



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 30 2008

4WD-RCRA

Ms. Lu Burson
Florida Department of Environmental Protection
3319 Maguire Blvd. Suite 232
Orlando, Florida 32803-3767

RECEIVED
NOV 03 2008
DEP Central Dist.

SUBJ: RCRA Compliance Evaluation Inspection
Perma-Fix of Orlando, Inc.
EPA ID Number: FLD980559728

Dear Ms. Burson:

On June 24, 2008, a RCRA Oversight Compliance Evaluation Inspection was conducted by the United States Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) of Perma-Fix of Orlando, Inc. located in Orlando, Florida to determine the facility's compliance status with RCRA.

Enclosed is the EPA RCRA Compliance Evaluation Inspection Report which indicates that violations of RCRA were discovered. Pursuant to the EPA - FDEP Memorandum of Agreement, FDEP is the lead agency for enforcement of the violations discovered during this inspection. If you have any questions, please contact Edmond Burks of my staff, by phone at (404) 562-8587 or by e-mail at burks.edmond@epa.gov.

Sincerely,

For Frank Ney, Acting Chief
South Enforcement and Compliance Section
RCRA & OPA Enforcement
and Compliance Branch

Enclosure

• cc: Janine Kramer - FDEP •



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kurt Fogleman
Environmental, Health & Safety Manger
Perma-Fix, Inc.
10100 Rocket Blvd.
Orlando, Florida 32824

SUBJ: RCRA Compliance Evaluation Inspection
Perma-Fix of Orlando, Inc.
EPA ID No: FLD980559728

Dear Mr. Fogleman:

On June 24, 2008, the U.S. Environmental Protection Agency (EPA), along with the Florida Department of Environmental Protection (FDEP), conducted an RCRA Oversight compliance evaluation inspection of Perma-Fix of Orlando, Inc. located in Orlando, Florida in order to determine its compliance status with RCRA.

Enclosed is the EPA RCRA Compliance Evaluation Inspection Report which indicates that violations of RCRA were discovered. Based on information submitted by Perma-Fix of Orlando, Inc. since the inspection, the violations appear to have been addressed. Pursuant to the EPA - FDEP Memorandum of Agreement, FDEP is the lead agency for enforcement of the violations discovered during this inspection. A copy of this report has also been forwarded to FDEP. If you have any questions, please contact Edmond Burks of my staff, by phone at (404) 562-8587 or by e-mail at burks.edmond@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Alan A. Annicella".

for Frank Ney, Acting Chief
South Enforcement and Compliance Section
RCRA & OPA Enforcement
and Compliance Branch

Enclosure
cc: Lu Burson – FDEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
COMPLIANCE EVALUATION INSPECTION REPORT

1) **Inspector and Author of Report**

Edmond J. Burks, Environmental Scientist
South Section, Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4 (EPA)
Phone: (404) 562-8587 FAX: (404) 562-8566

2) **Facility Information**

Perma-Fix of Orlando, Inc.
10100 Rocket Blvd.
Orlando, Florida 32824 FLD980559728
Facility NAIC code: 562112
Facility Latitude; 28.25 04" Facility longitude; 81.23 10"

3) **Responsible Official (s)**

Kurt Fogleman - Environmental, Health & Safety Manager
Raj Singh - Operations Manager

4) **Inspection Participants**

Raj Singh - PERMA-FIX	John MacDonald - PERMA-FIX
Jeff Waters - FDEP	Janine Kramer - FDEP
Daniel Kuncicky - FDEP	Edmond Burks - EPA

5) **Date and Time of Inspection**

June 24, 2008 10:00 a.m.

6) **Applicable Regulations**

Title 40 Code of Federal Regulations (CFR) Parts 260 through 270 and Florida Statute Part IV Resource Recovery and Management, Section 403.701 and the regulations promulgated pursuant to and set forth at the Florida Administrative Code Annotated Chapter 62-730. The Florida Administrative Code has adopted the CFR by reference therefore citing the CFR is equivalent to the Florida Regulation.

7) **Purpose of Inspection**

To conduct a RCRA Oversight Compliance Evaluation Inspection (CEI) and determine the compliance of the Perma-Fix of Orlando, Inc. facility with the applicable State and Federal RCRA rules and regulations.

8) **Facility Description**

The Perma-Fix of Orlando, Inc., located at 10100 Rocket Boulevard, Orlando, Florida (PERMA-FIX) is a hazardous waste transporter, a 10-day hazardous waste transfer facility and a permitted hazardous waste treatment, storage and disposal facility. Available data and file reviews indicated this location was last inspected by the FDEP October 17, 2007. PERMA-FIX's operations plant consists of one building divided into several departments. Perma-Fix collects hazardous waste from generators utilizing PERMA-FIX 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 26919HO-004, issued November 14, 2003 and expires November 6, 2008. A permit renewal application has been submitted to FDEP.

