



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

January 5, 2012

HAND DELIVERED
Darwin.robinson@safety-kleen.com

NON-COMPLIANCE LETTER
OCD-HW-11-011

Mr. Darwin Robinson
Safety-Kleen Systems, Inc.
359 Cypress Road
Ocala, Florida 34472

Marion County-HW
Safety-Kleen Systems, Inc.
FLR000060301

Dear Mr. Robinson:

A hazardous waste, solid waste, and used oil compliance inspection was conducted at your facility on November 10, 2011. The inspection was conducted under the authority of Section 403.091, Florida Statutes (Fla. Stat.) and Chapter 403, Part IV, Fla. Stat. in order to determine the compliance status of your facility with Title 40 Code of Federal Regulations (CFR) Parts 260 – 268 and 279. The provisions of 40 CFR Parts 260 through 268 and 279 have been adopted by reference as the state hazardous waste and used oil rules in Chapters 62-730 and 62-710, Fla. Admin. Code, respectively.

During this inspection, possible violations of Chapter 403 Fla. Stat. and Chapter 62-730 and 62-710, Florida Administrative Code (Fla. Admin. Code) were noted by Department of Environmental Protection specialists. Section 403.721(1), Fla. Stat. requires persons who generate hazardous waste and used oil to comply with rules adopted by the Department. The purpose of this letter is to seek your cooperation in resolving these matters.

Please see the attached inspection report for a full account of Department observations

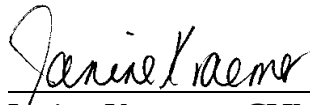
PLEASE BE ADVISED that this Non-Compliance Letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), Fla. Stat. We request that you review the potential violations noted and respond in writing within 30 days of receipt of this Non-Compliance Letter. Your written response should either describe what you have

done to comply, or provide evidence (photographs, etc.) to support a claim that the violations did not occur.

It is the Department's intention to allow you to document compliance or corrective actions, so that this matter can be closed without further enforcement. Your failure to respond promptly in writing may result in the initiation of formal enforcement proceedings.

Please address your response to Danielle Bentzen at the Central District office address noted on the letterhead above. If you have any questions you may contact Ms. Bentzen at (407)897-4306 or electronically at danielle.bentzen@dep.state.fl.us. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

A handwritten signature in cursive script, reading "Janine Kraemer", written in black ink.

Janine Kraemer, CHMM
Environmental Manager
Solid and Hazardous Waste Programs

Enclosures:

Hazardous Waste Inspection Report dated 11/10/11
Solid Waste Inspection Report dated 11/10/11



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

FACILITY INFORMATION:

Facility Name: Safety-Kleen Systems Inc

On-Site Inspection Start Date: 11/10/2011

On-Site Inspection End Date: 11/10/2011

ME ID#: 1538

EPA ID#: FLR000060301

Facility Street Address: 359 Cypress Rd, Ocala, Florida 34472-3101

Contact Mailing Address: 3003 W Breezewood Lane, Neenah, Wisconsin 54957-0368

County Name: Marion

Contact Phone: (800) 558-5011

NOTIFIED AS:

CESQG (<100 kg/month)

Used Oil

INSPECTION TYPE:

Routine Inspection for LQG (>1000 kg/month) facility

Routine Inspection for Transporter facility

Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Danielle M. Bentzen, Environmental Specialist

Other Participants: Joseph Ventry, Senior Oil Terminal Operator; Justin Christensen, Intern; Janine Kraemer, Environmental Manager

LATITUDE / LONGITUDE: Lat 29° 4' 54.72" / Long 81° 59' 28.96"

SIC CODE: 5172 - Wholesale trade - petroleum products, nec

TYPE OF OWNERSHIP: Private

Introduction:

On November 10, 2011, Danielle Bentzen, Janine Kraemer, and Justin Christensen, Florida Department of Environmental Protection (DEP), inspected Safety-Kleen Systems, Inc (SK-Ocala) for compliance with state and federal hazardous waste and used oil regulations. Mr. Joseph Ventry accompanied inspectors throughout the facility. This facility began operations in 2000 as Atlantic Industrial Services. Safety-Kleen took over operations in 2009 and is operating under DEP permit number 161967-HO-004, which expires on April 22, 2012.

The facility operates Monday through Friday. Security cameras monitor the facility on weekends.

