



Jeb Bush
Governor

Department of
Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

March 1, 1999

Safety-Kleen Corporation
1301 Gervais Street, Suite 300
Columbia, SC 29201

Attention: Elaine McBride Jenkins

RE: Final Agency Action (Consent Order)
Safety-Kleen Systems, Inc., Tampa Service Center
FLD 980 847 271, OGC File No. 99-0180
Hillsborough County

Dear Ms. Jenkins:

Enclosed is a copy of the executed Consent Order for the referenced case. The Department has received your two checks totaling \$6,900.00 as stipulated by the Order. Thank you for your cooperation. This enforcement action is now closed.

Sincerely,

William Kutash
Administrator
Division of Waste Management

WK/jmd

Enclosure

cc: David DeSha, Safety-Kleen
Russ Giambrone, Safety Kleen
Larry Morgan, OGC
Morgan Leibrandt, HWR Section
Jeff Pallas, US EPA Region IV
Kelley Boatwright, Hillsborough County EPC
Compliance File

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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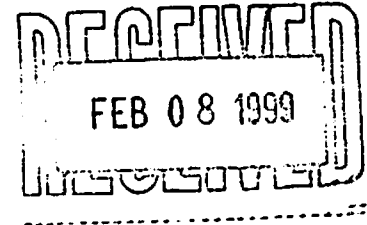
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 5, 1999

David M. Sprinkle
Safety-Kleen Corporation
301 Railroad Street
Roebuck, SC 29376-3122

Attention: David A. DeSha

Re: Proposed Settlement of Safety-Kleen
Systems, Inc., Tampa Service Center
FLD 980 847 271
OGC File No.: 99-0180



Dear Mr. Sprinkle:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated December 30, 1998, a copy of which is attached. The corrective actions required to bring the Tampa Service Center into compliance have been performed. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$6,800.00, along with \$100.00 to reimburse the Department costs, for a total of \$6,900.00. . This payment must be made payable to The Department of Environmental Protection by certified check or money order and shall include the OGC File Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida, 33619-8318 within 14 days of your signing this letter.

Your signing of this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address above by February 20, 1999, the Department will

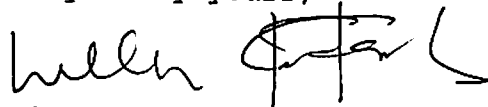
"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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ORIGINAL

assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights of substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.


Very truly yours,


for 
Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER IDENTIFIED ABOVE.

For: Safety-Kleen Corporation.

For the Department:

By: 
David M. Sprinkle
Senior Vice President
Safety-Kleen Corporation,
Southern Division


Richard D. Garrity, Ph.D.
Director of District Management
State of Florida Department of
Environmental Protection

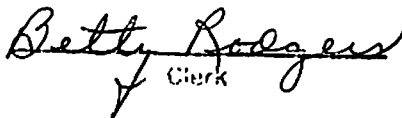
ENTERED this 1st day of March, 1999 in Tampa, Florida.

RDG/jmd

Attachments

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 3-1-99
Clerk Date

ORIGINAL

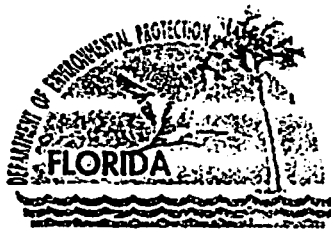
NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner want the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the preceding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in the proceeding.



Lawton Chiles
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

December 30, 1998

Russ Giambrone
Safety-Kleen Systems, Inc.
5309 24th Avenue South
Tampa, FL 33619

RE: Safety-Kleen Systems, Inc.
Tampa Service Center
EPA ID# FLD 980 847 271
Warning Letter #198527
Hillsborough County

Dear Mr. Giambrone:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on June 25, 1998, indicate that violations of Florida Statutes and Rules may exist at your facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

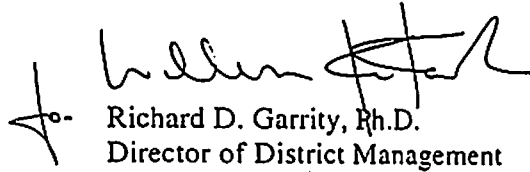
Section 403.727 Florida Statutes provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should ceased.

