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WEST PALM BEACH

Mr. James Kutzman, P.E., Chief
RCRA and Federal Facilities Branch
United States Environmental Protection
Agency - Region IV Office
345 Courtland Street N.E.
Atlanta, GA 30365

Subject: USEPA Region IV Inspection Report;
Nov 5, 1991 Visit at Boynton Beach Facility;
FLD 984 167 791

Dear Mr. Kutzman:

We received a copy of the above mentioned inspection report last January 23, 1992. The cover letter states some violations of the Resource Conservation and Recovery Act were discovered during the visit and that USEPA will refer the violations to the Florida Department of Environmental Regulation (FDER) for proper enforcement action.

The purpose of this letter is to respond in writing to the matters set forth in the report. This response is a good faith effort to resolve USEPA's and FDER's concerns. It is our intention and expectation that nothing in this letter shall be construed as an admission or used against the company in any administrative or judicial proceeding. The company expressly reserves any and all defenses it might have to the matters set forth in the report and does not intend to waive any of those defenses by making this response.

VIOLATION - "Permit Condition No. 36 establishes that containers holding dumpster sediment must be removed from the loading/unloading dock and stored in the container storage area. At the time of the inspection, SKC had six containers of dumpster mud in the dock"

RESPONSE - The six drums in question did not all contain dumpster mud. The drum contents are segregated into three groups, dirty paper, metal and other debris, and dumpster mud. An explanation is provided below.

The purpose of the three drums for each wet dumpster is to accumulate paper, metal and other debris, and dumpster mud. Most of the paper comes from the hazardous waste labels that are attached to the drum when these are picked up from the customer. Scrap paper such as this or any other paper contaminated with dirty mineral spirits is placed in this container.

Some of the drums we pick up contain metal parts and shavings since most of the customers we service are in the automotive or machine repair business. The dirty mineral spirits are poured over a metal screen in order to catch these oversized parts. This screen is located right at the opening where the dirty mineral spirits are poured. Material caught in this screen is mostly metal and is placed in the respective satellite accumulation drum for scrap metal.

Solid material that is not captured by the screen accumulates at the bottom of the wet dumpster. This "dumpster mud" is removed periodically because they clog up or destroy the pipelines and pumps used to transfer the dirty mineral spirits from the wet dumpster to the tank.

Each of the three - 16 gallon drums is situated adjacent to one wet dumpster for as long as it takes to fill each container. Sometimes, they fill within hours. Other times, they fill up after two or more days. When a container is filled, it is then transferred to the permitted drum storage area.

Pursuant to 40 CFR 262.34(c)(1), Safety Kleen has the option to place satellite accumulation containers not exceeding 55 gallons at each point of generation. We consider each wet dumpster as a point of generation. There are times when both wet dumpsters are used simultaneously. Three drums for each dumpster are needed to facilitate waste transfer and segregation. Such waste segregation at the return/fill area is an on going part of our waste minimization program. We also consider three 16 gallon containers for each point of generation acceptable because these will at the worst case accumulate no more than 48 gallons at any time.

We feel that we are in full compliance with permit condition 36 because the dumpster mud containers in question were not full at the time of the inspection and we are allowed to situate these drums next to the dumpsters for satellite accumulation purposes. We also certainly feel that the intent behind the way this condition is written is to immediately transfer a drum

to the permitted storage area only after it becomes full.

VIOLATION - "40 CFR 264.15(c) requires owners and operators of hazardous waste management facilities to remedy any deterioration or malfunction of equipment or structures observed during the inspections of the regulated areas. The sealant of the tank farm dike is deteriorated in some areas."

First of all, we have to disagree with the report as far as considering the tank farm containment to be "deteriorated". Portions of the Sikagard coating have peeled off in some areas and there was one hairline crack on the east side.

Eventhough this was not expressed as even a concern at the exit interview, Safety-Kleen had recognized the deficiency and had been taking corrective actions. The peeled off areas have been recoated with Sikagard even before we received the USEPA inspection report. Repair on the hairline crack has been arranged with a contractor for January 28, 1992. As noted in the report, Safety Kleen informed the inspectors during the visit that the matter is being corrected.

On December 6, 1991, we submitted to the SE-FDER office a major permit modification request. Part of the submittal includes a request to be allowed to use a sealant that was more durable than what we were permitted to use. Our permit application only references Sikagard coating so we had to submit this request prior to implementation of a more durable sealant.

Although not specified in the USEPA report, 40 CFR 264.15(c) further states that remedies may be done on a schedule which ensures that the problem does not lead to an environmental or human health hazard and that remedial action on imminent hazards must be taken immediately. We feel that our current remedial action schedule is already relatively fast paced and that no imminent hazard exists to warrant an immediate remedial action. We feel that we did not violate this rule.

Your consideration in this regard is requested. If you have any questions, please call me at (813)682-8094.

Sincerely,

Victor L. San Agustin jro
Victor L. San Agustin, P.E.
Regional Environmental Engineer
Tampa Region

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