



October 20, 2016

Mr. Merlin Russell Jr.
Professional Geologist II
Hazardous Waste Regulation
Florida Department of Environmental Protection
2600 Blair Stone Rd., M.S. #4560
Tallahassee, FL 32399-2400

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

Dear Mr. Russell:

Safety-Kleen (SK) has prepared this letter in response to the above referenced letter from the Department dated September 23, 2016. We have identified each of the Departments comments in bold, followed by our response. Revised pages of the application are enclosed with this submittal.

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

Safety-Kleen's response to the Department's 1st 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.

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:

			Products		CUP Samples		
	Units	TCLP Limit	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.

SK Response: As a preliminary matter, the Continued Use Program (CUP) is integral to Safety-Kleen's operations. As stated in our response to the Department's first RAI letter, dated July 20, 2016, SK does not believe the CUP material described herein meets the definition of a hazardous secondary material in 40 CFR 260.10 because it is not a spent material, by-product, or sludge. The CUP material does, however, qualify as an effective substitute for commercial products pursuant to 40 CFR 261.2(e)(1)(ii). The CUP material acts as a substitute for commercial products (e.g., virgin solvent) that would otherwise be used to clean drums. It retains sufficient solvent properties to be effective for use in drum cleaning, which is a primary activity in SK's operations. Safety-Kleen discusses the Continued Use Program in great detail on the attached CUP Briefing Document, dated May 8, 2003. We wish to continue managing the continued use solvent as an effective substitute for commercial chemical products in accordance with 40 CFR 261.2(e)(1)(ii) and as previously approved by the Department. However, Safety-Kleen understands the concerns the Department has raised above with regards to parts washer solvent used during maintenance at aircraft maintenance facilities. The Department states that "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)". To address the Department's concerns, and ensure the CUP solvent from customers in this industry do not have significant levels of heavy metals, Safety-Kleen proposes the following:

1. Any current CUP customer(s) in the aircraft maintenance/manufacturing industry will have TCLP testing completed for the RCRA 8 metals.
2. Any future, or proposed, CUP customer(s) in the aircraft maintenance/manufacturing industry will require TCLP testing for the RCRA 8 metals before being placed into the program.

In the event any current CUP customer(s) in the aircraft industry fails TCLP regulatory limit(s) for the RCRA 8 metals they will be removed from the program, and if any proposed CUP customer(s) fails they will not be allowed to participate in the program.

In its' RAI the Department includes a table listing examples illustrating concentrations of various chemicals found in samples taken by Central District inspectors at the SK Sanford facility on 6/26/2007. SK would note that in 2007 we were still providing 105 recycled solvent for use to our parts washer customers, which would account for several of the constituents found in the Department's analysis

report (CEN-DIST-2007-06-27-01). In addition, it was noted that a faulty valve in the piping from the drum washer to the CUP tank had allowed material from the drum washer to backflow into the CUP tank. This would also have affected the analysis from the CUP tank sample. In 2010 SK discontinued providing 105 recycled solvent to our parts washer customers, and began distributing only 150 Premium Solvent to all parts washer customers (CUP and non-CUP).

Safety-Kleen notes that solvents such those as found in the Department's analysis are routinely used or combined with other materials for their solvent properties and, if anything, enhance the cleaning effectiveness of the CUP material. These materials are incidental to the parts cleaning process, and the Department's analysis finding trace amounts of these chemicals shows they were not added for the purpose of disposal. Safety-Kleen representatives met with the Department in the fall of 2008 to resolve an existing enforcement case related to the SK Sanford CUP program. At that time, the Department agreed to rescind the enforcement case based on the same position SK presents here. Since the removal of SK's 105 recycled solvent the CUP material has become an even more environmentally-friendly material that has been shown to be an effective substitute for commercial products to clean drums. In addition to what is presented in this response letter I am including a CUP Briefing Document, dated May 8, 2003, for the Department to review. Safety-Kleen is interested in working with the Department to come to a mutually agreed upon decision which allows us to continue the program.

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 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 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.

SK Response: SK is awaiting the determination of the Office of General Counsel regarding our response on September 21, 2016.

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.

SK Response: The last paragraph referenced above was moved to page 3 during revisions in the last response. Page 3 is included with this response letter.

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.

SK Response: The two inconsistencies referenced above have been resolved and the revised pages are included with this response.

7.t: WAP

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

SK Response: Exhibit C-4 with revisions to the updated EPA methods is included with this response.

