



Florida Department of Environmental Protection

Northwest District
160 Governmental Center
Pensacola, Florida 32502-5794

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

August 6, 2007

Sent Via Email to:

Linda.Dunwoody@veoliaes.com

WARNING LETTER

Ms. Linda Dunwoody
Operations Manager
Veolia Environmental Services
Technical Solutions, LLC
342 Marpan Lane
Tallahassee, Florida 32305

Dear Ms. Dunwoody:

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 field inspection by Department of Environmental Protection personnel on May 16, 2007 of Veolia Environmental Services Technical Solutions, LLC located at 342 Marpan Lane in Leon County, Tallahassee, Florida, indicates that violations of the Resource Conservation and Recovery Act (RCRA) and Chapters 376 and 403, Florida Statutes and Rules may exist at the above-described facility. These possible violations are described in the "Summary of Alleged Violations" section of the enclosed Inspection Report. (All Title 40 Code of Federal Regulations provisions have been adopted by reference in Florida Administrative Code, Chapter 62-730).

The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules may involve potential liability for civil penalties and should be ceased. Operation of a facility in violation of state statutes or rule may result in liability for damages and restoration as set forth in Section 403.727, Florida Statutes.

You are requested to attend a meeting with Department personnel to discuss this matter at the Tallahassee Branch Office, located at 630 Capitol Circle in Tallahassee at 1:00 P.M. EDT on August 28, 2007. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Ms. Linda Dunwoody
Veolia
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Please be advised that 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. If you have any other questions, please contact Melissa Woehle at telephone (850) 595-8360, extension 1251.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Kennedy". The signature is fluid and cursive, with the first name "Michael" and last name "Kennedy" clearly distinguishable.

Michael S. Kennedy, P.G.
Program Administrator
Waste Management Program

MSK:mwr

Encl: Hazardous Waste Inspection Report



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HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: Veolia Environmental Services Technical Solutions, LLC (Veolia)

DEP/EPA ID #: FL0000207449

PHYSICAL & MAILING ADDRESS: 342 Marpan Lane, Tallahassee, Florida 32305

COUNTY: Leon **PHONE:** (850) 877-8299 **DATE:** 5-16-07 **TIME:** 9:30 AM- 3:00 P.M.

HW facility status

- ☐ non-handler
- ☐ CESQG
- ☐ SQG
- ☒ LQG
- ☒ transporter
- ☐ transfer facility
- ☒ TSD
- ☐ SQH
- ☒ LQH

used oil facility status

- ☐ generator
- ☐ transporter
- ☐ transfer facility
- ☐ marketer
- ☐ processor
- ☐ on-spec. burner
- ☐ off-spec. burner
- ☐ filter generator
- ☐ filter transporter
- ☐ filter transfer facility
- ☐ filter processor

Hg facility status

- ☐ exempt
- ☒ generator
- ☒ transporter
- ☒ Hg recovery facility
- ☒ Hg reclamation facility

PCW facility status

- ☐ producer
- ☐ transporter
- ☐ recovery facility

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> 40 CFR 261 | <input checked="" type="checkbox"/> 40 CFR 262 | <input checked="" type="checkbox"/> 40 CFR 263 | <input checked="" type="checkbox"/> 40 CFR 264 |
| <input checked="" type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input checked="" type="checkbox"/> 40 CFR 268 | <input checked="" type="checkbox"/> 40 CFR 270 |
| <input checked="" type="checkbox"/> 40 CFR 273 | <input type="checkbox"/> 40 CFR 279 | <input type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-730, FAC |

3. **RESPONSIBLE OFFICIAL:** Ms. Linda Dunwoody, Operations Mgr. - Veolia

4. **INSPECTION PARTICIPANTS:** Randy Williams, Operations Supervisor - Veolia
Melissa Woehle and John Johnson Florida Department of Environmental Protection

5. **LATITUDE/LONGITUDE:** Lat 30° 21' 51.849"/Long 084° 16' 8.358"

