

## Memorandum

## Florida Department of Environmental Protection

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To: Aaron Watkins, District Director  
Through: Nathan Hess, Assistant District Director  
Central District  
From: Danie Hall, Environmental Manager  
Miranda Rothenberger, CAP Inspector  
Date: 7/28/2022  
Subject: Peer Review Request for Safety-Kleen Systems Inc in Sanford, FL

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

**Division/Program: Hazardous Waste**

**Facility/Site ID No.** FLD984171165

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

**Facility Owner:** Eric Gerstenberg, President

**Facility Address/Location:** 600 Central Park Dr, Sanford, in Seminole County, FL

**Brief Description of Facility/Site:**

Safety-Kleen Systems is currently registered as a hazardous waste transporter (expires June 30, 2023) and transfer facility in accordance with the provisions of Rules 62-730.170 and 171, F.A.C. and as a used oil transporter, transfer facility, and marketer, and a used oil filter transporter and transfer facility (expires June 30, 2023) in accordance with the provisions of Rule 62-710, F.A.C. The facility is also registered as a universal waste lamps and devices transporter, universal waste lamps transfer facility, universal waste devices transfer facility, and universal waste lamps and devices small quantity handler in accordance with the provisions of Chapter 62-737, F.A.C.

**Violation Summary:**

- The facility failed to use a registered hazardous waste transporter on manifest number 007578259SKS rendering the manifest incomplete, in violation of 40 CFR 262.15(a)(4).
- The facility failed to keep one satellite accumulation area container of hazardous waste closed during accumulation, in violation of 40 CFR 262.20(a).

As of June 23, 2022, the violations were resolved. A warning letter was issued on July 11, 2022.

**Violation Classification:**

- 40 CFR 262.15(a)(4) – Minor Non-Compliance
- 40 CFR 262.20(a) – Minor Non-Compliance

**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 Short Form Consent Order to assess a penalty. All required corrective actions have been completed.



<u>Adjustments</u>	<u>Amount</u>
Good faith prior to discovery: _____	\$0
Justification: _____	
Good faith after discovery: _____	\$0
Justification: _____	
History of non-compliance: _____ 25% Increase	\$710
Justification: _____	
Economic benefit of non-compliance: _____ Not assessed	
Justification: _____ See comments	
Ability to pay: _____	\$0
Justification: _____	
Total Adjustments:	
	\$710.00

**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:**  
Economic benefit not assessed based on DRAFT - Guidelines for Characterizing Hazardous Waste, Universal Waste, Used Oil and Drycleaner Violations Dated 08/15/19.

**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:** Safety-Kleen Systems Inc **Date:** 07/28/22  
**EPA ID No.:** FLD984171165 **Case #:** 22-2274

Violation	Description	Nature of Waste	Amount of Waste	Discharge	People	Threat	Total Points
1	40 CFR 262.15(a)(4) - Failure to keep waste containers closed during storage	4	1	0	1	0	6

threat 1, total 7

Nature of Waste	Score
High Hazard (acutely toxic or reactive)	6
Other HW/Universal Waste	4
Used Oil	3
Used Oil Filters	2
<b>Amount of Waste</b>	
> 5,000 kg/1,375 gal (25 drums) of Waste	8
1,000 to 5,000 kg/275 gal to 1,375 gal (5 to 25 drums) of Waste OR 2.2lbs or > of acutely toxic waste	5
>100 kg to 1,000 kg/25 gal to 275 gal (5 drums) OR <2.2lbs of acutely toxic waste	2
<100 kg /<25 gal of Waste	1
<b>Discharge</b>	
Discharge to surface water or off site discharge.	12
Discharge to ground water	10
Discharge to soil	8
Discharge to air or Impervious Surface/Containment	6
Discharge-de minimus cleanup per 62-780 FAC	2
No Discharge	0
<b>Potential Exposures</b>	
>1,000 people	4
101 - 1,000 people	3
10 - 100 people	2
<10 people	1
<b>Additional Threat Factors (select all that apply for a specific violation-Use if NO discharge observed) (use sliding scale 0 = no risk, 1-4 depending on severity)</b>	
Fire or Explosion Risk	0-4
Incompatible Waste Storage	0-4
Risk of Employee Exposure above PELs	0-4
Container Integrity	0-4
Inadequate Provisions for Detecting and Preventing Releases	0-4

<b>SUBSTANTIAL (Major)</b>	Above 20
<b>SIGNIFICANT (Moderate)</b>	13-20
<b>MINIMAL (Minor)</b>	Under 13

Additional Threat Factors Examples:

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

Incompatible Waste Storage: Highest ranking = wastes stored inappropriately with incompatibles not physically separated; Lowest ranking = no incompatible waste storage.

Risk of Employee Exposure above PELs: Highest ranking = PELs above exposure limits; Lowest ranking = no risk of exposure. 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 containers are compromised.

Inadequate Provisions for Detecting and Preventing Releases: Highest ranking = No containment, no inspections, high potential for release; Lowest ranking = inspections performed, low potential for releases.

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

(Hazardous Waste & Universal Waste Cases)

**EXTENT OF DEVIATION FROM REQUIREMENT**

P  
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M

	<b>MAJOR</b>	<b>MODERATE</b>	<b>MINOR</b>
<b>MAJOR</b>	\$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>
<b>MODERATE</b>	\$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>
<b>MINOR</b>	\$4,250 to \$2,130 <b>(\$3,190)</b>	\$2,130 to \$710 <b>(\$1,420)</b>	\$710 to \$150 <b>(\$430)</b>

(Used Oil Cases)

**EXTENT OF DEVIATION FROM REQUIREMENT**

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	<b>MAJOR</b>	<b>MODERATE</b>	<b>MINOR</b>
<b>MAJOR</b>	\$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>
<b>MODERATE</b>	\$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>
<b>MINOR</b>	\$1,199 to \$500 <b>(\$850)</b>	\$500	\$500

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

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