



# Department of Environmental Protection

Jeb Bush  
Governor

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

David B. Struhs  
Secretary

November 12, 2002

CERTIFIED MAIL

7001 2510 0001 0820 1693

Mr. Chip Duffy  
Corporate Council  
Safety Kleen Corp.  
5400 Legacy Drive  
Cluster 2 Building 3  
Plano, Texas 75024

OCD-HW/E-02-0548

SUBJECT: Proposed Settlement of Safety-Kleen Corp. Sanford  
OGC File No.: 02-0773

Dear Mr. Duffy:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated October 11, 2001, a copy of which is attached. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$4,547.00, along with \$200.00 to reimburse the Department costs, for a total of \$4,747.00.

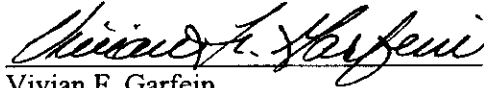
The civil penalties are apportioned as follows: \$1,648.00 for violation of Section 403.721(1)(c), Florida Statutes, and Title 40 Code of Federal Regulations 264.76; and \$2,899.00 for violation of Title 40 Code of Federal Regulations 263.20(a).

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by November 20, 2002 the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,



Vivian F. Garfein  
Director of District Management

**FOR THE RESPONDENTS:**

I, \_\_\_\_\_ on behalf of \_\_\_\_\_, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_

Date: \_\_\_\_\_

.....  
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Vivian F. Garfein  
Director of District Management

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to §120.52, Florida Statutes, With the designated Department Clerk, receipt of which is hereby Acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

jw *sw*

## NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



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CERTIFIED MAIL

7099 3400 0004 1323 1916

Keith Marcille, Branch Manager  
Safety-Kleen Corp.  
600 Central Park Drive  
Sanford, Florida 32771

WARNING LETTER  
OWL-HW/E-C-00-0029

Seminole County - HW  
Safety-Kleen Corp.  
FLD984171165

Dear Mr. Marcille:

On August 10 and September 7, 2001 the Department received written notice of potential violations involving Safety-Kleen Corp. During the review of this information, possible violations of rules regarding hazardous waste management were noted. These possible violations are set forth in the "Summary of Potential Non-Compliance Items" section of the attached inspection report.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes or rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties pursuant to Sections 403.727 Florida Statutes.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any violations and/or civil penalties for which you may be responsible.

This matter may be resolved through the entry of a Consent Order that includes a compliance schedule and an appropriate penalty. Under the Department's agreement with the United States Environmental Protection Agency (EPA), a formal administrative complaint or "Notice of Violation" (NOV) must be issued within 300 days of the date of the attached inspection report. In order to avoid the issuance of a NOV, a Consent Order must be entered well in advance of that date.

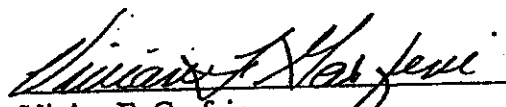
"More Protection, Less Process"

Printed on recycled paper.

WARNING LETTER  
Safety-Kleen Corp.  
OWL-HW/E/C-01-0029

Please contact John White, Hazardous Waste Section, at (407) 893-3323 within ten (10) working days of receipt of this letter to schedule an informal conference concerning resolution of this matter.

Sincerely,

  
Vivian F. Garfein  
Director of District Management

October 11, 2001  
Date

  
VFG/wmb/lb/jw

Enclosures: RCRA Inspection Report

cc: FDEP, Tallahassee



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## HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE:  Routine  Complaint  Follow-Up  Permitting  File Review

FACILITY NAME Safety-Kleen Systems Sanford EPA ID # FLD984171165

STREET ADDRESS 600 Central Park Drive, Sanford, Florida 32771

MAILING ADDRESS 600 Central Park Drive, Sanford, Florida 32771

COUNTY Seminole PHONE 407/321-6080 DATE 8/10/01 TIME

NOTIFIED AS:  N/A

### CURRENT STATUS:

- Non Handler
- CESQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- Generator (>1000 kg/mo.)
- Transporter
- Transfer Facility
- Interim Status TSD Facility
- TSD Facility
- Unit Type(s): Storage
- Exempt Treatment Facility
- Used Oil:

- Non Handler
- CESQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- Generator (>1000 kg/mo.)
- Transporter
- Transfer Facility
- Interim Status TSD Facility
- TSD Facility
- Unit Type(s): Storage
- Exempt Treatment Facility
- Used Oil:

2. APPLICABLE REGULATIONS:

- 40 CFR 261.5
- 40 CFR 265
- 40 CFR 279
- 40 CFR 262
- 40 CFR 266
- 62-710, FAC

- 40 CFR 263
- 40 CFR 268
- 62-730, FAC

- 40 CFR 264
- 40 CFR 273
- 62-737, FAC

3. RESPONSIBLE OFFICIAL(s):

Keith Marcille, Branch Manager

4. INSPECTION PARTICIPANTS:

John White

5. LATITUDE/LONGITUDE:

6. SIC Code: N/A

7. TYPE OF OWNERSHIP:  Private  Federal  State  County  Municipal

8. PERMIT #: HO01-0022198-001 ISSUE DATE: May 10, 1999 EXP. DATE: May 10, 2004

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

Website: [www.dep.state.fl.us](http://www.dep.state.fl.us)

Phone: 407/894-7555 ♦ Fax: 407/893-3167

9. INTRODUCTION:

Safety-Kleen, located at 600 Central Park Drive, Sanford, Florida, operates as a generator, transporter, transfer facility, and permitted hazardous waste storage facility. Safety-Kleen has operated at this particular location since March 15, 1993 and employs approximately 30 people Monday through Friday from 6:00AM to 9:00PM. Potable water and domestic waste needs are serviced by the City of Sanford.

Safety Kleen Sanford was last inspected on March 12, 2001 as a permitted storage, transfer facility, transporter, and generator. The facility was in compliance with hazardous waste regulations at that time.

Safety-Kleen is currently operating under the hazardous waste operation permit, HO01-0022198-001. Safety-Kleen, Sanford operates under the permit which includes the following areas: 1) a totally enclosed building, approximately 80 feet by 155 feet, having three distinct areas, designated as offices, container storage area and return/fill station and; 2) a separate outside aboveground tank storage area with four 20,000-gallon steel tanks with secondary containment. Tank #1 contains waste solvent and is regulated under this permit. Tank #3, which had stored antifreeze, received a closure certification on December 21, 1999. This tank is planned to store used oil. Tank #2 and #4 contain product Parts Cleaner 105 and product Premium 150 Solvent, respectively. The amount of waste stored in the container storage area at any one time is not to exceed 6,912 gallons.

10. INSPECTION HISTORY:

- Inspection conducted on March 12, 2001 - facility was in compliance.
- Inspection conducted on August 3, 2000 - facility was in compliance.
- Inspection conducted on August 4, 1999 - facility was in compliance.
- Inspection conducted on June 10, 1998 - facility was in compliance.
- Inspection conducted on September 18, 1997 - facility was in compliance.
- Inspection conducted on March 12, 1996 - facility was in compliance.
- Inspection conducted on February 20, 1995 - facility was in compliance.
- Inspection conducted on December 10, 1993 - facility was in compliance.

11. PROCESS DESCRIPTION:

Safety-Kleen Sanford has 17 trucks that are used for servicing customers. The trucks are constructed to provide an estimated 20 services per day and/or transport 20 drums back to the facility. Equipment and solvent, including mineral spirits, immersion cleaner and perchloroethylene, are leased to Safety-Kleen customers. Spent solvent is picked up at regular intervals, at which time the spent solvent is exchanged for clean product.

Spent mineral spirits is returned to the Sanford facility's return/fill area where the drums are emptied into barrel washers. Empty drums are placed onto a rotary brush unit, within the barrel washer, and the dirty mineral spirits is used to clean the inside and outside of the drum. Clean drums are refilled with mineral spirits and returned to the service trucks. The waste mineral spirits is transferred, using a float actuated pump and overhead pipe system, from the barrel washers to the aboveground tank storage tank. Sludge accumulated in the barrel washer is removed at least once per day. The sludge is collected in 16-gallon satellite containers, which when full, are then stored in the container storage area prior to shipment off-site. The waste mineral spirits storage tank is pumped out when the capacity reaches 19,000-gallons or a height of 22 feet 5 inches. Waste mineral spirits is transported to Safety-Kleen's Lexington, South Carolina facility for reclaiming.

Safety-Kleen also operates a service referred to as "continued use". This "Continued Use Program" diverts a portion of used mineral spirits from qualified customers and places it in a continued use "wet dumpster" that is directly piped to the drum washing units for chemical and mechanical cleaning of incoming continued use drums. A permit modification, dated October 10, 2000, was issued for implementation of the Continued Use Program.

