



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

May 8, 2007

ELECTRONIC MAIL

vsanagustin@perma-fix.com

Mr. Victor San Agustin
Perma-Fix of Orlando
10100 Rocket Blvd.
Orlando, FL 32824

OWL-HW- E-07-009

Orange County – HW
Perma-Fix of Orlando, Inc.
HW - FLR000115469/SW - SO48-0152516-002 & FLD980559728
Warning Letter

Dear Mr. San Agustin:

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 December 6, 2006 and February 5, 2007. These inspections were 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 CFR 260 through 268, adopted in Florida Administrative Code Chapter 62-730.

During the inspection, possible violations of Florida Statutes and Rules regarding solid and hazardous waste were noted. These violations are set forth in "Summary of Potential Noncompliance Items and Recommended Corrective Actions" of the attached inspection report.

The activities observed during the Department's field inspections and any activity at your facility 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 the U.S. EPA RCRA Civil Penalty Policy and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Jeff Waters, Solid Waste Section, by telephone at (407) 893-3328 or by e-mail at jeff.t.waters@dep.state.fl.us 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(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Vivian F. Garfein
Director, Central District

May 8, 2007
Date

VFG/dms

Enclosures: RCRA Inspection Report
Penalty Worksheet

cc: Michael Redig, FDEP, Tallahassee, michael.redig@floridadep.net
Alan Annicella, EPA Region 4, annicella.alan@epa.gov
Debby Valin, FDEP, Central District, debby.valin@floridadep.net



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INSPECTION REPORT

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

FACILITY NAME Perma-Fix of Orlando, Inc. EPA ID # FLD980559728 &
FLR000115469

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

EMAIL ADDRESS kschmuggerow@perma-fix.com

COUNTY Orange PHONE 770-587-9898 DATES 12/6/2006 &
2/5/2007 TIMES 9:00 am &
9:00 am

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: Transporter

- ☐ 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):**
Mike Avery, General Manager, Perma-Fix

4. **INSPECTION PARTICIPANTS:**

Janine Kraemer, FDEP, Hazardous Waste
Jeff Waters, FDEP, Solid & Hazardous Waste

Kevin Schmuggerow, Perma-Fix,
VP of Logistics,
John MacDonald, Perma-Fix,
Solid Waste Manager
Victor L. San Agustin, Perma-Fix,
Director of Compliance
Raj Singh, Perma-Fix,
Operations Manager

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:** 11/14/03 **EXPIRES:** 11/06/08
SOLID WASTE PERMIT #: SO48-0152516-002 **ISSUED:** 03/21/05 **EXPIRES:** 01/19/10

9. **INTRODUCTION:**

On December 6, 2006, and February 5, 2007, Jeff Waters and Janine Kraemer, Florida Department of Environmental Protection (FDEP), inspected both Perma-Fix of Orlando, Inc. (Perma-Fix) locations for compliance with solid and hazardous waste regulations. Perma-Fix of Orlando, Inc., located at 10100 Rocket Boulevard, is a hazardous waste transporter, a 10-day hazardous waste transfer facility and a permitted hazardous waste treatment, storage and disposal facility. Perma-Fix of Orlando, Inc., located at 10225 General Drive, Orlando, Orange County, Florida, is a used oil transporter, solid waste transfer facility, and permitted solid waste processing facility.

10. **HAZARDOUS WASTE INSPECTION HISTORY:**

Operations have been located at these locations since 1985 but the business was originally called Chemical Conservation Corporation (Chemcon). The facility changed names to Perma-Fix of Orlando, Inc. in 2001. The facility has been inspected yearly since 1985. The following information lists specific inspections:

August 1998

The facility was in compliance at the time of the inspection.

September 1998

The facility was out of compliance at the time of the inspection. The facility was cited for failure to provide annual training on hazardous waste regulations. The facility submitted the records at a later date and the case was closed without enforcement.

September 1999

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations: failure to conduct proper waste determinations and appropriate land ban restrictions, failure to update contingency plan, failure to segregate hazardous waste, failure to conduct annual hazardous waste training, failure to maintain the facility to minimize sudden releases, failure to submit annual verification of insurance, and failure to maintain current financial assurance. The case was closed through the execution of a Short Form Consent Order including the assessment of \$1700.00 in civil penalties.

November 1999

The facility was in compliance at the time of the inspection.

June 2000

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations: storing non-hazardous waste in the hazardous waste storage area, and failure to notify the Department of ability to meet a specific permit condition. Specifically, Chemcon was using an unacceptable surety company for insurance. The case was resolved by executed Consent Order No. 00-1471 and the assessment of \$2,550.00 in civil penalties.

