



# Florida Department of Environmental Protection

Northeast District Office  
7825 Baymeadows Way, Suite 200B  
Jacksonville, Florida 32256-7590

File 2/13

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

FEB 16 2009

## CERTIFIED MAIL - RETURN RECEIPT

Ms. Ileana Smothers, Facility Manager  
Cliff Berry, Inc.  
1518 Talleyrand Av.  
Jacksonville, Florida 32206

**Re: Cliff Berry, Inc.  
Non-Compliance Letter NCL08-2425HWSNY16NED  
EPA/DEP ID: FLR 000 119 784  
Duval County - Hazardous Waste**

Dear Ms. Smothers:

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. Hazardous waste program compliance inspections were conducted on August 6, 2007, and on November 7, 2008, which indicate 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 inspection report. The "Summary of Potential Violations and Corrective Actions" section of the report lists 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

Cliff Berry, Inc.

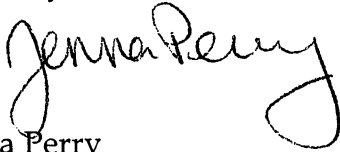
Warning Letter NCL08-2425HWSNY16NED

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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.

Please address your response to me, Jenna Perry, at [Jenna.D.Perry@dep.state.fl.us](mailto:Jenna.D.Perry@dep.state.fl.us) or at the letterhead address above. If you have any questions, you may contact me at 904.807.3382. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jenna Perry". The signature is written in dark ink and is positioned above the printed name and title.

Jenna Perry  
Environmental Specialist II  
Hazardous Waste Section

Enclosure

## HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Compliance

FACILITY NAME: Cliff Berry, Inc.

DEP/EPA ID #: FLR 000 119 784

STREET ADDRESS: 1518 Talleyrand Av., Jacksonville, Florida 32206

MAILING ADDRESS: same as above

COUNTY: Duval PHONE: 904.356.5516 DATE: 8/6/07  
11/7/08

TIME: 2:00 p.m.  
2:30 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. RESPONSIBLE OFFICIAL: Ileana Smothers, Facility Manager

3. INSPECTION PARTICIPANTS: Ileana Smothers

08/06/07: Drew Brown, Jenna Perry - FDEP

11/07/08: Ashwin Patel, Jenna Perry - FDEP

4. LATITUDE/LONGITUDE: N 30° 20' 29.47" / W 081° 37' 50.76"

5. TYPE OF OWNERSHIP: private

6. SIC CODE: 4212, 4213

7. GLOSSARY OF TERMS:

CFR - Code of Federal Regulations

F.A.C. - Florida Administrative Code

F.S. - Florida Statutes

#### **PROCESS DESCRIPTION:**

Cliff Berry, Inc. (CBI) was inspected on August 6, 2007, and on November 7, 2008, as unannounced hazardous waste compliance inspections.

CBI provides emergency response cleanup for transportation accidents and the clean up and removal of hazardous and non-hazardous waste from industrial spills. CBI is also a registered used oil and used oil filter transporter. All sections of 40 CFR cited in this report have been adopted by reference in Chapter 62-730, Florida Administrative Code (FAC).

On May 11, 2005, CBI, Jacksonville branch, notified the Department that it was a hazardous waste and used oil transporter, a used oil transfer facility, a used oil processor, and a used oil marketer. A subsequent notification on June 17, 2008, showed the facility to be a hazardous waste and used oil transporter, used oil processor, and used oil filter transporter. On February 12, 2007, CBI applied for a permit to become a used oil processor. The Department issued an Intent to Issue permit letter to CBI on March 13, 2008. According to Ms. Ileana Smothers, CBI has placed its used oil processing intentions on hold for the foreseeable future. The facility re-notified on September 02, 2008, as a hazardous waste and used oil transporter, a used oil filter transporter, and a used oil processor.

#### **INSPECTION:**

CBI accepts and transports hazardous waste, used oil and used oil filters. CBI has fulfilled the requirements of Rule 62-730, FAC, to transport hazardous waste and Rule 62-710, FAC, to transport used oil.

According to the hazardous waste manifests supplied by the facility, CBI is accepting and transporting Small Quantity Generator (SQG) and Large Quantity Generator (LQG) amounts of hazardous waste. A hazardous waste manifest is required to accompany shipments of SQG and LQG hazardous waste.

A review of the facility's hazardous waste manifests during both inspections showed that the facility was missing the signature and date of acceptance of the treatment, storage, or disposal (TSD) facility on numerous manifests, including two manifests from the 08/06/07 inspection (numbers 000466701 and 000466702) and nearly all of the manifests examined during the 11/07/08 inspection. **Failure of a hazardous waste transporter to obtain the date of delivery and the handwritten signature of the owner or operator of the designated facility on the manifest is a violation of 40 CFR 263.20(d).**

The hazardous waste manifests supplied by the facility during both inspections (see Tables 1 and 2) indicate that CBI stored hazardous waste that requires a manifest longer

than 24 hours at its facility prior to delivery to the designated disposal facility. During the 11/07/08 inspection, Ms. Smothers stated that hazardous waste is not kept on site for more than 24 hours, but that it is often delivered to CBI's transfer facility in Miami where it is held for several days before final delivery to the disposal facility. Ms. Smothers also stated that this delivery to the transfer facility is not marked on the manifests. **This is an area of concern.** The facility should acquire the waste tracking records from the transfer facility for the shipments listed in Tables 1 and 2. These records should be submitted to the Department for review.

**Table 1 from the 08/06/07 Inspection**

<b>Manifest Number</b>	<b>Accept Date</b>	<b>Deliver Date</b>	<b>Amount Gallons</b>	<b>Amount Pounds</b>	<b>Elapsed Days</b>
000466698	01/27/07	02/02/07	110		6
000466700	02/10/07	02/16/07	110		6
000466701	02/20/07	03/01/07	330	5	9
000466707	03/01/07	03/08/07	110		7
000462023	04/02/07	04/09/07	110		7
000462017	05/05/07	05/10/07	110		5
000462016	05/08/07	05/10/07	415		2
000462012	05/28/07	06/01/07	220		4
000462014	05/28/07	06/01/07	15	20	4
000466710	06/21/07	06/27/07	110		6
000466143	07/09/07	07/12/07	110		3
000466125	07/17/07	07/26/07		450	9

**Table 2 from the 11/07/08 Inspection**

<b>Manifest Number</b>	<b>Accept Date</b>	<b>Deliver Date</b>	<b>Elapsed Days</b>
000462135	01/17/08	01/27/08	>3
000462131	02/04/08	02/11/08	7
000462123	02/26/08	03/12/08	15
000462129	02/14/08	02/19/08	5
000462125	02/16/08	02/19/08	3
000462130	02/14/08	02/19/08	5
000462091	07/24/08	08/06/08	13
004792061	09/12/08	09/18/08	6

A review of the facility's used oil acceptance records during the 11/07/08 inspection showed that the facility was missing documentation of halogen screening on two separate manifests. **Failure of a used oil transporter to document the halogen screening of used oil shipments is a violation of 40 CFR 279.44(d).**

According to Ms. Smothers, CBI routinely performs training for its used oil transporting activities; however, the facility was unable to provide documentation of this training during the 11/07/08 inspection. Ms. Smothers stated that this information is kept at CBI's corporate office. **Failure of a used oil transporter to maintain a record of training in the facility's operating record, including the dated signature of those receiving and providing the training, and to have the training record available for review during the inspection is a violation of Rule 62-710.600(2)(c), FAC.**

On 11/18/2008, the facility notified the Department of its intent to become a used oil transfer facility. CBI has installed double-walled tanks to house the used oil, including one 15,000-gallon tank with two compartments of 10,000 and 5,000-gallon capacities, one 2,000-gallon tank, and one 4,000-gallon tank.

