



Department of Environmental Protection

Jeb Bush
Governor

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

Collen Castille
Secretary

ELECTRONIC MAIL

mmerashoff@perma-fix.com

Mike Merashoff
Perma-Fix of Orlando, Inc.
10100 Rocket Blvd
Orlando, FL 32824

WARNING LETTER

OWL-HW-E-06-0012

Orange County-HW
Perma-Fix of Orlando, Inc.
FLD980559728

Dear Mr. Merashoff:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance inspection was conducted at your facility on April 19 and 21, 2006. The inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with 40 Code of Federal Regulations (CFR) Parts 260-268, and Part 279 adopted in the Florida Administrative Code and other Florida laws relating to hazardous waste and used oil.

During the inspection, Department personnel observed possible violations of Florida Statutes and Rules regarding solid and hazardous waste and used oil. These violations are set forth in "Potential Noncompliance Items and Corrective Actions" of the attached inspection report.

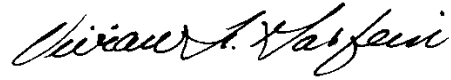
The activities observed during the Department's field inspection and any activity at your facilities that may be contributing to violations of the above described statutes and rules should be ceased immediately.

The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes. the U.S. EPA RCRA Civil Penalty Policy, dated June 2003, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Janine Kraemer, Hazardous Waste Section, by telephone at (407) 893-3323 or by e-mail at janine.kraemer@floridadep.net within 10 days of receipt of this letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred and whether any penalties are appropriate. You may bring anyone with you to the meeting that you feel could help resolve this matter.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Vivian F. Garfein
Director, Central District

June 14, 2006

Date

VFG/jk

Enclosures:
Inspection Report
Penalty Calculation Worksheet

cc: Mike Redig, FDEP, Tallahassee, michael.redig@floridadep.net
Alan Annicella, EPA Region 4, annicella.alan@epa.gov



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HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME Perma-Fix of Orlando, Inc. EPA ID # FLD980559728

STREET ADDRESS 10100 Rocket Blvd. and 10225 General Dr., Orlando Florida 32824

EMAIL ADDRESS mmerashoff@perma-fix.com

COUNTY Orange PHONE 407-859-4441 DATES 4/19/06 & 4/21/06 TIMES 8:00 & 10:10

NOTIFIED AS: ☐ N/A

- ☐ 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: Transporter

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: Transporter

2. **APPLICABLE REGULATIONS:**

- | | | | |
|---|---|---|---|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input checked="" type="checkbox"/> 40 CFR 263 | <input checked="" type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input checked="" type="checkbox"/> 40 CFR 268 | <input checked="" type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 40 CFR 280 | <input checked="" type="checkbox"/> 62-701, FAC | <input checked="" type="checkbox"/> 62-710, FAC |
| <input checked="" type="checkbox"/> 62-730, FAC | <input checked="" type="checkbox"/> 62-737, FAC | <input checked="" type="checkbox"/> 62-761, FAC | |

3. **RESPONSIBLE OFFICIAL(s):**

Michael Merashoff, General Manager, Perma-Fix

4. **INSPECTION PARTICIPANTS:**

Janine Kraemer, FDEP

Michael Merashoff, General Manager, Perma-Fix

Victor San Augustin, Director of Compliance, Perma-Fix

Raj Singh, Operations Manager, Perma-Fix

5. **LATITUDE/LONGITUDE:** 28°25'04" / 81°23'10"

6. **NAICS Code:** 562112

7. **TYPE OF OWNERSHIP:** ☒ Private ☐ Federal ☐ State ☐ County ☐ Municipal

8. **HAZARDOUS WASTE PERMIT #:** 26919-HO-004 **ISSUED:** 11/14/2003 **EXPIRES:** 11/06/2008

9. **INTRODUCTION:**

On April 19 and April 21, 2006, Janine Kraemer, Florida Department of Environmental Protection (FDEP), inspected Perma-Fix of Orlando, Inc. (Perma-Fix), located at 10100 Rocket Boulevard, Orlando, Orange County, Florida, for compliance with hazardous waste regulations in response to a fire in the early morning hours of April 19, 2006. At this location Perma-Fix is a hazardous waste transporter, transfer facility, and permitted storage facility of hazardous waste.

At approximately 2:40 am on April 19, 2006 the fire alarm company called Mike Avery, employee at Perma-Fix, and reported a possible fire. Orange County (O.C.) Fire Department responded to the fire in the Lab Pack and Bulk Consolidation Building. The fire was contained to the northern section of the building and involved calcium hypochlorite, sawdust, lithium batteries, several pallets, one 55-gallon drum of syringes, and one 55-gallon drum of electro-plating waste (F006). No injuries occurred but people were not allowed in the area for approximately five hours.

