

# Memorandum

# Florida Department of Environmental Protection

## ENFORCEMENT MEETING DOCUMENTATION

**Attendees:** See attached List

**Location:** NWD DEP Office

**Date:** June 12, 2008

**Time:** 2:00 P.M.

**Subject:** Enforcement of alleged violations at Safety Kleen (SK) facility in Leon County

**Meeting Requested By:** FDEP

**Meeting Objectives:** To discuss enforcement action being taken by DEP.

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**Notes:**

The meeting was opened with introductions of the participants. Jim Byer provided an explanation of the two phases of the meeting, first to discuss contents of the inspection report for accuracy and provide an opportunity to provide additional information or any circumstances regarding the case. Second is to discuss the proposed resolution to the issues determined and the possibility of a voluntary mutual agreement.

Jim Byer provided everyone with a copy of the inspection report with alleged violations cited. SK representatives were asked to review the inspection report and the alleged violations for any inaccuracies. Mr. Childress address that violation 10 b. of the inspection report had been completed. Mr. Curtis added that he personally completes the yearly inspection of all inaccessible valves; documents the information on *FMI Scoring Worksheet* sheet and the piping schematic. Mr. Curtis did not fill out a the *Figure 11.1-2 Daily Inspection of Storage Tank Equipment* checklist. We discussed some options to make sure the inspection is completed annually and the checklist is filled out. Mr. Curtis addressed the warning sign issues. They are going to replace the missing signs and hang them with wire for a more permanent fix. Ms. McDonald explained the lettering and contact number information needed on the signs per the permit. Mr. Curtis stated that was the only permit with that information and he is going to change it when the permit is up for renewal. As for now they will place a contact number on the warning signs. The remaining violations regarding shipping papers and mislabeled drums were discussed with no further information to add. It was mutually agreed by DEP and SK representatives to eliminate alleged violation for 10 b. for *General Inspection Requirements*.

Jim Byer explained that Florida DEP has EPA-delegated authority to enforce the Resource Conservation and Recovery Act program. He mentioned that EPA oversees the program and has provided DEP with compliance and enforcement guidance and then explained the characterization process and the application to each of the three remaining alleged violations. He further explained and identified the associated penalties derived from the penalty matrix. The Penalty for violation 3 (10 b. of the inspection report) was removed. The remaining three violations remained unchanged. SK had no additional facts or information to consider in the determination of the civil penalty.

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**Agreements/Conclusions Reached:**

- Mr. Curtis will provide a letter with all corrective actions that have taken place
- DEP would propose a settlement in the form of a short form consent order, to be sent to SK once the above letter has been received.
- The proposal would have a civil penalty of \$4,100 and Department costs of \$250.
- Payment of Department cost and civil penalty would be made within 60 days of executed SFCO.

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Prepared by: Nicole McDonald 