

IN-KIND PENALTY AUTHORIZATION

CENTRAL DISTRICT

Investigator: Janine Kraemer

Date Submitted: March 23, 2005

1. VIOLATOR: Perma-Fix of Orlando
2. LOCATION OF VIOLATION: 10100 Rocket Blvd. & 10225 General Dr., Orlando 32824
3. NATURE OF VIOLATION:

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.

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 is a hazardous waste and used oil transporter, transfer facility, and permitted storage facility of solid and hazardous waste. The following violations were cited:

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.

Regulation: 40 CFR 263.12 - Ten Day Transfer Facility Accumulation Time Limit

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.

Regulation: 40 CFR 264.1(h)/268.50 (b) - Prohibitions on Storage

Specifically, Perma-Fix stored waste in the storage area for longer than one year.

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

Specifically, Perma-Fix failed to provide facility personnel training in hazardous waste management procedures.

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

Specifically, Perma-Fix failed to perform/document facility inspections on 11/24/03 and 2/23/04.

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

Specifically, Perma-Fix did not report to the Department that they had exceeded their storage capacity.

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

Specifically, Perma-Fix failed to register their two 7,000-gallon tankers and 6,000-gallon above ground storage tank.

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

Specifically, Perma-Fix did not have appropriate financial responsibility in the required amounts for above ground storage tanks.

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

Specifically, Perma-Fix had not met secondary containment requirements for Category C above ground storage tanks.

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

Specifically, the above ground storage tanks, Perma-Fix is currently using, are not approved AST equipment.

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

Specifically, Perma-Fix is currently using above ground storage tanks that do not have overfill protection equipment.

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

Specifically, Perma-Fix failed to conduct monthly inspections on the two 7,000-gallon tankers and the 6,000-gallon AST.

Regulation: 62-710.600(2)(b)- Used Oil Training

Specifically, Perma-Fix could not provide documentation proving employees had received training on used oil regulations.

Regulation: 40 CFR 279.44 - Rebuttable Presumption for Used Oil

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.

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

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.

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

Specifically, Perma-Fix failed to mark ASTs and containers with the words "used oil."

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

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.

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

Specifically, Perma-Fix modified its operations to include solidification of liquid waste that was not approved under the general permit.

4. **PENALTY RATIONALE:** A Civil Penalty Authorization memo was submitted to OGC and approved on August 12, 2004. In lieu of paying the Department \$51,345.00 in civil penalties the Consent Order, OGC File No.: 04-1771, the Department gave the Respondent the option of submitting an in-kind project for part of the civil penalty amount.

Perma-Fix has submitted an in-kind project proposal in the amount of \$75,000.00. In lieu of making cash payment of the civil penalties, the Department has determined that up to \$41,076.00 of the civil penalty may be offset through the implementation of a Supplemental Environmental Project (SEP) described in the attachment. The value of the SEP shall be one and a half times the civil penalty off-set amount, which in this case is the equivalent of at least \$61,614.00. Payment of the remaining civil penalties, \$10,296.00 and the \$500 Department costs, for a total of \$10,769.00.

5. **PENALTY RECOMMENDATION:** I recommend that attached in-kind penalty proposal of \$75,000.00 be accepted from Perm-Fix.


Director, Central District

☒ **APPROVED** ☐ **DISAPPROVED**


General Counsel

Date: 3/28/05

Comments: _____



SUPPLEMENTAL ENVIRONMENTAL PROJECT PLAN

PERMA-FIX OF ORLANDO

Section I

A. Facility Information

1) Facility Address

Perma-Fix of Orlando
10100 Rocket Boulevard
Orlando, Florida 32824

2) Number of Employees

53

3) Facility Description

The Perma-Fix Orlando (PFO) facility is presently engaged in the storage and consolidation of hazardous waste. PFO is also a transporter of hazardous waste and operates a transfer facility at the site. The storage and consolidation operations are authorized by a Hazardous Waste Facility Construction and Operating Permit issued on November 6, 1998. This permit allows the facility to store up to 824 55-gallon containers in the container storage unit, and to consolidate waste with other compatible wastes. The consolidation operations take place inside an "L"-shaped building located at the north end of the site, identified in this description as the north building. The facility may use the container storage unit to hold waste regulated under the transfer facility provisions for short periods of time. The transfer facility provisions allow a hazardous waste transporter to hold waste at the transfer facility for ten days or less while in transportation to another facility.