6. **TYPE OF OWNERSHIP:** private ~~federal~~ ~~state~~ ~~county~~ ~~municipal~~

7. **PERMIT No.:** HO37-82472-004

8. Site History and Description:

Veolia Environmental Services Technical Solutions, LLC (Veolia), formerly Onyx Environmental Services, LLC, located at 342 Marpan Lane, Tallahassee, Leon County, Florida, has been in operation at this location since 1995. Veolia employs approximately 16 people in the transport and processing of hazardous and non hazardous waste for recycle. Veolia is a large quantity generator of hazardous waste (LQG) and is currently permitted as a Mercury Recovery and Reclamation facility under the provisions of Permit No. HO37-82472-004. Veolia's sister facility located at 1 Eden Lane, Flanders, NJ (NJD080631369) is registered in Florida as a transporter of hazardous waste and Veolia transports under the same number. Veolia also holds FDEP Air Permit No. 0730094-005-AG (5/27/98 - 5/27/08) and NPDES Permit No. FLR05F873 (6/12/04 - 6/12/09). No violations were cited during the last hazardous waste inspection of Veolia on July 18, 2006.

The Veolia facility is comprised of one processing building with attached office and break room areas, a paved area to the north of the process building and a smaller storage building to the south. Activities at Veolia include incoming waste acceptance, waste storage, mercury recovery and reclamation and waste handling involving minimal processing and consolidation. Hazardous waste generated by Veolia includes phosphor powder, spent carbon, HEPA filters, HID capsules and retort condensate.

Veolia picks up waste in NC, SC, GA, FL, TN, LA, MS, AR and AL for processing and/or transfer and serves as a recycle destination facility for mercury containing lamps and devises. Veolia also handles other waste including batteries, electronic waste (e-waste), PCB and non-PCB capacitors and lamp ballast. Hazardous waste generated by Veolia includes phosphor powder, spent carbon, HEPA filters, HID capsules and retort condensate. According to Veolia's Biennial Report, in 2005 a total of 81.873 tons of hazardous waste were generated, 51.339 tons were treated on site and 80.919 tons were shipped off site.

In addition to self-transport, Veolia also receives shipments from common carriers. Universal waste batteries are shipped to Veolia by FedEx in 5-gallon buckets. Upon arrival of a shipment at Veolia, paperwork is reviewed to determine if any manifested hazardous waste is included. If a trailer contains hazardous waste, it is moved to the receiving dock and shipping papers are compared to the contents of the trailer. Hazardous waste is unloaded first and the remaining containers are either unloaded or the trailer is directed to the staging/transfer area. If there is no hazardous waste, the trailer is directed to the staging/transfer lot. The staging/transfer, area is registered with the Department as a universal waste transfer area (EPA No. FLR000124917) and is located near Veolia. Trailers staged in the transfer lot are unloaded within 10 days.

Upon off-loading each container with the exception of lamp containers is recorded in the waste tracking system. A unique number is generated for each box or drum coming in and recorded on the Receiving Report and on the container. The number corresponds to information including the waste type, amount and customer that is maintained electronically. The containers are then placed in the appropriate storage areas or transferred directly to a processing area. This number follows the material through minimal processing, i.e. consolidation, if required and is recorded on an Outgoing Material Count Sheet. Lamps are inventoried by weight and a record of feet per day processed is maintained.

Veolia has two process lines for recycling fluorescent tubes. After removing any plastic covering or excess plastic or metal, the lamps are manually placed on one of two conveyor belts leading into the crush and sieve room located in the northwest corner of the building. The lamps are crushed and separated into glass, aluminum end caps and phosphor powder. The powder is collected in a bag tower with filters and purged into a 55-gallon drum. The drum is managed as a satellite accumulation area and moved to the hazardous waste staging to await on-site reclamation. The glass and aluminum are routinely sampled and analyzed according to permit requirements before being shipped off site for disposal or recycle. Air is exhausted from the crush and sieve room through a HEPA filter and carbon canister system. Filters from the bag tower and HEPA filter system are managed as hazardous waste and shipped off-site.