INSPECTION HISTORY

On July 1, 2009, the Department inspected SK-Ocala as a used oil processor and conditionally exempt small quantity generator of hazardous waste. The inspector noted that the facility failed to consistently include the generator's EPA identification number, if applicable, on incoming used oil shipments. The facility was otherwise in compliance.

Process Description:

SK-Ocala consists of a main office, containing offices and laboratories, a tank farm, and a building that contains the used oil processing area, control room, and used oil filter drum storage area.

The tank farm consists of thirty-three above ground storage tanks ranging from 200 to 160,000 gallons in secondary containment units. Twenty-five of these tanks are used oil tanks, with a total capacity of 880,000 gallons.

Inspection Date: 11/10/2011

SK-Ocala uses three rail cars to transport used oil. Each car has a 25,000 gallon capacity.

The used oil processing area is situated within an enclosed building, constructed of 6-inch reinforced, sealed concrete slab. The area occupied by the processing facility is approximately 13,000 square feet. Used oil is processed by heating the oil to drive off the water and shaking to settle out the solids.

The warehouse/drum storage and filter processing area is situated within another section of the enclosed building, constructed on an 8-inch reinforced, sealed concrete slab that occupies approximately 13,000 square feet. At the time of the inspection, there were one hundred and one 55-gallon drums and five 30-gallon drums of used oil filters in the building. SK-Ocala will clean out the drums, remove any labels and send back out to customers. Also in this area, were six 55-gallon drums of hazardous waste. The waste is generated from customer sample jars. Prior to August 2011, this waste was being disposed of as a non-hazardous waste. A proper waste determination needs to be made on the sample jars [40 CFR 262.11].

The materials processing facility is authorized under Solid Waste Permit No. 0189210-002-SO to consolidate and process non-hazardous petroleum-contaminated solid wastes and other solid wastes not constituting used oil subject to permit conditions. Solid waste is managed in a solidification pit where waste is mixed with clay. The resultant mixture is shipped to Valdosta, Georgia. See attached Solid Waste inspection report and permit for more information on the solid waste processing.

The laboratory has two satellite containers for xylene/used oil mixture. Both containers were properly labeled.

Records Review

Tank registrations for all storage tanks on-site are up to date.

Daily tank inspection logs and monthly tank farm inspection logs were reviewed and in compliance. Weekly inspection logs for hazardous waste containers were reviewed and found to be incomplete for the number of containers [62-730.030(6)].

Training is performed on-line and a copy of the certificate of completion is placed in the employee's file.

The shipping documents reviewed indicated SK-Ocala has failed to include a generator's EPA identification number on incoming loads of used oil, when available [40 CFR 279.56(a)(4)] for example, the UPS facility in Leesburg.

New Potential Violations and Areas of Concern:

Checklist Independent Potential Violations and Areas of Concern

Type:	Violation
Rule:	262.11
Explanation:	Hazardous waste determination. A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, SK-Ocala needs to perform a waste determination on the customer sample bottles.
Corrective Action:	Within 30 days of receipt of this letter, provide the Department with the waste determination results of these samples.

Type:	Violation
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Inspection Date: 11/10/2011

Rule: 279.56(a)(4)

Explanation: Records for each shipment must include the EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining. Specifically, SK-Ocala failed to consistently include the EPA identification number of generators on shipping papers.

Corrective Action: SK-Ocala must include the generator's EPA identification number of used oil generators on shipping papers documenting receipt of used oil. Within 30 days of receipt of this letter, provide the Department with documentation outlining the procedure for ensuring EPA identification numbers on disposal manifests.

Type: Violation

Rule: 62-730.160(6)

Explanation: Generators of hazardous waste who accumulate hazardous waste on-site under 40 CFR 262.34, shall maintain written documentation of the inspections required under 40 CFR Part 265. The generator shall keep the written documentation of the inspections under this section for at least three years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions. Specifically, SK-Ocala did not completely fill out the weekly inspection logs.

