



Department of Environmental Protection

Jeb Bush
Governor

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

Collen Castille
Secretary

ELECTRONIC MAIL
cwaechter@perma-fix.com

Chris Waechter
Perma-Fix of Orlando
10100 Rocket Boulevard
Orlando, FL 32824

OWL-HW-C/E-04-025

Dear Mr. Waechter:

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 and Solid waste compliance inspections were conducted at your facility on May 19, May 21, and June 8, 2004. These inspections were conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with 40 Code of Federal Regulations (CFR) Parts 260-268, and Part 279 adopted in the Florida Administrative Code and other Florida laws relating to solid and hazardous waste, storage tanks, and used oil.

The inspections were also conducted under the authority of Section 403.161 (1)(b), Florida Statutes and Chapters 62-4 and 62-701, Florida Administrative Code, which provides that a permittee shall comply with any rule regulation or permit issued by the Department.

During the inspections, Department personnel observed possible violations of Florida Statutes and Rules and permit conditions regarding solid and hazardous waste, storage tanks, and used oil. These violations are set forth in "Potential Noncompliance Items and Corrective Actions" of the attached inspection report.

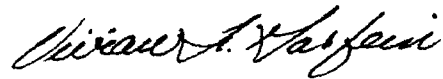
The activities observed during the Department's field inspections and any activity at your facilities that may be contributing to violations of the above described statutes and rules should be ceased immediately.

The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes. the U.S. EPA RCRA Civil Penalty Policy, dated June 2003, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Janine Kraemer, Hazardous Waste Section, by telephone at (407) 893-3323 or by e-mail at janine.kraemer@floridadep.net within 10 days of receipt of this letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred and whether any penalties are appropriate. You may bring anyone with you to the meeting that you feel could help resolve this matter.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Vivian F. Garfein
Director, Central District

August 12, 2004
Date

VFG/jk

Enclosures:
Inspection Report
Penalty Calculation Worksheet

cc: Mike Redig, FDEP, Tallahassee, michael.redig@floridadep.net
Laurie DiGaetano, EPA Region 4, digaetano.laurie@epa.gov
Debby Valin, Tallahassee, debby.valin@floridadep.net
Gloria-Jean DePradine, gloria.depradine@floridadep.net



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HAZARDOUS WASTE INSPECTION REPORT

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

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

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

EMAIL ADDRESS cwaechter@perma-fix.com

COUNTY Orange PHONE 407-859-4441 DATES 5/19, 5/21/04, 10:30, 13:30 & 6/8/04 TIMES 10:00

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☒ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☒ TSD Facility
Unit Type (s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☒ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☒ TSD Facility
Unit Type (s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter

2. **APPLICABLE REGULATIONS:**

- | | | | |
|---|---|---|---|
| ☐ 40 CFR 261.5 | ☒ 40 CFR 262 | ☒ 40 CFR 263 | ☒ 40 CFR 264 |
| ☐ 40 CFR 265 | ☐ 40 CFR 266 | ☒ 40 CFR 268 | ☒ 40 CFR 273 |
| ☒ 40 CFR 279 | ☒ 40 CFR 280 | ☒ 62-701, FAC | ☒ 62-710, FAC |
| ☒ 62-730, FAC | ☒ 62-737, FAC | ☒ 62-761, FAC | |

3. **RESPONSIBLE OFFICIAL(s):**

Mr. Carl Simmons, General Manager, Perma-Fix

4. **INSPECTION PARTICIPANTS:**

Janine Kraemer, FDEP, Hazardous Waste
Danielle Spehar, FDEP, Hazardous Waste
Christine Kirkpatrick, FDEP, Hazardous Waste

Chris Waechter, Plant Manager, Perma-Fix
Randall Cunningham, FDEP, Solid Waste
Gloria-Jean De Pradine, FDEP, Solid Waste

5. **LATITUDE/LONGITUDE:** 28°25'04" / 81°23'10"

6. **NAICS Code:** 562112

7. **TYPE OF OWNERSHIP:** ☒ Private ☐ Federal ☐ State ☐ County ☐ Municipal

8. **HAZARDOUS WASTE PERMIT #:** 26919-HO-004 **ISSUED:** 11/14/2003 **EXPIRES:** 11/06/2008
SOLID WASTE PERMIT #: SO48-0152516-001 **ISSUED:** 3/29/99 **EXPIRED:** 4/5/04

9. **INTRODUCTION:**

On May 19, and May 21, 2004, Janine Kraemer, Danielle Spehar and Christine Kirkpatrick, Florida Department of Environmental Protection (FDEP), inspected Perma-Fix of Orlando, Inc. (Perma-Fix) for compliance with solid and hazardous waste regulations. Perma-Fix, located at 10100 Rocket Boulevard, and 10225 General Drive, Orlando, Orange County, Florida, is a hazardous waste and used oil transporter, transfer facility, and permitted storage facility of solid and hazardous waste.

