



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Safety-Kleen Systems Inc
On-Site Inspection Start Date: 03/24/2022 **On-Site Inspection End Date:** 03/24/2022
ME ID#: 106079 **EPA ID#:** TXR000081205
Facility Street Address: 1722 Cooper Creek Road, Denton, Texas 76207
Contact Mailing Address: 1722 Cooper Creek Rd, Denton, Texas 76208-1000
County Name: All FL Cntys **Contact Phone:** (905) 315-5602

NOTIFIED AS:

Non-Handler, Transporter, Used Oil

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Own Waste, Commercial Waste **Used Oil:** Transporter, Oil Filters
Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Transport: Mercury Containing Lamps, Mercury Containing Devices

INSPECTION TYPE:

File Review Inspection for Hazardous Waste Transporter Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Monica Hardin, Inspector
Other Participants: No one else participated

LATITUDE / LONGITUDE: Data is missing from FIESTA

NAIC: Data is missing from FIESTA

TYPE OF OWNERSHIP: Private

Introduction:

Safety-Kleen Systems, Inc. (SK-Denton), located at 1722 Cooper Creek Road in Denton, Texas is a registered transporter of hazardous waste with the Florida Department of Environmental Protection (DEP or Department). SK-Denton is registered to transport their own waste and commercial waste over highways in Florida.

This inspection report serves as a file review conducted by the Department to address an unmanifested waste report submitted by Safety-Kleen Systems, Inc. (SK-Tallahassee) in which SK-Denton is identified as the hazardous waste transporter.

Process Description:

On February 22, 2022, SK-Tallahassee submitted, to the Department, an unmanifested waste report. This report stated SK-Tallahassee accepted hazardous waste from a large quantity generator on eleven occasions from January 1, 2019 through February 15, 2022 without a manifest. The waste was described as spent parts washer solvent with the transactions completed on shipping documents that include the proper waste description and waste codes; copies of these documents were included. The shipments occurred on: February 15, 2022, September 15, 2021, June 25, 2021, January 6, 2021, October 2, 2020, July 13, 2020, April 16, 2020, February 25, 2020, November 12, 2019, July 16, 2019, and April 24, 2019 and indicated each time twelve gallons of waste combustible liquid (petroleum Naphtha) with federal waste code D039 was removed. The identified generator of the hazardous waste was Corteva Agriscience LLC (GAD000813691) located at 2509 Rocky Ford Rd. in Valdosta, Georgia (31601) and the identified hazardous waste transporter was Safety-Kleen Systems, Inc. (SK-Denton) (TXR000081205) located at 1722 Copper Creek Plaza in Denton, Texas (76207).

In an email dated March 1, 2022, Mr. Jeff Curtis (Safety-Kleen Systems, Inc.) provided additional information clarifying how the incident occurred. Mr. Curtis explained the generator's account was set-up initially identifying

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them as a Very Small Quantity Generator. Recently, the Safety-Kleen account manager visited the generator facility to discuss additional lines of business; during this visit the generator mentioned generating other hazardous waste streams and operating as a large quantity generator. The Safety-Kleen account manager reported the system discrepancy and lack of hazardous waste manifests immediately to Mr. Curtis.

On March 24, 2022, Mr. Curtis explained the transporter id is the Safety-Kleen National Transporter ID utilized by all Safety-Kleen facilities to transport waste. This waste was transported by a SK-Tallahassee route driver.

Per SK-Tallahassee's current operating permit (009207-011-HO) in Part II subpart A: (2.) the Permittee shall comply with the manifest requirements of 40 CFR 264.71 and 264.72. The Permittee must document the reconciliation of any manifest discrepancies; and (4.)(a)(1) the Permittee shall submit an Unmanifested Waste Report to the Department within 15 days of receipt of unmanifested waste. The unmanifested waste report was not submitted within 15 days of receipt of the waste except for the February 15, 2022 waste. Per Section 403.727(1)(c), FS it is unlawful for any hazardous waste generator, transporter, or facility owner or operator to: fail to comply with a permit.

Per 40 CFR 263.20(a)(1), 'a transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form...'

On March 28, 2022, via a Microsoft Teams Meeting, DEP personnel: Monica Hardin and Cliff Richardson discussed with Mr. Curtis and Mr. Youngman the unmanifested waste report and the process moving forward to resolve the identified issues. We discussed the expectation of the corrective action outlined in the Compliance Assistance Offer (CAO) and inspection reports to prevent future occurrences of incorrect generator statuses in their system along with an audit to ensure current customers are identified in their system with the correct generator status.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	263.20(a)(1)
Question Number:	6.7
Question:	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1)
Explanation:	TRANSPORTER MAY NOT ACCEPT HAZARDOUS WASTE FROM A GENERATOR WITHOUT A SIGNED MANIFEST On eleven occasions, February 15, 2022, September 15, 2021, June 25, 2021, January 6, 2021, October 2, 2020, July 13, 2020, April 16, 2020, February 25, 2020, November 12, 2019, July 16, 2019, and April 24, 2019, the transporter removed hazardous waste from a large quantity generator under the presumption the generator was a very small quantity generator (exempt from manifest requirements per 40 CFR 262.14(a)).
Corrective Action:	Ensure transporter employees (drivers) do not accept hazardous waste from a generator without a signed manifest. Provide (and implement) plan to prevent future customers' generator statuses being incorrect within the system and conduct an audit to ensure current customers have the correct generator status in the Safety-Kleen system/database.