Thank you for the Departments time in this matter. If you have any questions or require additional information, please do not hesitate to contact me.

Best regards,



Jeff Curtis
EHS Manager, Florida
Safety-Kleen Systems, Inc.

Enclosure(s): Permit application revisions, CUP Briefing Document-May 8, 2003

Part II

A. General

1. SITE TOPOGRAPHY AND SURROUNDING LAND USE

Figure 2.2-1 is a USGS topographic map showing the facility per 40 CFR Part 270.14(b)(19). Due to the small size of the site, all of the information requested in FDEP's application form cannot be placed on one map. Therefore, additional maps are provided here to present the additional information requested in the application form. Specific information requested in the permit application is provided below.

100-Year Floodplain Area

Based on information available (Figure 2.2-2), the facility is located in Zone X. This is outside both the 1% (100-year), and 0.2% (500-year) annual chance flood area. No special flood management procedures are necessary.

Surface Water Bodies Within One-Quarter Mile of the Facility Property Boundary (e.g., Intermittent Streams and Springs)

There are at least three unnamed water bodies that appear to be retention ponds within ¼ mile of the facility.

Surrounding Land Uses

Surrounding land uses are shown in Figure 2.2-3.

Legal Boundaries of the Facility

Figure 2.2-4 shows the property boundaries

Drinking Water Wells Listed In Public Records or Otherwise Known to the Applicant Within One-Quarter Mile of the Facility Property Boundary

Information from FDEP's GIS application Map Direct at <http://ca.dep.state.fl.us/mapdirect/?focus=none> is found on Table 2.2-1.

Intake and Discharge Structures Within One Mile

There are no known intake or discharge structures within one mile.

Run-Off Control System

The facility's paved areas are sloped such that most rainwater run-off will be directed to the ditch on the southern part of the site, which is connected to a retention pond. Any rainwater falling on the extreme north end of the property will be directed north to a drainage ditch that runs parallel to 24th Avenue South. The retention pond and southern drainage ditch direct storm water to the east where the system connects with a drainage ditch that runs parallel to 54th street. Figure 2.2-4 illustrates the contours and anticipated surface water run-off direction.

Access Control (fences, gates, etc.)

Figure 2.1-1 shows access control features.

Injection and Withdrawal Wells Both On Site and Off Site

There is one water supply well on site at the northeast corner of the Safety-Kleen property, shown on Figure 2.1-1. In addition, there are two other wells located within ¼ mile of the facility; one at Southern Winding Service Inc., (Well# 14748, PWS# 6296084, Florida ID# AAH0327), and the other at Lamb of God, (Well# 29957, PWS# 6296222). Results of an inventory of wells within one-quarter mile of the site are presented in Table 2.2-1.

Buildings and Other Structures

Buildings and other structures are shown in Figure 2.1-1.

Contours Sufficient to Show Surface Water Flow

Figure 2.2-4 shows surface elevations at the facility. Anticipated surface water flow directions are shown in Figure 2.2-4.

Loading and Unloading Areas

Figure 2.1-2 shows loading and unloading areas in relation to the waste management areas.

Drainage or Flood Control Barriers

The facility's parking areas are sloped such that rainwater run-off will accumulate in the ditch on the southern part of the site, which is connected to the retention pond.

Hazardous Waste Units

Figure 2.2-5 shows hazardous waste management units.

Wind Rose

A wind rose for Tampa, Florida is shown in Figure 2.2-6.

FACILITY LAYOUT AND TRAFFIC PATTERNS

The facility layout is shown in Figure 2.1-1. The non-building areas of the facility are paved with asphalt or concrete as noted on the site plan. Site photographs are provided in Appendix A.

Site traffic patterns are illustrated in Figure 2.1-2. The majority of the vehicular traffic will enter and exit through the mechanically operated gate at the Northeast corner of the facility, which opens onto 24th Avenue South. The loading and unloading of fresh parts washer solvent and hazardous waste parts washer solvent from tanker trucks occurs at Area C. The spent parts washer solvent and other containerized wastes arrive from customers in containers. Solvent containers are poured into the dumpsters in the return/fill station between the two buildings (Area A). Spent solvent is then pumped from the dumpsters to the hazardous waste solvent tank. A tanker truck removes the waste solvent on a periodic basis and transports it to a permitted Safety-Kleen TSDF.