On June 8, 2004, Gloria-Jean De Pradine and Randall Cunningham, FDEP, conducted a follow-up inspection at the above referenced facility located at 10225 General Drive, Orlando. The inspection was initiated due to concerns from the May 21, 2004 inspection of the facility concerning the amount of solid waste being stored on site as well as the solidification process.

10. **HAZARDOUS WASTE INSPECTION HISTORY:**

This operation has been at this location since 1985 but was originally called Chemical Conservation Corporation. The facility changed names to Perma-Fix Orlando in 2001. The facility has been inspected yearly since 1985. From 1985 to 1997 the facility was out of compliance seven times. The following information lists specific inspections:

August 1998

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

September 1998

The facility was out of compliance at the time of the inspection. The facility was cited for failure to provide annual training of hazardous waste regulations.

September 1999

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations; failure to conduct proper waste determinations and appropriate land ban restrictions, failure to update contingency plan, failure to segregate hazardous waste, failure to conduct annual hazardous waste training, failure to maintain the facility to minimize sudden releases, failure to submit annual verification of insurance, and failure to maintain current financial assurance.

November 1999

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

June 2000

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations; storing non-hazardous waste in the hazardous waste storage area, and failure to notify the Department of ability to meet a specific permit condition. Specifically, using an unacceptable surety company for insurance.

May and August 2001

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations; failure to maintain the facility to minimize sudden releases, failure to utilize the waste analysis

plan and violating specific permit condition. Specifically, rectifying manifest discrepancies within 15 days of receipt of the waste.

April 2002

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations; failure to label hazardous waste containers, failure to maintain hazardous waste containers closed, failure to conduct weekly inspections, failure to label hazardous waste containers with an accumulation start date, storing over the capacity of facility as stated in the permit, failure to meet land disposal treatment standards, and storing transfer waste longer than 10 days.

March 2003

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

11. PROCESS DESCRIPTION:

Hazardous Waste Treatment, Storage and Disposal (TSD) Facility (10100 Rocket Boulevard):

Perma-Fix collects hazardous waste from generators using Perma-Fix's own transportation services as well as other registered hazardous waste transporters. Generators serviced by Perma-Fix are those that generate hazardous waste that is exclusive of explosive, radioactive, or biomedical waste. Perma-Fix operates under hazardous waste storage permit number 26919-HO-004, issued November 14, 2003.

Before collecting any waste, the generator's request is reviewed to determine if the waste stream for collection has passed an evaluation process. Perma-Fix requires that each new waste stream be tested and that each waste stream's acceptance be updated yearly. The evaluation process used is described in detail in the waste analysis plan section of the facility's permit application. Based on the regulatory status of the waste stream and the conditions set forth in the permit that authorizes Perma-Fix to manage hazardous waste, Perma Fix then decides whether to collect the waste.

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

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

Perma-Fix consolidates electroplating sludge, lab-packs and other waste streams. These waste streams consist of compatible wastes that are subject to the same treatment method or technology to meet the land disposal restriction requirements. Bulking and consolidation take place in the consolidation building at the north end of the property. Lab-packs are processed in this area in an enclosure similar to a fume hood, which is vented to the outside. An eyewash, safety shower, spill kit, and fire extinguisher are located in

this area. An aerosol can puncturing operation is also located in this area. Aerosol cans are punctured and the contents are managed as hazardous waste. The empty cans are managed as solid waste. The parking lot of the facility is sloped towards the northwest corner. A sump (Figure 14) installed in the northwest corner is connected to valves to ensure no releases to a retention pond.

Solid Waste Transfer Facility (10225 General Drive):

Perma-Fix gave notification of its intent to use a general permit for the operation of a solid waste transfer station (facility). The Department acknowledged the general permit on March 29 1999, with an effective date of operations to begin on or about April 18, 1999. The general permit (SO48-0152516-001) expired on April 5, 2004. A permit application for a waste processing facility, required by revisions to Chapter 62-701, F.A.C. adopted May 27, 2001, is under review by the Department.

Non-hazardous waste is taken to this facility for storage, consolidation, and then transportation to a disposal facility. The facility accepts non-hazardous waste such as used oil, used oil filters, oily water, oily solid waste, waste coolant, and non-hazardous liquids (resins, polymers, etc.). Used oil is consolidated in a 7,000-gallon tanker, then taken to Perma-Fix, Ft. Lauderdale, for processing. Oily wastewater is consolidated in a 7,000-gallon tanker and a 6,000-gallon above ground storage tank (AST), then taken to Perma-Fix, Ft. Lauderdale, for processing. Used oil filters are consolidated in roll off containers, taken to Perma-Fix, Ft. Lauderdale, who transports the used oil filters to U.S. Foundry for processing. Oily solid waste is either sent for energy recovery to Montenay Energy or Wheelabrator, Ft. Lauderdale, or if the BTUs are less than 4,000, the material is sent to Waste Management's Okeechobee Landfill in South Florida. Waste antifreeze is taken to Consolidated Recycling, Troy, Indiana for processing.

