



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

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**FACILITY INFORMATION:**

**Facility Name:** Perma - Fix of Orlando Inc

**On-Site Inspection Start Date:** 01/25/2010

**On-Site Inspection End Date:** 01/25/2010

**ME ID#:** 10046

**EPA ID#:** FLD980559728

**Facility Street Address:** 10100 Rocket Blvd, Orlando, Florida 32824-8565

**Contact Mailing Address:** 1940 NW 67th Pl, Gainesville, Florida 32653-1649

**County Name:** Orange

**Contact Phone:** (352) 395-1356

**NOTIFIED AS:**

LQG (>1000 kg/month)

Transporter

Transfer Facility

TSD Facility Unit Type(s)

Used Oil

**INSPECTION TYPE:**

Routine Inspection for TSD Facility Unit Type(s)

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Janine Kraemer, Environmental Specialist

**Other Participants:** Mike Eckoff, Environmental Specialist; Kim Rush, Environmental Specialist; Robert Burns, Hazardous Materials Investigator; Cory Howard, Field Service Representative

**LATITUDE / LONGITUDE:** Lat 28° 25' 5.8132" / Long 81° 23' 10.5985"

**SIC CODE:** 4212 - Trans. & utilities - local trucking, without storage

**TYPE OF OWNERSHIP:** Private

**Introduction:**

On January 25, 2010 Janine Kraemer, Michael Eckoff and Kim Rush, Florida Department of Environmental Protection (FDEP), Robert Burns, Department of Transportation (DOT), accompanied by Cory Howard, Perma-Fix of Orlando (Perma-Fix), inspected Perma-Fix for compliance with hazardous waste, solid waste, used oil and federal transportation rules and regulations. The facility is a hazardous waste and used oil transporter, 10-day transfer facility, a permitted used oil processor, and permitted storage facility of solid and hazardous waste.

At the time of the inspection the facility had seven employees, four of which were drivers; therefore, not usually on site. The facility is connected to Orange County potable water and sewer systems.

**INSPECTION HISTORY**

**MAY 2009**

The facility came into compliance shortly after the inspection.

**JUNE 2008**

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

**OCTOBER 2007**

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

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#### DECEMBER 2006 and FEBRUARY 2007

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 label hazardous waste containers with an accumulation start date; and failure to maintain the facility to minimize sudden releases. Consent Order OGC File No.07-1790 was executed assessing \$15,681.00 in penalties and Department costs. The facility was able to offset \$11,745.00 of the penalty through the implementation of a supplemental environmental project.

#### APRIL 2006

The facility was out of compliance at the time of the inspection. The facility was cited for failure to maintain the facility to minimize the possibility of a fire and sudden releases. Consent Order OGC File No. 06-1668 was executed assessing \$10,950.00 in penalties and Department costs.

#### MARCH 2006

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

#### MAY 2004

The facility was out of compliance at the time of the inspection. The facility was cited for the following violations; storing over the capacity of facility as stated in the permit; storing transfer waste longer than 10 days; storing hazardous waste longer than one year; failure to conduct proper waste determinations; failure to utilize the waste analysis plan; failure to provide annual training of hazardous waste regulations; failure to conduct weekly inspections; failure to notify the Department of ability to meet a specific permit condition; failure to register above ground storage tanks; failure to demonstrate appropriate financial responsibility for above ground storage tanks; failure to provide secondary containment for above ground storage tanks; failure to obtain state approval prior to using above ground storage tanks; failure to equip above ground storage tanks with overfill protection; failure to inspect above ground storage tanks; failure to provide training of used oil regulations; failure to document the halogen content of loads of used oil; failure to label, keep closed or protected from the weather, and store used oil filters on an oil impermeable surface; failure to label used oil containers and tanks; unauthorized storage of solid waste; and unauthorized modification of its solid waste permit. Consent Order OGC File No. 04-1771 was executed assessing \$51,845.00 in penalties and Department costs.

#### MARCH 2003

The facility was out of compliance at the time of the inspection. The facility stored four drums of hazardous waste longer than one year, however, the drums were shipped off-site the day after the inspection and the Department took no further action.

#### 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.

#### 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, failing to rectify manifest discrepancies within 15 days of receipt of the waste.

#### 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

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unacceptable surety company for insurance.

#### NOVEMBER 1999

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

#### 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 determine appropriate land disposal 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 insurance.