B. Personnel involved

Chris Waechter, Facility Manager, 10100 Rocket Boulevard, Orlando, Florida 32824
James Kreger, Compliance Manager, 10100 Rocket Boulevard, Orlando, Florida 32824

C. Identification and Description of the Process or Operations

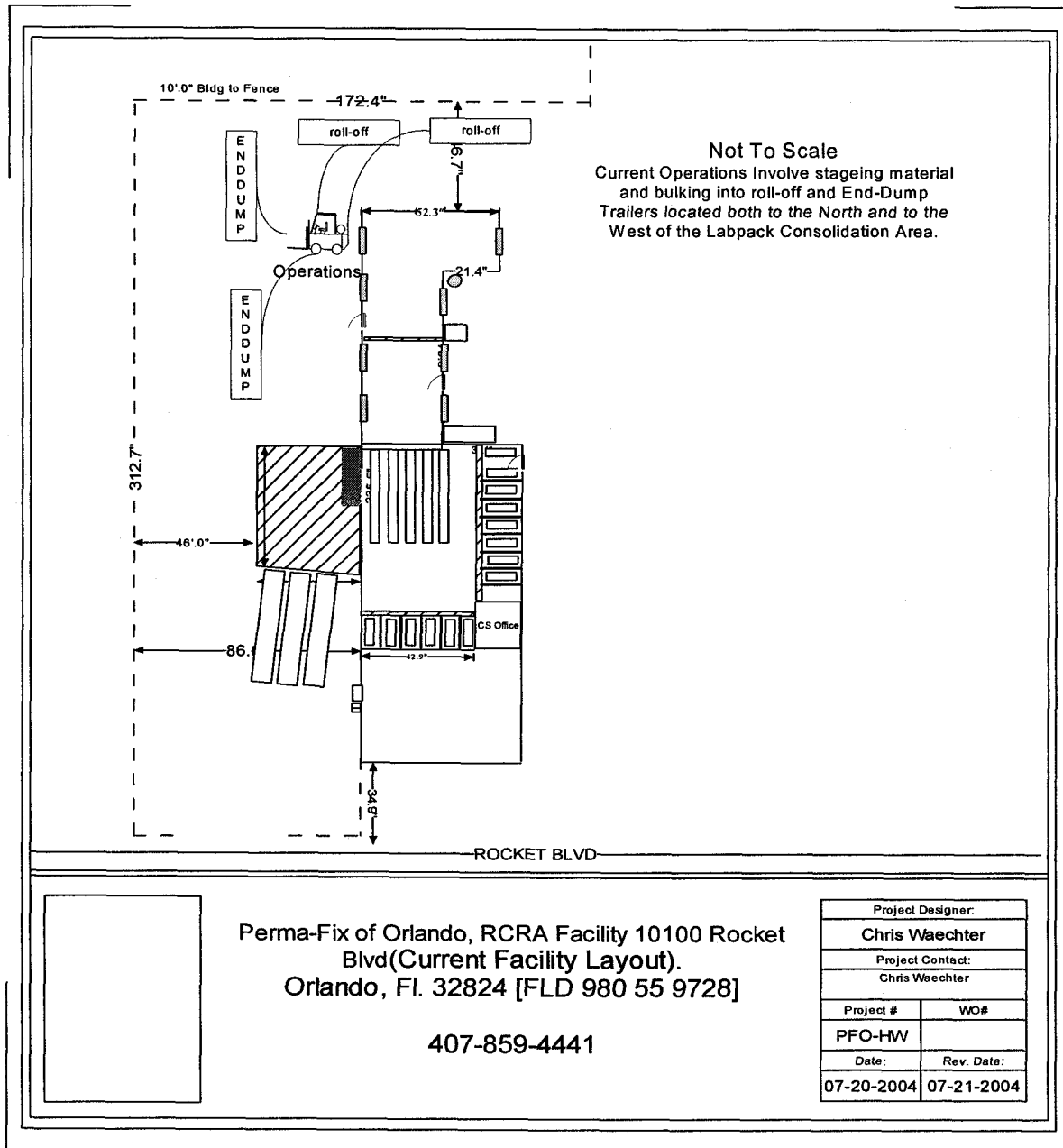
As part of its operations PFO takes smaller containers, (e.g., vials, jars, 1 gallon containers, 5 gallon pails, 15, 30 and 55 gallon drums) and consolidates and bulks into larger containers such as totes, cubic yard boxes and roll-off containers. In the past, part of the operation has been conducted out of doors.