The supporting documentation submitted with the general permit application in 1999 indicated that the facility would receive non-hazardous solid waste in both liquid and solid forms. Also, the proposed operation would consist mainly of consolidation of the non-hazardous solid waste prior to transportation offsite for disposal and/or treatment. Approximately, 80% of waste would be shipped to landfill for disposal and the rest would be shipped to facilities for incineration and recycling.

The different types of waste that were listed in the permit included: off spec/outdated products, sandblast grit and dragline grease, waste generated from accidental events, drill cuttings from groundwater monitoring well installation, used oil, etc. The storage capacity was listed as 932 drums in two staging areas with a processing rate of 150 drums per day. Solid waste accepted at the facility is generated by manufacturing and service industries.

The current operations consist of the following: non-hazardous solid waste is accepted at the facility for storage, consolidation, solidification and then transportation to a disposal facility and or treatment or recycling. According to the operator the solidification process consists of non-hazardous liquid waste mixed with sawdust, Hydromax, fly ash, etc. The final product is sent to the Okeechobee landfill for disposal.

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

12. **INSPECTION:**

Hazardous Waste TSD Facility (10100 Rocket Boulevard)-5/19/04

Storage Area

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

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

- Five hundred and eighty-six 55-gallon drums
- Nineteen 250-gallon totes
- Forty-three 30-gallon containers
- Twelve 10-gallon containers
- One hundred 5-gallon containers

At the time of the inspection, a couple of containers had been given storage start dates of 9/11/04. Mr. Waechter indicated this was a typographical error and the date should have been 3/11/04. The dates were corrected immediately.

Outside the permitted storage area, the loading dock (Figures 1-4 and 17) contained, approximately, the following number of hazardous waste containers (excluding cardboard boxes):

- One hundred and two 55-gallon drums
- Three 250-gallon totes
- Eleven 30-gallon containers
- Four 10-gallon containers
- Twenty-nine 5-gallon containers

Based on the visual inspection, the storage area and loading dock contained roughly the equivalent of at least 832 drums of waste or approximately 45,765 gallons of waste. This does not include all of the additional wastes stored on-site, including in trailers. Perma Fix is only permitted to store 824 drums of waste or 45,320 gallons. This is a violation 403.727 Florida Statutes (F.S.), Hazardous waste permit, 26919-HO-004, Specific Conditions Part III Containers, Specific Condition 1. Additionally, Perma-Fix failed to report to the Department the non-compliance with the permit 62-4.160(17)(b).

On the dock was one 55-gallon drum, dated 4/24/03, over the allowable one-year storage time period [40 CFR 264.1(h)/268.50(b)].

Lab Pack and Bulking Consolidation Area

Outside the Lab Pack and Bulking Consolidation Area the facility is storing roll off containers and trailers for consolidating metal bearing waste (Figures 7 and 8). At the time of the inspection there were three roll off containers and two trailers containing metal bearing waste all labeled and dated correctly

with the exception of one roll off container that was dated 4/30/04 – exceeding the 10-day transfer facility storage limit. The waste should be disposed of according to 10-day transfer waste requirements [40 CFR 263.12]. Additionally, seven totes and thirteen 55-gallon drums (Figures 5, 6, 9 and 10) were waiting to be consolidated.

Located inside the consolidation area (Figures 15 and 16) were approximately one hundred and ninety-five 55-gallon drums, fourteen 250-gallon totes/cubic yard boxes, twenty-seven 30-gallon containers, six 20-gallon containers, two 16-gallon containers, nine 10-gallon containers and ninety-two 5-gallon containers.

Aerosol cans are punctured in the consolidation area. At the time of the inspection, three 55-gallon drums were storing hazardous waste from the drum puncturing process. All of the drums were labeled and dated correctly. Waste accumulation drums are connected to a drum containing activated charcoal that acts as an air filtration device. The carbon filter is changed out about every 6 months and disposed of as hazardous waste.

Outside North Side of the Warehouse

On the north end of the building was a roll off container for non-hazardous solid waste destined for the Okeechobee landfill. The material in the roll off container was waste removed from lab pack containers. At the time of the inspection, the roll off container had several questionable containers (Figures 11-13, 18 and 19) that included oil-based paint (labeled combustible), linseed oil and containers of chemicals from a laboratory. According to material safety data sheets of similar type paint, oil-based paint could have a flash point less than 140°F; therefore, a proper waste determination should have been conducted [40 CFR 262.11].

Outside East Side of the Warehouse

Behind the facility were fifteen trailers and two empty tankers. The fifteen trailers were storing 10-day transfer waste as well as hazardous waste destined for the designated permitted storage area. According to Load Dispatch Summaries provided by Perma-Fix, two of the trailers, 729 and 744, contained waste over the 10-day transfer period [40 CFR 263.12].

Other Information

On June 2, 2004, the Department sent a Request for Information Letter, requesting the daily inventory of the storage area and loading dock, including size of containers. Perma-Fix provided the Department information that indicated they were out of compliance with their permit 138 days from August 1, 2003-July 14, 2004.

