

## Eckoff, Michael

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**From:** Eckoff, Michael  
**Sent:** Tuesday, May 3, 2022 1:45 PM  
**To:** Curtis, Jeffery S; maggie.tenant@safety-kleen.com  
**Cc:** Useche, Viviana  
**Subject:** Safety-Kleen Systems Inc  
**Attachments:** Safety-Kleen Systems Inc\_FLR000060301\_approved peer review memo and penalty calculation\_220420.pdf

Good afternoon,

Thank you again for making time to meet with us to discuss the potential violations noted during the inspection.

As promised, attached is a copy of the penalty calculation. Please review and provide any comments.

Also, here is a link to 403.121, Florida Statutes (specifically 403.121(4)(b) and (5)), that discusses assessing civil penalties:  
[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0403/Sections/0403.121.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0403/Sections/0403.121.html)

If you have any questions please let me know.

Thank you and hope you have a great rest of your day!



**Michael Eckoff**  
Environmental Consultant  
Compliance Assurance Program  
Central District  
[michael.eckoff@floridadep.gov](mailto:michael.eckoff@floridadep.gov)  
Office: 407.897.4308



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## Eckoff, Michael

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**From:** Hess, Nathan  
**Sent:** Wednesday, April 20, 2022 10:08 AM  
**To:** Useche, Viviana  
**Cc:** Eckoff, Michael  
**Subject:** RE: FOR REVIEW: Safety-Kleen Systems Inc

Penalty sheet signed, please proceed.

Thanks.

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**From:** Useche, Viviana <Viviana.Useche@FloridaDEP.gov>  
**Sent:** Wednesday, April 20, 2022 8:59 AM  
**To:** Hess, Nathan <Nathan.Hess@FloridaDEP.gov>  
**Cc:** Eckoff, Michael <Michael.Eckoff@FloridaDEP.gov>  
**Subject:** FW: FOR REVIEW: Safety-Kleen Systems Inc

Nathan,

Please see below WL for Safety Clean (HW). We are sending a WL that we are expecting to resolve with a LFCO where the facility will need to reseal their containment system. Penalties have been calculated for all violations.

PRM and Penalty Calc: [file:///floridadep/data/CD/all\\_common/Sites/Marion/HW/Safety-Kleen%20Ocala\\_FLR000060301/PRM\\_220412](file:///floridadep/data/CD/all_common/Sites/Marion/HW/Safety-Kleen%20Ocala_FLR000060301/PRM_220412)

Thanks,



**Viviana Penuela Useche**  
**Environmental Manager**  
Florida Department of Environmental Protection  
Central District  
[Viviana.Useche@floridadep.gov](mailto:Viviana.Useche@floridadep.gov)  
407-897-2919

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**From:** Eckoff, Michael <[Michael.Eckoff@FloridaDEP.gov](mailto:Michael.Eckoff@FloridaDEP.gov)>  
**Sent:** Tuesday, April 12, 2022 11:04 AM  
**To:** Useche, Viviana <[Viviana.Useche@FloridaDEP.gov](mailto:Viviana.Useche@FloridaDEP.gov)>  
**Subject:** FOR REVIEW: Safety-Kleen Systems Inc

I will work on the PRM and penalty calculation.

**Processor: Michael Eckoff**

**File/Folder Hyperlink:** [file:///floridadep/data/CD/all\\_common/Sites/Marion/HW/Safety-Kleen%20Ocala\\_FLR000060301/WL\\_220203](file:///floridadep/data/CD/all_common/Sites/Marion/HW/Safety-Kleen%20Ocala_FLR000060301/WL_220203)

Email Subject Line: **FLR000060301 – Safety-Kleen Systems Inc – Warning letter**

CC's: **Michael Eckoff**

**Oculus Info:**

<b>Catalog:</b>	Hazardous Waste
<b>Profile:</b>	Enforcement_Legal
<b>Facility/Site Id:</b>	<b>FLR000060301</b>
<b>Document Type:</b>	WARNING LETTER
<b>Facility Type:</b>	REGISTERED USED OIL HANDLER (RUOH)
<b>Document Subject:</b>	<b>Warning letter</b>



**Michael Eckoff**

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## Memorandum

## Florida Department of Environmental Protection

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To: Aaron Watkins, District Director  
Central District

Through: Nathan Hess, Assistant District Director  
Central District

From: Viviana Useche, Environmental Manager  
Michael Eckoff, CAP Inspector

Date: 4/12/2022

Subject: Peer Review Request for Safety-Kleen Systems, Inc. in Ocala, FL

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The Central District Compliance Assurance Program is requesting a peer review for the following case.

**Division/Program: Waste Management/Hazardous Waste**

**Facility/Site ID No.** FLR000060301

**Facility/Site Name:** Safety-Kleen Systems, Inc.

**Facility Owner:** Safety-Kleen Systems, Inc. [As stated in Division of Corporations listing]

**Facility Address/Location:** 359 Cypress Road, Ocala, in Marion County, FL

**Brief Description of Facility/Site:**

Safety-Kleen Systems, Inc. is a used oil and material processing facility.