D. Diagrams

1) Current Process Diagram

Current Bulk Consolidation

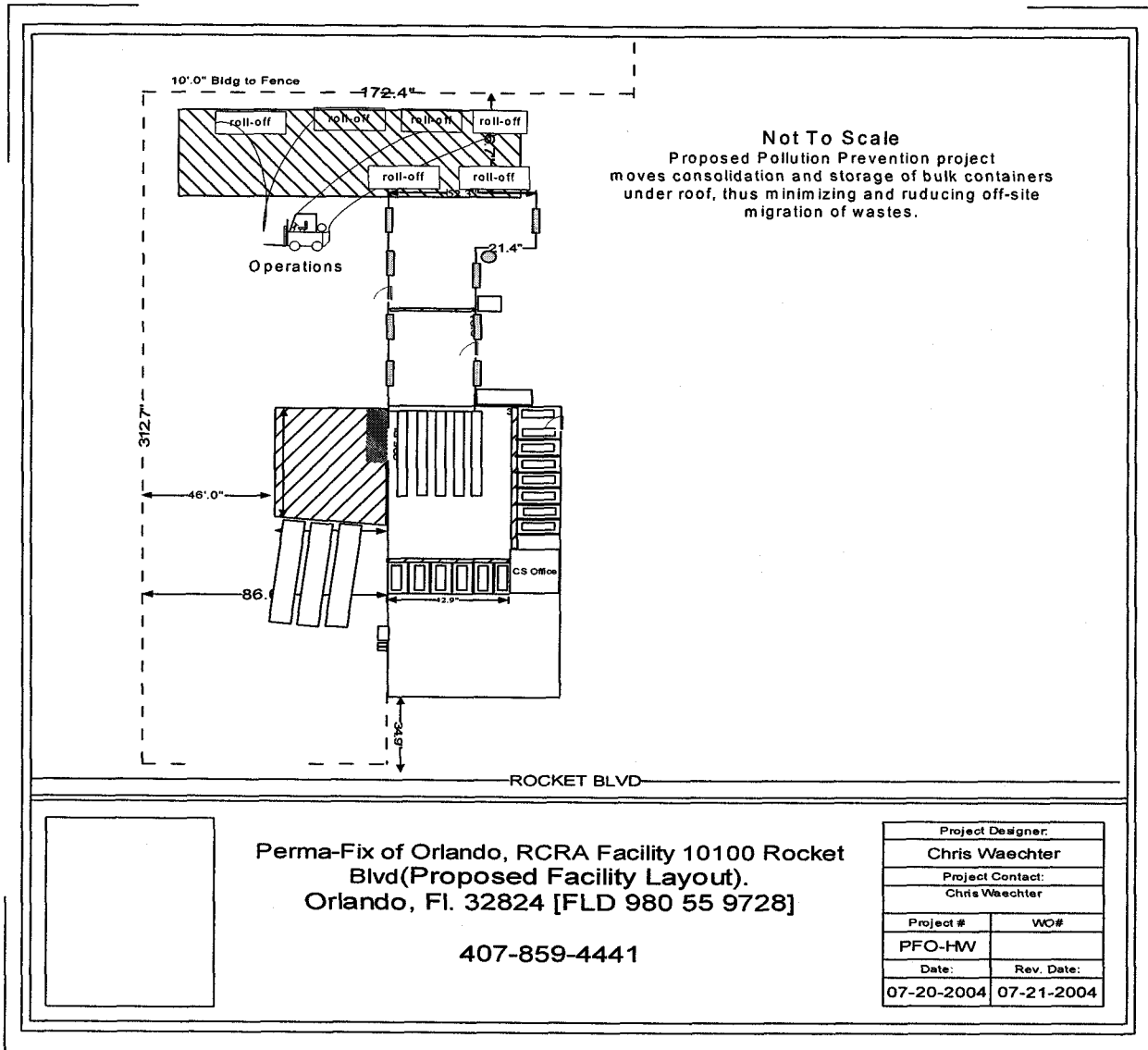
02/22/2005



2) Proposed Process Diagram

Proposed Bulk Consolidation P-2 Project

02/22/2005



Section II

A. Process Change

- 1) The largest aspect of project involves the elimination of processing solid and hazardous waste in non-contained, open, gravel areas. With the establishment of a "Bulk Consolidation Area" adjacent to the current consolidation area this process will be eliminated. The proposed plan will help PFO to control potential off-site migration of waste materials.
- 2) Additionally, the current practice of storing roll-off containers of Hazardous Waste outside will be changed and the roll-off containers will be stored in the new building.

