



# Florida Department of Environmental Protection

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7.12 11/12  
Charlie Crist  
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Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

JAN 12 2009

Ms. Glenda Baker, Terminal Manager  
Dana Transport, Inc.  
2700 Buckman Street  
Jacksonville, Florida 32206

Re: Dana Transport, Inc.  
Non-Compliance Letter NCL08-2419HW16NED  
EPA/DEP ID: FLR 000 035 873  
Duval County – Hazardous Waste

Dear Ms. Baker:

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 program compliance inspection conducted on September 10, 2008, indicates that violations of Florida Statutes and Rules may exist at your facility. Florida Department of Environmental Protection (DEP) personnel made observations described in the attached Hazardous Waste Inspection Report. The "Pending Citations" and "Violations Summary" sections of the report list the alleged violations.

Section 403.727, Florida Statutes, provides that it is a violation to fail to comply with rules adopted by the DEP. The activities observed during the DEP's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Rules should be ceased.

PLEASE BE ADVISED that this Non-Compliance Letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), Florida Statutes. It is the DEP's intention to allow you to document compliance or corrective actions, so that this matter can be closed promptly without further enforcement. Your failure to respond in writing within 30 days of receipt of this Non-Compliance Letter may result in the initiation of formal enforcement proceedings. Your written response should either describe what you have done to comply with the requests made in the attached Hazardous Waste Inspection Report or provide evidence to support a claim that the violations did not occur.

Dana Transport, Inc.  
Non-Compliance Letter NCL08-2419HW16NED

Please address your response to me, Jabe Breland III, at [Jabe.Breland@dep.state.fl.us](mailto:Jabe.Breland@dep.state.fl.us) or at the letterhead address above. If you have any questions, you may contact me at 904.807.3381. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



*DBP*

Jabe Breland III  
Environmental Specialist II  
Hazardous Waste Section

Enclosure



**Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report**

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**FACILITY INFORMATION:**

**Facility Name:** Dana Transport Inc

**On-Site Inspection Start Date:** 09/10/2008

**On-Site Inspection End Date:** 09/10/2008

**ME ID#:** 56688

**EPA ID#:** FLR000035873

**Facility Street Address:** 2700 Buckman St, Jacksonville, Florida 32206-3368

**Contact Mailing Address:** 2700 Buckman St, Jacksonville, Florida 32206-3368

**County Name:** Duval

**Contact Phone:** (904) 634-1999

**NOTIFIED AS:**

Transporter

**CURRENT STATUS:**

Transporter

Transfer Facility

**INSPECTION TYPE:**

Routine Inspection for Transporter facility

Routine Inspection for Transfer Facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Jabe Breland, Inspector

**Other Participants:** Glenda Baker

**LATITUDE / LONGITUDE:** Lat 30° 21' 18.8246" / Long 81° 37' 59.36"

**SIC CODE:** 4789 - Trans. & utilities - transportation services, nec

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Dana Transport, Inc. (Dana) was inspected on September 10, 2008, as an unannounced hazardous waste compliance inspection. The facility consists of a lot for vehicle storage, a concrete pad for waste storage, and an office. The facility has one employee and has been in operation for approximately 12 years.

The facility was previously inspected in 1999, which resulted in enforcement and several corrective actions. This report and information is on file.

**Process Description:**

Dana is a hazardous waste transporter and transfer facility located near a heavy industrial area in Jacksonville. The facility stores hazardous waste on its site for only a few days before it is transferred to Geocycle (SCD003368891) for proper treatment/disposal. The hazardous waste originates from Puerto Rico and is brought to Jacksonville via Crowley Liner Services. At the time of inspection, the facility was only handling one waste stream from one generator, which is methanol and ethyl acetate (D001/F003/F005). The facility does not transfer containers, or add/mix waste together on site. Dana only takes the container from the ship, and parks the container on a concrete pad (Photo 1) at its facility until a driver can schedule to take it to the designated TSD. Dana has been using the same drivers for several years, and they are considered independent contractors.

There were several empty containers on site that are for emergency use, or waiting to be tested for structural integrity.

The facility is operating as a transfer facility and as a transporter of hazardous waste. Dana

Inspection Date: 09/10/2008

Transport Inc has been assigned the EPA identification number: FLR 000 035 873. Please use this number on all hazardous waste manifests and on all correspondence with the DEP.

