

## Thursby, Kim

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**From:** Curtis, Jeffery S <Jeff.Curtis@safety-kleen.com>  
**Sent:** Monday, September 26, 2016 7:55 AM  
**To:** Epost HWRS (Shared Mailbox)  
**Subject:** RE: Safety Kleen System, Inc.;FLD980847271;Request for Additional Information (RAI) – Partial Response Received

Received.

Thank you

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**From:** Thursby, Kim [mailto:Kim.Thursby@dep.state.fl.us] **On Behalf Of** Epost HWRS (Shared Mailbox)  
**Sent:** Friday, September 23, 2016 2:11 PM  
**To:** Curtis, Jeffery S <Jeff.Curtis@safety-kleen.com>  
**Cc:** Baker, Bryan <Bryan.Baker@dep.state.fl.us>; Walker, Kim (Waste) <Kim.Walker@dep.state.fl.us>; Bayly, Karen <Karen.Bayly@dep.state.fl.us>; Cinquino, Dawn <Dawn.Cinquino@dep.state.fl.us>; Eckoff, Michael <Michael.Eckoff@dep.state.fl.us>; Evans, Roger <Roger.Evans@dep.state.fl.us>; Fellabaum, Pamela <Pamela.Fellabaum@dep.state.fl.us>; 'bob.fox@erm.com' <bob.fox@erm.com>; Hansen, Mark E <Mark.Hansen@safety-kleen.com>; Hartshorn, Brad <Brad.Hartshorn@dep.state.fl.us>; Kantor, Karen E. <Karen.E.Kantor@dep.state.fl.us>; Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>; McBride, Ashanti <Ashanti.McBride@dep.state.fl.us>; Perrigan, Glen <Glen.Perrigan@dep.state.fl.us>; Scarborough, Jill R. <Jill.R.Scarborough@dep.state.fl.us>; Vaughn, Richard <Richard.Vaughn@dep.state.fl.us>; White, John <John.White@dep.state.fl.us>; Winston, Kathy <Kathy.Winston@dep.state.fl.us>; Russell, Merlin <Merlin.Russell@dep.state.fl.us>  
**Subject:** Safety Kleen System, Inc.;FLD980847271;Request for Additional Information (RAI) – Partial Response Received

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Program and Permitting 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](mailto: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](http://www.adobe.com/products/acrobat/readstep2.html).

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.

Bryan Baker, P.G.  
Environmental Administrator  
Hazardous Waste Program & Permitting



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

## REQUEST FOR ADDITIONAL INFORMATION

September 23, 2016

Mr. Jeff Curtis  
EHS Manager  
Safety-Kleen Systems, Inc.  
5610 Alpha Drive  
Boynton Beach, Florida 33426  
[Jeff.Curtis@safety-kleen.com](mailto:Jeff.Curtis@safety-kleen.com)

Re: Request for Additional Information (RAI) – Partial Response Received  
Hillsborough County – Hazardous Waste  
Facility Name: Safety Kleen System, Inc.  
Facility ID: FLD980847271  
DEP Application No.: 34744-HO-007

Dear Mr. Curtis:

Thank you for the additional information submitted on August 26, 2016, for DEP Application No. 34744-HO-007 for your operating permit. The additional information has been reviewed and determined to be a partial response to the Department's First request for additional information dated July 20, 2016. The items in the attached document remain unanswered. Pursuant to the provisions of Rule 62-730.220, F.A.C., please provide the remaining requested information in the attached document and refer to this correspondence in your response.

In order for the Department to continue processing your application, please submit the remaining requested information as soon as possible. The Department must receive a response within 30 days of the date of this letter, specifically, October 24, 2016, unless a written request for additional time to provide the requested information is submitted and approved. Pursuant to Rule 62-730.220(6), F.A.C. and Section 120.60, F.S., failure of an applicant to provide the timely requested information by the applicable deadline may result in denial of the application.