B. Waste Segregation

- 1) Waste materials will continue to be stored in the RCRA permitted storage areas until processing/consolidation operations commence. During the shift in which materials are to be consolidated operations personnel will stage the materials in the proposed "Bulk Consolidation Area", bulking operations and segregation for this bulking operation will occur only in the new and enclosed area.
- 2) Roll-off containers will only be placed or stored in the enclosed "Bulk Consolidation area". No outside storage will occur.

C. Improved Maintenance and Housekeeping

The planned design of the "Bulk Consolidation Area," will include better controls in regard to dust control and/or waste migration off-site. The enclosed design will block prevailing winds and the roof will prevent the incursion of rainwater. As part of Perma-Fix of Orlando's normal procedures, working areas are kept clean and free of clutter. Operations will continue to include thorough cleanup at periods throughout the shift and at the end of the shifts.

D. Improved Operational Procedures and/or Scheduling

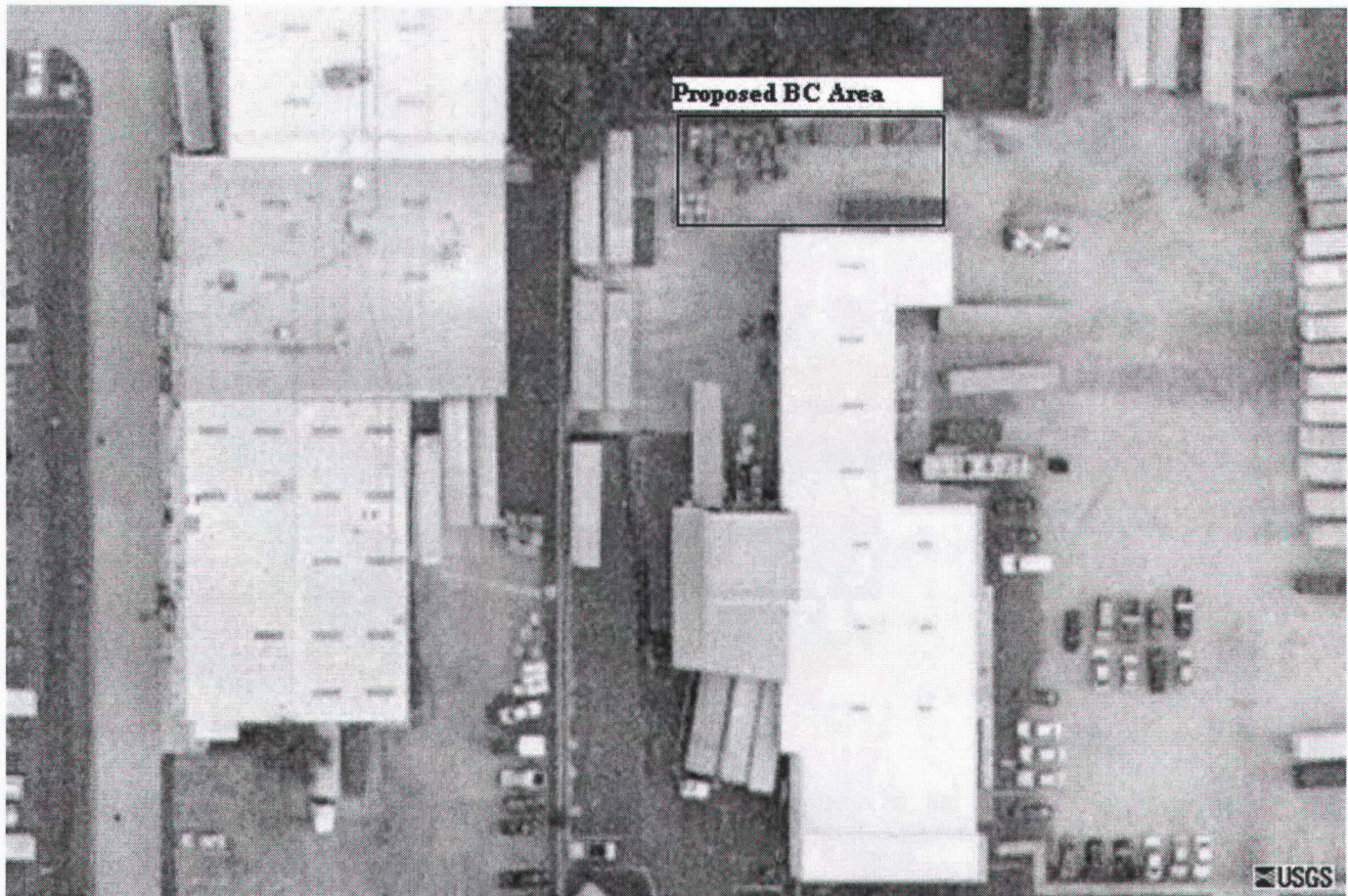
- 1) The proposed "Bulk Consolidation Area," will be used solely for the consolidation and Storage of Solid and Hazardous wastes in "Bulk Containers." This area will be limited by its capacity thus schedules will be modified to Bulk and Go operations, as part of the current operations PFO bulks into one to two roll-off or dump trailer containers at a given time. Considerations will have to be given to allow ample time to process/bulk materials and ship off-site prior to scheduling additional bulk loads or containers. As part of current operations PFO also receives materials in bulk containers, these containers are usually roll-off containers or dump trailers from 20 yards to 50 yards in total volume. These roll-offs or dump trailers are repackaged and consolidated into larger roll-offs and compacted to save on outbound

