



Florida Department of Environmental Protection

Northwest District
160 Governmental Center, Suite 308
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 25, 2008

Sent via e-mail:

Jeff.Curtis@safety-kleen.com

Mr. Jeff Curtis
EHS Manager
Safety-Kleen Systems Inc.
5610 Alpha Drive
Boynton Beach, Florida 33426

SUBJECT: Short Form Consent Order
Proposed Settlement of Safety Kleen Systems (Tallahassee Facility)
OGC File No.: 08-1706-37-HW

Dear Mr. Curtis:

The purpose of this letter is to complete the resolution of the matters previously identified by the Department during a hazardous waste inspection on April 23, 2008, at the Safety Kleen Systems Inc. facility located in Tallahassee, Florida. Thank you for meeting with us on June 12, 2008 to discuss an amicable resolution of the matters which are specifically outlined in the attached Warning Letter and Inspection Report. If you agree to the terms outlined in this letter, please have the appropriate individual sign the last page where it states, "For the Respondent."

The corrective actions required to bring your facility into compliance have been performed. The Department finds that you were in violation of the rules and statutes cited in the attached Inspection Report, subparagraphs (10.a) through (10.c). The civil penalties are apportioned as follows: \$2,900 for violation of Title 40 Code of Federal Regulations Parts 171.2(e) and 263.20; \$600 for violation of Title 40 Code of Federal Regulations Part 263 Part B and \$600 for violation to Title 40 Code of Federal Regulations Part 264.14. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$4,100, along with \$250 to reimburse the Department costs, for a total of \$4,350.

Safety Kleen Systems Inc. (Tallahassee)

OGC #08-1706-37-HW

Page 2 of 4

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, District Director, Northwest District, 160 Governmental Center, Pensacola, Florida 32502-5794, within 60 days of your signing this letter.

By signing this letter you are accepting the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by August 25, 2008, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

A handwritten signature in black ink that reads "Michael S. Kennedy". The signature is written in a cursive, flowing style.

Michael S. Kennedy, P.G.
Program Administrator
Waste Management Program

FOR THE RESPONDENTS:

I, _____ on behalf of _____, **HEREBY
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____ Date: _____

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2008.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Michael S. Kennedy, P.G.
Program Administrator
Waste Management Program

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated
Department Clerk, receipt of which is hereby acknowledged.

Clerk

Date

Encl (2): Warning Letter dtd 05/14/2008
Inspection Report dtd 04/23/2008

cc: John Hinsey, Branch General Manager, JHinsey@safety-kleen.com
James Childress, Director EHS, Southern Region, Jim.Childress@safety-kleen.com

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes; (c) A statement of how and when each petitioner received notice of the Consent Order; (d) A statement of how each petitioner's substantial interests are affected by the Consent Order; (e) A statement of the material facts disputed by petitioner. If there are none, the petition must so indicate; (f) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Florida Department of Environmental Protection

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Charlie Crist
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Jeff Kottkamp
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Michael W. Sole
Secretary

May 14, 2008

WARNING LETTER

Sent via e-mail:
JHINSEY@safety-kleen.com

Mr. John Hinsey
Branch General Manager
Safety-Kleen Systems
4426 Entrepot Boulevard
Tallahassee, Florida 32310

Dear Mr. Hinsey:

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. A field inspection by Department of Environmental Protection personnel on April 23, 2008 of your facility located at 4426 Entrepot Boulevard, Tallahassee, Leon County, Florida, indicates that violations of the Resource Conservation and Recovery Act (RCRA) and Chapters 376 and 403, Florida Statutes and Rules may exist at the above-described facility. These possible violations are described in the "Summary of Alleged Violations" section of the enclosed Inspection Report. (All Title 40 Code of Federal Regulations provisions have been adopted by reference in Florida Administrative Code, Chapter 62-730).

The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules may involve potential liability for civil penalties and should be ceased. Operation of a facility in violation of state statutes or rule may result in liability for damages and restoration as set forth in Section 403.727, Florida Statutes.

You are requested to attend a meeting with Department personnel to discuss this matter at the Northwest District Office address above on June 12, at 2:00 P.M. CDT. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter. If you have any other questions, please contact Nicole McDonald at telephone (850) 595-8360, extension 1252 or via e-mail at Nicole.McDonald@dep.state.fl.us .