May and August 2001

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations: failure to maintain the facility to minimize sudden releases, failure to utilize the waste analysis plan and violating specific permit condition. Specifically, Chemcon failed to rectify manifest discrepancies

within 15 days of receipt of the waste. The case was resolved by executed Consent Order No. 02-0027 and the assessment of \$12,100.00 in civil penalties.

April 2002

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations: failure to label hazardous waste containers, failure to maintain hazardous waste containers closed, failure to conduct weekly inspections, failure to label hazardous waste containers with an accumulation start date, storing over the capacity of facility as stated in the permit, failure to meet land disposal treatment standards, and storing transfer waste longer than 10 days. The case was resolved by executed Consent Order No. 02-2060 and the assessment of \$13,350.00 in civil penalties.

March 2003

The facility was out of compliance at the time of the inspection. The facility had 4 drums stored longer than 1 year; however, the drums were shipped off-site the day after the inspection. The Department took no further action.

May 2004

The facility was out of compliance at the time of the inspection and numerous violations were cited including: exceeding hazardous waste storage requirements as stated in the facility's permit, hazardous waste determination process, hazardous waste training requirements, used oil violations, and storage tank violations. The case was resolved by executed Consent Order No. 04-1771 and the assessment of \$51,845.00 in civil penalties.

April 2006

An inspection was conducted as a result of a fire that was reported to the State Warning Point (SWP) on April 19, 2006. The facility was out of compliance with their hazardous waste permit specific condition #14, Maintenance and Operation. Specifically, the facility allowed a fire to occur due to improper storage and/or management of incompatible hazardous waste. As requested the facility updated their operation/contingency plan. The case was resolved by executed Consent Order No. 06-1668 and the assessment of \$10,950.00 in civil penalties.

11. PROCESS DESCRIPTION:

Solid Waste Transfer and Used Oil Facility (10225 General Drive):

Perma-Fix gave notification of its intent to use a general permit for the operation of a solid waste transfer station (facility). The Department acknowledged the general permit on March 29 1999, with an effective date of operations to begin on or about April 18, 1999. The general permit (SO48-0152516-001) expired on April 5, 2004. A permit application for a waste processing facility, required by revisions to Chapter 62-701, F.A.C. adopted May 27, 2001, was approved by the Department on March 21, 2006. This permit (SO48-0152516-002) is set to expire on January 19, 2010. The facility is currently in the process of applying for a Used Oil Processor Permit from the Department.

Non-hazardous waste is taken to this facility for storage, consolidation, solidification, and finally transportation to a disposal facility. Waste is not disposed of at the Perma-Fix of Orlando facility. The facility accepts non-hazardous waste such as used oil, used oil filters, oily water, oily solid waste, waste coolant, and non-hazardous liquids (resins, polymers, etc.).

Used oil is consolidated in an 18,367-gallon double walled above ground storage tank, then taken to Perma-Fix, Ft. Lauderdale, for processing. Oily wastewater is consolidated in one 7,000-gallon tanker and a second 7,000-gallon tanker is used to store anti-freeze, both of which are in secondary containment. Oily solid waste is either sent for energy recovery to Montenay Energy or Wheelabrator, Ft. Lauderdale, or if the BTUs are less than 4,000, the material is sent to Waste Management's Okeechobee Landfill in

South Florida. At the time of inspection waste antifreeze was taken to Cliff Berry; however, Morgan Environmental will be used in the future. Oily water, used oil, and used oil filters are taken to Perma-Fix of Ft. Lauderdale, who transports the used oil filters to U.S. Foundry for processing.

The supporting documentation submitted with the solid waste permit application in 2004 indicated that the facility would receive non-hazardous solid waste in both liquid and solid forms. Also, the proposed operation would consist mainly of consolidation of the non-hazardous solid waste prior to transportation offsite for disposal and/or treatment. The majority of waste would be shipped to a landfill for disposal and the remaining would be shipped for incineration at waste to energy facilities.

Solid waste containers are stored in three areas: Container Storage Area #1 (CSA #1), Container Storage Area #2 (CSA #2), and Container Storage Area #3 (CSA #3). CSA #1 is referred to as the upper pad, used to off load material from trailers and store materials for processing, and can store up to six hundred and forty 55-gallon drums.

CSA #2 is referred to as the lower pad, used for processing materials stored in this area, and can store up to six hundred and forty 55-gallon drums and up to four 50-cubic yard roll-offs (approximately 40,500-gallons). The waste stored in CSA #2 consist of soils, grease, empty steel drums, debris, fertilizer, residues and uncrushed oil filters to be recycled.