Please submit the response in electronic format to [HWPP@dep.state.fl.us](mailto:HWPP@dep.state.fl.us), with a copy to [merlin.russell@dep.state.fl.us](mailto:merlin.russell@dep.state.fl.us). If the file is very large, you may post it to a folder on this office's ftp site at: [ftp://ftp.dep.state.fl.us/pub/incoming/DWM/\[name of folder\]](ftp://ftp.dep.state.fl.us/pub/incoming/DWM/[name of folder]). After posting the document, send an e-mail to [HWPP@dep.state.fl.us](mailto:HWPP@dep.state.fl.us), with a copy to [merlin.russell@dep.state.fl.us](mailto:merlin.russell@dep.state.fl.us), alerting us that it has been posted.

In order to ensure the next submittal will be as complete as possible, the Department requests that a meeting be scheduled prior to submitting a response in order to discuss the draft submittal. Once you

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have a draft submittal, contact Merlin D. Russell Jr. to schedule a meeting time and date. If you have any questions, please contact Merlin D. Russell Jr. by telephone at 850-245-8796 or by e-mail at [merlin.russell@dep.state.fl.us](mailto:merlin.russell@dep.state.fl.us).

Sincerely,



Bryan Baker, P.G.  
Environmental Administrator  
Florida Department of Environmental Protection

cc:

Karen Bayly, DEP South District, [Karen.Bayly@dep.state.fl.us](mailto:Karen.Bayly@dep.state.fl.us)  
Dawn Cinquino, DEP Headquarters, [Dawn.Cinquino@dep.state.fl.us](mailto:Dawn.Cinquino@dep.state.fl.us)  
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Karen Kantor, DEP Southeast District, [Karen.E.Kantor@dep.state.fl.us](mailto:Karen.E.Kantor@dep.state.fl.us)  
Beth Knauss, DEP Southwest District, [Elizabeth.knauss@dep.state.fl.us](mailto:Elizabeth.knauss@dep.state.fl.us)  
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Kathy Winston, DEP Southeast District, [Kathy.Winston@dep.state.fl.us](mailto:Kathy.Winston@dep.state.fl.us)

Attached: List of Requested Information  
EPA Guidance

Mr. Jeff Curtis  
September 23, 2016

**Attachment: List of Remaining Requested Information**

Mr. Jeff Curtis  
Facility Name: Safety Kleen System, Inc.  
Facility ID: FLD980847271  
DEP Application No.: 34744-HO-007

Note: The comment number used is the same number used in the original RAI.

**2.f Part I: Continued Use Program (CUP)**

Safety-Kleen's response to the Department's 1<sup>st</sup> Request for Additional Information (RAI) did not include a legitimacy determination for the Department to evaluate. Listed below are examples of situations where SK has not met the requirements of 40 CFR 260.43(a). The Department will therefore re-evaluate SK's CUP program to determine if the Department's October 25, 1999 approval should be continued or terminated.

Requirement §260.43(a)(1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it:

(v) Is used as an effective substitute for a commercial product.

DEP Response:

Parts washer solvent used during maintenance operations at aircraft maintenance facilities may accumulate significant quantities of heavy metals to the extent that parts washer waste has been found to be hazardous for cadmium (D006). Cadmium is not an effective substitute for the mineral-spirits-based parts washer solvent.

Requirement §260.43(a)(4) The product of the recycling process must be comparable to a legitimate product or intermediate:

(i) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if:

(A) The product of the recycling process does not exhibit a hazardous characteristic (as defined in part 261 subpart C) that analogous products do not exhibit, and

(B) The concentrations of any hazardous constituents found in appendix VIII of part 261 of this chapter that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products or at levels that meet widely-recognized commodity standards and specifications, in the case where the commodity standards and specifications include levels that specifically address those hazardous constituents.

Mr. Jeff Curtis  
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DEP Response:

Both (A) and (B) are not met.

