



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando FL 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

ELECTRONIC MAIL

Dwayne.Lewis@Safety-Kleen.com

Dwayne Lewis, Branch Manager
Safety-Kleen
600 Central Park Drive
Sanford, FL 32771

WARNING LETTER

OWL-HW-E-07-036

Seminole County-HW
FLD984171165

Dear Mr. Lewis:

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. Hazardous waste compliance inspections were conducted at your facility on July 26, 2007 and November 2, 2007. These inspections were conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with 40 Code of Federal Regulations (CFR) Parts 260-268 and 279 adopted in Florida Administrative Codes 62-730 and 62-710 and other Florida laws relating to hazardous waste.

During the inspections, Department personnel observed possible violations of Florida Statutes and Rules regarding solid and hazardous waste. These violations are set forth in "Summary of Potential Noncompliance Items and Recommended Corrective Actions" of the attached inspection report including pictures.

The activities observed during the Department's field inspections and any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately.

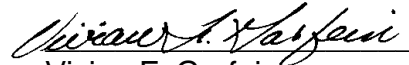
The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, dated September 2004, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Janine Kraemer, Hazardous Waste Section, by telephone at (407) 893-3323 or by e-mail at janine.kraemer@floridadep.net within 10 days of receipt of this letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred and whether any penalties are

appropriate. You may bring anyone with you to the meeting that you feel could help resolve this matter.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Vivian F. Garfein
Director, Central District

Date: 12/17/2007

VFG/jk

Enclosures:
Inspection Report
Penalty Calculation Worksheet



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HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME Safety Kleen Systems, Inc. EPA ID # FLD984171165

STREET ADDRESS 600 Central Park Drive, Sanford, Florida 32771

E-MAIL ADDRESS Dwayne.Lewis@Safety-Kleen.com

COUNTY Seminole PHONE 407-321-6080 DATE 6/26/07 TIME 9:45
11/2/07 1:15

NOTIFIED AS: N/A

CURRENT STATUS:

- Non-Handler
- CESQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- Generator (>1000 kg/mo.)
- Transporter
- TSD Facility
- Unit Type (s): Storage
- Exempt Treatment Facility
- Used Oil: Transporter

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- Transporter
- TSD Facility
- Unit Type (s): Storage
- Exempt Treatment Facility
- Used Oil: Transporter

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 checked="" type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-730, FAC | <input checked="" type="checkbox"/> 62-737, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Dwayne Lewis, Branch Manager, Safety-Kleen Systems, Inc.

4. **INSPECTION PARTICIPANTS:**

Janine Kraemer, FDEP
John White, FDEP

Dwayne Lewis, Branch Manager, Safety-Kleen
Richard Baum, Lead Materials Handler, Safety-Kleen
Jeff Curtis, EHS Manager, Safety-Kleen

5. **LATITUDE/LONGITUDE:** 28°48'22"N/81°19'03"W

6. **SIC Code:** 7359-Equipment Rental and Leasing; 4214-Local Trucking with Storage

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** HO01-0022198-004 **ISSUE DATE:** December 3, 2003 **EXP. DATE:** May 10, 2009

9. Introduction:

On June 26, 2007, Janine Kraemer, and John White of the Florida Department of Environmental Protection (FDEP), accompanied by Dwayne Lewis, Jeff Curtis, and Richard Baum, Safety-Kleen Systems, Inc., (Safety-Kleen), inspected Safety-Kleen, for compliance with state and federal hazardous waste and used oil regulations. Safety-Kleen was inspected as a generator, transporter, transfer facility, and hazardous waste storage facility. During this inspection, samples were taken of the Continued Use Program (CUP) tank and CUP solvent transported from two facilities in Safety-Kleen's Continued Use Program.

On November 2, 2007 Janine Kraemer, and John White, accompanied by Richard Baum, conducted a follow up inspection at Safety-Kleen, in order to fully review the piping system for the drum washers and CUP tank. Nothing else in the facility was inspected during this follow up inspection.

The facility has operated at this location since March 15, 1993 and employs approximately 30 people who work Monday through Friday from 6:30 AM to 5:30 PM. City of Sanford provides potable water and sewer.

10. Inspection History:

The facility has been inspected yearly since 1993. The facility was last inspected as a permitted TSD and generator on January 19, 2005. During that inspection, Safety-Kleen was reminded that all containers of used oil filters must be properly labeled as "used oil filters".

