned drums at the SK facility, and as such, is still a viable "product" when picked up from the customer. CUP solvent is placed into a dedicated 200-gallon "continuous use" vat which is piped to one of two drum washers/wet dumpsters where it is spritzed onto brushes during the drum cleaning process. Debris generated from the dumping and washing of drums in the dumpsters is placed in 55 -gallon satellite containers. At the time of the inspection, there was one satellite container which was closed and labeled as hazardous waste. The secondary containment in this area appeared to be clean, dry and intact.

After cleaning of the drums, the spent solvent is pumped to the facility's hazardous waste storage tank, which is located in a tank farm within secondary containment. There are three tanks located within the tank farm area: a Clean 150 Mineral Spirits tank, a Used Oil tank, and a Dirty Parts Washer Solvent (hazardous waste) tank. All three tanks appear to be in good working condition and all were properly labeled. The tank farm is covered to minimize rain water in the secondary containment area. No liquid was observed within the secondary containment area at the time of the inspection.

Examination of the North and South Storage Areas indicates the waste at the facility was within the allowable volume storage limits, and all transfer wastes were stored within the 10 day limit.

A leaking drum was observed in the South Storage Building (non-flammable room) within the 10 day transfer waste area. Standing liquid was observed within the trench area, located next to the overhead door on the west side. According to Chris Abel the liquid was rain water getting into the trench. Facility personnel over packed the leaking drum during the inspection, and removed the rain water from the trench the same day.

A leaking drum was observed in the South Storage Building (flammable room) within the 10 day transfer waste area. The leaking drum was over packed during the inspection. Additionally, the inspectors observed four drums (labeled EcoPower 15W40) located on a secondary containment pallet and a 5-gallon container of unknown liquid stored over a grate covering a collection trench. Of the four drums on the pallet, two were empty and two contained used oil. Neither of the two used oil drums were properly labeled. The collection trench is located approximately in the center of the South Storage building. According to Chris Abel, the 5-gallon container contained soap. Facility personnel properly labeled the used oil drums and moved the used oil drums and the 5-gallon container of soap to the proper storage area during the inspection. All other waste containers observed in the building were properly labeled and dated.

Spill response equipment was adequate and in place. Fire extinguishers located throughout the building were charged and last certified in June 2015. An eyewash/shower station, located in the South Building against the southeast wall, was blocked by a double pallet of wrapped drums. The pallets of drums were removed during the inspection, thus giving access to the eyewash/shower station.

Inspections are logged daily in accordance with the facility's permit, except for non-operating days such as weekends and national holidays. Records reviewed included Daily Inspections of Gates & Locks, Storage Tank System, Containment Area (Tank Dike), Container Storage Areas, Weekly Inspection of Safety & Emergency Equipment, Security Devices and miscellaneous equipment, Daily Inspection of Continued Use, and Daily Forklift and Powered Industrial Truck Inspection. Logs reviewed from 1/2/14 – 8/21/15 were maintained and complete, with exception for the week of 1/13/14 – 1/17/14 which were missing. The facility provided these missing logs on 8/28/15.

Other records reviewed included the Waste Minimization Plan and Annual Certification (8/13/15), permit, daily inspections for Subpart BB and CC, and updated financial assurance and closure cost estimates (11/3/14). The facility's contingency plan and list of emergency contacts was last amended on 10/3/14. The plan was posted near the phones within the facility. Training records, including position descriptions and job titles were available and up to date. Records indicate the last RCRA training was conducted in 12/12/14 and Hazwoper 8-Hr Annual Refresher in 11/20/14.

SK waste acceptance procedures were discussed. According to facility personnel an annual re-

characterization of their hazardous waste solvent is completed using TCLP results to characterize customers' waste codes. A random sample of manifests and used oil records were reviewed. Two transfer manifests (#004478592 dated 1/6/15 and #004872504 dated 8/24/15) were observed with a D002 waste code. According to SK Permit No. 34744-HO-007 issued on 2/21/12 this waste code was not specifically identified as one that could be accepted and stored at the facility. D002 waste may only be managed as transfer waste.

SK ships used oil by rail to their facility in East Chicago, Illinois. Rail cars are loaded at the Tampa Transflo Terminal facility, and all shipping papers describe the material as non-DOT regulated, although Safety-Kleen accepts oil mixed with flammable or combustible fuels. During the inspection the facility was asked how they determine the oil is not a flammable or combustible material (per 279.43). Steve Gugino contacted Jeff Curtis (EHS Manager) and in the telephone conversation Mr. Curtis indicated that SK does not test the consolidated used oil for flammability or combustibility prior to shipment. The company is not in compliance with 40 CFR 279.43(b), which requires used oil transporters to comply with USDOT requirements, because the company is not in compliance with 49 CFR 171.2(b). "Each person offering a shipment of hazardous materials for transport is responsible for properly classifying and describing the shipment. An offeror may rely on information provided by another offeror, unless that offeror knows, or a reasonable person ...would have knowledge that the information provided by the other offeror is incorrect." SK has not documented the basis for classifying a mixture of materials that includes a USDOT hazmat as a non-regulated material.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	264.35
Explanation:	Adequate aisle space was not maintained between a double pallet of drums and eyewash/shower station. (Corrected)
Corrective Action:	The double pallet of drums were removed during the inspection.

Type:	Violation
Rule:	279.43(b)
Explanation:	SK was not in compliance with USDOT regulations regarding classification of mixtures of materials with different USDOT hazard classes.
Corrective Action:	SK must submit results of flash point testing for its next 6 bulk used oil shipments to the Department. SK must identify the correct USDOT shipping name for the material based on the results of flash point testing.

Type:	Violation
Rule:	403.727(1)(a)
Explanation:	At the time of the inspection, drums of used oil and a 5-gallon container were observed to be improperly stored over a collection trench instead of being stored in the proper storage area. (Corrected)
Corrective Action:	Permit Condition II.B.1 - Container storage shall be conducted within the areas of the facility as depicted in Attachment II. Any change to the container storage

arrangement requires prior Department approval. The used oil drums and 5-gallon container of soap were moved to the proper storage location.

Type:	Violation
Rule:	403.727(1)(a)
Explanation:	At the time of the inspection, standing liquid was observed in the trench located next to the overhead door, in the South Storage building. (Corrected)
Corrective Action:	Permit Condition II.B.10 - The secondary containment provided at the container loading/ unloading areas shall be clear of any liquids and/ or debris at all times. Any rainwater accumulation or non-hazardous waste debris present in these areas shall be removed within 24 hours or in a timely a manner as possible. The rainwater was removed from the trench the same day upon discovery.

Type:	Violation
Rule:	62-710.401(6)
Explanation:	Two drums observed within the South Storage Building were leaking oil. (Corrected) Two drums containing facility generated used oil were not labeled. (Corrected)
Corrective Action:	Facility personnel over packed the drums and cleaned up the used oil on the concrete flooring. Facility personnel labeled the two drums "Used Oil".

Conclusion:

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

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.

Roger Evans	Inspector
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**

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.