Waste disposal records indicate that CBI is transporting universal waste fluorescent lamps. At the time of the inspection, the facility was not a registered universal waste transporter. **Failure to register as a universal waste lamp transporter is a violation of Rule 62-737.400(3)(a)(2), FAC.**

CBI has been assigned the EPA identification number: FLR 000 119 784. Please use this number on all hazardous waste manifests and on all correspondence with the DEP.

#### **SUMMARY OF POTENTIAL VIOLATIONS AND CORRECTIVE ACTIONS:**

Within thirty days of the receipt of this report, the facility should provide the DEP inspector, Jenna Perry, with a letter stating that it has taken the corrective actions listed below. This letter should be written on company letterhead and signed by the owners/operators of the facility.

##### **1. 40 CFR 263.20(d) – Hazardous Waste Manifest: TSD Signature** **VIOLATION:**

The facility failed to maintain a copy of the hazardous waste manifest with the date of delivery and the handwritten signature of the owner or operator of the designated facility on two manifests from the 08/06/07 inspection (numbers 000466701 and 000466702) and nearly all of the manifests examined during the 11/07/08 inspection.

##### **CORRECTIVE ACTION:**

In order to return to compliance, the facility should ensure that it maintains a copy of the hazardous waste manifest on-site that is signed and dated by the owner or operator of the designated facility.

**2. 40 CFR 279.44(d) – Failure to Maintain Records that Used Oil is not Hazardous Waste**  
**VIOLATION:**

The facility failed to document halogen screening, and thus document that the used oil CBI is transporting is not a hazardous waste, on two used oil acceptance records found during the 11/07/08 inspection.

**CORRECTIVE ACTION:**

The facility should maintain records that the used oil it transports is not a hazardous waste. These records should be maintained for a minimum of three years.

**3. Rule 62-710.600(2)(c), FAC – Used Oil Transporter Training Records**  
**VIOLATION:**

CBI stated that it trains its used oil transporter employees but had no records to document this training.

**CORRECTIVE ACTIONS:**

In order to return to compliance, CBI should maintain a record of training on-site in the company's operating record and individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training.

**4. Rule 62-737.400(3)(a)(2), FAC – Universal Waste Lamp Transporter Registration**  
**VIOLATION:**

The facility failed to register as a universal waste lamp transporter.

**CORRECTIVE ACTIONS:**

In order to return to compliance, the facility should comply with the requirements for registration pursuant to Section 62-737.400, FAC, a copy of which is attached.

**Area of Concern – 24 Hour Hazardous Waste Requirement (Rule 62-730.171(2), FAC)**

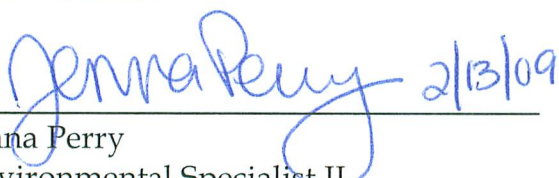
Hazardous waste manifests indicate that the facility is storing hazardous waste on-site for longer than 24 hours. Ms. Smothers stated that hazardous waste is not kept on site for more than 24 hours, but that it is often delivered to CBI's transfer facility in Miami where it is held for several days before final delivery to the disposal facility. Ms. Smothers also stated that this delivery is not marked on the manifests.

The facility should acquire the waste tracking records from the transfer facility for the shipments listed in Tables 1 and 2. These records should be submitted to the Department for review. For future shipments, CBI should begin maintaining a written record of when all hazardous waste enters and leaves the facility. The record should

Cliff Berry, Inc.  
Hazardous Waste Inspection  
of August 6, 2007

include the generator's name, the generator's EPA/DEP identification number, and the manifest number. For CESQGs without an EPA/DEP identification number, the record should include the name and address of the generator.


Site Inspector:

 2/13/09  
\_\_\_\_\_  
Jenna Perry  
Environmental Specialist II  
Hazardous Waste Section

Approved by:

 2/13/09  
\_\_\_\_\_  
Vicky G. Valade  
Environmental Manager  
Hazardous Waste Section

Approved by:

 2/13/09  
\_\_\_\_\_  
Ashwin B. Patel  
Hazardous Waste Supervisor  
Hazardous Waste Section





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

### Transporters Checklist

#### Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Transporter Requirements (40 CFR 263) Completed		Ok	Not Ok	Unk	N/A
1.1	Do vehicles transporting hazardous waste have the appropriate placards?	✓			
1.2	Does transporter have an EPA identification number?	✓			
1.3	Does the transporter use manifest system as required by 263.20?	✓			
1.3.1	Do the manifests contain at least: <input checked="" type="checkbox"/> Name, address, and EPA ID of transporter? <input checked="" type="checkbox"/> Name, address, and EPA ID code of generator? <input checked="" type="checkbox"/> Name, address, identification code of designated permitted facility? <input checked="" type="checkbox"/> Corresponding manifest document number? <input checked="" type="checkbox"/> Description and quantity of each hazardous waste? <input type="checkbox"/> Signature of subsequent transporters? <input type="checkbox"/> Signatures signifying proper delivery or reasons why delivery could not be certified? <input checked="" type="checkbox"/> EPA waste codes?		✓		
1.4	International shipments:				
1.4.1	Record of date waste left U.S.?				✓
1.4.2	Presence of one signed copy in records?				✓
1.4.3	Signed copy of manifest returned to the generator?				✓
1.4.4	Copy of the manifest given to a U.S. Customs official at the point of departure from the United States?				✓
1.5	For SQG waste:				
1.5.1	Is waste transported according to reclamation agreement?	✓			
1.5.2	Is following information recorded on a shipping paper: <input checked="" type="checkbox"/> Name, address, and EPA ID of waste generator. <input checked="" type="checkbox"/> Quantity of waste accepted. <input checked="" type="checkbox"/> DOT - required shipping info. <input type="checkbox"/> Date waste is accepted	✓			
1.5.3	Does transporter carry this shipping paper during transport?	✓			
1.5.4	Are records maintained for three years after termination or expiration of reclamation agreement?	✓			
1.6	Are copies of the manifest retained for 3 years?	✓			
1.7	Is there evidence of discharge of hazardous waste?	✓			
1.8	Has transporter demonstrated the financial responsibility required under 62-730.170(2)	✓			
1.9	Does the transporter verify financial responsibility with the Department annually?	✓			



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### HAZARDOUS WASTE INSPECTION CHECK LIST