The facility did not have adequate hazardous waste training, which is a violation of 40 CFR 265.16. The facility submitted a contingency plan in accordance with a corrective action condition from consent order executed on June 6th, 2001. This was from a previous enforcement case with the DEP. However, the facility did not have a copy of the plan on site for review, and it is out of date. These are violations of 40 CFR 265.53(a) and 265.54(d), respectively.

The facility was keeping a log of waste entering and exiting the site. This log kept track of volumes, tracking numbers, dates, times, and condition of the container. All manifests were filled out properly and available for review.

The facility submitted its annual notification to the DEP, and has its transporter liability insurance certification. No trucks were on site, but the facility should ensure all vehicles that transport hazardous waste have these documents at all times.

#### **POTENTIAL VIOLATIONS AND AREAS OF CONCERN WITH NO ASSIGNED AREA:**

##### **Pending Potential Violations and Areas of Concern:**

###### **Transporters Checklist**

Type: Violation  
Rule: 265.16(a)(1)  
Question Number: 1.11.3.1  
Explanation: The facility completed HM 126 training for hazardous materials but did not have hazardous waste training for its employees.  
Corrective Action: In order to return to compliance, the facility should train its employees on proper hazardous waste handling procedures relevant to their work responsibilities per 40 CFR 265.16. The facility should prepare a written job description for each position who handles hazardous waste. The facility should submit training records to the DEP.

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Type: Violation  
Rule: 265.53  
Question Number: 1.13.2  
Explanation: The facility submitted a contingency plan in accordance with a corrective action condition of a consent order executed on June 6th, 2001. This was from a previous enforcement case. However, the facility did not have a copy available on site for review.  
Corrective Action: The facility should keep an updated contingency plan on site and available for review at all times. If any changes to the plan occur, a copy should be sent to the DEP.

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Type: Violation  
Rule: 265.54(d)  
Question Number: 1.13.4  
Explanation: The facility did not update its contingency plan with the current emergency coordinator.

Inspection Date: 09/10/2008

**Corrective Action:** The facility should amend the contingency plan whenever changes occur, and submit the updated copy to the DEP.

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**Summary of Potential Violations and Areas of Concern:****Potential Violations**

<b>Rule Number</b>	<b>Area</b>	<b>Date Cited</b>	<b>Explanation</b>
Transporters Checklist 265.16(a)(1)		09/10/2008	The facility completed HM 126 training for hazardous materials but did not have hazardous waste training for its employees.
265.53		09/10/2008	The facility submitted a contingency plan in accordance with a corrective actions condition of a consent order executed on June 6th, 2001. This was from a previous enforcement case. However, the facility did not have a copy available on site for review.
265.54(d)		09/10/2008	The facility did not update its contingency plan with the current emergency coordinator.

**Areas of Concern**

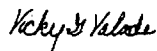
No Areas of Concern

Inspection Date: 09/10/2008

**Signed:**

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Jabe Breland**PRINCIPAL INSPECTOR NAME**Inspector**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**1/9/2009**DATE**Glenda Baker**REPRESENTATIVE NAME**NO SIGNATURE**REPRESENTATIVE SIGNATURE**Dana Transport**ORGANIZATION****Report Approvers:**Vicky Valade**SUPERVISOR NAME**Environmental Manager**SUPERVISOR TITLE****SUPERVISOR SIGNATURE**FDEP**ORGANIZATION**1/9/2009**DATE**

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Not Ok" or areas of concern.



Photo 1                      concrete pad for waste containers  
Dana Transport Inc                      photo by: Jabe Breland

Facility: \_\_\_\_\_  
Date: 9-10-08

### TRANSPORTERS CHECKLIST

1. Site Name: Dana Transport

#### Transporter Requirements (40 CFR 263)

1. Do vehicles transporting hazardous waste have the appropriate placards? (263.10)(49 CFR 172.500) Y X N \_\_\_\_\_
2. Does transporter have an EPA identification number? (263.11(a)) Y X N \_\_\_\_\_
3. Does the transporter use manifest system as required by 263.20? Y X N \_\_\_\_\_

Do the manifests contain at least:

- a. Name, address, and EPA ID of transporter? Y X N \_\_\_\_\_
- b. Name, address, and EPA ID code of generator? Y X N \_\_\_\_\_
- c. Name, address, identification code of designated permitted facility? Y X N \_\_\_\_\_
- d. Corresponding manifest document number? Y X N \_\_\_\_\_
- e. Description and quantity of each hazardous waste? Y X N \_\_\_\_\_
- f. Signature of subsequent transporters? Y X N \_\_\_\_\_
- g. Signatures signifying proper delivery or reasons why delivery could not be certified? Y X N \_\_\_\_\_
- h. EPA waste codes? Y X N \_\_\_\_\_
4. International shipments: (263.20(g)) NA X
- a. Record of date waste left U.S.? Y \_\_\_\_\_ N \_\_\_\_\_
- b. Presence of one signed copy in records? Y \_\_\_\_\_ N \_\_\_\_\_
- c. Signed copy of manifest returned to the generator? Y \_\_\_\_\_ N \_\_\_\_\_
- d. Copy of the manifest given to a U.S. Customs official at the point of departure from the United States? Y \_\_\_\_\_ N \_\_\_\_\_
5. For SQG waste:
- a. Is waste transported according to reclamation agreement? Y \_\_\_\_\_ N \_\_\_\_\_ N/A
- b. Is following information recorded on a shipping paper:



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

Name, address, and EPA ID of waste generator

Y\_\_\_\_N\_\_\_\_ N/A

Quantity of waste accepted

Y\_\_\_\_N\_\_\_\_

DOT - required shipping info

Y\_\_\_\_N\_\_\_\_

Date waste is accepted

Y\_\_\_\_N\_\_\_\_

Y\_\_\_\_N\_\_\_\_

c. Does transporter carry this shipping paper during transport?

Y\_\_\_\_N\_\_\_\_

d. Are records maintained for three years after termination or expiration of reclamation agreement?

Y\_\_\_\_N\_\_\_\_

6. Are copies of the manifest retained for 3 years? (263.22)

Y\_\_\_\_N\_\_\_\_

7. Is there evidence of discharge of hazardous waste? (263.30)

Y\_\_\_\_N\_\_\_\_

8. Has transporter demonstrated the financial responsibility required under 62-730.170(2)

Y\_\_\_\_N\_\_\_\_

9. Does the transporter verify financial responsibility with the Department annually (62-730.170(3))?

### Transfer Facility Requirements (62-730.171)

1. Does transporter comply with 10 day storage limit for transfer facilities?  
(263.12) Y X N\_\_\_\_

Y X N\_\_\_\_

a. Is the hazardous waste packaged according to 262.30? (263.12)

2. General Facility Standards (265 Subpart B)

a. Security (265.14)

(1) Is the facility security system adequate to minimize unauthorized entry?

Y X N\_\_\_\_

(2) Are signs posted and legible for 25 feet?

Y X N\_\_\_\_

b. Inspection Requirement (265.15)

(1) Does the facility have a copy of the Inspection Plan?

Y X N\_\_\_\_

(2) Does the facility have completed inspection logs?

Y X N\_\_\_\_

(3) Were the deficiencies corrected in a timely manner?

Y X N\_\_\_\_

(4) Are the inspection logs maintained at the facility for 3 years?

Y X N\_\_\_\_

c. Personnel Training (265.16)

(1) Do management personnel complete hazardous waste training?

Y\_\_\_\_N X Violation

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

Is training on the job?  
Is training in the classroom?

Y \_\_\_\_\_ N \_\_\_\_\_  
Y \_\_\_\_\_ N \_\_\_\_\_

Facility personnel  
have completed a  
HazMat course  
along with all the  
drivers, but no  
HazWaste training  
has been completed

(2) Do laborers who handle hazardous waste complete training?

Y \_\_\_\_\_ N X

Is training on the job?  
Is training in the classroom?

Y \_\_\_\_\_ N \_\_\_\_\_  
Y \_\_\_\_\_ N \_\_\_\_\_

(3) Does training include:

Emergency response procedures?  
Inspection procedures?  
Operation of hazardous waste handling equipment?