CSA #3 is referred to as the bulk storage area and consists of an 18,367-gallon double walled above ground storage tank used to store used oil. This area will also store one 50-cubic yard roll-off.

Solid wastes are bulked in roll-off containers. Solid waste that can not be processed will be stored in CSA #1 to be loaded onto transport vehicles for off-site disposal. Non-hazardous liquid wastes are pumped into stationary tankers for bulking purposes; the facility states in their operation plan that they plan on utilizing above ground storage tanks in the future. Non-hazardous semi-solids are bulked in roll-off containers and then mixed with inert materials such as fly ash, sawdust, or polyacrylamide gel to absorb any liquids. Unauthorized waste will not be stored on site but is directed to the Perma-Fix Orlando location at 10100 Rocket Road..

Additionally, the facility conducts routine maintenance on their fleet of trucks. The truck maintenance area generates used oil, used oil filters, waste coolant and shop towels.

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 accept the waste.

Perma-Fix collects hazardous waste and stores the material in its warehouse for up to a year before transporting the waste to an off-site disposal facility. Perma-Fix uses the 10-day transfer facility status when possible in order to avoid re-manifesting, record keeping, reporting, and other more stringent permit requirements. Waste stored for a period longer than ten days is transferred to Perma-Fix's designated

storage facility. Perma-Fix then amends the incoming manifest to reflect the change, the containers are relabeled, and the waste is managed in accordance with the permit requirements.

Hazardous wastes are segregated at the facility according to compatibility groups as outlined in their permit. Storage areas have secondary containment to minimize and prevent possible releases to the environment.

At the time of and prior to the December 6, 2006, inspection Perma-Fix was consolidating 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. An eyewash, safety shower, spill kit, and fire extinguisher are located in this area. An aerosol can puncturing device is also located in this area. Aerosol cans are punctured and the contents are managed as hazardous waste. The empty cans are managed as solid waste. The parking lot of the facility is sloped towards the northwest corner. A sump (Figure 14) installed in the northwest corner is connected to valves to ensure there are no releases to the facility's retention pond.

12. **INSPECTION:**

December 6, 2006

Solid Waste Transfer and Used Oil Facility (10225 General Drive)

Inspectors met with John MacDonald at the facility. Mr. MacDonald accompanied inspectors during the inspection of both facilities. Mr. Schmuggerow accompanied inspectors during the inspection of the Rocket Boulevard facility.

In Container Storage Area #1 three containers of used oil were being stored that had failed their Dexsil test for halogen content at the generator's site. These containers were not being managed as hazardous waste [40 CFR 279.44(c)]. Six additional drums from the same waste generator were also located here and had not yet been tested [40 CFR 279.44(a)]. The drums were received in September 2006 and the customer had not been notified as of the date of the inspection that they likely contained hazardous waste. In order to ensure that used oil is not a hazardous waste, the transporter must determine if the used oil contains halogens above or below 1000 ppm. Used oil that fails screening is assumed to contain hazardous waste.

In the solidification area were three 55-gallon drums of waste: one 55-gallon drum had a D008 hazardous waste code on the label, one 55-gallon drum was labeled "photographic waste", and the third 55-gallon drum was labeled "gold solution". Mr. MacDonald explained that the waste in the first drum was non-hazardous and the Perma-Fix driver failed to remove the hazardous waste label. Mr. MacDonald stated that the second drum had analytical results showing the contents had silver below 5 ppm. Finally, Mr. MacDonald stated that the third drum of gold solution was a final gold rinse solution; therefore, also non-hazardous solid waste. The inspectors were satisfied with the explanation and no documentation was requested.

Waste was observed in the solidification roll off, which was awaiting additional waste and solidifying additives.

The following roll-off containers were on site, labeled, and in secondary containment:

1. Two 7,000-gallon tankers are used to store oily water and were empty at the time of inspection; the tankers had been recently driven off-site for disposal.
2. One roll off of used oil filters; this container is emptied three to four times a year.
3. Additional roll-off containers for solid waste storage.

In addition the facility has one 18,367-gallon used oil aboveground storage tank. This tank is double walled and in good condition. At the time of the December 6, 2006, inspection the used oil piping consisted of one or several pieces of hose that had been repaired with duct tape.