transportation costs. It is estimated that upon completion the "Bulk Consolidation Area" will hold a total of no more than four 50-yard Dump Trailers or eight 25-yard roll-offs. The aggregate total volume of the proposed area will not exceed 200 yards.

2) Current Operating Costs are not impacted by the means or manner in which bulking operations are completed. However, it is quite possible that through the completion of the proposed Supplemental Environmental Project Perma-Fix of Orlando will greatly reduce the potential costs associated with remedial corrective actions associated with off-site contamination. Currently Perma-Fix of Orlando receives and consolidates thousands of drums of hazardous waste per year. In 2004, PFO processed/repackaged appropriately 2,380,000 pounds of characteristic metals bearing waste. The majority of this waste was received in non-bulk packaging (Drums, Pails, Boxes) and bulked into the larger roll-off or end dump containers. Much of this waste was handled in the area directly adjacent to the current labpack consolidation area. Based upon the 2004 numbers the total waste to be handled in the proposed "Bulk Consolidation Area" will be equal to 100 55-gallon drums per month (500 lb. Average).

3) Supporting Documentation is attached. Attachment # 1 contains copies of the outbound manifests of Listed and/or characteristic wastes sent to Chemical Waste Management (Emelle).

Color Facility Layout



SECTION III

A. Supplemental Environmental Project Description

1) Description of Process Modification

It is Perma-Fix of Orlando's goal to modify current operations and practices of consolidation of Hazardous Wastes in the open-air environment. The change in process will require Perma-Fix to construct a fixed structure adjacent to current operational areas for the consolidation and or bulking of these Hazardous Wastes.

It is our goal to reduce the potential for any off-site migration of Hazardous Waste, be it particulate air borne materials or contaminated rainwater. Current operations and the on-site storage of Bulk Containers (Roll-offs, Dump Trailers) will take place only in the proposed "Bulk Consolidation Area" of the facility. The design of the "Bulk Consolidation Area" will be as such to protect human health and the environment.

Another component of the proposed plan involves the actual storage or location of bulk containers of Hazardous Waste. Future operations, handling, transfer and storage of bulk containers (Roll-Offs, Dump Trailers) will occur only in a roofed area of the facility. Not outside storage or transfer operations will occur.

2) Itemized Costs of the Project

The total estimated cost for the "Bulk Consolidation Area" is estimated to cost \$ 75,000.00. This includes the installation of a steel I-beam structure with full walls. The estimate also includes the cost of two 14 x 16 overhead doors. Additional costs that have not been included in this estimate will include county permitting and impact fees.

3) Other Costs

See Attached

4) Supporting Documentation

Actual Costs will be supplied. Costs and quoting is currently being negotiated with Contractors.