HID lamps are manually processed in the southwest corner of the building. The arc tube inside the lamps is separated from the glass and metal components. The arc tube is then managed as a hazardous waste for mercury reclamation and the other components are sent off site for recycle or disposal. Glass is processed through the lamp recovery process described above.

Mercury reclamation takes place in the mercury retort room located directly to the south of the lamp crush and sieve room. Mercury containing devices are disassembled in the prep area of the retort room. Metal, glass and plastic are removed and segregated for recycle or disposal. Mercury is drained from the devices into a flask and the remaining components are put into a drum for retort in the oven. The mercury contaminated components are heated to evaporate the mercury and the vapors are condensed and collected in a flask for sale to other companies.

9. Site Inspections:

On May 16, 2007, Department personnel conducted a compliance inspection of Veolia to ensure compliance with the Resource Conservation and Recovery Act (RCRA) and permit conditions. Linda Dunwoody, Operations Mgr. was not on site at the time. Randy Williams, Operations Supervisor, facilitated the inspection which included a

walk through of the facility and records review. Records are maintained and were reviewed in the Operations Office. Records reviewed included Weekly Sampling Analyses, Contingency Plan, training records, Safety Inspection Log, Daily Facility Inspection Log, Weekly Hazardous Waste Inspection Log, and incoming and outgoing manifest. The visual inspection included the docking areas, universal waste storage and processing areas, the storage building located south of the process building, the crush and sieve room staging area and feed lines, the hazardous waste storage area and the paved area to the north of the process building.

Record Review

Weekly Sampling Analyses required by Permit No. Ho37-82472-004 were reviewed for 2006 and 2007 with two discrepancies noted. These analyses include weekly composite samples of recovered material (i.e. glass and metal) and before and after sample of material being reclaimed.

In accordance with Permit No HO37-82472-004, Veolia is required to sample recovered material (i.e. glass, metal) daily and analyze a composite sample weekly to determine the total mercury content. These analyses must show less than 3 mg/kg average during each 12 week time period and less than 5 mg/kg for any weekly composite. Since Veolia's request for using an alternate procedure was approved, Veolia is not required to meet the reduced limits of Chapter 62-737.840 (3)(d), FAC that became effective January 1, 2000 and reduce the 3 and 5 above to 1 and 3, respectively. Veolia is not required to implement the alternate procedure when analyses show results that are less than 1 or 3, respectively. However, if the results are greater than or equal to 1 or 3, respectively, Veolia is required to implement the alternate procedure. If the results are greater than or equal to 3 or 5, respectively, Veolia is required to resample the subject material, reprocess the material in the crusher separator unit and reprocess the material in the reclamation unit.

The weekly aluminum results for week 5 and 6 in CY 2006 were reported as 3.700 and 3.200, respectively. Both results are above the reduced limit of "less than 3," and therefore would require implementation of the alternate procedure. In addition there were several average results that were 1 or greater. The alternate procedure was not implemented in CY 2006.

A value of 1.4 mg/kg was observed in Veolia's Total Hg for Aluminum and Glass Log for the second week in 2007. The corresponding lab reports showed that composite samples of aluminum were sent to two separate labs. The result reported by Test America was 27.6 mg/kg. The sample sent to IntraNet Lab Services was analyzed

twice. The first result reported was 19 mg/kg and the second result reported was 14 mg/kg. There was no documentation of resampling or reprocessing.

Contingency Plan: A copy of the contingency plan submitted with the current permit application is maintained at the facility.

Training: Training documentation was reviewed with no deficiencies noted.

Operating Logs: The Safety Inspection Log, Daily Facility Inspection Log, and Weekly Hazardous Waste Inspection Log for inspections conducted January 2007 through the present were reviewed with no deficiency noted. There were five incidents in which the inspections of the hazardous waste storage area were spaced longer than 7 days apart (8 days in three cases, 9 in one and 11 in one). I recommended that the inspections be done on the same day of each week to ensure compliance with 40 CFR 265.174 which requires that the inspections be conducted at least weekly.

Manifest: Veolia maintains incoming and outgoing manifests on site for at least three years. Manifests were randomly reviewed for 2007 with no discrepancies noted.