Conclusion:

At the close of this file review, SK-Denton (and SK-Tallahassee) appears to be out of compliance with applicable state and federal hazardous waste regulations. Specifically, for transporting hazardous waste without a manifest and for failure to comply with permit conditions, respectively.

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6.0: Transporters Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Transporter Requirements	Yes	No	N/A
6.1	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)	✓		
6.2	Does the transporter repackage wastes with different USDOT shipping descriptions?			
6.3	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.4	Does the transporter transport waste into the US from abroad?			
6.5	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.6	Does the transporter obtain a signed and dated manifest prior to accepting a hazardous waste for transport?			
6.7	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1) ☐ Exemption Type - Tolling Agreement ☐ Exemption Type - VSQG Bill-of-Lading		✓	
6.8	Does the transporter sign and date the manifest upon acceptance? 263.20(b)			✓
6.9	Does the transporter leave a signed copy of the manifest acknowledging acceptance of the waste? 263.20(b)			✓
6.10	Does the transporter ensure the manifest and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(c)			✓
6.11	Does the transporter obtain the signature and date of delivery of the receiving (designated) facility or other transporter upon transferring custody of the waste? 263.20(d)(1)			✓
6.12	Does the transporter retain one copy of the manifest signed and dated by the designated facility or other transporter? 263.20(d)(2)			✓
6.13	Does the transporter give the remaining copies of the manifest to the designated facility or accepting transporter? 263.20(d)(3)			✓
6.14	If the entire quantity of hazardous waste cannot be delivered, does the transporter contact the generator for further direction and revise the manifest in accordance with the generator's instructions? 263.21(b)			✓
6.15	For a partial load rejection, while the transporter is on the facility's premises, does the transporter obtain a new manifest for the rejected material, accompanied by a copy of the original manifest that includes the manifest tracking number of the new manifest? 263.21(b)			✓
6.16	Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)			✓
Item No.	Rail Transporters	Yes	No	N/A
6.17	If initial rail transporter, when accepting hazardous waste from a non-rail transporter does the rail transporter sign and date the manifest acknowledging receipt of the hazardous waste? 263.20(f)(1)(i)			✓
6.18	If initial rail transporter, does the rail transporter return a signed copy of the manifest to the non-rail transporter? 263.20(f)(1)(ii)			✓

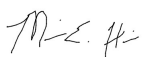
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6.19	If initial rail transporter, does the rail transporter forward at least three copies of the manifest to the next designated non-rail transporter or facility? 263.20(f)(1)(iii)			✓
6.20	If initial rail transporter, does the rail transporter retain one copy of the manifest and rail shipping paper? 263.20(f)(1)(iv)			✓
6.21	Does the rail transporter ensure the shipping paper and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(f)(2)			✓
6.22	Does the final rail transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(f)(3)(i)			✓
6.23	Does the final rail transporter retain a copy of the manifest or signed shipping paper? 263.20(f)(3)(ii)			✓
6.24	When delivering hazardous waste to a non-rail transporter, does the rail transporter obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest and retain one copy of the manifest? 263.20(f)(4)			✓
Item No.	Water (Bulk) Transporters	Yes	No	N/A
6.25	Does the water (bulk) transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(e)(3)			✓
6.26	Does the water (bulk) transporter retain a copy of the manifest or signed shipping paper? 263.20(e)(5)			✓
Item No.	SQG Waste	Yes	No	N/A
6.27	For SQG waste, if a manifest is not used is the waste being transported pursuant to a recalculation (tolling) agreement per 262.20(e)? 263.20(h)(1)			✓
6.28	Is the following information recorded on a log or shipping paper for each shipment? (Check items below that are NOT in compliance): 263.20(h)(2) ☐ Name, address, and EPA identification number of the generator of the waste ☐ Quantity of waste accepted ☐ All DOT-required shipping information ☐ The date the waste is accepted			✓
6.29	Does the transporter carry the shipping paper/log when transporting waste to the reclamation facility? 263.20(h)(3)			✓
6.30	Does the transporter retain shipping papers/logs for a period of at least three years after termination or expiration of the tolling agreement? 263.20(h)(4)			✓
6.31	If hazardous waste was discharged during transport, did the transporter give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802)? 263.30(c)(1)			✓
6.32	If hazardous waste was discharged during transport, did the transporter report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590? 263.30(c)(2)			✓
6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31			✓
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)(a)? 62-730.150(2)(a)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737 & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C

Monica Hardin	Inspector	
Principal Investigator Name	Principal Investigator Title	
	DEP	03/31/2022
Principal Investigator Signature	Organization	Date
No one else participated		
Representative Name		

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:

Approver:	Cliff Richardson	Inspection Approval Date:	03/31/2022
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