**Violation(s) Summary:**

A routine compliance inspection was conducted at Safety-Kleen Systems, Inc. on February 3, 2022. During the inspection the following violations were identified:

- **40 CFR 279.54(d)(2)** – Failed to maintain the containment system to be sufficiently impervious to used oil.
- **40 CFR 279.54(f)(1)** – Failed to label containers and a tank of used oil with the words “Used Oil.”

**Violation(s) Classification:**

- **40 CFR 279.54(d)(2)** – ELRA-403.121(4)(b)
- **40 CFR 279.54(f)(1)** – ELRA-403.121(5)

**Proposed Enforcement & Penalty Calculation In lieu of Compliance Assistance:**

The District has calculated a civil penalty and Department costs for this case in accordance with the attached penalty calculation work sheet.

The District proposes to resolve the case by issuance of a Long Form Consent Order to obtain the required corrective actions and assess a penalty.

PENALTY COMPUTATION WORKSHEET  
SUBJECT TO FINAL APPROVAL

Violator's Name: **Safety-Kleen Systems, Inc.**

Address: 359 Cypress Road, Ocala, Florida 34472

Name of Department Staff Responsible for the Penalty Computations:  
Michael Eckoff

Date: 4/12/2022

## PART I - PENALTY DETERMINATIONS

Violation Type and description	RCRA Guideline	ELRA Schedule	ENVIRON- MENTAL Harm	Extent of Dev.	Matrix Amount	Adjustments	Total
1 40 CFR 279.54(d)(2) - Secondary containment	Line # or Page #	403.121(d)	Include rank score		\$6,000	\$0.00	\$6,000.00
2 40 CFR 279.54(f)(1) - Used oil label		403.121(5)			\$1,000	\$0.00	\$1,000.00
					\$0	\$0.00	\$0.00
					\$0	\$0.00	\$0.00
					\$0	\$0.00	\$0.00
					\$0	\$0.00	\$0.00
					\$0	\$0.00	\$0.00
					\$0	\$0.00	\$0.00
		\$0	Subtotals:		\$7,000	\$0.00	\$7,000.00

**Total Penalties for all violations: \$7,000**

<u>Department Costs:</u>	\$500
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#####

Nathan Hess, Assistant District Director

Date \_\_\_\_\_

Michael Halpin  
Assistant Deputy Secretary, Regulatory

Date \_\_\_\_\_

Peer Reviewed by Division: Yes ( ) No ( )

PART II - MULTI-DAY PENALTIES AND ADJUSTMENTS

<u>Adjustments</u>	<u>Amount</u>
Good faith prior to discovery: _____	\$0
Justification: _____	
Good faith after discovery: _____	\$0
Justification: _____	
History of non-compliance: _____	\$0
Justification: _____	
Economic benefit of non-compliance: _____ Refer to descriptions and calculations below.	
Justification: _____ Refer to descriptions and calculations below.	
Ability to pay: _____	\$0
Justification: _____	
Total Adjustments:	\$0.00

**ECONOMIC BENEFIT CALCULATIONS**

**EB = AC(1-T) + DC(I) =**

AC = Avoided Costs – expenditures that will never be incurred for violator's noncompliance.

DC = Delayed Costs – expenditures deferred by violator's failure to comply.

T = Corporate Tax Rate = 21% (in 2020)

I = Interest rate charged by IRS for delinquent accounts = 4% (in 2020)

**Avoided Costs (AC) and/or Delayed Costs (DC) for each Violation:**

Add description including assumptions used for cost calculations.

**MULTI-DAY PENALTIES**

Number of days adjustment factor(s) to be applied:

Justification: \_\_\_\_\_ \$ -

Or

Number of days matrix amount is to be multiplied:

Justification: \_\_\_\_\_ \$ -

Comments:

PART III - OTHER ADJUSTMENTS MADE AFTER MEETING WITH THE RESPONSIBLE PARTY

ADJUSTMENT

Dollar Amount

Relative merits of the case:

\_\_\_\_\_

Resource Considerations:

\_\_\_\_\_

Other Justification:

\_\_\_\_\_

Date

\_\_\_\_\_, District Director

**FACILITY NAME:**

**EPA ID No.:**

Violation	Description	Nature of Waste	Amount of Waste	Discharge
1		2	1	0
		6	8	12
		2	1	0
		2	1	0
		2	1	0

**Nature of Waste**

High Hazard (acutely toxic or reactive)

Other HW/Universal Waste

Used Oil

Used Oil Filters

**Amount of Waste**

> 5,000 kg/1,375 gal (25 drums) of Waste

1,000 to 5,000 kg/275 gal to 1,375 gal (5 to 25 drums) of Waste OR 2.2lbs or > of acutel

>100 kg to 1,000 kg/25 gal to 275 gal (5 drums) OR <2.2lbs of acutely toxic waste

<100 kg /<25 gal of Waste

**Discharge**

Discharge to surface water or off site discharge.