Adjacent to the solid waste area is the truck maintenance shop. The facility is no longer using their parts washer; however, one 55-gallon drum of mineral spirits was on site. In addition, the following containers were in the area:

1. Two 55-gallon drums of used oil.
2. Two 5-gallon containers of used oil. These containers were not properly labeled as used oil. [40 CFR 279.22(c)]
3. One 55-gallon of unknown waste. A proper waste determination needs to be conducted on this drum [40 CFR 262.11]

The Solid Waste Transfer and Used Oil Facility (10225 General Drive) was not in full compliance during this inspection.

Hazardous Waste TSD Facility (10100 Rocket Boulevard)

Lab Pack and Bulking Consolidation Area

Located in the consolidation area were two 55-gallon drums that contained smaller paint containers destined for solid waste disposal (Figures 1-7). The majority of these containers were quart sized, open and not empty [40 CFR 264.31 and 264.173(a)]. Mr. Schmuggerow stated that the facility would go through the containers and empty them prior to disposal.

Adjacent to this area was an open 55-gallon container [40 CFR 264.173(a)] of corrosive waste dated 12/4/2006 (Figure 8). In addition, seven 5-gallon containers were being used to combine smaller amounts of corrosives to help determine if they will be compatible; none of the containers were properly labeled or dated [40 CFR 262.34(a)(2) and 262.34(a)(3)] (Figure 9-12).

Aerosol cans were being punctured in the consolidation area. Waste accumulation drums were connected to a drum containing activated charcoal that acts as an air filtration device. The carbon filter is changed out about every 6 months and disposed of as hazardous waste. At the time of inspection several aerosol cans and oxygen canisters were not being managed in containers that were labeled or dated properly [40 CFR 262.34(a)(2) and 262.34(a)(3)] (Figures 13, 15 & 16). Additionally, one 55-gallon container, labeled “oxidizer”, appeared to be leaking [40 CFR 264.31] (Figure 14).

Outside the Lab Pack and Bulking Consolidation Area the facility was storing roll off containers and trailers for consolidating metal bearing waste (Figures 17 and 18). At the time of the inspection there were three trailers containing hazardous waste. Two of the trailers were dated November 21, 2006 and the other was dated September 11, 2006.

On the south side of the Lab Pack and Bulking Consolidation Area were two roll-off containers containing non-hazardous solid waste. One of the roll-offs contained a smaller container of hazardous waste that was open and not empty [40 CFR 264.31 and 264.173(a)] (Figures 20-22).

Storage Area

Wastes stored in the permitted storage area were segregated according to compatibility groups as outlined in the permit. Wastes are staged along the south, east, and north walls of the building. The west wall contains the bay doors leading to the loading dock.

The storage area contained, approximately, the following number of hazardous waste containers (excluding cardboard boxes):

- Thirty-one 250-gallon totes
- Four hundred and fifteen 55-gallon drums
- Forty 30-gallon containers
- Twenty-three 20-gallon containers
- Four 10-gallon containers
- Forty-nine 5-gallon containers

In total, there was approximately 32,520 gallons of waste in the permitted TSD portion of the facility. No containers of waste were being stored on the loading dock.

There were four trailers in the loading dock area waiting to be off-loaded. The dates the wastes were accepted at the facility ranged from November 30 to December 5, 2006.

Record Review

Records for 2006 were reviewed, which included: hazardous waste manifests, land disposal restriction notification forms, position descriptions, training records, contingency plan, waste analysis plan, inspections, and Biennial Report. The contingency plan, position descriptions, and land disposal restriction notification forms were in compliance. Training records were reviewed for Jesus Rivas, John MacDonald, and Jason Woodruff and found to be in compliance.

The Hazardous Waste TSD Facility (10100 Rocket Boulevard) was not in full compliance during this inspection.

February 5, 2007

A follow up inspection was performed on February 5, 2007 at both locations. Jeff Waters and Janine Kraemer met with Victor San Agustin and Raj Singh at the 10100 Rocket Road facility. The inspection was performed to further assess issues observed during the December 6, 2006, inspection and to confirm that the facility had discontinued the hazardous waste consolidation process and had removed the majority of hazardous waste from the 10100 Rocket Road facility. During a February 2, 2007 phone call, Mr. San Agustin stated that the vast majority of hazardous waste would be directed to the Perma-Fix of Gainesville facility. Thus, the amount of waste stored at the Perma-Fix of Orlando location would be significantly reduced.

Hazardous Waste TSD Facility (10100 Rocket Boulevard)

Storage Area

The amount of waste being stored in this area had been drastically reduced. Facility representatives stated that some of the waste on site was awaiting transfer to the Gainesville location and that the remainder of the waste was from two customer contracts that are going to continue to be managed out of the Orlando location.