10. **PROCESS DESCRIPTION:**

Hazardous Waste Treatment, Storage and Disposal (TSD) Facility (10100 Rocket Boulevard):

Perma-Fix collects hazardous waste from generators using Perma-Fix's own transportation services as well as other registered hazardous waste transporters. Generators serviced by Perma-Fix are those that generate hazardous waste that is exclusive of explosive, radioactive, or biomedical waste. Perma-Fix operates under hazardous waste storage permit number 26919-HO-004, issued November 14, 2003.

Before collecting any waste, the generator's request is reviewed to determine if the waste stream for collection has passed an evaluation process. Perma-Fix requires that each new waste stream be tested and that each waste stream's acceptance be updated yearly. The evaluation process used is described in detail in the waste analysis plan section of the facility's permit application. Based on the regulatory status of the waste stream and the conditions set forth in the permit that authorizes Perma-Fix to manage hazardous waste, Perma Fix then decides whether to collect the waste.

Perma-Fix consolidates electroplating sludge, lab-packs and other waste streams. These waste streams consist of compatible wastes that are subject to the same treatment method or technology to meet the land disposal restriction requirements. Bulking and consolidation take place in the consolidation building at the north end of the property. Lab-packs are processed in this area in an enclosure similar to a fume hood, which is vented to the outside. The area has secondary containment to minimize and prevent possible releases to the environment. The parking lot of the facility is sloped towards the northwest corner. A sump installed in the northwest corner is connected to valves to ensure no releases to a retention pond.

11. **INSPECTION:**

Lab Pack and Bulking Consolidation Building: 4/19/06

FDEP inspector arrived at the scene at 8:00 am and found the O. C. Fire Department still on scene. The fire was contained at that time but the scene had not been cleared for entry. According to personnel on scene, the fire department had applied water to the fire and the water was contained within the building.

The pH of the water was taken by fire department personnel using pH litmus paper and they determined the water to have a pH of 14.

A decontamination area had been set up by the fire department on the east side of the facility. The decontamination wastewater was not being collected and released to the ground. The fire department was not allowing entry into the area.

FDEP inspector returned to the scene at 12:30 pm and the scene had been cleared for entry. At the time of this inspection, the cause of the fire was still undetermined. Perma-Fix was in the process of pumping the wastewater from the Lab Pack and Bulking Consolidation Building into 300-gallon totes. A vacuum truck was on site by this time and was also being utilized for wastewater storage.

Visual inspection confirmed the fire had been contained to one location of the Lab Pack and Bulking Consolidation Building. Figures 1-12 are pictures of the aftermath of the fire.

Mr. San Augustin, Perma-Fix Director of Compliance, notified the National Response Center and was assigned incident number 794438. According to Mr. San Augustin, following the fire, Perma-Fix had hired security to watch the facility because the fire suppression system was currently not working and the facility could not be secured properly.

Perma-Fix personnel were cleaning each container in the area and temporarily storing hazardous waste outside the building or moving the containers to the permitted storage area (Figures 15-16).

On the east side of the building, the containment in the Lab Pack and Bulking Consolidation Building had failed and released wastewater [**Permit Conditions-Part 1, Specific Condition 14–Maintenance and Operation/ 40 CFR 264.31**] to the ground (Figures 13-14).

Lab Pack and Bulking Consolidation Area: 4/21/06

The facility was still in the process of cleaning the Lab Pack and Bulking Consolidation Area but had pumped all of the wastewater from the area (Figures 1-4). The solid calcium hypochlorite involved in the fire had been repackaged and was being stored in 55-gallon drums. Containers from the area were still being stored outside the building or in the permitted storage area.

The facility was receiving waste but immediately shipping the waste off site for disposal. No new waste was being admitted into the permitted storage area or consolidation area. Mr. San Augustin anticipated the facility would be fully operational by 4/28/06.

Telephone Conversation with State Fire Marshall: 5/9/06

Detective Bill Newman, State Fire Marshall investigating the case, was called to discuss the incident. According to Detective Newman, case # 06-1318, was caused by “accidental poor storage”. Although, Detective Newman could not identify the exact cause of the fire, he stated the fire started on the east side of the Lab Pack and Bulking Consolidation Building next to the roll up door. He believes the fire started on top of the pallet containing the sawdust and subsequently spread to other containers.

Detective Newman ruled out arson or faulty electrical systems as the cause and speculates the sawdust reacted with a chemical, contributing to the fire [**Permit Conditions-Part 1, Specific Condition 14–Maintenance and Operation/ 40 CFR 264.31**].

Record Review

Records were reviewed during the April 21, 2006 inspection. According to receiving documents, the calcium hypochlorite was from U.S. Marine Corp. facility in Jacksonville, EPA identification number FL7170023710. The four cubic yard bags were received on 4/17/06.

Using information provided by Raj Singh, Perma-Fix Operations Manager, Figure 16 describes the location of materials involved in the fire.