Transporter Requirements (40 CFR 263) Completed		Ok	Not Ok	Unk	N/A
1.9		✓			

Transfer Facility Requirements (62-730.171) Completed		Ok	Not Ok	Unk	N/A
1.10	Does transporter comply with 10 day storage limit for transfer facilities?				✓
1.10.1	Is the hazardous waste packaged according to 262.30?				✓
1.11	General Facility Standards (265 Subpart B)				
1.11.1	Security				
1.11.1.1	Is the facility security system adequate to minimize unauthorized entry?				✓
1.11.1.2	Are signs posted and legible for 25 feet?				✓
1.11.2	Inspection Requirement				
1.11.2.1	Does the facility have a copy of the Inspection Plan?				✓
1.11.2.2	Does the facility have completed inspection logs?				✓
1.11.2.3	Were the deficiencies corrected in a timely manner?				✓
1.11.2.4	Are the inspection logs maintained at the facility for 3 years?				✓
1.11.3	Personnel Training				
1.11.3.1	Do management personnel complete hazardous waste training? <input type="checkbox"/> Is training on the job? <input type="checkbox"/> Is training in the classroom?				✓
1.11.3.3	Do laborers who handle hazardous waste complete training? <input type="checkbox"/> Is training on the job? <input type="checkbox"/> Is training in the classroom?				✓
1.11.3.6	Does training include emergency response procedures, inspection procedures, and operation of hazardous waste handling equipment?				✓
1.11.3.7	How often is training reviewed? n/a				
1.11.3.9	Does the facility have personnel training records including job title, description of position, and description of employee's training?				✓
1.11.3.10	Is training successfully completed within 6 months of hiring/transfer to HW position?				✓
1.11.3.11	Are records maintained for three years at the facility?				✓
1.11.4	Ignitable, Reactive, or Incompatible Waste				
1.11.4.1	Is the waste separated and confined from sources of ignition or reaction, sparks, spontaneous ignition, and radiant heat?				✓
1.11.4.2	Are "No Smoking" signs posted in the area?				✓
1.12	Preparedness and Prevention (265 Subpart C)				
1.12.1	Is there evidence of fire, explosion or contamination of the environment?				✓
1.12.2	Is the facility equipped with (265.32 - required equipment):				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Transfer Facility Requirements (62-730.171) Completed		Ok	Not Ok	Unk	N/A
1.12.2.1	Internal communications or alarm system? Is it easily accessible in case of emergency?				✓
1.12.2.2	Telephone or two-way radio to call emergency response personnel?				✓
1.12.2.3	Portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment?  <input type="checkbox"/> Is this equipment tested to assure its proper operation? How many times per year? 0				✓
1.12.3	Water of adequate volume for hoses, sprinklers or water spray system?  Describe source of water. Indicate flow rate and/or pressure and storage capacity, if applicable.				✓
1.12.4	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.)				✓
1.12.4.1	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.)				✓
1.12.5	In the case that more than one police or fire department might respond, is there a designated primary authority? If yes, indicate primary authority Is the fire department a city or volunteer fire				✓
1.12.6	Does the owner/operator have phone number of and agreements with state emergency response teams, emergency response contractors and equipment suppliers? <input type="checkbox"/> Are they readily available to the emergency coordinator?				✓
1.12.7	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?  <input type="checkbox"/> If no, has the owner/operator attempted to do this?				✓
1.12.8	If the State, or local authorities decline to enter into the above referenced agreements, has this been documented in the operation record?				✓
1.13	Contingency Plan and Emergency Procedures (265 Subpart D)				
1.13.1	Does the facility have a contingency plan?				✓
1.13.2	Is it at the facility and easily available?				✓
1.13.3	Is the contingency plan a revised SPCC Plan				✓
1.13.3.1	Does the plan include: <input type="checkbox"/> Action personnel will take? <input type="checkbox"/> Evacuation routes? <input type="checkbox"/> Emergency Equipment?				✓
1.13.3.5	Is the emergency equipment properly inspected and maintained?				✓
1.13.4	Is there an emergency coordinator on site or within short driving distance of the plant at all times?				✓
1.13.5	Who is the emergency coordinator? n/a				
1.13.6	Has the facility supplied local police and fire departments with a copy of the contingency plan?				✓
1.13.7	Has the facility supplied DEP with a copy of the Contingency Plan?				✓
1.14	Container Storage Checklist (Subpart I - Use and Management of Containers 265.170)				



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Transfer Facility Requirements (62-730.171) Completed		Ok	Not Ok	Unk	N/A
1.14					
1.14.1	Are the containers in good condition? (check for leaks, corrosion, bulges, etc.)				✓
1.14.2	If a container is found to be leaking, does the operator transfer the hazardous waste from the leaking container?				✓
1.14.3	Is the waste compatible with the containers and/or its liner?				✓
1.14.4	Are containers holding hazardous waste opened, handled or stored in such a manner as to cause the container to rupture or leak?				✓
1.14.5	Are each of the containers inspected at least weekly?				✓
1.14.6	Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line?				✓
1.14.7	Are incompatible wastes stored in the same containers?				✓
1.14.8	Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance?				✓
1.15	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? <input type="checkbox"/> Has the facility supplied DEP with a copy of the plan?				✓
1.16	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?				✓
1.17	Is a written log maintained for all waste entering or leaving the transfer facility?				✓
1.17.1	Does the log contain: <input type="checkbox"/> Generators' names? <input type="checkbox"/> Manifest numbers? <input type="checkbox"/> Dates when waste enters and leaves facility?				✓
1.18	Has the facility notified the department on Form 17-730.900(6) (Transfer facility notification form)?				✓
1.19	Does the transfer facility have an EPA/DER ID number?				✓

Unregulated Wastes (Household/Conditionally Exempt/Small Quantity Generator Wastes) Completed		Ok	Not Ok	Unk	N/A
1.20	Does the transporter have documentation that this waste was generated by an unregulated source?  If yes, complete the applicable Generator or Small Quantity Generator checklist. <input type="checkbox"/> If no, is the transporter assuming responsibility as the generator of this waste?	✓			
1.21.2	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: <input type="checkbox"/> 90 days after initial inspection if the quantity of "unregulated" wastes on site exceed <input type="checkbox"/> 180 days after initial inspection if the quantity of "unregulated" wastes on site are less				
1.22	Does the transporter mix/consolidate hazardous wastes of different DOT shipping descriptions 263.10(c)(2)? If yes, complete the Generator checklist.	✓			

Land Disposal Restrictions Completed		Ok	Not Ok	Unk	N/A
1.23	Does the transporter manage restricted (land ban) wastes? If yes, check appropriate box(es). <input type="checkbox"/> "California List"	✓			



**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**HAZARDOUS WASTE INSPECTION CHECK LIST**

Land Disposal Restrictions Completed		Ok	Not Ok	Unk	N/A
1.23	<input type="checkbox"/> F--- List Solvents <input type="checkbox"/> First Third <input type="checkbox"/> Second Third <input type="checkbox"/> Third Third <input type="checkbox"/> Soil and Debris	✓			



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### HAZARDOUS WASTE INSPECTION CHECK LIST

#### Pre-Inspection Checklist

##### Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Pre-Inspection Review Completed		Ok	Not Ok	Unk	N/A
26.1	Facility failed to notify with the correct status.	✓			
26.2	Facility failed to notify change of status.	✓			
26.3	Did the facility conduct a waste determination on all wastes generated?	✓			



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

### Used Oil Processor

Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

40 CFR 279 Subpart F -Processor Standards Completed		Ok	Not Ok	Unk	N/A
28.1	Is the facility exempt under any of the following? NOTE: If either of the following checkboxes are checked then go back to the Cover Page and de-select this checklist from this inspection. <input type="checkbox"/> Transporter or burner processing incidental to normal course of operations? <input type="checkbox"/> Processors who also generate, transport, market, dispose or burn used oil must comply				✓
28.2	Check other Subparts the marketer complies with. (If any of the following checkboxes are checked, such as Transporter, then also select and complete the corresponding checklist, such as Used Oil Transporter.) <input type="checkbox"/> C -Generator <input checked="" type="checkbox"/> E -Transporter <input checked="" type="checkbox"/> F -Processor <input type="checkbox"/> G ?Burner	✓			
28.3	Does the processor have an EPA ID Number?	✓			
28.4	Is the processor registered?	✓			
28.5	Does the processor have a used oil processing permit?	✓			
28.6	For new facilities, was the used oil processing permit submitted prior to beginning operation?	✓			
28.6.1	For existing facilities, was the notification for renewal submitted 60 days prior to expiration of the general permit?				✓