Visual Inspection

Docking Area: The visual inspection began at Dock No. 1. Mr. Williams provided boot covers and explained the internal tracking system as summarized above. There was a partially unloaded truck parked in the loading doc. There were several boxes of lamps remaining on the truck. Some of the boxes were not closed and there were broken lamps on the truck floor. Mr. Williams said that the broken lamps would be swept up and processed through the crush and seive room. There were five consolidation drums by the scales in this area for PCB and non-PCB capacitors, ballast, and transformers. There were also several 5-gallon buckets of batteries waiting for consolidation in the area.

Universal Waste Storage and Processing Area: Ongoing activities at the south end of the building included stripping the plastic covers from fluorescent lamps and removing batteries from emergency lights. No HID lamps were being processed at the time of this inspection. Two mechanized devices designed to process HID lamps and included in the permit application currently under review were on site. Veolia intends to use one and keep the other as a backup pending permit approval. At the time of this inspection, approximately 2,660 fluorescent lamps and 3,000 unprocessed HID lamps were staged at the south end of the building. There were also ~ 3,750 fluorescent lamps staged near the crush and sieve room. The volume of fluorescent and HID lamps appeared to be within the permit limit of 60,000 and 4,000, respectively.

Storage Building: The storage building located to the south of the process building was visually inspected and found to contain only empty containers, product paint, chains and binders.

Hazardous Waste Storage Area: There were 29 containers in the hazardous waste storage area (within the permit limit of 60 55-gallon drums). Four of the containers were 55-gallon drums marked "HP." Mr. Williams explained that the "HP" designation indicates phosphor powder generated on site. Other containers held hazardous waste generated both on and off site. All containers in this area were in good condition, properly labeled, dated and closed.

Satellite Accumulation Areas: Only two satellite accumulation areas were identified by Mr. Williams. One in the crush and sieve room for collecting phosphor powder for retort and one in the mercury disassembly room. Neither of these areas were entered during the inspection.

Large paper board boxes are staged in the building for non-hazardous PPE. Only PPE from the retort operations are managed as hazardous waste. Mop water is also managed as non-hazardous waste. Good house keeping was evident throughout the facility in clean floors and organized storage areas.

10. Summary of Alleged Violations:

Permit Violation Operating Permit HO37-82472-004, Part IV, paragraph 4

Operating Permit HO37-82472-004, Part IV, paragraph 1, requires the Permittee to *"sample recovered material (i.e., glass, metal) daily and analyze a composite sample weekly to determine the total mercury content. These analyses must show less than three (3) ppm mercury average during the 12 week time period and less than five (5) ppm for any weekly composite."*

Paragraph 4 states: *"if the levels of mercury in Condition 1, above are exceeded, the Permittee shall: (a) Resample the subject material; (b) Reprocess the material in the crusher separator unit; and (c) Reprocess the material in the reclamation unit."*

A value of 1.4 mg/kg was observed in Veolia's Total Hg for Aluminum and Glass Log for the aluminum sample taken in the second week of 2007. The corresponding lab reports showed that composite samples of aluminum were sent to two separate labs. The result reported by Test America was 27.6 mg/kg. The sample sent to IntraNet Lab Services was analyzed twice. The first result reported was 19 mg/kg and the second result reported was 14 mg/kg. There was no documentation of resampling or reprocessing.

11. Recommendations:

- a) Veolia needs to ensure that analytical values are accurately transferred to logs being used to demonstrate compliance with Permit No. HO37-82472-004. If the mercury limits stated in Permit No. HO37-82472-004, Part IV, paragraph 1 are exceeded the actions required in paragraph 4 need to be implemented. Documentation of compliance with the above requirements should be maintained for at least three years.
- b) Veolia needs to implement the alternate procedure in order to make up for CY 2006 weekly recovered material results that were not less than 1 or 3mg/kg, respectively.
- c) Recommend that Veolia modify the current weekly hazardous waste inspection schedule so that inspections are done at least once every seven days. This would ensure that no weeks are missed.

Report prepared by: Melissa Woehle Date: July 27, 2007
Melissa Woehle