In August 2001, the Department received notice from Patrick AFB that Safety-Kleen transported hazardous waste off-site using a tolling agreement instead of a manifest (treating the site like a CESQG). In September 2001, the Department received notice from Kennedy Space Center that the same thing had occurred at their site. Safety-Kleen was cited for the manifest violations, including transporting hazardous waste without a manifest, and a permit violation for not reporting unmanifested waste shipments in a timely manner once they were notified of the problem.

11. Process Description:

Safety-Kleen is currently operating under hazardous waste operation permit HO01-0022198-004. The permit includes the following areas: A totally enclosed building, approximately 80 feet by 155 feet, having three distinct areas designated as offices, container storage area and return/fill station, and a separate, outdoor aboveground tank storage area with four 20,000-gallon steel tanks protected by secondary containment. The four 20,000-gallon tanks are each constructed on a concrete base, which is on a concrete pad. The pad is surrounded by a three-foot high concrete secondary containment. The floor is covered with an impervious coating of Simstone and protected from the weather by an aluminum roof. Stormwater accumulated in the containment area flows by gravity to an in-ground grated sump, from which the water is pumped to an on-site dry retention pond.

The tanks are electronically monitored for level and temperature. Each tank is permitted to store 20,000-gallons, but Safety-Kleen considers the tanks full at 19,000 gallons. Tank #1 stores hazardous waste solvent. Tank #2 and tank #4 store product solvent. Tank #3 was issued a RCRA tank closure certification on December 21, 1999. On November 21, 2003, Tank # 3 was put back into service for storage of used oil. The facility added a 17,000-gallon double walled tank for waste antifreeze, located next to the containment area.

Safety-Kleen provides equipment leasing, product servicing and hazardous/non-hazardous waste transport, transfer, and/or storage. Some parts washer solvent is returned to the facility to be used for barrel washing and managed according to the Continued Use Program (CUP). Parts washer wastes not included in the CUP is stored in the container storage area, the 10-day transfer area or the hazardous waste storage tank prior to shipment off-site for reclamation. Clean drums are refilled with product mineral spirits for use in leased parts washers.

CUP parts washer solvent from customers accepted in the program is emptied into a 200-gallon tank labeled "Continued Use Product". A permit modification, dated October 10, 2000, was issued for implementation of the CUP.

The container storage area is used for storing parts washer waste, waste immersion cleaner, waste mineral spirits sludge, waste dry cleaning solvent, waste paint related material, and items to be recycled, such as used oil filters and mercury-containing lamps. The container storage area is located within a totally enclosed building with a concrete floor marked with yellow tape identifying the container storage boundaries. The amount of waste stored in the container storage area at any one time must not exceed 6,912 gallons.

The 10-day transfer facility accumulation area is located next to the container storage area. The area is identified by a sign, and marked with yellow tape identifying the transfer facility's boundaries.

12. Inspection:

June 26, 2007

Return/Fill Area

The two drum washers, located in this area, were not in use at the time of the inspection. Sumps beneath the drum washers appeared dry and clean. Sludge from the barrel washers is removed once a day and stored in a properly labeled 55-gallon satellite container. The container, when full, is staged in the container storage area prior to shipment off-site.

Adjacent to the drum washers is a 200-gallon tank used exclusively for CUP solvent. The wire screen on top of the tank is used for straining the mineral spirits. The resulting debris is managed as hazardous waste in the same 55-gallon satellite accumulation drum mentioned above.

Safety-Kleen uses spent mineral spirits to conduct barrel washing. Dirty empty drums are placed onto a rotary brush unit within the barrel washer, where spent mineral spirits are used to clean both the inside and outside of the drums. During this inspection, inspectors were told that only the east drum washer was being used and the west drum washer was used as a back-up. The process, as explained by Mr. Baum, was that every night he emptied the drum washer sumps into the hazardous waste storage tanks located outside. Each morning he split 71 gallons of CUP solvent into each drum washer sump for use (if using both). In an e-mail, dated December 5, 2007, Jeff Curtis stated that each drum washer is mounted on a 504-gallon tank. A float-actuated pump sends the solvent from the sump through the 504-gallon tank to the hazardous waste tank located outside.

At the time of the inspection three 20-gallon hazardous waste parts washer drums on the dock were destined for the hazardous waste storage tank via the drum washer. Safety-Kleen employees were asked about the float actuated pump kicking on prior to the CUP solvent being used to clean the drums. Inspectors were concerned that, due to the addition of several drums of hazardous waste solvent, the CUP solvent contained in the sumps was being pumped directly into the above ground storage tanks, without being used to clean drums. Safety-Kleen employees thought the CUP tank was hard piped to the spray nozzle. After reviewing a copy of Safety-Kleen's standard operating procedures, it appears the CUP solvent can enter the drum washer through the nozzle and from a pipe that re-circulates the solvent from the sump to the nozzles.