Existing Oil Filter Processing Standards-62-710.850 F.A.C. Completed		Ok	Not Ok	Unk	N/A
28.7	Is the Facility a registered used oil filter process? (NOTE: If the facility processes used oil filters then they must be registered as a used oil filter processor, except that oil filter generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor.)				✓
28.8	Are the filters stored in above ground containers which are (All of the following checkboxes must be checked for this question to be marked Ok, otherwise this question must be marked as Not Ok.): <input type="checkbox"/> In good condition? <input type="checkbox"/> Closed or otherwise protected from weather? <input type="checkbox"/> Labeled "Used Oil Filters"? <input type="checkbox"/> Stored on an oil impervious surface?				✓
28.9	Are records maintained on DEP Form 62-710.900(2) or equivalent that include destination or end use of the processed filters and name and street address of each destination or end user?				✓
28.9.1	Are copies kept at the facility's street address for 3 years?				✓
28.10	Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records?				✓

Oil Management Standards 279.54 Completed		Ok	Not Ok	Unk	N/A
28.11	Is used oil stored only in tanks or containers?				✓



# **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** **HAZARDOUS WASTE INSPECTION CHECK LIST**

Oil Management Standards 279.54 Completed		Ok	Not Ok	Unk	N/A
28.12	If the facility has tanks, do they comply with 62.761 and 62.762 F.A.C. rules?				✓
28.12.1	Applicable to USTs over 110 gallons and ASTs over 550 gallons. Describe, including number and size of tanks, noting registration numbers if applicable, and compliance status. 15000 gallon tank with two compartments: 10000 and 5000 gallon capacitiesOne 2000 gallon tankOne 4000 gallon tank				
28.12.2	Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e), 62-710.401(6).				✓
28.13	Are containers and tanks in good condition and not leaking?				✓
28.14	Are containers provided with secondary containment consisting of walls and floor at a minimum? <input type="checkbox"/> Is the containment system impervious to oil so as to prevent migration?				✓
28.15	Are ASTs, UST tank fill lines and containers labeled "used oil"?				✓
28.16	Does the facility clean up releases of used oil, repairing or replacing any leaking units as applicable?				✓

General Facility Standards -279.52 Completed		Ok	Not Ok	Unk	N/A
28.17	Is the facility maintained and operated to prevent a fire, explosion or planned or unplanned release of used oil to the air, soil, or water which could threaten human health or the environment?				✓
28.18	Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel?				✓
28.19	Is there a telephone, alarm, 2-way radio or other device immediately available and capable of summoning assistance from local fire departments?				✓
28.19.1	Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee?				✓
28.20	Is the fire control equipment adequate?  Describe				✓
28.21	Is spill control and decontamination equipment present?				✓
28.22	If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure?				✓
28.23	Is the emergency equipment inspected and tested periodically?  Frequency				✓
28.24	Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed?				✓
28.25	Has the facility made emergency response arrangements with the following:  <input type="checkbox"/> Fire Department: <input type="checkbox"/> Police: <input type="checkbox"/> Hospital: <input type="checkbox"/> Emergency Response Contractor:				✓
28.26	If not, has the facility attempted to do so and is the refusal documented?				✓

Contingency Plans and Emergency Response 279.52(b) Completed		Ok	Not Ok	Unk	N/A
28.27	Does the facility have a contingency plan?				✓
28.28	Is it at the facility and easily available?				✓





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Contingency Plans and Emergency Response 279.52(b) Completed		Ok	Not Ok	Unk	N/A
28.29	Does the plan include the following? <input type="checkbox"/> Fire Response Procedure. <input type="checkbox"/> Spill Response Procedures. <input type="checkbox"/> Explosion Response Procedures. <input type="checkbox"/> Instructions for handling contaminated materials & residues. <input type="checkbox"/> A description of arrangements with local authorities: <input type="checkbox"/> Emergency Coordinators: <input type="checkbox"/> Addresses and telephone numbers of Emergency Coordinators. <input type="checkbox"/> Emergency equipment list. <input type="checkbox"/> Specifications and capabilities of emergency equipment. <input type="checkbox"/> Locations of emergency equipment. <input type="checkbox"/> An evacuation plan and routes. <input type="checkbox"/> Evacuation/alarm signals. <input type="checkbox"/> External reporting procedures. <input type="checkbox"/> Internal recordkeeping requirements.				✓
28.30	Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision?				✓
28.31	Has the plan been distributed to the: <input type="checkbox"/> Local police <input type="checkbox"/> Fire department <input type="checkbox"/> ERT <input type="checkbox"/> Hospital				✓
28.32	Is the emergency coordinator authorized to commit funds for incident response?				✓
28.33	Has the processor noted in the operating record any incidents requiring implementation of the contingency plan?				✓
28.34	Were written reports made within 15 days to the DEP?				✓

Rebuttable Presumption and Analysis Plan 279.53, 279.55 Completed		Ok	Not Ok	Unk	N/A
28.35	Does the processor have a written analysis plan to describing whether used oil stored at the facility has a total halogen content above or below 1,000 ppm and whether the facility's used oil fuel meets the used oil specification?				✓
28.36	Is the 1,000 ppm halogen determination made by testing?				✓
28.36.1	If so, does the analysis plan cover: <input type="checkbox"/> Sampling methods? <input type="checkbox"/> Frequency of sampling? <input type="checkbox"/> Analytical Methods?				✓
28.36.2	Is the 1,000 ppm halogen determination made by process knowledge?				✓
28.36.3	If so, is the type of information that will be used to determine the halogen content stated in the analysis plan?				✓
28.37	Have any analyses exceeded the 1,000 ppm level? <input type="checkbox"/> If so, was the oil managed as hazardous waste?				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Rebuttable Presumption and Analysis Plan 279.53, 279.55 Completed		Ok	Not Ok	Unk	N/A
28.37	<input type="checkbox"/> If not, was the oil exempt? Describe basis for presumption rebuttal in narrative, (ex.				✓
28.38	Is the used oil fuel specification determination made by testing?				✓
28.38.1	If so, does the analysis plan cover: <input type="checkbox"/> Sampling methods? <input type="checkbox"/> Whether the oil will be tested before or after processing? <input type="checkbox"/> Frequency of sampling? <input type="checkbox"/> Analytical Methods?				✓
28.38.2	Is the used oil fuel specification determination made by process knowledge?				✓
28.38.2.1	If so, is the type of information that will be used to determine the halogen content stated in the analysis plan?				✓
28.39	Are all oil processing residues managed in accordance with (279.10(e))?				✓
28.39.1	If not, has the processor conducted a hazardous waste determination?				✓
28.40	Are test records or copies of records providing basis for determinations kept at the facility?				✓

Recordkeeping and Reporting -279.57, 62-710.510-520 F.A.C. Completed		Ok	Not Ok	Unk	N/A
28.41	Do used oil acceptance records include:				✓
28.41.1	Name & address of the generator or off site source of the used oil?				✓
28.41.2	EPA ID # of oil provider (if applicable)?				✓
28.41.3	Name & Address of the transporter delivering the oil to the facility?				✓
28.41.4	EPA ID # of the transporter delivering the oil?				✓
28.41.5	Quantity of oil shipped?				✓
28.41.6	Type of oil received?				✓
28.41.7	Date of shipment?				✓
28.42	Do used oil delivery records include (also check marketer requirements):				✓
28.42.1	Name & Address of receiving facility? (burner, processor or disposal site)				✓
28.42.2	EPA ID # of receiving facility?				✓
28.42.3	Name & Address of transporter delivering the oil?				✓
28.42.4	EPA ID # of transporter?				✓
28.42.5	Quantity of oil delivered?				✓
28.42.6	End Use of the oil?				✓
28.42.7	Date of delivery?				✓
28.43	Does the facility keep records on DEP Form 62-710.900(2) or equivalent?				✓
28.44	Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year?				✓
28.44.1	If not, is the facility an electric utility processing only self generated used oil for recycling which is exempt from state reporting requirements?				✓