Sincerely,

A handwritten signature in black ink that reads "Michael S. Kennedy". The signature is written in a cursive style with a large, prominent "M" and "K".

Michael S. Kennedy, P.G.
Program Administrator
Waste Management Program

MSK:nml

Enclosure: Hazardous Waste Inspection Report

cc: Jeff Curtis, EHS Manager, Safety Kleen, Jeff.Curtis@safety-kleen.com



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HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: Safety-Kleen Systems, Inc. **DEP/EPA ID #:** FLD 982 133 159

STREET ADDRESS: 4426 Entrepot Boulevard, Tallahassee, Florida 32310

MAILING ADDRESS: 4426 Entrepot Boulevard, Tallahassee, Florida 32310

COUNTY: Leon **PHONE:** (850) 576-9764 **DATE:** April 23, 2008 **TIME:** 12:45 P.M.

HW facility status

- non-handler
- CESQG
- SQG
- LQG

- transporter
- transfer facility

- TSD

- SQH
- LQH

used oil facility status

- generator
- transporter
- transfer facility
- marketer
- processor
- on-spec. burner
- off-spec. burner

- filter generator
- filter transporter
- filter transfer facility
- filter processor

Hg facility status

- exempt
- generator

- transporter

- Hg recovery facility
- Hg reclamation facility

PCW facility status

- producer
- transporter
- recovery facility

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|--|---|---|
| <input checked="" type="checkbox"/> 40 CFR 261 | <input checked="" type="checkbox"/> 40 CFR 262 | <input checked="" type="checkbox"/> 40 CFR 263 | <input checked="" type="checkbox"/> 40 CFR 264 |
| <input checked="" type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input checked="" type="checkbox"/> 40 CFR 268 | <input checked="" type="checkbox"/> 40 CFR 270 |
| <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 |

3. **RESPONSIBLE OFFICIAL:** John Hinsey, Tallahassee Branch Manager

4. **INSPECTION PARTICIPANTS:** John Hinsey of S-K. Daniel Kuncicky, Nicole McDonald, and Jim Byer of FDEP

5. **LATITUDE/LONGITUDE:** Lat 30° 24' 07" / Long 084° 19' 30"

6. **TYPE OF OWNERSHIP:** private ~~federal~~ ~~state~~ ~~county~~ ~~municipal~~

7. **PERMIT No.:** 9207-HO-006 **DATE ISSUED:** October 19, 2005 **EXP. DATE:** March 14, 2010

8. Site History and Description:

Safety-Kleen Systems, Inc. (S-K), 4426 Entrepot Boulevard, Tallahassee, Florida is a generator, transporter and permitted storage facility and transfer facility for hazardous waste. S-K has been operating at this location since 1988. This facility is permitted for both a container storage area and a tank storage area with Permit No. 9207-HO-006, which was issued October 19, 2005 to incorporate FDEP issued HSWA Corrective Action Requirements. This facility was last inspected on December 7, 2006 to confirm compliance with the operating permit and state and federal RCRA regulations with no violations cited. The purpose of this inspection is to confirm S-K's status and compliance with the RCRA regulations.

S-K collects hazardous waste from area generators and temporarily stores it on-site prior to shipping off-site for reclamation and/or disposal. S-K conducts leasing and servicing of S-K parts cleaning equipment. Parts washing solvents (Parts Cleaner 105, 150 Premium Solvent, or non-hazardous liquids) are sent with the equipment. The solvent is exchanged on a periodic basis in accordance with a joint agreement. The used solvent is returned to the storage facility for reclamation. S-K also picks up various drums of hazardous waste, used oil, used oil filters, spent silver recovery cartridges and non-regulated wastes for temporary storage (Transfer Station). This waste is then shipped off-site for reclamation and/or disposal. Facility equipment description and operation is described in previous inspection reports and contained in the operating permit. As of February 29, 2008 S-K is registered with the Department as a Transporter, Transfer and Small Quantity Handler of Universal Waste Lamps

9. Site Inspections:

On April 23, 2008, Department Personnel, Daniel Kuncicky, Nicole McDonald and Jim Byer conducted a hazardous waste inspection of S-K to ensure compliance with the Resource Conservation and Recovery Act (RCRA) and State hazardous waste regulations. John Hinsey of S-K provided access to the facility, description of operations and access to paper and computer-based records.