Also on the dock were two 30-gallon drums destined for the CUP tank. The CUP tank was observed to be relatively empty at the beginning of the inspection but when inspectors returned, the CUP tank was full and the two 30-gallon CUP drums were still on the dock. The three 20-gallon parts washer hazardous waste drums were no longer on the dock.

NOTE: In a letter dated July 10, 2007, Jeff Curtis, Safety-Kleen EHS Manager, explained that a faulty backflow prevention valve allowed spent solvent from the CUP drum washer sump to flow back into the CUP tank. According to the letter, the faulty valve was scheduled for repaired on July 13, 2007.

Inspectors took a sample of each of the two CUP drums and a sample of material in the CUP tank. The samples were sent the Department's laboratory in Tallahassee for testing. Due to matrix interference, the samples were diluted; therefore, the detection limits were above regulatory levels for some chemicals. The following chemicals were detected above TCLP regulatory limits:

<u>Sample Location</u>	<u>Chemical</u>	<u>Result</u>	<u>TCLP limit</u>
CUP tank	tetrachloroethene	2,400 mg/l	0.7 mg/l
FPE sample	tetrachloroethene	1,900 mg/l	0.7 mg/l
FPE sample	2-butanone	3,700 mg/l	200 mg/l
Tanning Lab sample	tetrachloroethene	2,600 mg/l	0.7 mg/l

Chemicals that were detected in elevated total concentrations:

<u>Sample Location</u>	<u>Chemical</u>	<u>Result</u>
CUP tank	ethylbenzene	290 mg/kg
CUP tank	tetrachloroethene	3,100 mg/kg
CUP tank	toluene	1,300 mg/kg
CUP tank	o-xylene	380 mg/kg
CUP tank	m,p-xylene	1,100 mg/kg
FPE sample	tetrachloroethene	2,500 mg/kg
FPE sample	toluene	940 mg/kg
FPE sample	o-xylene	330 mg/kg
FPE sample	m,p-xylene	930 mg/kg
Tanning Lab sample	ethylbenzene	300 mg/kg
Tanning Lab sample	tetrachloroethene	3,300 mg/kg
Tanning Lab sample	toluene	11,000 mg/kg
Tanning Lab sample	o-xylene	410 mg/kg
Tanning Lab sample	m,p-xylene	1,200 mg/kg

According to Safety-Kleen employees, the solvent used in parts washers contains tetrachloroethene because it cannot be removed during the distillation process conducted off site. **The samples results indicate that Florida Production Engineering (FPE) contaminated their parts washer waste with 2-butanone (methyl ethyl ketone); therefore, according to Safety-Kleen's contract with customers in CUP, FPE should not be allowed to participate in CUP. This waste should have been manifested as hazardous waste [40 CFR 262.20] and Safety-Kleen must file an un-manifested waste report [40 CFR 264.76(a)].**

The sample results indicate that Tanning Lab contaminated their parts washer waste with toluene; therefore, according to Safety-Kleen's contract with customers in CUP, Tanning Lab should not be allowed to participate in CUP. This waste should have been manifested as hazardous waste [40 CFR 262.20] and Safety-Kleen must file an un-manifested waste report [40 CFR 264.76(a)].

Container Storage Area and 10-Day Transfer Area

All containers were organized according to compatibility, and were stored with adequate aisle space at a maximum height of two containers. The containers were managed according to the approved "Container Management Plan," as defined in section 8.4 of the permit; the containers were marked with the date the waste entered the transfer area, labeled hazardous waste (if appropriate) and closed.

Aboveground Storage Tank Area

Tank #1, storing hazardous waste, was properly labeled "Hazardous Waste." Tank # 3, storing used oil, was properly labeled "Used Oil". The containment area around the tanks was dry and appeared free of cracks. A sign with the words "Danger No Smoking" was located in this area.

Next to the storage tank area were four properly labeled dumpsters for used oil filters and three 250-gallon totes for waste antifreeze.

Records Review

Records were reviewed for 2006 and 2007. The records included daily and weekly inspection logs for the container and tank storage areas, contingency plan, local authority notification, position descriptions, training records, and manifests all of which were in compliance.