# **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** **HAZARDOUS WASTE INSPECTION CHECK LIST**

Recordkeeping and Reporting -279.57, 62-710.510-520 F.A.C. Completed		Ok	Not Ok	Unk	N/A
28.44.1					✓
28.45	Does the transporter keep copies of the record and reports for three years at the street address of the facility?				✓

Closure -62-710.800(3) F.A.C. and 279.54(h) Completed		Ok	Not Ok	Unk	N/A
28.46	<p>Has the facility submitted a written closure plan?</p> <p><input type="checkbox"/> Does the plan include procedures for removing containers of oil and residues?</p> <p><input type="checkbox"/> Cleaning and decontaminating tanks and ancillary equipment?</p> <p><input type="checkbox"/> Removing contaminated soils?</p> <p><input type="checkbox"/> Eliminating the need for further maintenance?</p> <p>If the facility operated tank systems, and not all contaminated soils can be practicably</p>				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

### Used Oil Transporter

#### Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

40 CFR279 Subpart E --Transporter Standards Completed		Ok	Not Ok	Unk	N/A
29.1	Is the facility exempt under any of the following? On site transport? Generator transporting < 55 g /time to a collection center? Transporter of < 55 g /time from generator to aggregation point owned by same	✓			
29.2	If the transporter also transports hazardous waste in the same trucks as are used to transport used oil, are the vehicles emptied per 261.7 after HW shipments? (If not, the used oil must be managed as hazardous).				✓
29.3	Does the transporter process used oil beyond what would be considered incidental to transport?	✓			
29.3.1	If 'yes' are they in compliance with 279 Subpart F?				✓
29.4	Has the facility notified of used oil activities? Check EPA form 8700-12.	✓			
29.5	Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID numbers?	✓			
29.6	Does the transporter comply with DOT requirements?	✓			
29.7	If any oil is discharged during transport, does the transporter:				
29.7.1	Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable?	✓			
29.7.2	Report to DOT in writing per 49 CFR 171.16?	✓			
29.7.3	Clean up any discharges until the discharge poses no threat?	✓			
29.8	Does the facility also transport used oil filters?	✓			
29.8.1	If so, are the filters stored in above ground containers which are:				
29.8.1.1	In good condition?	✓			
29.8.1.2	Closed or otherwise protected from weather?	✓			
29.8.1.3	Labeled "Used Oil Filters"?	✓			
29.8.1.4	Stored on an oil impervious surface?	✓			

Transporter Recordkeeping -279.46 Completed		Ok	Not Ok	Unk	N/A
29.9	Do used oil acceptance records include:				
29.9.1	Name & Address of facility providing the oil for transport?	✓			
29.9.2	EPA ID # of oil provider?	✓			
29.9.3	Quantity of oil shipped?	✓			
29.9.4	Date of acceptance?	✓			
29.9.5	Signature of oil provider, dated upon receipt?	✓			



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Transporter Recordkeeping -279.46 Completed		Ok	Not Ok	Unk	N/A
29.9.5		✓			
29.10	Do used oil delivery records include:				
29.10.1	Name & Address of receiving facility or transporter?	✓			
29.10.2	EPA ID # of receiving facility or transporter?	✓			
29.10.3	Quantity of oil delivered?	✓			
29.10.4	Date of delivery?	✓			
29.10.5	Signature of oil receiver, dated upon receipt?	✓			
29.11	Do the above records also include:				
29.11.1	State required information on the type of oil?	✓			
29.11.2	Destination or end use?	✓			
29.12	Does the facility keep records on DEP Form 62-710.901(2) or equivalent?	✓			
29.13	Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year?	✓			
29.13.1	If not, is the facility an electric utility transporting only self generated used oil for recycling, which is exempt from state registration and reporting requirements?	✓			
29.14	Does the transporter keep copies of the record and reports for three years at the street address of the facility?	✓			

Transporter Certification (62-710 F.A.C.) Completed		Ok	Not Ok	Unk	N/A
29.15	Is the transporter certified? (local governments, and < 55g/time transporters are exempt)	✓			
29.16	Does the facility maintain training records?		✓		
29.17	Does the facility maintain insurance or financial assurance of \$100,000 combined single limit?	✓			
29.18	Is the facility registration form and ID number displayed?	✓			

Transfer Facility Standards -279.45 Completed		Ok	Not Ok	Unk	N/A
29.19	Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F.				✓
29.19.1	Is the transfer facility registered per 62-710.500(1)(a) F.A.C?				✓
29.20	Does the transporter determine whether used oil stored at a transfer facility has total halogen content above or below 1,000 ppm?	✓			
29.20.1	Is this done by testing?	✓			
29.20.2	Is this done by process knowledge?  Describe basis				✓
29.20.3	Are test records or copies of records providing basis for determination kept for 3 years?		✓		
29.21	Have any analyses showed Exceedence of the 1,000 ppm level?	✓			
29.21.1	If so, was the oil managed as hazardous waste?				✓
29.21.2	If not, was the oil exempt?				✓



# **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** **HAZARDOUS WASTE INSPECTION CHECK LIST**

Transfer Facility Standards -279.45 Completed		Ok	Not Ok	Unk	N/A
29.21.2	Describe				✓
29.22	Is used oil stored only in tanks or containers, or units subject to 264 and 265?				✓
29.23	If the facility has tanks, do they comply with 62-761 and 62.762 rules?				✓
29.23.1	Describe, including number and size of tanks, noting registration numbers if applicable, and compliance status. CBI has installed double-walled tanks to house the used oil including one 15000 gallon tank with two compartments of 10000 and 5000 gallon capacities one 2000-gallon tank and one 4000 tank.				
29.23.2	Is secondary containment provided and adequate?				✓
29.24	Are containers and tank trailers in good condition and not leaking?				✓
29.25	Are containers provided with secondary containment with minimum requirements?				✓
29.25.1	Is the containment system impervious to oil so as to prevent migration?				✓
29.26	Are ASTs, UST tank fill lines and containers labeled "used oil"?				✓
29.27	Are used oil filters generated off-site stored more than 10 days?				✓
29.27.1	If so, is the facility a registered used oil filter transfer facility?				✓
29.28	Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable?				✓



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### HAZARDOUS WASTE INSPECTION CHECK LIST

#### Universal Waste Transporter

Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Standards for Handlers - 40 CFR 273 Subpart C & Subpart D Completed		Ok	Not Ok	Unk	N/A
30.1	Describe discrepancies in waste identification n/a				
30.2	Did the facility notify the Department of its universal waste activities before meeting or exceeding the 5,000 kg storage limit for universal waste, or the 1 kg limit of pharmaceuticals listed in 40 CFR 261.33(e)?				✓
30.3	Does the facility properly ship all universal waste off-site?				✓
30.4	Does the facility dilute or treat universal waste?				✓