During the February 2, 2007 phone call the Department verbally agreed to allow storage of paper documents in the Lab Pack and Bulking Consolidation Area because a concrete block wall separated the documents from waste in the Storage Area. At the time of the inspection boxes of paper documents were being stored in the permitted storage area. Inspectors requested the documents be moved to the Lab Pack and Bulking Consolidation Area and the facility complied. In addition, the appropriate operation plan needs to be updated to reflect the recent operational changes.

Lab Pack and Bulking Consolidation Area

This area was empty with the exception of four 55-gallon drums that appeared to part of the clean out process.

Solid Waste Transfer Facility (10225 General Drive)

The inspectors performed the quarterly solid waste inspection for the transfer station and noted the following issues:

- a. Three drums of used oil observed during the December 6, 2006 inspection that were being held because they failed the halogen Dexsil Test, were still on site and were not being managed as hazardous waste [40 CFR 279.44(c)]. In addition, the six drums from the same generator that were noted in December were still on site and had still not been tested for halogens [40 CFR 279.44(a)]. The inspectors recalled that the generator of the used oil also had six additional drums on site at the time of the December inspection that had not been halogen tested yet. The inspectors inquired about their status and location and why the containers had not been managed properly.

In a formal letter received on February 26, 2007, Perma-Fix stated that the three drums originally observed during the December 2006 inspection had been transported off site for hazardous waste disposal. The additional six drums were tested for halogens via Dexsil test kit and four out of the six failed. All of the drums were in the process of being disposed of properly.

- b. The integrity of the hose for the 18,367-gallon used oil aboveground storage tank was questioned at the time of the December 6, 2006, inspection. Inspectors noted that the hose had been replaced with a new double walled hose.
- c. Used oil containers in the truck maintenance shop had been properly labeled as requested during the December 2006 inspection.
- d. The unknown 55-gallon drum of waste during the December 2006 inspection was determined to be water and was mixed in the solid waste solidification process.

13. **AREAS OF CONCERN:**

- a. Paper documents should not be stored in the same area that waste is actively being stored.
- b. The Hazardous Waste Operation Plan associated with Permit # 26919-HO-004 needs to be updated to reflect the recent operational changes.

14. **SUMMARY OF POTENTIAL NON-COMPLIANCE ITEMS AND CORRECTIVE ACTIONS:**

a) **Regulation: 40 CFR 262.11 – Waste Determination**

“A person who generates a solid waste must determine if that waste is a hazardous waste...” Specifically, Perma-Fix did not know the contents of a 55-gallon drum that was observed in the truck maintenance shop.

Corrective Action: At the time of the February 5, 2007 inspection the container had been removed. Facility representatives stated that the container was holding water and was disposed of in the solid waste solidification process. Provide the Department with the container’s waste determination documentation.

b) **Regulation: 40 CFR 262.34(a)(2) – Accumulation Time**

“The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.” Specifically, Perma-Fix of Orlando was improperly storing the following at the time of the December 2006 inspection:

- i. Aerosol cans
- ii. Oxygen canisters improperly
- iii. Seven 5-gallon containers used to determine waste compatibility
- iv. Three drums of used oil that were being held because they failed the halogen Dexsil Test

Corrective Actions: All containers had been properly disposed of at the time of the February 2007 inspection except the drums of hazardous waste used oil.

c) Regulation: 40 CFR 262.34(a)(3) – Drum Labeling

“While accumulated on-site, each container and tank is labeled or marked clearly with the words, ‘Hazardous Waste’.” Specifically, Perma-Fix of Orlando was storing the following improperly at the time of the December 2006 inspection:

- i. Aerosol cans
- ii. Oxygen canisters improperly
- iii. Seven 5-gallon containers used to determine waste compatibility
- iv. Three drums of used oil that were being held because they failed the halogen Dexsil Test

Corrective Actions: All containers had been properly disposed of at the time of the February 2007 inspection except the drums of hazardous waste used oil.

d) Regulation: 40 CFR 264.31 – Operation of Facility

“Facilities must be operated to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste to air, soil, or surface water which could threaten human health or the environment.” Specifically, Perma-Fix failed to properly empty numerous small containers of paint that were being stored in two 55-gallon drums; a solid waste roll-off had a container that was not properly emptied; additionally a separate 55-gallon drum of corrosive material appeared to be leaking.

Corrective Actions: All containers had been properly disposed of at the time of the February 2007 inspection.

e) Regulation: 40 CFR 264.173(a) – Container Management

“A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.” Specifically, Perma-Fix failed to properly close numerous small containers of paint that were being stored in two 55-gallon drums; a solid waste roll-off had a container that was not properly closed; additionally a separate 55-gallon drum of corrosive material was not properly closed.