Corrective Action: SK-Ocala needs to complete weekly inspections consistently. Within 30 days of receipt of this letter, provide the Department with documentation that weekly inspection logs are being conducted correctly.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
262.11		11/10/2011	Hazardous waste determination. A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, SK-Ocala needs to perform a waste determination on the customer sample bottles.
279.56(a)(4)		11/10/2011	Records for each shipment must include the EPA identification number (if applicable) of the generator or processor/re-refiner from whom the used oil was sent for processing/re-refining. Specifically, SK-Ocala failed to consistently include the EPA identification number of generators on shipping papers.
62-730.160(6)		11/10/2011	Generators of hazardous waste who accumulate hazardous waste on-site under 40 CFR 262.34, shall maintain written documentation of the inspections

Inspection Date: 11/10/2011

Rule Number	Area	Date Cited	Explanation
			required under 40 CFR Part 265. The generator shall keep the written documentation of the inspections under this section for at least three years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions. Specifically, SK-Ocala did not completely fill out the weekly inspection logs.

Areas of Concern

No Areas of Concern

Conclusion:

SK-Ocala was inspected as a Used Oil Processor and Large Quantity Generator of hazardous waste and was not in compliance at the time of the inspection.

Inspection Date: 11/10/2011

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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Danielle M. Bentzen

PRINCIPAL INSPECTOR NAME

Environmental Specialist

PRINCIPAL INSPECTOR TITLE

NO SIGNATURE

PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Justin Christensen

INSPECTOR NAME

Intern

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Janine Kraemer

INSPECTOR NAME

Environmental Manager

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Joseph Ventry

REPRESENTATIVE NAME

Senior Oil Terminal Operator

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Safety-Kleen

ORGANIZATION

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.



Florida Department of
Environmental Protection
Inspection Checklist

FACILITY INFORMATION:

Facility Name: SAFETY KLEEN SYSTEMS, INC

On-Site Inspection Start Date: 11/10/2011

On-Site Inspection End Date: 11/10/2011

WACS No.: 93632

Facility Street Address: 359 CYPRESS ROAD

City: OCALA

County Name: MARION

Zip: 34472

INSPECTION PARTICIPANTS:

(Include ALL Landfill and Department Personnel with Corresponding Titles)

Principal Inspector: Danielle M. Bentzen, Environmental Specialist

Other Participants: Joseph Ventry, Senior Oil Terminal Operator; Justin Christensen, Intern; Janine Kraemer, Environmental Manager

INSPECTION TYPE:

Routine Operation Inspection for Waste Processing - Other (user defined) facility

ATTACHMENTS TO THE INSPECTION CHECK LIST:

This Cover Page to the Inspection Checklist may include any or all of the following attachments as appropriate.

SECTION 4.0 - WASTE PROCESSING FACILITIES

Inspection Date: 11/10/2011

SECTION 4.0 - WASTE PROCESSING FACILITIES**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.

Item No.	SOLID WASTE PROHIBITIONS (unless "grandfathered" in, see 62-701.300(18)) Completed	Ok	Not Ok	Unk	N/A
4.1.1	Unauthorized storage, processing, or disposal of solid waste except as authorized at a permitted solid waste management facility or other exempt facility? 62-701.300(1)(a)	✓			
4.1.2	Unauthorized disposal or storage prohibited, except yard trash, within 500 feet of a potable water well? 62-701.300(2)(b)				✓
4.2	Unauthorized storage or disposal of yard trash prohibited within the minimum setbacks of (Check any that are Not OK) 62-701.300(12) <input type="checkbox"/> 100 feet from potable water wells (except on-site)? <input type="checkbox"/> 50 feet from water bodies?	✓			
4.3	Unauthorized disposal or storage prohibited in any natural or artificial body of water including ground water and wetlands? (Does not apply to standing water after a storm event.) 62-701.300(2)(d)	✓			
4.4	Unauthorized disposal or storage prohibited, except yard trash, within 200 feet of any natural or artificial body of water, including wetlands without permanent leachate controls, except impoundments or conveyances which are part of an on-site, permitted stormwater management system or on-site water bodies with no off-site discharge? 62-701.300(2)(e)	✓			
4.5	Unauthorized open burning of solid waste prohibited, except in accordance with Department requirements? 62-701.300(3)				✓
4.6	Are the following unauthorized wastes or special wastes properly managed? (Check any that are Not OK) <input type="checkbox"/> Hazardous waste 62-701.300(4) <input type="checkbox"/> Biomedical waste 62-701.300(6) <input type="checkbox"/> Used oil and oily wastes, except as exempted 62-701.300(11) <input type="checkbox"/> PCB wastes 62-701.300(5) <input type="checkbox"/> Liquids 62-701.300(10)	✓			