Schreiber, Yonley & Associates (SYA), a consultant from Missouri, was hired by Perm-Fix to determine the cause of the fire and provide a report. A copy of the report was provided to the Department by Perma-Fix on June 5, 2006. The report indicated the mostly likely cause of the fire was due to a spill of a mixture of sawdust and calcium hypochlorite on the floor reacting with water from a rain event [**Permit Conditions-Part 1, Specific Condition 14–Maintenance and Operation/ 40 CFR 264.31**]. During the investigation, SYA could not confirm doors on the east side of facility had been closed the prior evening. This coupled with a storm that approached from the east, led to the water intrusion into the facility.

The Department received an incident report on May 4, 2006 from Perma-Fix. In addition to describing the type, date and material involved in the incident, the incident report listed the following wastes generated from the incident:

- One tanker truck containing 3,400 gallons of wastewater
- Four 55-gallon drums of lithium batteries
- Thirty-nine 55-gallon drums and two cubic yard totes of calcium hypochlorite, sawdust and other solids generated from the clean up
- Five 55-gallon drums of electroplating waste/PPE

12. **AREAS OF CONCERN:**

Perma-Fix needs to modify their contingency plan to mirror the permit. The contingency plan states the Secretary of the Department of Environmental Protection will receive a copy of the incident report. The permit requires all reports be sent to FDEP Central District, Tallahassee Hazardous Waste Program, and EPA Region 4.

13. **RECOMMENDATIONS**

The Department recommends Perma-Fix write a Standard Operating Procedure listing all personnel, agencies, and companies that must be included in the distribution of new emergency contact information.

The Department recommends Perma-Fix conduct annual/biannual mock emergency exercises with OC Fire Department, FDEP, and local police to ensure personnel are familiar with the facility.

14. **SUMMARY OF POTENTIAL NON-COMPLIANCE ITEMS:**

a. **Regulation: Permit Conditions-Part 1, Specific Condition 14–Maintenance and Operation/
40 CFR 264.31**

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment. Specifically, Perma-Fix allowed a fire to occur due to improper storage and/or management of incompatible hazardous waste and allowed wastewater from the fire to be released to the environment.

Corrective Action: Perma-Fix shall immediately cease storing incompatible hazardous waste or materials within close proximity and institute Standard Operations Procedures to ensure spill clean up. Within 30 days of receipt of this Warning Letter, Perma-Fix shall submit to the Department a written plan to address storage of incompatible materials and incompatible chemicals, and documentation that all employees have been trained on the plan.

15. **CONCLUSION:**

Perma Fix, Orlando is a transporter, transfer facility, and permitted storage facility of solid and hazardous waste and was not in compliance. On April 19, 2006, the facility was not operating under the conditions agreed to in the hazardous waste permit, 26919-HO-004, issued by the Department on November 14, 2003.

Report Prepared By: Janine Kraemer
Janine Kraemer

June 9, 2006
Date

Report Reviewed By: Lu Burson
Lu Burson

June 9, 2006
Date

PENALTY COMPUTATION WORKSHEET

Violator's Name: Perma-Fix of Orlando, Inc.

Identify Violator's Facility: 10100 Rocket Blvd., Orlando FL- FLD980559728

Name of Staff Responsible for the Penalty Computations: Janine Kraemer Date: 5/16/06

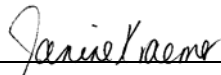
Violation Type		Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
a.	264.31 Spill Control	HW 14.1	Moderate	Major	\$16,500-21,999			\$19,250

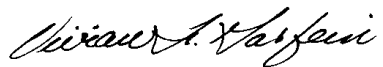
(Examples of Adjustments/Lack of Adjustments)

Multiday penalties were not selected as it was not possible to determine the number of days out of compliance.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: \$19,250.00

Prepared by:


Janine Kraemer, CHMM
Environmental Specialist
6/9/06
Date


Vivian F. Garfein
Director, Central District
June 15, 2006
Date

WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Perma-Fix of Orlando Date: 5/16/06

EPA ID No.: FLD98055972

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	264.31	Spill Control	4	5	4	3	16

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED ON THIS PAGE.



Figure 1: Consolidation Building west side
Calcium hypochlorite in center, lithium batteries
on left; green water from FD and fire suppression



Figure 2: Consolidation Building west side
Fire started next to door, up wall



Figure 3: Leftover 55-gallon drum waste



Figure 4: Consolidation Building facing south



Figure 5: Consolidation Building facing south



Figure 6: Roof affected by fire



Figure 7: Northern end of Consolidation Building, west side



Figure 8: Liquid waste from fire water (D002,F006)



Figure 9: Northern end of Consolidation Building, east side



Figure 10: Location of fire, east side



Figure 11: Fire started near sawdust pile, east side
blue drums contain calcium hypochlorite



Figure 12: Blue containers of calcium hypochlorite



Figure 13: Containment in Consolidation Building leaking



Figure 14: Release out of Consolidation Building to soil under trailer



Figure 15: HW Stored outside



Figure 16: HW stored outside



Figure 1: Lab Pack and Consolidation Bulking Building looking south



Figure 2: Location of fire after removal of waste



Figure 3: Lab Pack and Consolidation Bulking Building looking north



Figure 4: Batteries affected by the fire