You are requested to contact Jim Dregne at (813) 744-6100 extension 410 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. If after further investigation, the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the RCRA Civil Penalty Policy of 1990, the penalties which would be assessed in this case are \$10,249.00. Costs and expenses in this case will be a minimum of \$100.00. If this matter cannot

be resolved within 90 days, under the Department's agreement with the United States Environmental Protection Agency (EPA), a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,


Richard D. Garrity, R.D.
Director of District Management
Southwest District

JMD/jd

Enclosure

cc: Kelley Boatwright, Hillsborough County EPC
Morgan Leibrandt, HWR
compliance file



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: Routine Complaint Follow-Up Permitting Pre-Arranged

FACILITY NAME: Safety-Kleen Corporation DEP/EPA ID #: FLD 980 847 271

STREET ADDRESS: 5309 24th Avenue South, Tampa, Florida

MAILING ADDRESS: 5309 24th Avenue South, Tampa, Florida 34209

COUNTY: Hillsborough PHONE: (813)626-1203 DATE: 06/25/98 TIME: 10:00 am

NOTIFIED AS: N/A

- non-handler
- CESQG (<100 Kg per month)
- SQG (100 Kg - 1000 Kg per month)
- LQG (>1000 Kg per month)
- transporter
- transfer facility
- interim status TSDF
- permitted TSDF
- unit types:
- exempt treatment facility
- used oil:
- used oil filter:

CURRENT STATUS:

- non-handler
- CESQG (<100 Kg per month)
- SQG (100 Kg - 1000 Kg per month)
- LQG (>1000 Kg per month)
- transporter
- transfer facility
- interim status TSDF
- permitted TSDF
- unit types:
- exempt treatment facility
- used oil: generator
- used oil filter:

2. APPLICABLE REGULATIONS:

- | | | | |
|---------------------------------------|--|---|--|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input checked="" type="checkbox"/> 40 CFR 263 | <input checked="" type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input checked="" type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input type="checkbox"/> 40 CFR 279 | <input type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-730, FAC | <input type="checkbox"/> 62-737, FAC |

3. RESPONSIBLE OFFICIAL:

Russ Giambrone, Branch Manager

4. INSPECTION PARTICIPANTS:

Roger Evans - FDEP	Stanley Tam - FDEP	Russ Giambrone - SK
Jim Dregne - FDEP	Richard Morris - SK	Randy Mobley - SK

5. LATITUDE/LONGITUDE: 27°55'21"/ 82°23'40"

6. SIC Code: 5172

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: HO29-290949 ISSUE DATE: 11/23/96 EXP. DATE: 11/23/2001

9. Summary of Findings:

Safety-Kleen is a permitted hazardous waste storage and recycling facility, which provides a leasing service of various parts washing machines to generators of hazardous and non-regulated wastes. Core business lines include parts washers, immersion cleaners and paint gun cleaners. Safety-Kleen has expanded their product line to include aqueous cleaners (brake and parts cleaners). Safety-Kleen also continues to provide services to the dry cleaning industry by collecting spent perchloroethylene (PCE) solvent, still bottoms and filter cartridges. They also collect and recycle used oil and oil filters as well as handle the collection of spent antifreeze (ethylene glycol). All hazardous wastes received or generated at the facility are stored in containers and tanks.

The company is a registered hazardous waste transfer facility that receives wastes from their customers for consolidation and shipment to other Safety-Kleen facilities. Safety-Kleen has modified their permit to manage lab packs and other waste streams (e.g., incompatibles) through their transfer facility. Safety-Kleen also manages spent mercury containing lamps destined for recycling.

Inspection of the container storage building indicates Safety-Kleen is complying with the permit requirements for storage limits in the North Building and South Building (Areas 1 and 2). A 16-gallon container, observed in the flammable storage area, had spilled waste on the outside of the container, a violation of 40 CFR 264.531. The container was accumulating spent immersion cleaner. At the time of the inspection there was only a small quantity of hazardous waste containers to inspect. Most of the waste containers were manifested off-site the day before. Sumps within the South Building were clean and free of any liquid.

The North Building is presently used for storing spare parts and products. No hazardous or non-regulated waste was observed within this area. Sumps within the North Building were clean and free of any liquid.

The return/fill area is maintained in good condition and satellite containers accumulating waste were properly labeled.

No leaks were observed within the covered tank farm or the associated piping from the return/fill area to the hazardous waste tank. The secondary containment was clean and free of any liquid. Alarm sensors for each tank were tested and appear to be functional. The fire extinguisher located in this area was charged.

A dumpster located at the facility contained no hazardous waste. Warning signs posted around the perimeter of the property were visible and maintained in good condition.