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.7	Do the tipping, processing, sorting, storage and compaction areas that are in an enclosed building or covered area have adequate ventilation? 62-701.710(3)(a)	✓			
4.8	For areas not enclosed, is litter controlled and are litter control devices maintained? 62-701.710(3)(a)	✓			
4.9	Is leachate collection and removal system maintained and operated as required? 62-701.710(3)(b)				✓
4.10	Are all drains and leachate conveyances kept clean so that leachate flow is not impeded? 62-701.710(4)(b)				✓
4.11	Are the following records or plans current and available on-site? (Check any that are Not OK) <input type="checkbox"/> Operation and Maintenance Manual 62-701.710(4)(a)1 <input type="checkbox"/> Contingency Plan 62-701.710(4)(a)3 <input type="checkbox"/> Operation records 62-701.710(9)(a)	✓			
4.12	Is the Operation and Maintenance Manual substantially followed? 62-701.710(4)(a)1	✓			
4.13	Are putrescible wastes stored no longer than 48 hours or as otherwise allowed in the Operation and Maintenance Plan? 62-701.710(4)(b)				✓
4.14	Are areas where putrescible waste is stored or processed cleaned at least weekly to prevent odor and vector problems? 62-701.710(4)(b)				✓
4.15	Are the operating hours posted at the facility? 62-701.710(4)(c)1	✓			

Inspection Date: 11/10/2011

Item No.	WASTE PROCESSING FACILITY OPERATION AND MAINTENANCE Completed	Ok	Not Ok	Unk	N/A
4.16	Is a trained operator on duty whenever the facility is operating? 62-701.710(4)(c)1			✓	
4.17	Is at least one trained spotter on duty at all times that waste is received at the facility to inspect the incoming waste? 62-701.710(4)(c)2			✓	
4.18	Are unauthorized wastes removed from the waste stream and placed into appropriate containers for disposal at a permitted facility? 62-701.710(4)(c)2	✓			
4.19	Is the facility operated to control objectionable odors? 62-701.710(4)(d)	✓			
4.20	Is adequate fire protection equipment available and operational? 62-701.710(4)(e)	✓			
4.21	Is access to the facility controlled by fencing or other effective barriers to prevent disposal of unauthorized solid waste? 62-701.710(4)(f)	✓			
4.22	If the facility is a Transfer Station and is claiming the financial assurance exemption, does it manage the waste on a first-in, first-out basis and store waste for no greater than 7 days? 62-701.710(10)(a)				✓
4.23	Is stormwater effectively controlled? 62-701.710(8)	✓			
4.24	Are all additional specific conditions (not otherwise addressed above) in the permit, Department order, or certification, if any, being followed? 62-701.320(1), 403.161, F.S.	✓			

Item No.	WASTE PROCESSING FACILITY CLOSURE Completed	Ok	Not Ok	Unk	N/A
4.25	Has the solid waste or residue been properly disposed of within 30 days after receiving the final solid waste shipment? 62-701.710(6)(c)				✓
4.26	Has closure been completed within 180 days after receiving the final solid waste shipment? 62-701.710(6)(d)				✓

COMMENTS:

01/03/2012

SK-Ocala solidification processing area consists of a covered concrete pad that slopes toward the rear of the pad. At the time of the inspection, Mr. Ventry said that anything that touches used oil is placed on the pad to drain off the used oil. Inspectors saw aerosol cans, lead acid batteries, used oil filters, customer sample jars. Kitty litter, absorbents, rags, and pigs were also seen in the pit for solidification. Wastes that cannot go to the landfill are pulled out for proper disposal once the oil has drained off.

According to the permit conditions, this area did not meet the requirements; however this is being addressed in the permit renewal process that is currently taking place.

Inspection Date: 11/10/2011

Signed:

Danielle M. Bentzen _____ PRINCIPAL INSPECTOR NAME	Environmental Specialist _____ PRINCIPAL INSPECTOR TITLE
NO SIGNATURE _____ PRINCIPAL INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
Justin Christensen _____ INSPECTOR NAME	Intern _____ INSPECTOR TITLE
NO SIGNATURE _____ INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
Janine Kraemer _____ INSPECTOR NAME	Environmental Manager _____ INSPECTOR TITLE
NO SIGNATURE _____ INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
Joseph Ventry _____ REPRESENTATIVE NAME	Senior Oil Terminal Operator _____ REPRESENTATIVE TITLE
NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	Safety-Kleen _____ ORGANIZATION

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 "Not Ok" or areas of concern.