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Governor

Florida Department of Environmental Protection

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

JUL 15 1993

CERTIFIED MAIL
RETURN RECEIPT REQUEST

Palm Beach County
HW-Safety-Kleen/Boynton

Mr. Victor L. San Agustin, P.E.
Regional Environmental Engineer
Safety-Kleen Corporation
129 South Kentucky Ave., Suite 701

Re: Request for Modification of Hazardous Waste Operating Permit (Submitted on June 15, 1993). Safety-Kleen/Boynton, Operating Permit Number HO50-195905, Facility Number FLD 984167791

Dear Mr. San Agustin:

The Department has reviewed your request for modification, as referenced. The information which you have provided has given rise to several areas of concern. Prior to the issuance of a permit modification to change facility waste streams and waste management practices, the following comments must be addressed:

1. Accompanying the modification request were instructions for updating the permit application. Replacement pages were submitted as revisions to the original permit application pages. Revision 6 - 06/11/93, p. I.D.2-2, paragraph one, states, "Used parts washer premium solvent is transported from the customer as a non-hazardous waste and only becomes hazardous once it is mixed in the used parts washer solvent tank." The revision can not be accepted as submitted. Please refer to the Department's response to Safety-Kleen's request for modification (submitted on March 15, 1993). The response letter, dated May 3, 1993, which must be attached to the original permit and becomes part of that permit, allowed for the following modification:

"Safety-Kleen may accept waste 'Premium Solvent' at the Boynton Beach service center. The waste 'Premium Solvent' will be mixed in the wet dumpster (solvent return receptacle), located in the return / fill area, when it arrives at the service center. The Department has not yet determined the regulatory status of the waste 'Premium Solvent'. Until the Department makes such a determination Safety-Kleen is to transport and handle the waste 'Premium Solvent' in the same manner as other hazardous wastes."

It is the generator's responsibility (40 CFR, Part 262.11) to determine whether spent solvents are hazardous through process knowledge or testing. The generator is responsible for making such a determination for the waste "Premium Solvent" and arrange for proper disposal. Rewording of p. I.D.2-2, paragraph one and p. II.A.5-1, paragraph one to reflect the Department's position on hazardous waste determination is required prior to the acceptance of replacement pages for Attachment I.D.2. and Attachment II.A.5, respectively.

2. On April 26, 1993, the Department received the facility's request for modification identifying "cartridge filters" as an additional fraction of the Fluid Recovery Service (FRS), transfer, waste stream. The Department's response letter, dated May 25, 1993, which must be attached to the original permit and becomes part of that permit, allowed for the following modification:

"Safety-Kleen may accept waste cartridge filters and manage them as a transfer waste under the Fluid Recovery Service (FRS) program. Any containers used for the management and transportation of hazardous wastes must be in compliance with applicable regulations in 40 CFR Parts 173, 178, and 179."

Revision 6 - 06/11/93, p. I.D.2-4, paragraph two, states, "The filters are placed in the waste sludge satellite accumulation container located at the return / fill shelter wet dumpster." The revision can not be accepted as submitted. The revision provides information, in addition to that previously submitted, regarding the management of the filters once they reach Safety-Kleen's, Boynton Beach, facility. The revision suggests that the filter cartridges are to be placed in the satellite accumulation containers. The containers are designated for dumpster sediment removed from drum washers. The proposed management of the **(permitted transfer waste)** cartridge filters would violate specific condition number fifteen (#15) and number thirty-six (#36), of the above referenced permit. Revision 6 - 06/11/93, p. I.D.2-3 and p. II.A.5-7 should be revised. The revision should include the waste cartridge filters as one of the "examples of the types of wastes" managed as FRS wastes, a segregated transfer facility waste stream.

Revision 5 - 06/11/93, P. II.A.4(b)-2, paragraph one, and Revision 4 - 06/11/93, p. II.A.5-5, paragraph one fail to include that sludge in the wet dumpster is put into satellite accumulation drums next to the wet dumpster units.