Universal Waste Batteries Completed		Ok	Not Ok	Unk	N/A
30.5	Are batteries that show evidence of leakage, spillage, or damage that could cause leaks contained?				✓
30.6	If batteries are contained, are containers closed, structurally sound, and compatible with the battery contents and without leaks?				✓
30.7	Are batteries managed in such a way that ensures the casing is not breached and remains intact and closed?				✓
30.8	Are batteries or containers of batteries labeled with either "Universal Waste Batteries" or "Waste Batteries" or "Used Batteries"?				✓

Universal Waste Pesticides Completed		Ok	Not Ok	Unk	N/A
30.9	Are damaged or leaking pesticides properly contained and are all containers closed, structurally sound, and compatible with the pesticides?				✓
30.10	Are containers of recalled pesticides labeled with either "Universal Waste Pesticide(s)" or "Waste Pesticide(s)" and marked or accompanied by the original product label?				✓
30.11	Are containers of unused pesticides labeled with either "Universal Waste Pesticide(s)" or "Waste Pesticide(s)"?				✓

Universal Waste Mercury Containing Devices Completed		Ok	Not Ok	Unk	N/A
30.12	Are mercury containing devices that show evidence of leakage, spillage, or damage that could cause leaks contained ?				✓
30.13	If mercury containing devices are contained, are containers closed, structurally sound, compatible with the contents of the devices and lack evidence of leakage, spillage, or damage that could cause leaks?				✓
30.14	Are mercury containing ampules removed from devices properly?				✓
30.15	Is mercury containing equipment that does not contain an ampule opened and the contents managed as required?				✓
30.16	Are mercury containing device containers labeled with either "Spent Mercury Containing Devices for Recycling", "Universal Waste Mercury Devices", "Waste Mercury Devices", or "Used Mercury Devices"?				✓
30.17	Are mercury containing thermostat containers labeled with either "Universal Waste Mercury Thermostats", "Waste Mercury Thermostats", or "Used Mercury Thermostats"?				✓

Universal Waste Lamps Completed		Ok	Not Ok	Unk	N/A



# **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** **HAZARDOUS WASTE INSPECTION CHECK LIST**

Universal Waste Lamps Completed		Ok	Not Ok	Unk	N/A
30.18	Are lamps managed in a manner to prevent breakage or the release of universal waste or components of universal waste and are the packages or containers structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps?				✓
30.19	Are broken lamps promptly cleaned up and placed in closed, structurally sound containers?				✓
30.20	If lamps are crushed on-site, are the lamps crushed in the final accumulation container in a manner that prevents the release of mercury vapor or other contaminants and is it done in equipment that is maintained in accordance with the manufacturers instructions, including the frequency of filter changes?				✓
30.21	Is each lamp or container labeled or marked clearly with either "Spent Mercury Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or Used Mercury Lamps"?				✓
30.22	Is each container of crushed lamps labeled or marked clearly "Crushed Mercury Lamps"?				✓

Universal Waste General Requirements Completed		Ok	Not Ok	Unk	N/A
30.23	Are universal wastes stored for less than one year?				✓
30.24	Is the length of time the universal waste has accumulated from the date it was generated properly demonstrated? How is compliance with the time limit documented?				✓
30.25	Are employees trained in proper handling and emergency procedures?				✓
30.26	Is there evidence of releases of universal waste to the environment? (Check to see that releases are cleaned up promptly and that residues are properly managed)				✓
30.27	Are all universal wastes shipped to other handlers or destination facilities?				✓
30.28	Are records maintained of each universal waste shipment received by the facility? Note: Small Quantity Handlers are not required to keep records of shipments except per 261.2(f) in response to enforcement.				✓
30.29	Are records maintained of each shipment of universal waste off-site?				✓
30.30	Are records of universal waste shipments received and waste shipments off-site retained for at least three years?				✓

Universal Waste Pharmaceuticals Completed		Ok	Not Ok	Unk	N/A
30.31	Are universal pharmaceutical wastes that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions properly contained?				✓
30.32	Are containers of universal pharmaceutical waste closed, structurally sound, compatible with the pharmaceutical, and do the containers lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions?				✓
30.33	Are damaged containers that are leaking, or could reasonably be expected to leak, overpacked in a container that closed, structurally sound, compatible with the pharmaceutical, and do the containers lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions?				✓
30.34	If tanks are used, do they meet the requirements of 40 CFR Part 265 Subpart J, except for 40 CFR 265.197(c), 265.200, and 265.201?				✓
30.35	Are containers and tanks accumulating universal waste pharmaceuticals clearly labeled "Universal Pharmaceutical Waste" or "Universal Waste Pharmaceuticals" and with the specific hazardous waste codes applicable to the universal waste that is, or may be, placed in the container or tank?				✓
30.36	If universal pharmaceutical wastes are sorted or mixed into one container, are the pharmaceuticals compatible?				✓
30.37	If a reverse distributor makes determinations as to whether pharmaceuticals are viable, did the reverse distributor begin the process of distinguishing viable pharmaceuticals from universal pharmaceutical or hazardous waste within 14 days of receipt of a complete shipment of returns from a handler, and in no event more than 21 days from the receipt of the first installment of a partial shipment?				✓
30.38	If a reverse distributor makes determinations as to whether pharmaceuticals are viable, did the reverse distributor complete the universal pharmaceutical waste or hazardous waste identification process within 21 days of receipt of the complete shipment, and in no event more than 30 days from receipt of the first installment of a partial shipment?				✓





# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Universal Waste Pharmaceuticals Completed		Ok	Not Ok	Unk	N/A
30.38					✓
30.39	Does the reverse distributor keep a record of each shipment of returns that clearly demonstrates the date on which the shipment was received and the date on which the reverse distributor or wholesaler determined the universal pharmaceutical waste or hazardous waste status of all items in the shipment?				✓
30.40	If a small quantity handler of universal pharmaceutical waste, does the handler accumulate universal pharmaceutical waste for no more than one year from the date the universal waste was generated, unless the requirements of 62-730.186(8)(c) are met?				✓
30.41	If a large quantity handler of universal pharmaceutical waste, does the handler accumulate universal pharmaceutical waste for no more than six months from the date the universal waste was generated, unless the requirements of 62-730.186(8)(c) are met?				✓
30.42	Is the handler able to adequately demonstrate the accumulation time for the universal pharmaceutical waste? How is compliance with the time limit documented?				✓
30.43	Are universal waste pharmaceutical handler employees provided with training that ensures they are thoroughly familiar with proper waste management procedures relevant to their responsibilities during normal facility operations and emergencies?				✓
30.44	Do employees successfully complete training within three months after the date of their employment at or assignment to the handler's facility?				✓
30.45	Is the training conducted annually?				✓
30.46	Is the training documented, including the employee's name, signature, date of hire or assignment, date of training, and type of training, and is the documentation maintained at the handler's place of business for three years?				✓
30.47	Are all releases of universal pharmaceutical waste, including those indoors, contained immediately?				✓
30.48	Does the handler only ship universal pharmaceutical wastes to a handler or a reverse distributor who has notified the Department pursuant to subsection 62-730.186(6)?				✓
30.49	Does the reverse distributor only ship universal pharmaceutical wastes to a destination facility permitted pursuant to 40 CFR Parts 264 and 270?				✓
30.50	If a handler of universal pharmaceutical waste self transported universal pharmaceutical waste off-site, did the handler comply with the transporter requirements of 40 CFR Part 273 Subpart D while transporting the universal pharmaceutical waste?				✓
30.51	If the handler transported universal pharmaceutical waste to a reverse distributor or another handler, did the handler provide written information sufficient to allow the reverse distributor or another handler to make knowledgeable decisions about the safe handling and proper disposal of the universal pharmaceutical waste?				✓
30.52	Prior to sending a shipment of universal pharmaceutical waste to a destination facility, did the originating handler ensure the destination facility agreed in writing to receive the shipment? Note: One agreement to accept universal waste from a handler can cover more than one shipment.				✓
30.53	If a handler's shipment of universal pharmaceutical waste was rejected by the destination facility, did the originating handler receive the waste back or agree with the destination facility on an alternate facility to which the shipment will be sent?				✓
30.54	If a destination facility receives a shipment containing hazardous waste that is labeled universal pharmaceutical waste but is not in fact universal pharmaceutical waste, did the destination facility immediately notify the Department of the mislabeled shipment and provide the name, address, and telephone number of the originating handler?				✓
30.55	If a handler sent universal pharmaceutical waste to a foreign destination which is one of the following designated member countries of the Organization for Economic Cooperation and Development (OECD): Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, and United Kingdom, did the shipment meet the requirements of 40 CFR Part 262 Subpart H?				✓
30.56	If a handler sent universal pharmaceutical waste to a foreign destination which is not one of those countries listed in subparagraph 62-730.186(11)(j)(1), did the handler: comply with the requirements applicable to primary exporters in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b), and 262.57 / export only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent / and provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter who transports the shipment for export?				✓
30.57	Does the handler keep a record of each shipment of universal pharmaceutical waste sent to another handler, a reverse distributor, destination facility, or foreign destination, and does the record consist of a written receipt, manifest, bill of lading or other written documentation?				✓