Thirty-three outbound hazardous waste manifests were reviewed for completeness and accuracy. As part of this review, the information on each manifest was compared with the information in the company's operating log. Conflicting information appeared in almost fifty percent of the cases where the manifest was compared with the operating log. Failure to maintain an accurate operating record is a violation of 40 CFR 264.73(b)(1) and 62-730.171(2)(e), F.A.C. The following errors were observed:

1. The transportation date in the operating log did not coincide with the date in Block 17 of the manifest. This error was attributed to the fact that some transportation dates appearing in the operating log reflected the date the company was contacted that the waste had arrived at its destination. The discrepancy normally involved one day.
2. The quantity of waste shipped, as reflected in the operating log, did not coincide with the total quantity of waste shipped in Block 13 of the manifest. This error was sometime caused when the shipping clerk used a standard weight for a specific type of waste and container and the administrative log clerk entered the actual weight reflected on the pick-up documents. This procedure resulted in a weight discrepancy of as much as twenty percent in some cases.
3. The unit of weight reflected in the operating log was not the same as the unit weight used in Block 14 of the manifest. Gallons appeared as the unit weight for some wastes in the operating log, while pounds were used as the unit weight on the manifests. This occurrence made it difficult to verify the quantity of waste shipped.
4. The outgoing manifest numbers in the operating log were incorrect in several cases. This was an administrative error in the operating log caused when the incoming manifest number was incorrectly recorded as the outgoing manifest number.
5. The number of drums shipped, as reflected in the log, did not coincide with the number of drums shipped in Block 12 of the manifest. Several reasons were discovered for these discrepancies.
 - a) Drums were not logged out of the facility on the operating log.
 - b) Drums picked up were not added to the log.
 - c) The manifest number in the operating log did not coincide with the actual manifest number.

Inaccuracies with the company's operating log have been noted in previous inspections. Violations involving the operating log were cited in the Department's November 10, 1994, and November 29, 1995, inspections.

On July 17, 1998, a meeting was held at the Safety-Kleen office to resolve manifest and operating log discrepancies. All discrepancies were resolved except for drum count discrepancies on manifests #19100 and #19097. The Department is satisfied with new review procedures that have been implemented by Safety-Kleen to insure the accuracy of the operating log and outgoing manifests.

Inspection logs for the Container Storage Area and the Storage Tank System were reviewed. All records reviewed from October 1996 through June 1998 were complete. Weekly inspection records for safety and emergency equipment, security devices and miscellaneous equipment were complete.

The transfer facility operating logs that were examined show many discrepancies. A few examples are listed below:

Date of Arrival at Safety-Kleen	Generator	Date of Departure from Safety-Kleen
12-30-96	Trader Publishing (NJA 2226944)	12-26-96
01-07-98	Mid County Dental (P34320)	No shipment date
12-27-96	Winn Dixie 608 (251358)	12-26-96
12-31-96	Spring Hill Podiatry (80938)	12-26-96
07-31-97	Trane (08616)	08-14-97

As identified in the table generators' waste left Safety-Kleen before it ever arrived at the facility, and on others there was no outbound shipment date. In one circumstance there was an exceedance of the 10-day transfer limit. A letter provided by Safety-Kleen on June 29, 1998, identified that the waste was transported from their facility on 08-07-97.

Training records are maintained for each employee. A file review indicated that the training records (for Russ Giambone, Randy Mobley, and Chad Little) appear to be current and in good order. Mr. Shannon Sink (an alternate Emergency Coordinator) resigned from Safety-Kleen on 6/19/98 and hence he did not participate in the annual refresher training.

Emergency equipment was maintained throughout the facility. An inspection of all areas listed in Figure 5-3 of the approved permit application showed that the emergency response/safety equipment as listed in the plan was present and appears to be in working condition. A list of emergency contacts is situated close to phones where emergency calls may be made.

The biennial report for 1997 was submitted to the Department. The Transporter Notification and Used Oil Transporter Registration were current.

The annual closure cost estimate was updated and is estimated at \$285,228.

10. Summary of Alleged Violations:

40 CFR 264.3171

^{MAINTAIN ONE CONTAINER IN GOOD}
Failure to ~~operate the facility in a condition~~
~~manner that minimize the possibility~~
~~of a release of hazardous waste~~
~~constituents which could threaten~~
~~human health or the environment.~~ Some
~~waste residues were observed on the~~
~~sides of a container.~~

62-730.171(2)(e), F.A.C.

Failure to maintain a written record
showing when transfer waste leaves the
facility. Computer tracking records
maintained were inaccurate.

Failure to maintain an accurate
operating record of the manifest
numbers of waste that enters and
leaves the facility.

40 CFR 264.73(b)(1).

Failure to maintain an accurate
written record of when and how much
hazardous waste enters and leaves the
facility.

Report prepared by: R. Evans
Roger Evans
Permitting Engineer

Approved by: Elizabeth B. Knauss Date: 12/11/98
Elizabeth B. Knauss
Environmental Manager