Return/Fill Shelter

The area was inspected early-afternoon when no loading/unloading activity was underway. The loading/ unloading area was well maintained and located with easy access to the emergency and safety equipment installed in this area. Both the HW drain dumpster and Continued Use Program (CUP) drain dumpster lids were closed. Located in this area were numerous 30-gallon empty drums that were waiting to be filled with product solvent. Also in this area were two 250-gallon totes that held aqueous parts washer product and a labeled accumulation container for used oil filters.

The shelter area held no containers of hazardous waste with the exception of the satellite accumulation 55-gallon drum for hazardous waste solids/sludge from the

dumpster/drum washing unit. Sludge from the drum washing unit is removed every shift. This drum was labeled, in good physical condition and closed.



Safety Equipment



SAA drum -Return/Fill Area



Aqueous Parts-washing



HW drain dumpster



CUP drain dumpster



UOF Accumulation

10-Day Transfer Station

This area contained no containers as the weekly S-K transport vehicle was loaded and departed with all containers in this area just prior to this inspection. This area was well kept with no discrepancies noted. The daily inspection record for the 10-Day Transfer Station was reviewed and appropriate documentation was available during the inspection. Adequate aisle space is available to inspect each container.



10-Day Transfer Station

TSD Storage Area

The TSD Storage Area was well organized and aisle space maintained to allow inspection of each container. All containers were in good physical condition, closed, dated and labeled. Two random containers were selected (Container #'s 16766 and 6512) and a computer and hardcopy records check was conducted to verify its origin, transport history and storage inventory. No discrepancies were noted. A visual inventory of drums versus computer record inventory for the TSD Storage Area was

conducted with no discrepancies noted. Also located in this immediate area was Universal Waste that was being managed properly with no discrepancies identified.



TSD Storage Area



TSD Storage Area



Universal Waste Storage

Tank Storage Area

All tanks appeared to be in good condition and well maintained with no visual evidence of any tank leakage noted. The load/unload pipe manifold area showed no evidence of leakage or spillage from the piping and equipage in this area.



East end of Tank Farm



Tank Load/Unload valves



West end of tank Farm

The tank farm consists of two 15,000-gallon tanks and one 11,400-gallon tank. All tanks are double-walled. The waste mineral spirits solvent management system equipage (piping, valves, flanges, pumps, etc) was color coated to distinguish it readily from the other equipage in the facility. Red piping is for dirty solvent, orange piping represents Safety Kleen's 105° solvent (waste solvent) and green piping represents 150° solvent. This coloring scheme allows the daily inspector of the system to track the equipage and inspect for liquid leaks. Brass numbering tags are used to identify valves and flanges associated with the waste solvent tank system.

External Area

The outside storage/laydown area, driveways, vehicle parking lot, solid waste dumpsters and the perimeter fence/lawn areas were inspected with one discrepancy noted. Signs which should be attached to the perimeter fencing per permit requirements were missing from areas on the west side and east side of the perimeter. All other security and safety equipment was installed in accordance with the permit. Both the regular solid waste dumpster and cardboard recycling dumpster were empty at the time of this inspection. A tanker trailer had been parked within a temporary secondary containment at the southwest corner of the rear asphalt parking area. This tanker will be used for on-site consolidation of wastes collected daily in the vacuum truck and then transfer and stored on-site in the tank trailer until a full 5,000-gallon load makes it necessary for transport to the follow-on processing.



Empty dumpsters



5,000-gallon tank trailer

At the rear of the build were numerous “Used Oil Filter” dumpsters, only three dumpsters (properly labeled and closed) contained filters and were surrounded by spill containment “pigs”. Mr. Hinsey indicated that all collected UO filters are sent to a processing facility called Oil Filter Recyclers. There were also several other empty containers that Safety Kleen utilizes during its daily operations located in this area.