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Universal Waste Pharmaceuticals Completed		Ok	Not Ok	Unk	N/A
30.57					✓
30.58	Does the handler retain the records at its place of business for at least three years from the date of shipment and does the record for each shipment of universal pharmaceutical waste include the name and address of the handler, reverse distributor, destination facility or foreign destination to which the universal pharmaceutical wastes were sent / the quantity of universal pharmaceutical waste sent / and the date the shipment of universal pharmaceutical waste left the handler's facility?				✓

Standards for Universal Waste Transporters - 40 CFR 273 Subpart D		Ok	Not Ok	Unk	N/A
30.59	Has the universal waste transporter notified the Department?		✓		
30.60	Has the universal waste transporter certified that it has employee training procedures in place for the proper handling, emergency response, and containment and cleanup of its spent universal waste lamps or devices?			✓	
30.61	Does the Universal Waste Transporter store waste for longer than 10 days? Note: If yes, the transporter is subject to the small or large handler requirements, as applicable.	✓			
30.62	If yes, does the universal waste transfer facility store 2,000 kg. or greater of universal waste lamps or 100 kg or more of devices in areas other than on the transport vehicle and has the Transfer Facility submitted a one time registration fee of \$1,000?				✓
30.63	Did the universal waste transfer facility develop and submit to the Department, along with its registration, an operational plan including a description of its general housekeeping measures, employee training program, methods to prevent breakage or releases, and its methods for responding to releases of universal waste lamps or devices or their components?			✓	
30.64	Did the transporter dispose of universal waste?	✓			
30.65	Does the transporter dilute or treat universal waste?	✓			
30.66	Has the transporter responded immediately to contain all releases?	✓			
30.67	Has the transporter sent universal waste only to another universal waste handler, a destination facility, or a foreign destination?	✓			
30.68	If the universal waste transporter transported, at any one time, more than 5000 kilograms of universal pharmaceutical waste or more than one kilogram of p-listed universal pharmaceutical waste, did the transporter comply with the financial responsibility requirements of subsection 62-730.170(2), F.A.C.?	✓			

designated at lamp generator facilities during relamping activities, where shipments of universal waste lamps or devices are held during the normal course of transportation for 10 days or less. Transfer facilities do not include handler facility areas where handlers are accumulating lamps or devices in accordance with 40 CFR 273.15 or 273.35.

(33) "Universal waste lamp or device transporter" or "transporter" means any person, including a generator or other handler, engaged in the off-site transportation of universal waste lamps or devices to a handler or lamp or device destination facility by air, rail, highway or water.

*Specific Authority 403.061, 403.7186 FS. Law Implemented 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98.*

#### **62-737.300 Prohibitions.**

(1) Effective January 1, 1996, any mercury-containing device or device components that contains mercury shall not knowingly be disposed of in landfills or incinerated in any manner prohibited by Section 403.7186, F.S.

(2) Spent mercury-containing lamps or residuals therefrom shall not knowingly be incinerated in any municipal or other incinerator.

(3) Separated glass resulting from the processing of spent mercury-containing lamps or devices is prohibited from being used in food and beverage containers.

(4) Handlers and transporters of universal waste lamps and devices shall not dispose of, dilute or treat these lamps or devices, except as specified under this chapter or by responding to a release. Mercury-containing lamps or devices that have been identified as hazardous wastes and are not being managed as universal waste lamps or devices under this chapter, may be managed in accordance with Chapter 62-730, F.A.C.

*Specific Authority 403.061, 403.7186 FS. Law Implemented 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98.*

#### **62-737.400 Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices**

(1)(a) All universal waste lamp or device handlers and transporters shall comply with the applicable 40 CFR Part 273 requirements adopted by reference under Chapter 62-730, F.A.C., and the requirements of this chapter.

(b) In addition, handlers and transporters of spent universal waste lamps or devices shall only ship these lamps or devices to a handler or universal waste lamp or device destination facility.

(2) A transporter using trucks for the transport of spent universal waste lamps and devices shall only use trucks that are totally enclosed and in good condition. A transporter using trucks or other mode(s) of transportation should also refer to the United States Department of Transportation's requirements contained in 49 CFR Parts 171 through 173.

##### **(3)(a) Registration:**

1. A generator, a handler or transporter managing lamps or devices covered under a reverse distribution program, or a person only collecting spent lamps from generators of 10 or less spent lamps per month and who does not accumulate more than 100 kilograms of lamps at one time, is not required to register with the Department as specified in paragraphs 2. and 3. below for these activities;

2. Before beginning operations and annually thereafter by March 1, a handler or a transporter of spent universal waste lamps or devices, excluding a person specified in paragraph 1. above, and the sponsor of a reverse distribution program shall register by notifying the Department of its intent to be a handler or transporter or to operate a reverse distribution program, and certifying that it has employee training procedures in place for the proper handling, emergency response, and containment and cleanup of its spent universal waste lamps or devices. This registration/notification shall be made by submitting a completed Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity," effective date 1-4-09, which is hereby adopted and incorporated by reference [this Form can be obtained on the internet at [http://www.dep.state.fl.us/waste/quick\\_topics/forms/pages/62-730.htm](http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm) or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400]; and

3. Excluding a generator facility, and a handler area used only for lamps or devices collected as a result of its participation in a reverse distribution program; the owner or operator of a large quantity handler facility, or of a transfer facility that stores lamps or devices in areas other than on a lamp or device transport vehicle, and where

2,000 kilograms or more of universal waste lamps or 100 kilograms or more of devices are accumulated at one time shall, in addition to the requirements of paragraph (3)(a)2. above:

- a. Submit a one-time registration fee of one thousand dollars for each separate facility location registration;
- b. Develop and submit to the Department, along with its registration, an operational plan including a description of its general housekeeping measures, employee training program, methods to prevent breakage or releases, and its methods for responding to releases of universal lamps or devices or their components; and
- c. Submit to the Department, along with its registration, a closure plan including financial assurance as specified in paragraph 62-737.800(4)(g).