SECTION IV

A. Schedule for Implementation

1) Milestones (Goals)

FDEP approval of Plan.	(2-4 Weeks)
County Building Permit Approval	(June 1, 2005)
Construction Start	(June 14, 2005)
Use of Area	(September 1, 2005)

2) Anticipated Problems and Options

Due to the recent and unprecedented number of hurricanes to hit Florida in 2004, it will be difficult to secure the services of a construction company to do this type of work in a timely manner. If Perma-Fix encounters problems meeting the goals as outlined in #1, the Department will be notified in writing of the new dates for the goals

3) Projected Completion Date

Completion date can only be estimated due to the difficulty in obtaining quotes from area contractors. Our GOAL is to have the area operational by July 1, 2005.

Estimated Project Cost:

Building Pricing Summary:

PURCHASE ORDER / CONTRACT

QuoteID: **E100603991** Date: **2/14/2005**

[Printable Version](#)

Account/Billing Information:

CHRIS WAECHTER

Email: **cwaechter@perma-fix.com**

Shipping Information:

State: **FL** County: **Orange**

Engineering Design Info:

Width: **45** Length: **100** Height: **18** Slope: **1:12** Bay Config: **4 Bays at 25 ft**

Code: **FBC 2001** Roof Snow: **0** Live Load: **20 (w/ Tributary Reduction)**

Ground Snow: **0** Collateral Load: **1/2**

Wind: **100** Exposure: **C** Seismic Coefficient: **0.18** Is: **1.0** Ct: **1.0** Ce: **1.0**

Building Colors:

Wall: **Light Stone (PBR)** Roof: **Galvalume Plus (PBR)** Trim: **Polar White**

Downspout: **N/A** Corner Trim: **Light Stone** Jamb Flashing: **N/A**

Doors & Factory Located Framed Opening Summary:

Size: **14X14** Wall: **Front Sidewall** Bay: **1** Align: **7 ft from left column**

Door Manufacturer	Class	Model	Color	Price
DBCI	Windloaded Certified	5100	White	\$866.05
Operator: Chainhoist				\$0.00
Lock Option: Inside				\$0.00
Option: Top Seal				\$31.19

Size: **14X14** Wall: **Right Endwall** Bay: **E** Align: **4 ft from left column**

Door Manufacturer	Class	Model	Color	Price
DBCI	Windloaded Certified	5100	White	\$866.05
Operator: Chainhoist				\$0.00
Lock Option: Inside				\$0.00

Size: **8X14** Wall: **Right Endwall** Bay: **F** Align: **Center**

Door Manufacturer	Class	Model	Color	Price
DBCI	Windloaded Certified	5100	White	\$649.98
Operator: Chainhoist				\$0.00
Lock Option: Inside				\$0.00
Option: Top Seal				\$13.72

Building Accessories:

Description	Selected	Price
Gutters and Downspouts	No	\$0.00
Framed Opening Jamb Flashing	No	\$0.00
Standard Base Angle		\$0.00

Roof Extensions:

Roof Extension Description:	Price
Soffit Panel: PBR 26ga. Soffit Color: Light Stone	
1 ft Canopy located on Back Sidewall starting at Bay 1 ending at Bay 4.	
6 ft Purlin Extension located on Left Endwall.	
6 ft Purlin Extension located on Right Endwall.	
Total Roof Extension Price:	\$3,647.17

Liner Panel:

----No Liner Panel Selected----

Other Accessories:

----No Other Accessories Selected----				
Insulation:				
<u>Description</u>	<u>Thickness</u>	<u>Location</u>	<u>Sq Feet</u>	<u>Price</u>
White Polypropylene (WMP-VR)	2"	Walls	5449	\$1,784.49
White Polypropylene (WMP-VR)	2"	Roof	4763	\$1,564.11
Includes double sided tape and 2 roll(s) of patch tape.				
Solar Guard Foil Interior R-11	1/4"	Walls and Roof	10620	\$3,163.07
Includes double sided tape and 1 roll(s) of Aluminum patch tape.				
Total Price Summary:				
Base Building Price:				\$26,173.06
Special Discount:				- \$1,832.11
Instant Door Rebate:				- \$600.00
Framed Opening Add:				\$565.13
Total Door Price:				\$2,426.98
Total Door Freight:				\$258.00
Total Accessories Price (including roof ext, building accessories):				\$3,647.17
Insulation Price:				\$6,511.67
Insulation Freight:				---FREE---
Stamped with Design Calculations				\$300.00
Total Price (Delivered to your job site):				\$37,449.90
Permitting Engineering/Site Work (30%)				\$ 8,987.98
Installation (Building Erection) \$5.50 per SQ Ft (4,500 SF)				\$ 24,750.00
Total Estimated Project Cost				\$ 74,186.98