“Used Oil Filter” dumpsters



Empty Containers

Route Truck Review

Two returning route trucks were inspected upon their arrival at the facilities loading/unloading area. A review of each driver's shipping records and actual contents of their trucks was conducted for verification of DOT transport regulations. Nicole McDonald performed an inventory of the waste on the first truck with driver Duane Elkins. Mr. Elkins pulled the manifest and shipping documents for all waste on the load to begin inventory. Upon first count of the drums, there was one paint waste, eight HW, five CUP, one Used Oil drum. When Mr. Elkins began matching up paperwork to drums, he informed me that some were mislabeled. He explained that he did not have the correct labels and labeled three drums (two 30-gallon drums and one 16-gallon drum) with the company "Man Trans" as "CUP solvent". These drums were from three different businesses (Honest Engines, Rahall Chevrolet, and NF Performance). Only one drum from Rahall Chevrolet (30 gal) was CUP solvent, the other two drums should have been labeled as a hazardous waste. One 30-gallon drum from Tallahassee Powersport was on this truck but the paperwork was in with the prior day's, March 22, 2008, shipping papers. Mr. Elkins explained that the waste was picked up on March 22, 2008 and was still on the truck because he had to return to the facility on March 23, 2008. Another truck was inspected with driver William Edmund. All drums on Mr. Edmunds truck were labeled appropriately and paperwork was in order and correct for each drum.



David off loading drums



Incorrect labels



Miscellaneous and Records Review

Emergency fire, first aid, and spill control equipment within the facility was randomly inspected to verify the facility inspection and maintenance program. A review of randomly selected training records, daily/weekly inspection logs for the Transfer Area, Storage Containers, Storage Tanks, and safety equipment was conducted with one discrepancy noted. The facility's 40 CFR 264 Subpart BB compliance procedures for the waste mineral spirits solvent management system was in place. The daily inspection

logs were reviewed for the previous two years with no discrepancies. However, the last annual inspection of “non-accessible” equipage points had occurred in December of 2006. On May 8, 2008, Mr. Hinsey located and faxed documentation confirming “Subpart BB Difficult to Monitor Equipment” had been checked by the EHS Manager on April 8, 2008. This inspection documentation noted “numerous subpart BB tags are worn and need to be replaced”.

The contingency plan and permit were available and current. Documentation tracking checks on multiple containers from the TSD Storage Area picked at random verified the hardcopy and computer tracking documentation for all containers checked. This inspection verified S-K is a large quantity generator of hazardous waste; a transporter of hazardous waste and used oil; and an operator of a transfer station and permitted storage facility.

10. Summary of Alleged Violations:

a) 49 CFR 171.2(e) & 40 CFR 263 Part B Incorrect/missing shipping papers

No person may offer or accept a hazardous material for transportation in commerce unless the hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements of this subchapter or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter.

- 1) One 30-gallon drum of hazardous waste solvent did not have the appropriated shipping papers with the driver while the drum was being transported over the road.
- 2) Three (two 30-gallon & one 16-gallon) drums were not labeled with the correct generator name or contents.

b) 40 CFR 264.15(b) General Inspection Requirements

The owner operator must develop and follow a written schedule for inspection of monitoring equipment, safety and emergency equipment, security devices and operating structural equipment that are important to preventing detecting, or responding to environmental or human health hazards.

C) 40 CFR 264.14 & Permit Specific Condition 12 in Part 1

The Permittee shall comply with the security provisions of 40 CFR 264.14 and the site security provision of the permit application.

a. Warning signs shall be at least 2 feet by 2 feet, made of durable weather resistant material, with a light background and lettering in a highly contrasting color. All lettering must be at least 1 inch high.

b. Warning signs shall be unobstructed and mounted in such a manner that the center of the sign is approximately 56 inches above ground surface and is capable of being seen from at least 75 feet away.

c. Warning sign text shall warn of danger, prohibit the entry of unauthorized persons, convey other information appropriate to site conditions, and include a telephone number to call for more information.

d. The permittee is responsible for supplying, installing and maintaining the warning signs.

Two signs were found on the ground and signage is not in accordance with the permit.

11. Recommendations:

- a) S-K needs to ensure that drums are labeled with appropriate contents during transport to ensure that solvents are emptied into the appropriate bins.
- b) S-K needs to ensure that all waste containers on a truck are accompanied with the appropriate shipping papers for each drum.
- c) S-K needs to ensure that "non-accessible equipage points are inspected annually per the permit.
- d) S-K needs to ensure that signage is placed along the perimeter of the facilities fencing in accordance with Specific Condition 12 in Part 1 of the permit.

Report prepared by: 
Nicole McDonald and James Byer

Date: May 7, 2008