3. Please provide Revision 2 - 06/11/93, p. II.A.6-3.
4. Revision 2 - 06/11/93, p. II.A.6-4, paragraph one, should state, "...and label it as hazardous waste with the appropriate accumulation start date." In the same paragraph it is stated that the container is left with the customer pending the results of laboratory tests. Please provide the anticipated turnaround time for the analysis of the samples taken by the service representative.

Paragraph 2 states, "If the laboratory analysis reveals that the sampled waste is not contaminated, Safety-Kleen will accept the waste from the customer." The

statement is confusing since the Safety-Kleen facility is permitted to manage D001 through D043 waste types. What is the definition of "contaminated" as used in the statement?

Paragraph 4 states, "If the discrepancy is not resolved within 15 days after receiving the waste, Safety-Kleen will immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it..." Please define the use of the word "discrepancy" in the statement. Within 15 days after who receives the waste?

5. The field screening of Safety-Kleen solvents, through visual and volumetric inspection, is a logical one. Revision 6 - 06/11/93, Page I.D.2-5, states, "This **closed loop** supplies Safety-Kleen with most of its solvent requirements; the resultant stabilized cost benefits are passed on to its customers. **Ownership of the solvent remains with Safety-Kleen**, the service center managers are accountable for the quantities of clean and used solvents handled by their branch operations." If this statement is true how can Safety-Kleen "reject the waste" or "reject the container of waste", as stated in Revision 2 - 06/11/93, pp. II.A.6-4 and II.A.6-5 and continue to make the claim of "closed loop" and "ownership of the solvent remains with Safety-Kleen", as suggested in Revision 6 - 06/11/93, p. I.D.2-5?

Field screening of Safety-Kleen solvents, through visual and volumetric inspection, should not be considered a reliable means of hazardous waste determination as required in 40 CFR, Part 262.11.

6. The modification Safety-Kleen requested, to re-designate the five-thousand (5000) gallon product tank is not acceptable. The modification request states that the tank is "now intended for the storage of **any** fresh product which is compatible with its construction". The five-thousand (5000) gallon raw product tank shares a secondary containment area with Resource Conservation and Recovery Act (RCRA) regulated tanks. **Any** product stored within the RCRA regulated tank's secondary containment area must be approved by the Department prior to that storage. The Department's approval would be based, in part, on the compatibility of the proposed storage product and tank construction. The compatibility of the proposed storage product with all products (raw products or waste products) contained within the RCRA regulated secondary containment area must, certainly, be considered. The compatibility of the proposed storage product with secondary containment structural components is yet another factor requiring evaluation. In light of these considerations, prior to gaining the Department's approval for storing a raw product within the five-thousand (5000) gallon storage tank please furnish the following information:

Provide the Material Safety Data Sheet(s) for the proposed storage product;
Provide documentation that the proposed storage product will be compatible with the sealant used on the floor and walls of the RCRA regulated secondary containment area;

When requesting any product storage change please provide narrative addressing compatibility of all raw products and waste products stored within the secondary containment area. Provide, also, a description of how the compatibility has been determined (All contaminants of the waste streams should be considered).

7. In future submittals of revised pages please indicate (i.e. highlight, underline) which language has been modified.

You are requested to submit a response to the above items. The response to these items, with any necessary revisions to the permit modification, is requested within fifteen (15) days of receipt of this letter. Please be aware that no decision on the modification of the permit can be rendered until the requested information is submitted and reviewed. Please call me, at (407) 433-2650, if you have any questions.

Sincerely,



J. Knox McKee, Jr.
Supervisor, Hazardous Waste Section

JKM : jkm

cc: Satish Kastury, DEP/Tallahassee
Alan Farmer, EPA/Atlanta
Permitting File/WPB
Tim Grey, DEP/WPB
Hazardous Waste Archboard/WPB