Record Review

Records from 2003 to present were reviewed that included hazardous waste manifests, land disposal restriction notification forms, position descriptions, training records, contingency plan, waste analysis plan, inspections, and Biennial Report. The contingency plan, position descriptions, and land disposal restriction notification forms were in compliance. The Biennial Report was resubmitted on April 28, 2004 due to a mistake on the original report.

According to a Lab Pack-Drum Inventory Form listing waste from Fort Valley State University on March 25, 2004, Perma-Fix received several "unknown" containers. Perma-Fix is required to obtain detailed chemical and physical analysis of wastes prior to treatment, storage, or disposal according to their waste analysis plan [40 CFR 264.13]. Acceptance of "unknown" wastes could result in Perma-Fix accepting hazardous waste for which they are not permitted. Also, no waste should ever be accepted from a generator without the generator providing analysis results to ensure the proper shipping procedure is followed.

Training records indicate Anne Meador, Safety Manager, was due for hazardous waste training on February 18, 2004 and Miles Keller, Lab Pack Technician, was due for hazardous waste training on November 15, 2003. Betsy Krynos, administration employee, is conducting weekly inspections but has not received any documented hazardous waste training. Each of these employees was over their annual training date [40 CFR 264.16(c)].

Weekly inspection forms had been signed on 11/24/03 and 2/23/04 but the form had not been completed [40 CFR 264.174/62-730.160(6) F.A.C.].

Solid Waste Transfer Facility (10225 General Drive)-5/21/04

The facility has two 7,000-gallon tankers (Figure 1) used to store used oil and oily wastewater. Neither of the tankers had been moved in years and the vehicle registrations had expired in 1991. Neither tank is a registered above ground storage tank (AST) and the facility does not have the required financial responsibility [62-761.400(1) and 62-761.400(3) F.A.C.]. Neither of the tanks were in secondary containment; therefore, did not meet AST requirements for containment [62-761.500(1)(e)1. and 2. F.A.C.]. Neither tank met AST requirements for proper installation or overfill equipment [62-761.850(2)(a) and 62-761.500(3)(d)4. F.A.C.].

Additionally, a 6,000-gallon AST (Figure 2) was being used to store oily wastewater. This tank is not a registered above ground storage tank and the facility does not have the required financial responsibility [62-761.400(1) and 62-761.400(3) F.A.C.]. The tank was not in secondary containment; therefore, did not meet AST requirements for containment [62-761.500(1)(e)1. and 2. F.A.C.]. The tank had not met AST requirements for proper installation or overfill equipment [62-761.850(2)(a) and 62-761.500(3)(d)4. F.A.C.]. Monthly inspections were not being conducted on any of used oil or oily water tankers/tank [62-761.400(3) F.A.C.]. The facility also has two 10,000-gallon ASTs that are empty. According to Mr. Waechter the ASTs came from Perma-Fix, Georgia and were never put into service.

None of the tanks/tankers were labeled as "used oil" [40 CFR 279.22]. A 30-cubic yard roll off (Figure 5), containing used oil filters, was not labeled as "used oil filters" or stored on an oil impermeable surface [62-710.850(6)(a) F.A.C.].

The truck maintenance area had one 55-gallon drum and one 30-gallon container (Figures 6 and 7) not labeled as "used oil" [40 CFR 279.22]. Additionally, one 30-gallon container (Figure 6) of used oil filters was not labeled as "used oil filters" [62-710.850 F.A.C.].

Inspection – 6/8/04:

During the inspection, there was a large quantity of drums stored in the rear of the building exposed to the elements with no cover. The drums appeared full of material. Rust spots were noted on several of these drums. The conditions of some of these drums/containers indicated that they had been stored for a long time [62-701.300(1) F.A.C.]. This was substantiated by Mr. Waechter, who stated that the drums were stored for several months and that he was in the process of reducing the quantity onsite. Some of the liquid waste had labels dating as far back as March 2003. The facility was processing liquid non-hazardous waste by mixing with sawdust, fly ash, etc. This procedure had been historically conducted at the Perma-Fix, Michigan facility. Perma-Fix, Michigan had an explosion and was unable to continue performing the solidification process. Perma-Fix Orlando is not permitted/did not notify to conduct solid waste solidification [62-701.320(1) F.A.C.]. A review of records at the facility indicated the facility was storing approximately 700,000 pounds of non-hazardous liquid waste.

Other Information

On June 2, 2004, the Department sent a Request for Information Letter, requesting training records for drivers picking up used oil and used oil filters.

NOTE: The Department received information from Perma-Fix indicating that used oil training had not been conducted for employees transporting used oil [62-710.600(2)(b)].

Record Review

Employees had recently completed spotter training on April 28 and 29, 2004.