Prior to accepting waste, the generator's waste stream is evaluated. PERMA-FIX requires strict waste analysis protocol, and requires annual updates. The evaluation is described in the waste analysis plan section of the facility's operating permit. PERMA-FIX may then collect the generators hazardous waste and store the waste for up to a year. PERMA-FIX is currently operating the facility as a 10-day transfer facility. If waste is stored for a period greater than ten days, the waste is transferred to the designated storage area. PERMA-FIX then amends the incoming manifest to reflect the change, the containers are relabeled, and the waste is managed in accordance with permit requirements.

Hazardous wastes are segregated at the facility according to compatibility, pursuant to the permit. Segregated storage areas utilize secondary containment which could minimize a possible release to the environment. PERMA-FIX's permit allows the bulking and consolidation of hazardous waste. Results of the FDEP inspection of October 2007, indicate that PERMA-FIX is not performing bulking and consolidation at this time. PERMA-FIX is seeking renewal of the hazardous waste treatment and storage permit. The permit application has been submitted to the FDEP, and is under review.

9) **Findings**

The findings in this report were discovered during the inspection of the facility. Agency inspectors conducted an entrance interview with the PERMA-FIX representatives. During the entrance interview the inspectors presented their agency credentials. A walk through of the facility operations was conducted. Unless otherwise described, all containers and/or tanks were closed, properly identified, and appeared to be in good condition.

The facility walk through commenced in the permitted storage area. At the time of the inspection, no hazardous waste was stored in this area. Observed in this area were the following; Eight 55-gallon containers of petroleum contact water, and three 55-gallon containers of used oil filters. A cabinet-style storage unit was staged along the northern wall of the permitted storage

9) Findings Cont.

area. The storage unit is to be utilized to store "water reactive" wastes. At the time of the inspection, there was no waste in the "water reactive" storage unit. The unit is equipped with a dry fire extinguisher and will sit inside one of the bermed areas located within the permitted storage area.

The facility walk through proceeded to the Loading Dock. At the time of the inspection, two semi-trucks were being utilized for 10-day storage. PERMA-FIX utilizes a 17,640-gallon frac tank in this location, to store used oil. PERMA-FIX may only store up to 25,000 gallons of used oil, and must remove it within 35 days.

The facility walk through proceeded to the Lab Pack and Bulking Consolidation Area. At the time of the inspection, no hazardous waste was observed in this location. Several 55-gallon containers of oily waste water and used oil destined for the FRAC tank were located in this area. At the time of the inspection, documents were stored in this area. PERMA-FIX must notify the FDEP 10-days prior to reinstating the lab packing and bulking operations in the permitted area. Further, the documents must be removed from the area before lab packing and bulking operation can occur.

Record Review

The PERMA-FIX facility hazardous wastes manifests and land disposal restriction notification forms were reviewed during the inspection. The hazardous waste manifests were found to be in compliance. Weekly inspections were being conducted in the storage area. Training records were available for employees involved in managing hazardous waste. At the time of the inspection, Raj Singh had not completed his hazardous waste training annual refresher. ***PERMA-FIX appears to be in violation of 40 CFR § 264.1(c), this regulation requires that facility personnel take part in, and complete annual personnel training to ensure compliance with hazardous waste management regulations. As such, the facility appears to be illegally storing wastes in violation of RCRA.*** PERMA-FIX officials indicated that Raj Singh would complete his annual refresher by no later than July 25, 2008. At the time of the inspection, the contingency plan's emergency contacts were not current. ***PERMA-FIX appears to be in violation of 40 CFR § 264.52(d), this regulation requires that the facility develop a contingency plan, and the plan must list names, addresses, and phone numbers of persons qualified to act as emergency coordinator, and that the list must be kept up to date. As such, the facility appears to be illegally storing wastes in violation of RCRA.*** PERMA-FIX updated the contact list and has since provided FDEP with a copy.

9) **Findings Cont.**

During the CEI no additional RCRA violations were observed.

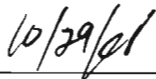
Addendum

PERMA-FIX appears to have failed to comply with RCRA recordkeeping requirements at the time of the inspection. PERMA-FIX has since provided documentation that non-compliance issues observed during the inspection and discussed during the exit interview have been corrected.

10) **Signed**



Edmond J. Burks
Inspector and Author of Report

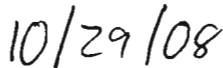


Date

11) **Concurrence and Approval**



For Frank Ney, Acting Chief
South Enforcement and Compliance Section
RCRA & OPA Enforcement
and Compliance Branch



Date