As noted earlier, some solvents destined for the CUP have been found to exhibit the characteristic of toxicity for cadmium (D006).

Below are examples that illustrate concentrations of various chemicals well above levels that are comparable to those found in analogous products (105 and 150 Solvents). In addition, the CUP Tank at your Sanford facility and Tanning Lab waste exceeded the TCLP limit for trichloroethylene and the analogous products do not:

	Units	TCLP Limit	Products		CUP Samples		
			105 Solvent	150 Solvent	CUP Tank	FL Prod Eng	Tanning Lab
Methyl Ethyl Ketone	mg/L TCLP	200 mg/L				3,700	1,100
Tetrachloroethylene	mg/L TCLP	0.7 mg/L	3,100		2,400	1,900	2,600
Trichloroethylene	mg/L TCLP	0.5 mg/L			77		65
	Units		105 Solvent	150 Solvent	CUP Tank	FL Prod Eng	Tanning Lab
Ethylbenzene	mg/kg			bdl	290	220	300
Methyl Ethyl Ketone	mg/kg			bdl	bdl	4,600	1,800
Tetrachloroethylene	mg/kg		3,700	bdl	3,100	2,500	3,300
Toluene	mg/kg		1,800	bdl	1,300	940	11,000
Trichloroethylene	mg/kg			bdl	96		84
o-Xylene	mg/kg		950	bdl	380	330	410
m, p-Xylene	mg/kg		1,900	bdl	1,100	930	1,200
Highlighted concentrations are greater than the higher of the 150 solvent results. If 105/150 results were not reported or are listed as bdl, concentrations greater than 1 are highlighted. Product samples are from the SK Sanford facility.							

Facilities performing the recycling of hazardous secondary material (HSM) under the exclusion of 40 CFR 261.4(a)(23) must maintain documentation of their legitimacy determination on site.

Documentation must be a written description of how the recycling meets all four factors in 40 CFR 260.43(a), except as otherwise noted in 40 CFR 260.43(a)(4)(iii). If you wish to continue the CUP, provide the Department with an update that specifically details how SK intends to address all four factors. Your legitimacy documentation must ensure that the problems identified above do not recur. Also, attached is an EPA guidance document for you to use in responding to the Department's comment 2f.

### 3. Certification Pages:

The Consent Resolution of the Directors is not sufficient to establish that Mark Hansen has the authority to sign the certification pages of the Permit Application for Safety-Kleen, Inc. DEP needs a legal opinion letter stating that Mark Hansen is a current employee of Safety-Kleen, he is a Director within the meaning of the June 2014 Consent Resolution, and he has the authority to sign, certify, and deliver documents such as the permit application on behalf of Safety-Kleen, Inc. The letter must be specific to

Mr. Jeff Curtis

September 23, 2016

Mark Hansen if he is going to sign the certification pages on behalf of Safety-Kleen, Inc. In the absence of a legal opinion letter, a Sun-Biz listed officer of Safety-Kleen can sign the certification pages.

The department acknowledges that a response to this comment was received on September 21, and it is currently being reviewed by the Office of General Counsel.

#### **4 Part II.A**

Because of the additional information submitted in response to the RAI, the last paragraph on page 2 is now missing (Contours Sufficient to Show Surface Water Flow) and needs to be re-inserted.

#### **7.c.: WAP**

There are still some inconsistencies between the tables on page 1 of the WAP and Table 5.1-1:

1. It appears that table on page 1 of the WAP needs the following edits in the last row (Mercury-Containing Lamps/Devices. Process Code should be "N/A\*\*\*\*" and Estimated Annual Amounts should be "Less than 2.2"
2. Page 1 of the WAP does not include "Aqueous Brake Cleaner" or its information located on Part I D.3 Process-Code and design Capacities.

#### **7.t: WAP**

It appears that Exhibit C-4 revised to contain the updated EPA methods was not included in your response.