Discharge to ground water

Discharge to soil

Discharge to air or Impervious Surface/Containment

Discharge-de minimus cleanup per 62-780 FAC

No Discharge

**Potential Exposures**

>1,000 people

101 - 1,000 people

10 - 100 people

<10 people

**Additional Threat Factors (select all that apply for a specific violation-Use if NO discharge observed, no risk, 1-4 depending on severity)**



<b>Fire or Explosion Risk</b>	
<b>Incompatible Waste Storage</b>	
<b>Risk of Employee Exposure above PELs</b>	
<b>Container Integrity</b>	
<b>Inadequate Provisions for Detecting and Preventing Releases</b>	
	<b>SUBST</b>
	<b>SIGNIFI</b>
	<b>MINI</b>

#### Additional Threat Factors Examples:

Fire or Explosion Risk: Highest ranking = fire or explosion is imminent, waste stored near ignition source; Lowest ranking = no risk of fire or explosion.

Incompatible Waste Storage: Highest ranking = wastes stored inappropriately with incompatible wastes; Lowest ranking = no incompatible waste storage.

Risk of Employee Exposure above PELs: Highest ranking = PELs above exposure limits; Lowest ranking = no exposure above PELs. Note, facility's lack of ability to measure PEL if there is a potential issue should be considered.

Container Integrity: Highest ranking = Containers are compromised; Lowest ranking = no container integrity issues.

Inadequate Provisions for Detecting and Preventing Releases: Highest ranking = No containment measures in place; Lowest ranking = inspections performed, low potential for releases.

Note: This guideline is intended to support Directive 923, the Guidelines for Characterizing the violation matrix spreadsheet (Guidelines for Characterizing Hazardous Waste, Universal Violations) to facilitate a consistent way of categorizing Harm and Potential for Harm. In other circumstances, the default scores for any particular category can be adjusted based on the unique site conditions and findings from the inspection or information provided in response. To help foster consistency and supportable decisions, professional judgement that will result in a consistent approach should be discussed with the program office.

Date:

Case #:

People	Threat	Total Points
1	0	4
4	4	34
1	0	4
1	0	4
1	0	4
Score		
		6
		4
		3
		2
		8
y toxic waste		5
		2
		1
		12
		10
		8
		6
		2
		0
		4
		3
		2
		1
served) (use sliding scale 0 =		

	0-4
	0-4
	0-4
	0-4
	0-4
<b>ANTIAL (Major)</b>	Above 20
<b>CANT (Moderate)</b>	13-20
<b>IMAL (Minor)</b>	Under 13

gnition or fuel source; Lowest

atibles not physically separated;

lowest ranking = no risk of exposure.  
ed.

ontainers are compromised.

inment, no inspections, high

| Hazardous Waste Violations, and  
al Waste, Used Oil and Drycleaning  
der to account for case-specific  
fessional judgement to better match  
nse to the inspection findings. To  
n deviation from the default scores

P  
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F  
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H  
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M

(Hazardous Waste & Universal Waste Cases)

**EXTENT OF DEVIATION FROM REQUIREMENT**

	MAJOR	MODERATE	MINOR
MAJOR	\$37,500 to \$28,330 <b>(\$32,915)</b>	\$28,330 to \$21,250 <b>(\$24,790)</b>	\$21,250 to \$15,580 <b>(\$18,415)</b>
MODERATE	\$15,580 to \$11,330 <b>(\$13,455)</b>	\$11,330 to \$7,090 <b>(\$9,210)</b>	\$7,090 to \$4,250 <b>(\$5,670)</b>
MINOR	\$4,250 to \$2,130 <b>(\$3,190)</b>	\$2,130 to \$710 <b>(\$1,420)</b>	\$710 to \$150 <b>(\$430)</b>

P  
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(Used Oil Cases)

**EXTENT OF DEVIATION FROM REQUIREMENT**

	MAJOR	MODERATE	MINOR
MAJOR	\$10,000 to \$8,000 <b>(\$9,000)</b>	\$7,999 to \$6,000 <b>(\$7,000)</b>	\$5,999 to \$4,600 <b>(\$5,300)</b>
MODERATE	\$4,599 to \$3,200 <b>(\$3,900)</b>	\$3,199 to \$2,000 <b>(\$2,600)</b>	\$1,999 to \$1,200 <b>(\$1,600)</b>
MINOR	\$1,199 to \$500 <b>(\$850)</b>	\$500	\$500

Guidelines for Characterizing HW, Used Oil, Universal Waste and Dry Cleaner Violations

[https://fldeploc.dep.state.fl.us/appdata/rcra\\_epa/Guidance/Draft\\_HW\\_Crosswalk\\_8\\_15\\_2019.xlsx](https://fldeploc.dep.state.fl.us/appdata/rcra_epa/Guidance/Draft_HW_Crosswalk_8_15_2019.xlsx)

Enforcement Manual

<https://floridadep.gov/ogc/ogc/content/enforcement-manual>

Deviation Choices

**Minor**

**Moderate**

**Major**

**Threat**

- 0
- 1
- 2
- 3
- 4