Corrective Actions: All containers had been properly disposed of at the time of the February 2007 inspection.

f) Regulation: 40 CFR 279.22(c)(1) - Used Oil Container Labeling

“Containers and above ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words ‘used oil’.” Specifically, Perma-Fix failed to mark two 5-gallon containers with the words “used oil.”

Corrective Action: During the February 5, 2007 follow up inspection the containers were properly labeled.

g) **Regulation: 40 CFR 279.44(a) and Florida Statute 403.121(4)(d) – Rebuttable Presumption for Used Oil, Determination**

“To ensure that used oil is not a hazardous waste under the rebuttable presumption of 279.10(b)(1)(ii), the used oil transporter must determine whether the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm.” Specifically, at the time of the December 6, 2006 and February 7, 2007 inspections Perma-Fix failed to determine the halogen content of six drums of used oil.

Corrective Action: The facility has since provided the Department with the results of the halogen test for the six containers in question. Please provide the disposal documentation for the six containers. Perma-Fix needs to review the facility’s operation plan to determine why the violation occurred and work to correct any problems identified.

h) **Regulation: 40 CFR 279.44(c) – Rebuttable Presumption for Used Oil, Hazardous Waste**

“If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste...” Specifically, at the time of the December 6, 2006 inspection three containers of used oil were determined to be hazardous and were not being managed as such.

Corrective Action: The facility has since provided the Department with transfer and disposal documentation for the waste. Ensure all employees are familiar with the operation plan to help prevent such violations in the future.

i) **Regulation: Florida Statutes 403.161(1)(b) Permit No. SO48-0152516-002, Specific Condition 17 and General Condition 8 and 62-701.710(4)(a)1 – Operational Requirements**

“All activities at the facility shall be performed in accordance with the manual and plans for the types of equipment that will be used.” Specifically, The Solid Waste Transfer facility was not properly managing unacceptable waste as stated in the facility’s permit.

During the December 6, 2006 inspection three of the containers of used oil had been tested for halogen content via a Dextsil test kit and failed indicating greater than 1000 ppm total halogens. Inspectors noted an additional six drums from the same generator that still required testing at the time of inspection.

At the time of the February 5, 2007, inspection inspectors noted the same three drums from the December 2006 inspection and inquired about the containers. The facility submitted a formal letter stating that a total of nine containers had been received by the same generator in September 2006; seven of the nine containers had failed the rebuttable presumption as having greater than 1000 ppm halogens and at that time should have been managed as hazardous waste. These containers were not transferred to the hazardous waste TSDF until February 2007.

Solid Waste Permit No. SO48-0152516-002, Specific Condition 17, Operation Plan: The facility operator shall be trained, Rule 62-701.320(15), F.A.C., and a copy of the operations plan that describes how the applicant shall comply with Rule 62-701.710(4), F.A.C. shall be kept at the facility.

Perma-Fix of Orlando’s Operation Plan received by the Department on July 23, 2004, states the following in Section 3 Quality Control on page 2:

“Operators at the Non Hazardous Solid Waste Transfer facility collect samples from in-coming drums that contain waste liquids and test them for halogen levels...any used oils that fail are considered unacceptable wastes. These wastes are then immediately transported back to the Hazardous waste TSDF pending off-site disposal at a permitted hazardous waste facility.”

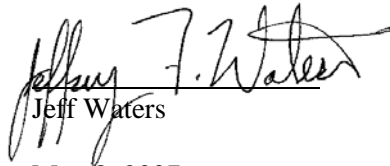
Corrective Action: Provide the Department with the disposal documentation associated with the containers in question.

15. **CONCLUSION:**

Perma Fix, Orlando is a hazardous waste and used oil transporter, 10-day hazardous waste transfer facility, and permitted storage facility of solid and hazardous waste. The two facilities were not in compliance at the time of either inspection.

The hazardous waste storage and disposal operations at the facility are in the process of being reduced and operations moved to the Perma Fix Gainesville FL facility. The facility needs to ensure the Department is notified of any major changes that occur in the future.