Manifests for used oil do not indicate halogen-testing results by any of the drivers picking up used oil. According to Mr. Waechter, the used oil containers are tested after arriving at the facility but results are not documented unless the oil is "hot". A used oil transporter must determine the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. Perm-Fix does not have supporting documentation for the rebuttable presumption [40 CFR 279.44].

13. AREAS OF CONCERN:

In order for the Department to determine if Perma-Fix has manifest discrepancies or rejected loads, the facility should keep a log to document proper management. The log should contain the following information:

- The date the rejected waste was received by Perma-Fix, Orlando
- The date the rejected waste was returned to Perma-Fix, Orlando
- The manifest number
- The rejecting TSD
- The reason for rejection, i.e. generator incorrect info, Perma-Fix generated discrepancy
- The outcome of the investigation
- The date the waste left the Perm-Fix, Orlando
- The final TSD facility or generator EPA identification number and address where the waste was shipped.

The address of the used oil storage and transfer facility is 10225 General Drive, Orlando, not 10100 Rocket Road, Orlando. The two properties are separated by an unrelated facility; therefore, not

contiguous. Perma-Fix must get an EPA Identification number for the 10225 General Drive, Orlando address.

14. **SUMMARY OF POTENTIAL NON-COMPLIANCE ITEMS:**

a) **Regulation: 403.727 F.S.-Permit Conditions, Part III-Spec. Condition 1-Storage Volume**

The maximum total storage capacity of the hazardous waste storage unit is 824 (55-gallon) drums or the volume equivalent to 45,320 gallons. Specifically, Perma-Fix was storing approximately 45,765 gallons of waste in the storage and dock area and an additional 11,307 gallons of hazardous waste (excluding roll off containers, trailers and totes/cubic yard boxes) in the lab pack and consolidation bulking area.

Corrective Action: Within 30 days of signing an agreement with the Department settling this matter, Perma-Fix will provide the Department with monthly status updates identifying the volume of waste stored on the property and exactly where the waste is stored. The monthly update will be due by the 3rd day of the next calendar month. If the facility is currently storing waste in excess of the volume allowed by the permit, within 15 days of receipt of this Warning Letter, Perma-Fix must provide the Department with proof that all waste stored in excess of the 45,320-gallon limit has been properly removed.

This regulation was cited previously, during the April 2002 inspection.

NOTE: In a letter to the Department, dated November 11, 2002, Perma-Fix indicated the facility would implement a self-imposed target goal of 50% of the maximum permitted capacity. "This would ensure adequate capacity for acceptance of waste during peak activities without compromising the maximum permitted capacity." **Perma-Fix has not complied with the permit condition or their own "self-imposed" target goal.**

b) **Regulation: 40 CFR 263.12 – Ten Day Transfer Facility Accumulation Time Limit**

A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 262.30 at a transfer facility for a period of ten days or less is not subject to regulation under Parts 270, 264, 265, and 268 of this chapter with respect to the storage of those wastes. Specifically, Perma-Fix was storing waste in trailers and roll off containers longer than the allowed 10-days as "transfer facility" waste for a period greater than 10 days without being accepted into the permitted storage area.

Corrective Action: Perma Fix must immediately manage all 10-day transfer waste properly. Within 30 days of receipt of this Warning Letter, Perma-Fix must provide the Department documentation that all employees have received training on 10-day transfer waste management. Perma-Fix must also provide the Department with a management plan documenting how this violation will be prevented in the future.

*****This regulation was cited previously, during the April 2002 inspection.**

c) **Regulation: 40 CFR 264.1(h)/268.50 (b) – Prohibitions on Storage**

An owner/operator of a treatment, storage or disposal facility may not store wastes beyond one year. Specifically, Perma-Fix stored waste in the storage area for longer than one year.

Corrective Action: Perma-Fix shall immediately dispose of all hazardous waste stored longer than a year. Within 30 days of receipt of this Warning Letter, provide the Department documentation that all employees have received training for managing hazardous waste at a TSD.

*****This regulation was cited previously, during the March 2003 inspection; however, Perma-Fix was allowed to remove the waste the following day without further action by FDEP.**

d.) **Regulation: 40 CFR 262.11 Waste Determination**

Perma-Fix failed to determine whether solid wastes generated at the facility as defined in 40 CFR 261.2, were a hazardous waste. Specifically, Perma-Fix failed to properly determine if paint disposed with the non-hazardous solid waste was hazardous waste.

Corrective Action: Within 30 days of receipt of this Warning Letter, Perma-Fix must provide the Department with the results of waste determinations on "potentially regulated" waste that was found in the non-hazardous waste dumpster and documentation that all employees have received hazardous waste management training.

*****This regulation was cited previously, during the September 1999 inspection.**

e) **Regulation: 40 CFR 264.13 – Waste Analysis Plan**

Before an operator treats, stores or disposes of any hazardous waste, he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. Specifically, Perma-Fix transported and received several containers of "unknown" material from the Fort Valley State University.

Corrective Action: Within 30 days of receipt of this Warning Letter, Perma-Fix must provide the Department documentation that the facility has implemented a management plan that will prevent employees from accepting and transporting "unknown" wastes.