Containerized wastes from customer locations are off-loaded at the return/fill dock and also at the docks located in Area B. They are then moved to their appropriate storage location within 24 hrs. of arrival at the facility.

Approximately once a week a tractor trailer arrives at the facility to deliver product and pick up containerized waste for transport to a permitted Safety-Kleen/Clean Harbors TSDF. This truck backs up to the dock, located in Area B, to unload product and load containerized waste.

24th Avenue South and 54th Street are the major access roads to the facility. The access roads are designed in accordance with engineering criteria appropriate for sustaining the traffic volume and loading for the heavy industrial activities in this area. The vans that travel the routes daily between the service center and Safety-Kleen customers use the two-lane road within the industrial area. Traffic from this facility will have a minor impact on local traffic conditions.

Part II**A. General****5. WASTE CHARACTERISTICS**

Waste analysis requirements mandate that before an owner or operator transfers, treats, stores, or disposes of any hazardous waste, detailed chemical analysis of a representative sample of waste must be obtained. This analysis, at a minimum, must contain all of the information that must be known to transfer, treat, store, or dispose of the waste. The analysis may include data developed under 40 CFR 261 of the regulations and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes. The Waste Analysis Plan for Safety-Kleen's Tampa, FL Service Center has been developed to meet the requirements described above and as found in 40 CFR 270.14(b) and 264.13.

Permitted/Site Generated Waste Streams

Waste Type	Process Code(s)	Estimated Annual Amounts (Tons)	Waste Codes
Spent Parts Washer Solvent	S01* S02**	813	D001 and D-Codes Listed in Note Below
Branch Generated Liquids/Solids (Debris)	S01*	17	D001 and D-Codes Listed in Note Below; F002, F003, F005
Dumpster Sediment	S01*	Included Above	D001 and D-Codes Listed in Note Below
Tank Bottoms	S01*	Included Above	D001 and D-Codes Listed in Note Below
Used Immersion Cleaner (#699)	S01*	28	D-Codes Listed in Note Below
Dry Cleaning Waste (Perchloroethylene)	S01*	315	F002 and D-Codes Listed in Note Below
Dry Cleaning Waste (Naphtha-Based)	S01*	Included above	D001 and D-Codes Listed in Note Below
Paint Wastes	S01*	69	D001, F003, F005 and D-Codes Listed in Note Below
Retain Samples From Used Oil Operations	S01*	3	D008, D018, D039, D040
Spent Aerosol Cans	S01*	> 1	D001, D035
Fluid Recovery Service (FRS)	S01***	250	Transfer wastes – waste codes assigned by generator
Aqueous Brake Cleaner	S01***	20	Transfer wastes – none, unless assigned by generator
Mercury-Containing Lamps/devices	N/A***	Less than 2.2	N/A – handled as non-hazardous transfer wastes

NOTES:

D-Codes: D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043

* This waste will be stored in containers in the north or south building container storage area. The maximum capacity in the north area is 5,200 gallons. The maximum capacity in the south flammable area is 12,749 gallons, in the south non-flammable area is 41,220 gallons.

** The spent parts washer solvent storage tank has a capacity of 15,000 gallons and may be filled up to 14,250 gallons.

*** This waste will be held for transfer in containers in the transfer area(s)

Annual Re-Characterization Sample Testing Protocol

Spent Material	Test Parameters	Test Methods
Parts Washer Solvent	Flash Point by Pensky Martens Closed Cup Tester	EPA SW-846 1010A
	pH	EPA SW-846 9045D
	Apparent Specific Gravity and Bulk Density of Waste	ASTM D5057
	TCLP Metals	EPA SW-846 1311, 6010D, 7470A, 7471B
	TCLP Semi-Volatiles	EPA SW-846 1311, 8270D
	TCLP Volatiles	EPA SW-846 1311, 8260B
Bottom Sediment from the Spent Parts Washer Solvent Tank and Return/Fill	Same as above	
Immersion Cleaner	Same as above	
Paint and Paint Gun Cleaner Waste	Same as above	
Aqueous Brake Cleaner	Same as above	
Dry Cleaner Waste	Same as above	

Based on the process generating the waste streams outlined in the above table, 40 CFR 261.24 regulated herbicides and pesticides are not expected to be present; and are therefore, not included in the parameters tested under the Annual Re-Characterization Program.

Analysis is performed on a representative grab sample obtained from a single customer's waste container using a COLIWASA (Composite Liquid Waste Sampler) unless compositing is required by a facility-specific waste analysis plan.