Y \_\_\_\_\_ N X  
Y \_\_\_\_\_ N X  
Y \_\_\_\_\_ N X

(4) How often is training reviewed? \_\_\_\_\_

(5) Does the facility have personnel training records including:

Job title and description of position?  
Description of employee's training

Y \_\_\_\_\_ N X  
Y \_\_\_\_\_ N X

(6) Is training successfully completed within 6 months of hiring/  
transfer to HW position?

Y \_\_\_\_\_ N X

(7) Are records maintained for three years at the facility?

Y \_\_\_\_\_ N X

d. Ignitable, Reactive, or Incompatible Waste (265.17)

(1) Is the waste separated and confined from sources of ignition or  
reaction, sparks, spontaneous ignition, and radiant heat?

Y X N \_\_\_\_\_

(2) Are "No Smoking" signs posted in the area?

Y X N \_\_\_\_\_

### 3. Preparedness and Prevention (265 Subpart C)

a. Is there evidence of fire, explosion or contamination of the  
environment? (265.31 Maintenance and Operation of Facility)

Y \_\_\_\_\_ N X

If yes, use narrative explanation.

b. Is the facility equipped with (265.32 - required equipment):

(1) Internal communications or alarm system?  
Is it easily accessible in case of emergency?

Y X N \_\_\_\_\_  
Y X N \_\_\_\_\_

(2) Telephone or two-way radio to call emergency response  
personnel?

Y X N \_\_\_\_\_

(3) Portable fire extinguishers, fire control equipment, spill control  
equipment and decontamination equipment?

Y X N \_\_\_\_\_

Is this equipment tested to assure its proper operation?

Y X N \_\_\_\_\_

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

How frequently? \_\_\_\_\_

(4) Water of adequate volume for hoses, sprinklers or water spray system?

Y ☒ N \_\_\_\_\_

(a) Describe source of water. city

(b) Indicate flow rate and/or pressure and storage capacity, \_\_\_\_\_  
if applicable. \_\_\_\_\_

c. Is there sufficient aisle space to allow unobstructed movement of personnel and equipment? (e.g., adequate aisle space in between barrels to check for leakage, corrosion and proper labeling, etc.) (265.35 - Required Aisle Space)

Y ☒ N \_\_\_\_\_

d. Has the owner/operator made arrangements with the local authorities to familiarize them with characteristics of the facility? (Layout of facility, properties of hazardous waste handled and associated hazards, places where facility personnel would normally be working, entrances to roads inside facility, possible evacuation routes.) (265.37 - Arrangements with Local Authorities)

Y ☒ N \_\_\_\_\_ NA \_\_\_\_\_

If NA, explain \_\_\_\_\_

e. In the case that more than one police or fire department might respond, is there a designated primary authority? (265.37 - Arrangements with Local Authorities)

Y \_\_\_\_\_ N \_\_\_\_\_ NA ☒

If yes, indicate primary authority. \_\_\_\_\_  
Is the fire department a city or volunteer fire department? \_\_\_\_\_

f. Does the owner/operator have phone number of and agreements with state emergency response teams, emergency response contractors and equipment suppliers? (265.37 - Arrangements with Local Authorities)

Y ☒ N \_\_\_\_\_

Are they readily available to the emergency coordinator?

Y ☒ N \_\_\_\_\_

g. Has the owner/operator arranged to familiarize local hospitals with the properties of hazardous waste handled and types of injuries that could result from fires, explosions, or releases at the facility? (265.37 - Arrangements with Local Authorities)

Y ☒ N \_\_\_\_\_

If no, has the owner/operator attempted to do this?

Y \_\_\_\_\_ N \_\_\_\_\_

h. If the State, or local authorities decline to enter into the above referenced agreements, has this been documented in the operation record? (265.37 - Arrangements with Local Authorities)

Y \_\_\_\_\_ N \_\_\_\_\_ N/A

4. Contingency Plan and Emergency Procedures (265 Subpart D)

a. Does the facility have a contingency plan? (265.51 - Purpose and Implementation of Contingency Plan)

Y ☒ N \_\_\_\_\_



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

b. Is it maintained at the facility? (265.53 - Copies of Contingency Plan) Y \_\_\_ N X Violation

c. Is the contingency plan a revised SPCC Plan (265.52 - Content of Contingency Plan) Y \_\_\_ N X

(1) Does the plan include:

(a) Action personnel will take? Y \_\_\_ N \_\_\_

(b) Evacuation routes? Y \_\_\_ N \_\_\_

(c) Emergency Equipment? Y \_\_\_ N \_\_\_

(d) Is the emergency equipment properly inspected and maintained? Y \_\_\_ N \_\_\_

d. Is there an emergency coordinator on site or within short driving distance of the plant at all times? (265.55 - Emergency Coordinator) Y X N \_\_\_

e. Who is the emergency coordinator? Glenda Baker \* But this is not updated on the

submitted Contingency Plan, which is a violation of 40 CFR 265.54(d).

f. Has the facility supplied local police and fire departments with a copy of the contingency plan? (265.53(b) - Content of Contingency Plan) Y X N \_\_\_

g. Has the facility supplied DEP with a copy of the Contingency Plan? (62-730.171(2)(a)) Y X N \_\_\_

5. Container Storage Checklist (Subpart I - Use and Management of Containers 265.170)

a. Are the containers in good condition (265.171)? (check for leaks, corrosion, bulges, etc.) Y X N \_\_\_

b. If a container is found to be leaking, does the operator transfer the hazardous waste from the leaking container? Y X N \_\_\_

c. Is the waste compatible with the containers and/or its liner? (265.172) Y X N \_\_\_

d. Are containers holding hazardous waste opened, handled or stored in such a manner as to cause the container to rupture or leak? (265.173) Y \_\_\_ N X

If yes, explain using narrative.

e. Are each of the containers inspected at least weekly (265.174)? Y X N \_\_\_

If no, explain using narrative concerning the frequency of inspection.

f. Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line? (265.176) Y X N \_\_\_

If yes, explain using narrative.

g. Are incompatible wastes stored in the same containers? Y \_\_\_ N X

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

If yes, explain using narrative.

h. Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance?

Y X N \_\_\_\_\_

If no, explain using narrative.

6. Does facility have a written closure plan satisfying requirements of closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112(c), 265.114, 265.115? (62-730.171(2)(b))

Y X N \_\_\_\_\_ on file

Has the facility supplied DEP with a copy of the plan?

Y X N \_\_\_\_\_

7. Is hazardous waste that is stored in containers or vehicles stored on a man made surface which is capable of preventing spills or releases to the ground? (62-730.171(2)(d))

Y X N \_\_\_\_\_

8. Is a written log maintained for all waste entering or leaving the transfer facility? (62-730.171(2)(e))

Y X N \_\_\_\_\_

Does the log contain:

Generators' names?

Y X N \_\_\_\_\_

Manifest numbers?

Y X N \_\_\_\_\_

Dates when waste enters and leaves facility?

Y X N \_\_\_\_\_

9. Has the facility notified the department on Form 62-730.900(6) (Transfer facility notification form)? (62-730.171(3))

Y X N \_\_\_\_\_

10. Does the transfer facility have an EPA/DER ID number?

Y X N \_\_\_\_\_

**Unregulated Wastes**  
(Household/Conditionally Exempt/Small Quantity Generator Wastes)

NA X

1. Does the transporter have documentation that this waste was generated by an unregulated source?

Y \_\_\_\_\_ N \_\_\_\_\_

2. If no, is the transporter assuming responsibility as the generator of this waste?

Y \_\_\_\_\_ N \_\_\_\_\_

a. If yes, complete the applicable Generator or Small Quantity Generator checklist.

b. If no, the inspector should inform the transporter that he will be held responsible as the generator of the waste and will be reinspected to ensure that the applicable requirements are being satisfied. A follow-up inspection should be scheduled as follows:

(1) 90 days after initial inspection if the quantity of "unregulated"

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

wastes on site exceed 1000 kg.

(2) 180 days after initial inspection if the quantity of "unregulated" wastes on site are less than 1000 kg.

3. Does the transporter mix/consolidate hazardous wastes of different DOT shipping descriptions 263.10(c)(2)?

Y \_\_\_\_\_ N \_\_\_\_\_

If yes, complete the Generator checklist.

#### Land Disposal Restrictions

1. Does the transporter manage restricted (land ban) wastes?

Y \_\_\_\_\_ N X

If yes, check appropriate box(es).

"California List"  
F--- List Solvents  
First Third  
Second Third  
Third Third  
Soil and Debris

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_