*****This regulation was cited previously, during the August 2001 inspection.**

f.) **Regulation: 40 CFR 265.16(a)(1) - Personnel Training**

"Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part." Specifically, Perma-Fix failed to provide facility personnel training in hazardous waste management procedures.

Corrective Action: Within 30 days of receipt of this Warning Letter, Perma-Fix shall immediately develop a personnel training plan and schedule training in hazardous waste management for facility employees.

*****This regulation was cited previously, during the September 1998 and September 1999 inspections.**

g.) **Regulation: 40 CFR 265.174, 62-730.160(6) F.A.C. - General Inspections**

“Generators of hazardous waste who accumulate hazardous waste on-site under 40 CFR 262.34, shall maintain written documentation of the inspections required under 40 CFR Part 265 and 62-730.160(6) F.A.C.” Specifically, Perma-Fix failed to perform/document facility inspections on 11/24/03 and 2/23/04.

Corrective Action: Within 30 days of receipt of this Warning Letter, Perma-Fix must provide the Department documentation that weekly inspections are being performed as required and that all employees have received hazardous waste management training.

***This regulation was cited previously, during the April 2002 inspection.

h.) **Regulation: 62-4.160(17)(b)-Failure to Report Non-compliance with the Permit**

Facilities are required to report non-compliances with their permit. Specifically, Perma-Fix did not report to the Department that they had exceeded their storage capacity.

Corrective Action: Within 30 days of signing an agreement with the Department settling this matter, Perma-Fix will provide the Department with monthly status updates identifying the volume of waste stored on the property and exactly where the waste is stored. The monthly update will be due by the 3rd day of the next calendar month. If the facility is currently storing waste in excess of the volume allowed by the permit, within 15 days of receipt of this Warning Letter, Perma-Fix must provide the Department with proof that all waste stored in excess of the 45,320-gallon limit has been properly removed.

i.) **Regulation: 62-761.400(1) F.A.C.- Tank Registration**

Above ground storage tanks greater than 550-gallons are required to be registered with the Department and show the facility is required to document proper financial responsibility. Specifically, Perma-Fix failed to register their two 7,000-gallon tankers and 6,000-gallon above ground storage tank.

Corrective Action: The owner or operator of any facility, or the owner or operator of a storage tank system shall register the storage tank system with the Department on form 62-761.900(2). Perma-Fix shall immediately cease using the two 7,000-gallon tankers and 6,000-gallon above ground storage tank until the tanks meet the requirements of 62-761 F.A.C. and are properly registered.

j.) **Regulation: 62-761.400(3)(c)1. F.A.C.-Financial Responsibility**

Facilities must demonstrate financial responsibility in the amount of \$500,000.00 per incident and \$1 million per annual aggregate. Specifically, Perma-Fix did not have appropriate financial responsibility in the required amounts for above ground storage tanks.

Corrective Action: Perma-Fix shall submit to the Department within 30 days, documentation of financial responsibility for the two 7,000-gallon and one 6,000-gallon AST. Perma-Fix shall immediately cease using the ASTs until financial responsibility can be documented.

k.) **Regulation: 62-761.500(1)(e)1. & 2. F.A.C.- Above Ground Storage Tank**

The materials used for secondary containment shall be capable of containing regulated substances for at least 30 days, and of sufficient thickness and strength to withstand hydrostatic forces at maximum capacity to prevent a discharge during the operating life. Specifically, Perma-Fix had not met secondary containment requirements for Category C above ground storage tanks.

Corrective Action: Perma-Fix shall immediately cease using the ASTs as storage tanks until approved secondary containment has been established.

l.) **Regulation: 62-761.850(2)(a), F.A.C.- Storage Tank System Equipment**

Storage tank system equipment used in the State of Florida must have the approval of the Department before installation or use. Specifically, the above ground storage tanks, Perma-Fix is currently using, are not approved AST equipment.

Corrective Action: Perma-Fix shall immediately cease using the ASTs as storage tanks until all applicable AST requirements have been met.

m.) **Regulation: 62-761.500(3)(d)4. F.A.C. - Overfill Equipment Requirements**

Storage tank system equipment used in the State of Florida must have overfill protection equipment. Specifically, Perma-Fix is currently using above ground storage tanks that do not have overfill protection equipment.

Corrective Action: Perma-Fix shall immediately cease using the ASTs until all applicable AST requirements have been met.

n.) **Regulation: 62-761.400(3) F.A.C. – Monthly Inspections**

At least once a month, but not exceeding 35 days, any storage tank and component of a storage tank that can be inspected visually shall be visually inspected in accordance with Rule 62-761.640(2)(e), F.A.C. Specifically, Perma-Fix failed to conduct monthly inspections on the two 7,000-gallon tankers and the 6,000-gallon AST.

