

## InterOffice Memorandum

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### CENTRAL DISTRICT

FROM: John White  
Environmental Specialist

DATE: October 28, 2002

SUBJECT: Safety-Kleen Sanford Informal Meeting

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On October 28, 2002 an informal meeting was held with Safety-Kleen representatives to discuss the Warning Letter dated October 11, 2001.

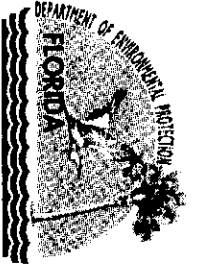
Safety-Kleen's representatives indicated that they wanted to work towards a better relationship with the Department statewide. Vivian Garfein suggested they meet with the Deputy Secretary and Tallahassee staff to discuss statewide issues.

Safety-Kleen's representatives were concerned that the generators were not cited for the violations Safety-Kleen is being penalized for. It was pointed out that the generator's self reported the violations and, in the past, we have not cited Safety-Kleen for self reported violations either. It was pointed out that we treated the generator's in the same fashion we have treated Safety-Kleen.

To address the issue of training of staff to prevent waste being moved from generator locations without a manifest, it was suggested that they provide a copy of a signed standard operating procedure.

It was also pointed out that we need to resolve these outstanding issues by November 3<sup>rd</sup>.

end



Jeff Bush  
Governor

# Department of Environmental Protection

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

David B. Struhs  
Secretary

Safety-Kleen Surfactants  
Type of Meeting

Informal Meeting  
Date

October 28, 2002

NAME	AFFILIATION	PHONE w/ area code	E-MAIL
Tom Yurice	EDEP	407-843-3323	John.Winter@floridadep.net
James Brechner	EDEP	407-843-3323	James.Brechner@dep.state.fl.us
Bill Bostwick	FOEP	407-993-3327	William.Bostwick@dep.state.fl.us
Ken Bednar	SAFETY-KLEEN	454-467-7900	K.BEDNAR@HINSWAUWALD.COM
J. Allison DeFoor, II	Tidewater	850-681-6400	alldefoor@tidewater.com
M. Hedrick	Safety-Kleen	(813)340-0970	mhedrick@flambia.safety-kleen.com
Lu Burson	FOEP	(407)893-3323	l.burson@floridaep.net

## **Safety-Kleen Sanford Update for Meeting on Monday October 28, 2002**

On August 10, 2001 U.S. Patrick Air Force Base notified the Department that they were in violation of State and Federal rules because Safety-Kleen had transported hazardous waste from the Base without the use of a hazardous waste manifest. Eight (8) off-site shipments took place between June 2000 and August 2001.

On September 11, 2001 U.S. NASA Kennedy Space center notified the Department that they were in violation of State and Federal rules because Safety-Kleen had removed hazardous waste from the Base without the use of a hazardous waste manifest. Seven (7) off-site shipments took place between August 2000 and May 2001.

In each incident a shipping paper, not a proper manifest, had been used to transport the waste off-site. Shipping papers are only acceptable for use with Small Quantity Generators that have signed a recycling agreement as required in 40 CFR 262.20(e).

These same violations were cited in 1992 due to Safety-Kleen transporting hazardous waste from U.S. NASA Kennedy Space Center without a manifest.

On October 11, 2001 a Warning Letter was issued citing Safety-Kleen with the following violations:

- Permit Specific Condition 14 / 40 CFR 264.76 – unmanifested waste reports not filed within 15 days of receipt of the waste. There were 15 instances of Safety-Kleen not filing the proper documents within 15 days of receipt of the waste.
- 40 CFR 263.20(a) – transporting hazardous waste without a hazardous waste manifest. There were 15 instances of Safety-Kleen transporting hazardous waste without a manifest.

The original penalty was for a total of \$14,798.00

On February 21, 2002 representatives of Safety-Kleen met with Lu Burson to discuss the violations.

On March 14, 2002 Safety-Kleen was informed that, in an effort to settle this matter, the penalties had been reduced to \$4,547.00. As part of the settlement Safety-Kleen proposed a training program that would prevent this violation from happening again in the future. Since this is the same offer that Safety-Kleen made to settle the same issue in 1992, written assurances from an officer of Safety-Kleen were requested that this time the training program would be continued. Written assurances were not provided.

In an April 16, 2002 letter, the Department again requested written assurances from an officer of Safety-Kleen that, if the DEP agreed to this settlement, the training program would be maintained. Written assurances were not provided.

On June 4, 2002 the Department mailed a Short Form Consent Order that included a paragraph stating:

”The Department is requesting an Officer of Safety-Kleen Corp. provide written assurances within 15 days of your signing this letter that Safety-Kleen Corp. will 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. The training program must acknowledge that many government owned, contractor operated facilities meet the definition of large quantity generator.”

To date, Safety-Kleen has not signed the Short Form Consent Order or provided any written assurances that the training program they proposed to settle this issue would either be started or maintained.

It is important to remember that these same issues were raised in a 1992 state-wide enforcement action with Safety-Kleen and they proposed the same training program in an effort to prevent similar violations in the future.

#### **Other Issues**

Safety-Kleen was treated as a secondary violator at the start of this enforcement action. Because this case was not settled within 180 days, on April 7, 2002 Safety-Kleen was reclassified as a Significant Non-Complier (SNC).

If the case has not been settled or if OGC does not receive a case report by November 3<sup>rd</sup> (day 210), then a valid justification has to be made to Tallahassee on why this has not happened. The justification is reported on the monthly management report found at

[http://tlhdwm4/rcra/MGTReports/RCRA\\_Enforcement.pdf](http://tlhdwm4/rcra/MGTReports/RCRA_Enforcement.pdf)

Since Safety-Kleen has made no effort to settle this case up to this point, a Case Report would be drafted and forwarded to OGC by November 3<sup>rd</sup>, if the case has not been settled.