



April 15, 2022

Via E-mail

Ms. Monica Hardin
Florida Department of Environmental Protection
Northwest District
160 W. Government St., Suite 308
Pensacola, FL 32502

Re: Compliance Assistance Offer
Safety-Kleen Systems, Inc. – Tallahassee & Denton
EPA ID: FLD982133159 & TXR000081205

Dear Ms. Hardin:

The purpose of this letter is to provide the Department with Safety-Kleen Systems, Inc.'s ("Safety-Kleen") response to the above-referenced Compliance Assistance Offer (CAO) letter, dated April 4, 2022. The CAO alleges potential non-compliance with the requirements of Chapter 403, Florida Statutes, Chapter 62-730, F.A.C. and Title 40 CFR Part 263 as part of a file review conducted by the Department on March 24, 2022. Specifically, the alleged potential non-compliance items are that Safety-Kleen Systems, Inc. Tallahassee (FLD982133159) failed to submit an unmanifested waste report within the permit condition required 15 days for hazardous waste received from Corteva Agriscience LLC on ten (10) separate occasions. In addition, Safety-Kleen Systems, Inc. Denton (TXR000081205), as a transporter accepted hazardous waste from Corteva Agriscience LLC without a signed manifest on eleven (11) occasions. It is our intention and expectation that nothing in this letter shall be construed as an admission or used against the Company in any administrative or judicial proceeding. The Company expressly reserves any and all defenses it might have to the matters set forth in this letter and does not intend to waive any of those defenses by making this submission.

In its' CAO, the Department requests that we review the items of concern noted and respond in writing within 15 days of receipt. By submittal of this letter, Safety-Kleen is complying with the Department's request in a timely manner.

As stated in the Department's inspection reports, dated 3/24/22, Safety-Kleen Systems, Inc. submitted an unmanifested waste report on 2/22/22 for accepting hazardous waste parts washer solvent on eleven occasions without a manifest. On 2/22/22 an account manager of Safety-Kleen Systems, Inc. Tallahassee visited Corteva Agriscience LLC to discuss business opportunities and representatives of Corteva requested copies of hazardous waste manifests for their previous parts washer services. At that time, they also informed our account manager that they were a Large Quantity Generator (LQG) which contradicted what they had previously represented as their generator status. On each of the previous services, Corteva Agriscience LLC had represented to Safety-Kleen in writing that they were a Very Small Quantity Generator (VSQG). Safety-Kleen documented each waste pick up in accordance with the VSQG regulations.

By way of background, when a customer requests new services from Safety-Kleen the account's generator status is evaluated. The account manager evaluates the volumes of waste expected from the services requested and any other services provided by Safety-Kleen and discusses the current generator status of the generator. The waste shipment history and the internal account records for Corteva Agriscience LLC were reviewed. The waste history indicated that Safety-Kleen had one model 30 parts washer placed at this customer site, and that machine was being serviced approximately once every 3-5 months generating 12 gallons (80.4 lbs.) of hazardous waste per service. Because the volume of waste generated from the service was below 220 lbs. per month and the account was set up as a VSQG by the previous account manager, Safety-Kleen did not have reason to believe that the customer was a LQG and therefore at the time of each pick, Safety-Kleen's systems reflected the VSQG status and our systems did not indicate any alert or other programming stops to require a manifest.

It is important to note that we rely on the generator to inform Safety-Kleen of any small or large quantity generator waste activity. There is no record of Corteva Agriscience LLC notifying Safety-Kleen that they were a large quantity generator at any time prior to the February 22, 2022 LQG notification. In addition, since there is not a tangible way for Safety-Kleen to know all generator waste activities taking place at a generator site or any changes to waste activity since the time of account set up, Safety-Kleen requires all generators to confirm and certify their generator status at the time of each service. The customer's generator status is clearly identified on the service receipt, and a Corteva Agriscience LLC representative certified on all eleven occasions that the generator status of VSQG was correct. See Attachment A.

As a result of the information received at the February 22, 2022 meeting the generator status for Corteva Agriscience LLC was changed to LQG in our customer database, which will ensure any future collections of hazardous waste for this generator by Safety-Kleen are completed on a hazardous waste manifest. As stated above, Safety-Kleen submitted an unmanifested waste report the same day, 2/22/22, we were notified by Corteva Agriscience LLC that they were a LQG. Facility personnel have also been re-trained on how to search Federal/State databases for generator information and reminded to continually discuss and inquire about generator status during communications with customers. In addition, as discussed during the 3/28/22 Microsoft Teams Meeting, Safety-Kleen Tallahassee will perform an internal audit of their current VSQG customers in Tallahassee to look for any potential discrepancies with the generator status identified in our account management system. We anticipate this audit will be completed by 5/31/22. It is important to note that while Safety-Kleen makes diligent efforts to proactively identify generator status issues, Federal/State database queries are not foolproof. Generators are responsible for ensuring they have properly registered their hazardous waste activity and any updates with the state and federal agencies and have provided correct information to their service providers. Discrepancies between the business names entered in each system, addresses, and abbreviations as well as multiple other factors can impact the success of a database review.

Safety-Kleen reacted immediately to the LQG designation notification and completed an unmanifested waste report that same day and within 15 days of being notified by Corteva Agriscience LLC that they were a LQG. There was no indication from the services provided or our interaction with the generator up until 2/22/22 that there was a generator status discrepancy. We have systems in place to monitor Safety-Kleen parts washer volumes and the need for EPA ID numbers, and we require generators review and certify their generator status at each shipment. We cannot control what information is provided by a generator to the Federal/State agencies, or whether a generator discloses other waste generation activities outside of our services to our account managers. Safety-Kleen performed these services in full

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compliance with the VSQG regulations. We respectfully request the Department rescind the referenced violations.

Safety-Kleen appreciates the Department's time and consideration in this matter. If you have any questions or require additional information, please contact me at (561) 523-4719 or jeff.curtis@safety-kleen.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Curtis", written over a horizontal dashed line.

Jeff Curtis
Sr. Environmental Compliance Manager

SHIPPING DOCUMENT

IN THE EVENT OF AN EMERGENCY CALL **24-Hr-Number** 1-800-468-1760 (Safety-Kleen)
REFERENCE NBR.
CUSTOMER#/GENERATOR: D015870 Dupont Valdosta Manufacturing 79606478-1901534749
2509 Rocky Ford Rd
Valdosta GA 31601-1575
PHONE 229-293-4242
GENERATOR USEPA ID. GAD000813691 GENERATOR STATE
MANIFEST#: FORM CD: DP SHIP# 228042708
TRANSPORTER 1 TXR000081205 Safety Kleen
TRANSPORTER 2

US DOT DESCRIPTION (INCLUDING PROPER SHIPPING NAME, HAZARD CLASS, AND ID)

NA1993 WASTE COMBUSTIBLE LIQUID, N.O.S.

(PETROLEUM NAPHTHA) PGIII

DOT-SP11606

(D039) (ERG#128)

FEDERAL WASTE CODES D039

STATE WASTE CODES

TOTAL CONT 1 TYPE DM WT/VOL G SKDOT 717

CNT#: 19G323365021 SZ: 30 GAL/114 L CONTAINERS QTY: 12 PROF# 150055

DESIGNATED FACILITY NAME/ADDRESS:

SAFETY - KLEEN SYSTEMS INC

4426 ENTREPOT BLVD

TALLAHASSEE FL 32310

TSD PHONE: 850-576-9764

FACILITY USEPA ID NO FLD982133159

FACILITY STATE ID NO

GENERATOR STATUS

6-220 lbs/month



Signature

CUSTOMER / GENERATOR: mike