4. Within 60 days of receipt of a completed registration form (DEP Form 62-730.900(1)(b) [adopted by reference in subparagraph 62-737.400(3)(a)2., F.A.C.] and supporting material, including the registration fee if applicable, the Department shall review the form and supporting material and shall either:

- a. Issue the registration; or
- b. Notify the owner or operator in writing of any deficiencies in or items omitted from the registration materials. For purposes of this paragraph, "deficiency" means that the submitted material does not contain information adequate to support the conclusion that the submittal conforms to the requirements specified in this chapter. Within 30 days of receipt of a written notification from the Department that a submission is deficient, the owner or operator shall submit the requested information to the Department. A modification of this 30 day time frame may be obtained by the owner or operator by requesting in writing that the Department make such a modification. Upon receipt of the omitted items and/or correction of deficiencies, the Department shall issue the registration.

5. The failure of the Department to meet the time frame in paragraph (3)(a)4. above shall entitle the owner or operator to compel compliance through the provisions of Section 403.412, F.S., or through such remedies as may be available and appropriate in circuit court. In no circumstances shall the Department's failure to meet this time frame be construed as issuance of a registration.

6. A handler or transporter, excluding one exempted from registration under paragraph (3)(a)1. above, shall not begin or continue operations without a current and valid registration issued by the Department.

(b) Notification:

1. Before meeting or exceeding an accumulation amount of 5,000 kilograms of lamps or devices, a generator, reverse distribution handler facility, or other handler shall notify the Department per 40 CFR 273.32(b) as adopted by reference under Rule 62-730.185, F.A.C., using DEP Form 62-730.900(1)(b) [adopted by reference in subparagraph 62-737.400(3)(a)2., F.A.C.,] and receive a DEP/EPA ID number;

2. A small quantity handler of lamps or devices that also accumulates other universal wastes adopted under Rule 62-730.185, F.A.C., shall also make this notification before meeting or exceeding a combined universal waste amount of 5,000 kilograms; and

3. This notification is not required for a site that has previously notified the Department of its hazardous waste management activities and has received a DEP/EPA ID number.

(4) A small quantity or a large quantity handler of lamps or devices, per 40 CFR 273.16 or 273.36 respectively, as adopted by reference under Rule 62-730.185, F.A.C., and a transporter shall ensure that all its employees, involved with the management of universal waste lamps or devices, are trained in the proper handling (e.g., packaging and preventing breakage) and emergency cleanup and containment procedures applicable to its handling or transport of spent universal waste lamps or devices. These emergency procedures will be kept on each one of the transporter's vehicles and at the business location of the handler or transporter, and shall be made available for inspection upon request by the Department.

(5) Handlers and transporters shall manage universal waste lamps and devices in a way that prevents breakage, releases of their components to the environment, and their exposure to moisture. In the event of a release, the handler or transporter must determine whether the cleanup residues (e.g., cleanup equipment and contaminated soils) resulting from the release are hazardous waste, and if so, must manage them in accordance with Chapter 62-730, F.A.C. The following management standards shall be observed in addition to the applicable requirements adopted under Rule 62-730.185, F.A.C., and the U.S. Department of Transportation 49 CFR Parts 171 through 180, hazardous material regulations.

(a) Fragile universal waste devices, universal waste lamps crushed per paragraph (6)(b) below, and lamps or devices showing evidence of leakage, spillage, or damage that could cause leakage, shall be placed in closed containers that are structurally sound; compatible with the universal waste lamp or device; and that lack evidence of leakage, spillage or damage that could allow leakage.

(b) Universal waste lamps, devices or the containers in which they are stored shall be labeled or marked clearly as follows:

1. For universal waste lamps, the words “Spent Mercury-Containing Lamps for Recycling”, “Universal Waste Mercury Lamps”, “Waste Mercury Lamps” or “Used Mercury Lamps”; except for those crushed per paragraph (6)(b) below which shall be labeled “Crushed Mercury Lamps”;

2. For universal waste devices, except for thermostats which shall be labeled per 40 CFR 273.14(d), the words “Spent Mercury-Containing Devices for Recycling”, “Universal Waste Mercury Devices”, “Waste Mercury Devices” or “Used Mercury Devices”;

(6)(a) A handler of universal waste devices or lamps may remove mercury-containing ampoules from these devices or lamps provided the handler complies with the thermostat ampoule removal requirements under 40 CFR 273.13(c) or 273.33(c).

(b) A generator of universal waste lamps may use crushing equipment on-site to reduce the volume of the stored lamps provided that: this is done in a final accumulation container; the lamps are crushed in a controlled manner that prevents the release of mercury vapor or other contaminants; the crushing operations and maintenance of the unit are performed in accordance with written procedures developed by the manufacturer of the equipment including specific instructions for the frequency of filter changes; and the employees using this equipment are thoroughly familiar with these written procedures and emergency procedures should equipment malfunction occur.

(7) A handler or transfer facility, excluding a generator, shall store its universal waste lamps or devices indoors, and shall not store more than the amount specified in its registration or closure plan. A handler shall not store for more than one year, or a transfer facility for more than ten days, universal waste lamps or devices from the date of generation or from when they were first received, respectively. Handlers and transfer facilities shall be able to demonstrate the length of lamp or device storage as specified in 40 CFR 273.15 or 273.35 as adopted by reference under Rule 62-730.185, F.A.C.

(8) A handler of lamps or devices accumulating 5,000 kilograms or more of lamps or devices, or 5,000 kilograms or more of lamps or devices and other universal wastes adopted under Rule 62-730.185, F.A.C., shall track receipts and shipments of these lamps or devices in accordance with 40 CFR 273.39 as adopted by reference under Rule 62-730.185, F.A.C.

*Specific Authority 403.061, 403.7186 FS. Law Implemented 403.704, 403.7186, 403.721 FS. History—New 5-10-95, Amended 5-20-98, 1-4-09.*

#### **62-737.710 Requirements for Reverse Distribution Programs**

(1) A person sponsoring a reverse distribution program shall comply with the applicable provisions of this chapter, including subparagraph 62-737.400(3)(a)2., and annually submit to the Department by March 1 a description of the program including, at a minimum, an operational plan containing general housekeeping measures; the content of its employee training program; methods to prevent breakage or releases, and methods for responding to releases of universal waste lamps, devices or their components that will be employed at each of its participating lamp or device handler facilities; the amounts of lamps or devices to be stored; and the names and addresses of any participating:

(a) Handlers, excluding generators;

(b) Transporters shipping from handlers, excluding generators, to other handlers, mercury recovery or mercury reclamation facilities or other lamp or device destination facilities; and

(c) In-state or out-of-state lamp or device destination facilities such as mercury recovery and mercury reclamation facilities.

(2) New transporters, handlers or lamp or device destination facilities may be added at any time during the year, but the Department shall be notified of any changes at least annually.

(3) Transporters and handlers participating in a reverse distribution program shall be exempted from the specific provisions below, provided that the program contains the following alternative mechanisms:

(a) The registration requirements of paragraph 62-737.400(3)(a), provided that the reverse distribution program sponsor or another party acting on behalf of the program sponsor notifies and registers with the Department;

(b) Subsection 62-737.400(4), provided that the reverse distribution program sponsor provides for the training of all transporters and handlers participating in the program through training program procedures for the proper handling and emergency cleanup and containment of the universal waste lamps or devices being collected, and provides documentation of such to the Department; and

(c) For participating transporters, paragraph 62-737.400(5)(b), provided that the program’s sponsor takes responsibility for the labeling of containers at handler facilities receiving universal waste lamps or devices from transporters that identifies the container contents.