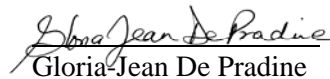
Report Prepared By:


Jeff Waters

May 8, 2007

Date

Report Reviewed by:


Gloria-Jean De Pradine

April 26, 2007

Date



Lu Burson
Environmental Manger
Solid and Hazardous Waste

April 20, 2007

Date



Figure 1: Empty containers? destined for non-haz Dumpster



Figure 2: Empty containers? destined for non-haz dumpster



Figure 3: Empty containers? destined for non-haz Dumpster



Figure 4: Empty containers? destined for non-haz dumpster



Figure 5: Empty containers? destined for non-haz Dumpster



Figure 6: Empty containers? destined for non-haz dumpster



Figure 7: Empty containers? destined for non-haz dumpster



Figure 8: Open container



Figure 9: Improperly labeled, undated containers



Figure 10: Improperly labeled, undated container



Figure 11: Improperly labeled, undated container



Figure 12: Improperly labeled, undated containers



Figure 13: Open container of Oxygen canisters



Figure 14: Container w/ possible release?



Figure 15: Miscellaneous aerosols, improperly managed



Figure 16: Miscellaneous aerosols, improperly managed



Figure 17: One of three roll off trailers of haz waste



Figure 18: Second roll off trailer



Figure 19: Consolidation area



Figure 20: Solid waste destined for landfill



Figure 21: Solid waste destined for landfill

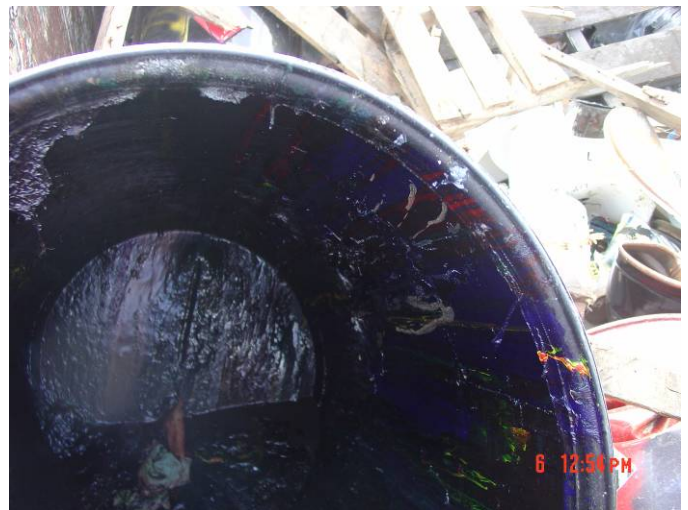


Figure 22: Non-empty container in solid waste dumpster

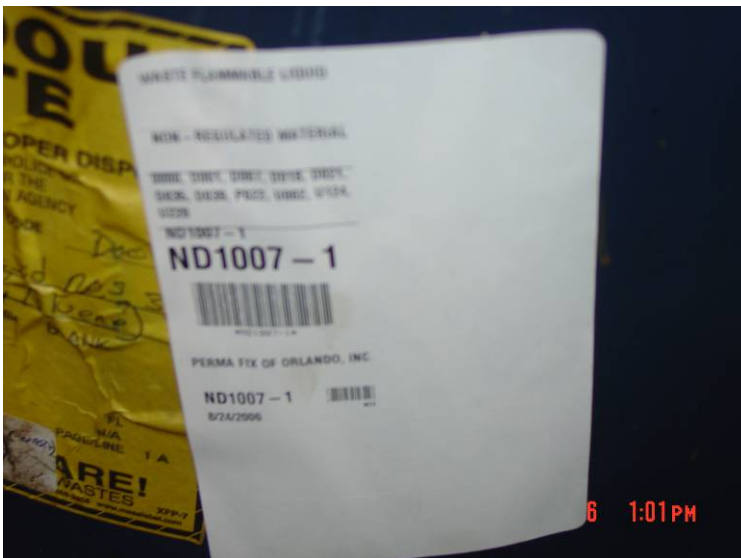


Figure 23: Drum labeled as hazardous waste w/ waste codes D001, D007, D018, D021, D036, D039, P022, U002, U124, U220 Also labeled as "Non-Regulated" on Perma-Fix label

