



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

June 4, 2002

Certified Mail

7000 1530 0002 1948 3764

Kenneth L. Bednar
Katz, Barron, Squitiero & Faust, P.A.
First Ft. Lauderdale Place
100 N.E. Third Avenue, Suite 280
Ft. Lauderdale, Florida 33301

OCD-HW/E-02-0203

Seminole County – HW
Safety-Kleen Sanford
FLD984171165

*EXTENSION TO MF 7/16/02
ON 6/2/02*

Dear Mr. Bednar:

I am in receipt of your letter dated May 15, 2002. Your letter contains information regarding Safety-Kleen's operations that require clarification. Safety-Kleen has operated as many as 17 locations in the state of Florida, 11 of those locations are still in operation. Five of the seventeen have been the subject of various remediation actions, two of which are still on-going.

Since 1990, Safety-Kleen has been the subject of over 90 informal enforcement actions, resulting in 38 formal enforcement actions. The Department's Hazardous Waste Program has collected over \$517,000.00 in penalties from Safety-Kleen as a result of the formal enforcement actions.

A cursory review of the Central District's files found approximately 18 instances where Safety-Kleen Sanford transported hazardous waste without a manifest since 1995, with the most recent incident reported August 1, 2001. These instances were reported by Safety-Kleen in accordance with the requirements of the RCRA Permit and the Department took no formal enforcement actions.

The violations cited by the Central District in the October 2001 Warning Letter, OWL-HW/E-C-00-0029, were not reported by Safety-Kleen but were instead reported by the generators. The Department requested an unmanifested waste report from the Sanford facility as required by their RCRA Permit HO01-0022198-001, Specific Conditions Part I. Condition 14 and 40 CFR 264.76. The issue in this case was the failure of Safety-Kleen to comply with the RCRA Permit.

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In an effort to resolve the violations cited in the Warning Letter, Safety-Kleen has indicated a willingness to modify its training program to ensure staff are aware that they can not remove hazardous waste from large quantity generator locations without the use of a manifest. In a letter dated February 25, 1992, Safety-Kleen outlined a process to train facility personnel on these same issues, to treat government owned bases as a single entity, which means using a hazardous waste manifest to transport waste. The current Warning Letter was issued because these same violations occurred at one of the same entities noted in 1991, a clear indication that training is not being conducted as Safety-Kleen indicated in 1992. This repeat violation is the reasoning behind the Department's request that an Officer of Safety-Kleen Corp. provide written assurances that this segment of the training program would once again be provided. The request was included as a condition of settlement.

As noted in the Department's March 14, 2002 letter, the Department has reduced the original penalty calculation to \$4,547.00. Attached is a Short Form Consent Order prepared by the Department to resolve the issues raised in Warning Letter OWL-HW/E-C-00-0029. If the proposed Short Form Consent Order is not acceptable we will proceed with further enforcement.

Sincerely,



John White
Environmental Specialist

lb/jw

cc: Matt Hedrick, Safety-Kleen Corp.

Attachment: February 25, 1992, Safety-Kleen Letter
Short Form Consent Order