Annually, Safety-Kleen conducts random waste analysis on wastes being transported off-site for treatment including green parts washer solvent. Parts washer solvents are tested annually nationwide and an average is taken of the results from the testing. The results are used to assign waste codes to the parts washer waste. Currently, red parts washer waste is coded as D001, D018, D039, and D040. Green parts washer waste is coded as D039.

Waste solvent goes to Lexington, KY and is recycled into clean solvent. Antifreeze goes to Georgia Petroleum, Valdosta, GA for recycling. Oil filters go to a recycler in Miami and used oil goes to Safety-Kleen, Chicago, IL for recycling.

November 2, 2007

The purpose of this inspection was to deliver the sample results and inspect the piping system for the CUP tank and drum washers again. During this inspection, both drum washers were being used. Since the last inspection, each drum washer had been designated for exclusive use for the specific types of parts washer waste. The drum washer on the east side had been designated for only hazardous waste and the west drum washer was being exclusively used for CUP parts washer solvent. Figures 1 and 2 show the piping as described to inspectors.

13. Areas of Concern:

The Department only sampled two drums of spent solvent associated with CUP customers. Both of these drums had been contaminated by hazardous waste solvents and should not have been accepted into the program. Safety-Kleen should provide the Department with some assurances that this will not happen again.

In the event of an emergency where the CUP tank must be emptied into the hazardous waste storage tank, the Department is requesting notification by Safety-Kleen to provide details of the situation.

Due to the varying descriptions of the specifications of the piping system and the drum washers, the Department is requesting a copy of design schematics produced by a professional engineer. These schematics will be included in the next treatment, storage, and permit renewal process.

During the records review process, several manifests contained FLCESQG written in the section that requires EPA identification numbers. Safety-Kleen must ensure that facilities using "FLCESQG" meet the definition of Conditionally Exempt Small Quantity generators of hazardous waste prior to transportation.

14. Summary of Potential Noncompliance Issues and Suggested Corrective Actions:

a) **Regulation: 40 CFR 262.20 / 264.76(a) – The Manifest**

A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal must prepare a manifest according to the instructions. Specifically, Safety-Kleen failed to use a manifest when hazardous waste was transported from FPE and Tanning Lab.

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by §263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare and submit a letter to the Regional Administrator within 15 days after receiving the waste. Safety-Kleen has not provided un-manifested waste reports for these two shipments.

Corrective Action: Un-manifested waste reports must be provided for the two shipments identified by the Department as hazardous waste. Safety-Kleen shall conduct CUP/hazardous waste management training for employees managing CUP/hazardous waste to ensure staff is aware of the requirements for completing a hazardous waste manifest. Safety-Kleen should conduct annual, random sampling of CUP customers to ensure Safety-Kleen is not transporting hazardous waste without a manifest.

15. Conclusion:

Safety-Kleen was inspected as a permitted storage facility, generator, and transporter/transfer facility, and was not in compliance at the time of the inspection.

Report Prepared By: Janine Kraemer
Janine Kraemer, CHMM
Environmental Specialist

Date: 12/5/07

Report Reviewed By: Lu Burson
Lu Burson
Environmental Manager

Date: 12/10/07

PENALTY COMPUTATION WORKSHEET

Facility's Name: Safety Kleen - FLD984171165

Facility's Address: 600 Central Park Drive, Sanford, Florida 32771

Name of Staff Responsible for the Penalty Computations: Janine Kraemer

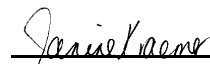
Date: 12/5/07

	<u>Violation Type</u>	<u>Manual Guide</u>	<u>Potential for Harm</u>	<u>Extent of Deviation</u>	<u>Matrix Range</u>	<u>Economic Benefit</u>	<u>Multi-Event</u>	<u>Total</u>
a.	40 CFR 262.20/264.76(a) Manifest	HW 5.1	Minor	Major	\$3,868- \$1,934		2 X \$451	\$4,319

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:

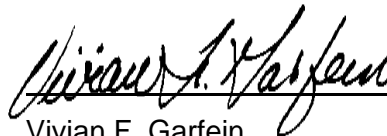
\$4,319.00

Prepared by:



Janine Kraemer
Environmental Specialist

Date: 12/5/2007



Vivian F. Garfein
Director, Central District

Date: 12/17/2007

WORKSHEET
RANKING SYSTEM FOR POTENTIAL FOR HARM

Facility's Name: Safety Kleen - FLD984171165

Date: 12/5/07

Facility's Address: 600 Central Park Drive, Sanford, Florida 32771

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	40 CFR 262.20/264.76(a)	Manifest	4	2	1	1	8

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
4 - typical hazardous waste	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED ON THIS PAGE.