Corrective Action: Perma-Fix shall begin inspections of the ASTs upon installation of the new tank systems.

o.) **Regulation: 62-710.600(2)(b)– Used Oil Training**

Used Oil Transporters shall show evidence of familiarity with applicable state laws and rules governing used oil transportation and maintain a record of training. Specifically, Perma-Fix could not provide documentation proving employees had received training on used oil regulations.

Corrective Action: Perma-Fix shall immediately develop a personnel training plan and schedule training in used oil regulations for facility employees. In addition, within 30 days of receipt of this Warning Letter, Perma-Fix shall submit to the Department a written facility personnel-training plan with corresponding training schedules. When training is complete, Perma-Fix shall provide written documentation to the Department

p.) **Regulation: 40 CFR 279.44 – Rebuttable Presumption for Used Oil**

“To ensure that used oil is not a hazardous waste under the rebuttable presumption of 40 CFR 279.10(b)(1)(ii), the used oil transporter must determine the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. The transporter must make this determination by testing the used oil or applying knowledge of the halogen content of the used oil in light of the materials or processes used.” Specifically, Perma-Fix failed to document the halogen content of loads of used oil collected from various locations. This may have resulted in

Perma-Fix transporting hazardous waste without a hazardous waste manifest and improperly managing the waste at a facility not permitted to accept hazardous waste.

Corrective Action: Perma-Fix must ensure that loads of used oil are tested for halogen content before acceptance, and that test results are consistently noted on manifests. In the event that the wrong box is checked, a signed and dated note should be attached to the manifest stating the error. Within 30 days of receipt of this Warning Letter, Perma-Fix shall provide documentation to the Department that all drivers have been trained on conducting and documenting the halogen content of used oil.

q.) **Regulation: 62-710.850(6)(a) F.A.C. – Used Oil Filter Management**

Used oil filter containers must be labeled with the words “Used Oil Filters” and stored on an oil impermeable surface and sealed or otherwise protected from the weather. Specifically, Perma-Fix was storing used oil filters in containers that were not closed or protected from the weather, not labeled with the words “used oil filters” and staged on the gravel parking lot.

Corrective Action: Perma-Fix shall immediately label all used oil filter container with the words “used oil filters”, store used oil filters containers on an impervious surface, and ensure that containers are closed or otherwise protected from the weather. Within 30 days of receipt of this Warning Letter, Perma-Fix shall submit to the Department written used oil filter management plan and documentation that all employees have been instructed in proper used oil filter management.

r.) **Regulation: 40 CFR 279.22(c)(1) - Used Oil Container Labeling**

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

Corrective Action: Perma-Fix shall immediately label all used oil container(s) with the words “used oil.” Within 30 days of receipt of this Warning Letter, Perma-Fix shall submit to the Department written notification that all employees involved with used oil management and/or practices have been instructed in proper used oil container management.

s.) **Regulation: 62-701.300(1) F.A.C. & 403.161(b) F.S.-Unauthorized Storage**

Excessive storage of solid waste without authorization or approval from the Department is prohibited. Specifically, Perma-Fix is storing solid waste in violation of the general permit approved March 29, 1999. Records indicate that the facility has been storing solid waste onsite for several months.

Corrective Action(s): Within 30 days of the Warning Letter, Perma-Fix shall remove and/or reduce the drums of solid waste stored onsite to the storage capacity approved under the general permit.

t.) **Regulation: 62-701.320(1) F.A.C., & 403.161(b) F.S. – Unapproved Permit Modification**

Modification of general permit without authorization from the Department is prohibited. Specifically, Perma-Fix modified its operations to include solidification of liquid waste that was not approved under the general permit.

Corrective Action(s): Perma-Fix must immediately cease this type of activity at the facility until such time that a permit is issued that authorizes this process.

15. CONCLUSION:

Perma Fix, Orlando is a transporter, transfer facility, and permitted storage facility of solid and hazardous waste and was not in compliance at the time of this inspection. The facility is not operating under the conditions agreed to in the hazardous waste permit, 26919-HO-004, issued by the Department on November 14, 2003.

Perma-Fix's operations have changed over past five years to include operations that were not approved by the Department under the Solid Waste general permit. The unauthorized storage of solid waste is not in compliance with the general permit for transfer station operations. The facility operation currently includes solidification of solid waste. The operations conducted at the facility have changed substantially from those described in the permit application submitted on March 5, 2004 and subsequent response to the Department's request for additional information. Also, the facility's General Permit authorization expired on April 5, 2004. Although Perma-Fix submitted a permit application for a Waste Processing Facility on March 5, 2004, the application was not deemed complete prior to the expiration date, and remains incomplete. Accordingly, Perma-Fix is conducting solid waste operations without the required permit.