Safety-Kleen provides customers with paint thinner, and cleaning solvent. When the material is no longer useful, Safety-Kleen picks up the spent material and stores the hazardous waste in the container storage area, prior to shipping the spent materials to Safety-Kleen's Lexington, South Carolina and Hebron, Ohio facilities.

Safety-Kleen also services facilities generating used oil. Safety-Kleen samples and analyzes the used oil for PCB's and other contaminants prior to accepting the used oil from the customer. The drivers test used oil samples with the use of CLOR-D-TECT 1000 screening kits. No results of these tests are kept. A metal fire cabinet located next to the container storage area is used for the accumulation of used oil samples. Oil samples are only analyzed if the East Chicago refinery reports that a rail car shipment they received is contaminated. The samples are accumulated for less than 90 days and then properly disposed.

12. Record Review:

On August 10, 2001 the Department received written notice from U.S. Patrick Air Force Base that, between June 2000 and August 2001, Safety-Kleen Corp. transported 8 shipments of hazardous waste off of Patrick Air Force Base property without a hazardous waste manifest [40 CFR 263.20(a)]. Patrick Air Force Base is a large quantity generator of hazardous waste and, as such, a uniform hazardous waste manifest is required for each shipment of hazardous waste off of the property.

On September 7, 2001, the Department received written information from U.S. NASA Kennedy Space Center documenting that, between August 2000 and May 2001, Safety-Kleen Corp. transported 7 shipments of hazardous waste off of U.S. NASA Kennedy Space Center property without a hazardous waste manifest [40 CFR 263.20(a)]. U.S. NASA Kennedy Space Center is a large quantity generator of hazardous waste and, as such, a uniform hazardous waste manifest is required for each shipment of hazardous waste off of the property.

This is a repeat violation by Safety-Kleen. On February 27, 1992, the Department took state-wide enforcement against Safety-Kleen for violations, including the transportation of hazardous waste without a manifest from Olin Corporation, U.S. NASA Kennedy Space Center, Emergency One, and Hartland Pontiac.

An inspection of Safety-Kleen's operations conducted on October 30, 1991, when the facility was located at 505 Plumosa Drive, Altamonte Springs, Florida, documented the removal of hazardous waste from U.S. NASA Kennedy Space Center without the use of a hazardous waste manifest. In response to the enforcement action, in a submittal dated April 1, 1992, Safety-Kleen provided the Central District with an Unmanifested Waste Report for wastes removed from U.S. NASA Kennedy Space Center without the use of a hazardous waste manifest



13. Summary of Potential Non-Compliance Items and Recommended Corrective Actions:

a) Permit HO01-0022198-001 Specific Conditions Part I, Condition 14 / 40 CFR 264.76 - Unmanifested Waste Report

The Permittee shall comply with the manifest requirements of 40 CFR 264.71, 264.72, and 264.76. In accordance with 40 CFR 264.76, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in § 263.20(e)(2) of this chapter, and if the waste is not excluded from the manifest requirement by § 261.5 of this chapter, then the owner or operator must prepare and submit a single copy of a report to the Regional Administrator within fifteen days after receiving the waste.

Violation

Safety-Kleen Sanford accepted 15 unmanifested shipments of hazardous waste from U.S. NASA Kennedy Space Center and U.S. Patrick Air Force Base between June 2000 and August 2001. No unmanifested waste reports have been received regarding shipments from these two facilities during the time period in question.

Recommended Corrective Action

Within 15 days of receipt of this report, Safety-Kleen Corp. must file unmanifested waste reports covering all of the shipments in question.

b) 40 CFR 263.20(a) The manifest system.

A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 40 CFR 262.20.

Violation

Safety-Kleen Sanford transported 15 unmanifested shipments of hazardous waste from U.S. NASA Kennedy Space Center and U.S. Patrick Air Force Base between June 2000 and August 2001.

Recommended Corrective Action

Safety-Kleen Corp. must provide the Department with a written plan documenting efforts to properly train staff to ensure waste is not transported from generators without the use of a uniform hazardous waste manifest.

14. CONCLUSION:

At the time of this File Review Safety-Kleen, Sanford was regulated as a permitted hazardous waste storage facility, generator, transporter, and transfer facility and was not in compliance.

Report Prepared By:

  
John White

Environmental Specialist

Date: October 10, 2001