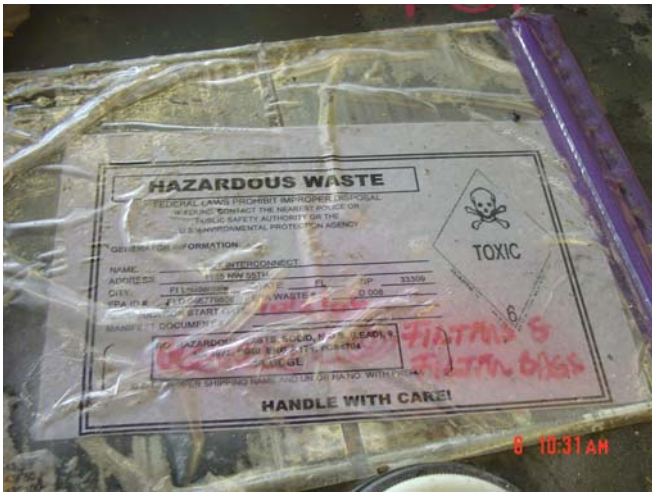


Figure 1: Hazardous waste label on non-hazardous Waste drum in Figure 2



Figure 2: Non-hazardous waste drum w/ label from Figure 1



Figure 3: Non-hazardous solidification container



Figure 4: Used oil AST



Figure 5: Roll offs for solidified non-hazardous waste



Figure 6: Used oil filter roll off



Figure 7: Drums destined for solidification process



Figure 8: Solidification container in Figure 3



Figure 9: Vehicle Maintenance Area, used oil container



Figure 10: Parts washer, no longer in use



Figure 11: Unknown drum



Figure 12: Empty drums



Figure 13: Oily water tanker and spent antifreeze tank with truck

Attachment 3
Perma-Fix of Orlando, Inc.
Jeff Waters - February 5, 2007



Fig. 1-Hazardous waste storage area 1.



Fig. 2-Hazardous waste storage area 2.



Fig. 4-Hazardous waste storage area 3.



Fig. 4-Cosolidation Area 1



Fig. 5-Used oil filters, roll-off container is containment.



Fig. 6-New hose for used oil tank.

PENALTY COMPUTATION WORKSHEET

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

Identify Violator's Facility: 10100 Rocket Blvd. and 10225 General Dr., Orlando Florida 32824
Permit Numbers HW - FLR000115469/ SW - SO48-0152516-002
EPA ID Numbers - FLD980559728 & FLR000115469


Name of Staff Responsible for the Penalty Computations: Jeff Waters Date: April 30, 2007

Violation Type		Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Other Adjustments	Penalty for Other Adjustments	Total
a.	262.11 Waste Determination	HW 3.1	Minor	Minor	\$644 to \$500			\$644
b.	262.34(a)(2) Accumulation Time	HW 6.2	Minor	Major	\$3,868 to \$1,934			\$3,868
c.	262.34(a)(3) Drum Labeling	HW 7.1	Minor	Moderate	\$1,933 to \$645			\$1,933
d.	264.31 Operation of Facility	HW 10.5	Minor	Major	\$3,868 to \$1,934			\$3,868
e.	264.173(a) Container Management	HW 14.1	Minor	Major	\$3,868 to \$1,934			\$3,868
f.	279.22(c) Labeling Used Oil Containers	ELRA 28.1			\$500			\$500
g	40 CFR 279.44(a) & FS 403.121(4)(d) Rebuttable Presumption for Used Oil, Determination	UO 29.4	Moderate	Major	\$4,599 to \$3,200	Multi-day 61 days x \$200	\$12,200	\$16,799
h	40 CFR 279.44(c) Rebuttable Presumption for Used Oil, Hazardous Waste	UO 29.4	Moderate	Major	\$4,599 to \$3,200	Multi-day 61 days x \$200	\$12,200	\$16,799
i.	FS 403.161(1)(b) Permit No. SO48-0152516-002, & 62-701.710(4)(a)1 Operational Requirements	ELRA 13			\$500			\$500

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:

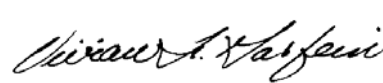
\$48,779.00

Prepared by:


Jeff Waters

Environmental Specialist

Date: April 30, 2007



Vivian F. Garfein
Director, Central District

Date: May 8, 2007

WORKSHEET

RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Perma-Fix of Orlando Date: April 30, 2007Permit Numbers: FLR000115469/ SW - SO48-0152516-002EPA ID Numbers: FLD980559728 & FLR000115469

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.11	Waste Determination	4	2	1	1	8
b.	262.34(a)(2)	Accumulation date	4	2	1	1	8
c.	262.34(a)(3)	Drum labeling	4	5	1	1	11
d.	264.31	Operation of Facility	4	2	4	1	11
e.	264.173(a)	Container Management	4	2	4	1	11

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.

Multi-Day penalties for items (g) 40 CFR 279.44(a) and (h) 40 CFR 279.44(c) were determined by using 5% of the penalty amount selected. That is 5% of \$4,599 which is \$230. The penalty matrix used is Attachment II (\$10,000 maximum) of DEP Directive 923 March 2007 Penalty Policy.