Report Prepared By: Janine Kraemer
Janine Kraemer
7/7/04
Date

Report Reviewed By: Lu Burson
Lu Burson
7/9/04
Date

Gloria Jean De Pradine
Gloria-Jean De Pradine
7/7/04
Date

PENALTY COMPUTATION WORKSHEET

Violator's Name: Perma-Fix

Identify Violator's Facility: 10100 Rocket Blvd. and 10225 General Dr., Orlando Florida 32824

Name of Staff Responsible for the Penalty Computations: Janine Kraemer Date: 5/19/04

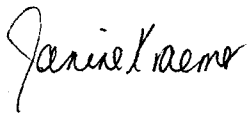
	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi-Day	History 10%	Total
a.	403.727 F.S. Permit Conditions	HW 15.3	Minor	Moderate	\$1,649 - \$550	138 x \$220 = \$30,360	\$164	\$32,173
b.	263.12 10-day Transfer Waste	HW 6.1	Minor	Minor	\$549- \$110		\$54	\$603
c.	264.1(h)/268.50 (b) Prohibitions on Storage	HW 16.5	Minor	Major	\$3,299- \$1,650	25 x \$385 = \$9,625	\$329	\$13,253
d.	262.11 Waste Determination	HW 3.1	Minor	Minor	\$549- \$110		\$54	\$603
e.	264.13 Waste Analysis Plan	HW 16.2	Minor	Major	\$3,299- \$1,650		\$329	\$3,628
f.	265.16(a)(1) Training	HW 9.5	Moderate	Moderate	\$8,799- \$5,500		\$879	\$9,678
h.	62-4.160(17)(b) F.A.C. Failure to Report	HW 15.1	Minor	Minor	\$549- \$110		\$54	\$603
i.	62-761.400(1) F.A.C. Tank Registration	ELRA 403.121 (5)	NA	NA	\$500			\$500
j.	62-761.400(3)(c)1. F.A.C. Financial Responsibility	ELRA 403.121 (4)	NA	NA	\$5,000			\$5,000
k.	62-761.500(1)(e)1. & 2. F.A.C. AST Requirements	ELRA 403.121 (3)(g)	NA	NA	\$1,000			\$1,000
l.	62-761.850(2)(a), F.A.C. Storage Tank System Equipment	ELRA 403.121 (3)(g)	NA	NA	\$2,000			\$2,000
m.	62-761.500(3)(d)4. F.A.C. Overfill Equipment Requirements	ELRA 403.121 (3)(g)	NA	NA	\$2,000			\$2,000
n.	62-761.400(3) F.A.C. Monthly Inspections	ELRA 403.121 (3)(g)	NA	NA	\$2,000			\$2,000
o.	62-710.600(2)(b) F.A.C. Used Oil Training	ELRA 403.121 (4)(e)	NA	NA	\$1,000			\$1,000

p.	279.44 Rebuttable Presumption for Used Oil	ELRA 403.121 (d)(4)	NA	NA	\$2,000			\$2,000
q.	62-710.850(6) F.A.C. Used Oil filter labeling	ELRA 403.121 (5)	NA	NA	\$500			\$500
r.	279.22(c)(1) Used oil container labeling	ELRA 403.121 (5)	NA	NA	\$500			\$500
s.	62-701.300(1) F.A.C. Unauthorized Storage	ELRA 403.121 (3)(e)	NA	NA	\$3,000			\$3,000
t.	62-701.320(1) F.A.C. Permit Modification	ELRA 403.121 (4)(e)	NA	NA	\$1,000			\$1,000

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:

\$81,041.00

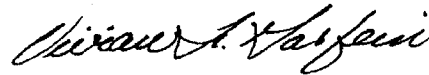
Prepared by:



Janine Kraemer
Environmental Specialist

7/19/04

Date



Vivian F. Garfein
Director, Central District

July 19, 2004

Date

WORKSHEET
RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Perma-Fix Date: 5/19/04

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
c.	264.1(h)/268.50(b)	Storage Time	4	2	1	1	8
e.	264.13	Waste Analysis Plan	4	2	1	1	8

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24
MODERATE POTENTIAL FOR HARM: 13-18
MINOR POTENTIAL FOR HARM: 8-12



Figure 1: Storage on dock



Figure 2: Storage on dock



Figure 3: Storage on dock



Figure 4: Storage on dock



Figure 5: Drums stored outside consolidation area



Figure 6: Drums stored outside consolidation area



Figure 7: Metal bearing solids being consolidated



Figure 8: Metal bearing solids being consolidated



Figure 9: Drums stored outside building



Figure 10: Drums stored outside building



Figure 11: Containers destined for the landfill
Oil based paints, linseed oil and thiocyanate



Figure 12: Containers destined for the landfill
Oil based paints



Figure 13: Materials destined for the landfill



Figure 14: Sump area to collect liquids from parking lot



Figure 15: Consolidation area



Figure 16: Consolidation area



Figure 17: Storage on dock



Figure 18: Containers destined for the landfill



Figure 19: Containers destined for the landfill



Figure 1: Tanker used to store used oil



Figure 2: Tank used to store oily waste water



Figure 3: Open oil filter container



Figure 4: Total of 86 Totes



Figure 5: Unlabeled used oil filter roll off (red top)



Figure 6: Unlabeled used oil filter container



Figure 7: Unlabeled used oil container