#### 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.

#### AUGUST 1998

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

### Process Description:

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 or radioactive. Perma-Fix operates under hazardous waste storage permit number 26919-HO-006, issued January 28, 2009. 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 10 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 and solid wastes are segregated at the facility according to compatibility groups as outlined in the permit. Storage areas have secondary containment to minimize and prevent possible releases to the environment. The facility is no longer solidifying solid waste on site.

Perma-Fix's consolidation operations are limited to used oil, spent antifreeze, and hazardous pharmaceutical waste. The hazardous pharmaceutical waste consolidation was conducted only once and has been discontinued since this inspection.

### INSPECTION NARRATIVE

The inspection began in the permitted waste storage area. On the southside of the area Perma-Fix is storing empty containers for customers. On the eastside of the area Perma-Fix was storing four 55-gallon drums of chemotherapy waste. Three of the drums had both Perma-Fix Orlando labels and Perma-Fix of Georgia labels. The drums were dated 12/14/09. The fourth drum only had a Perma-Fix of Georgia label and was not dated [40 CFR 262.34(a)(2)]. Next to these drums were two 5-gallon biohazard buckets labeled "non-RCRA regulated waste" (Figure 1). According to employees, bio-medical waste mixed with hazardous waste was transported from the Georgia facility to the Orlando facility for consolidation/sorting. The bio-medical waste, liquid hazardous waste, and solid hazardous waste were sorted and each waste stream consolidated separately. Non-hazardous bio-medical waste was placed in the 5-gallon buckets. The four 55-gallon drums were liquid hazardous waste generated from the sorting process (Figures 11-13). The wastes were to be sent back to the Georgia facility for disposal.

On the northside of the area the facility was storing one 55-gallon drum of used oil, fifty 55-gallon drums of used oil filters, which were properly labeled and sixty empty 55-gallon drums for customers. Additionally, the facility stores their non-hazardous waste on this side of the building.

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Two 55-gallon drums, containing solidified epoxy waste, were properly labeled non-regulated waste. One 250-gallon tote had a "Non-RCRA Regulated" label; however, the "non" had been scratched out (Figures 3 and 4). According to the waste profile, dated 1/28/05, the waste is non-regulated material from chemical purification. The Southwest District FDEP office, was contacted because the facility is in their district. They also confirmed the waste was non-hazardous.

Also in this area was a salvage drum labeled as photo fixer. The drum was not labeled as "hazardous waste" [40 CFR 262.34(a)(3)]. The drum was not dated to indicate the length of time it had been at Perma-Fix. Please be advised that as permitted facility hazardous waste can only be stored for one year from date of receipt. The waste profile dated 10/29/07 indicated the waste was non-regulated material; however, analytical results submitted by Perma-Fix indicate the waste is hazardous [40 CFR 264.13].

NOTE: The photo fixer drum was disposed of as hazardous waste on 2/25/2010.

Three tractor-trailers were located on the loading dock, one of which was empty. The first trailer inspected contained approximately ten 55-gallon drums of waste ink from a printer located in Orlando. The containers were labeled as non-hazardous waste and according to the waste profile the material is non-hazardous (Figure 14). Additionally, Orange County Environmental Protection inspected the printer in May 2009 and determined the inks were non-hazardous.

Next to the drums of ink was a 55-gallon drum also labeled non-hazardous, "dried, bake-off paint waste" from Reed Nissan, Orlando FL (Figure 15). According to the waste profile, dated 3/7/06, the material was non-hazardous [40 CFR 264.13(a)(2) and 264.31]. Mr. Howard removed the lid from the drum and it appeared the drum contained distillation bottoms from a solvent recycling unit (Figure 16).

NOTE: An inspection was conducted at Reed Nissan on February 3, 2010. The facility is generating distillation bottoms from a solvent recycling unit and the material was a listed hazardous waste (EPA waste code F005).

The other trailer containing waste had four cubic yard bags, dated 1/12/10, which contained the sorted/consolidated solid chemotherapy waste destined for disposal in Georgia. Next to the cubic yard bags were two bio-hazardous boxes labeled RCRA regulated waste, regulated medical waste (Figures 17-18). According to Mr. Howard, these containers should not have been labeled as "RCRA regulated waste" and the waste inside the boxes was bio-hazardous waste [40 CFR 264.13(a)(1)].

This trailer also contained two 55-gallon drums of hazardous waste from Colonial Auto Body and one 55-gallon drum of hazardous waste from Unique Electronics. All of these containers were labeled properly.

On the west side of the dock was the solid waste dumpster (Figure 5). The facility is no longer solidifying waste; therefore, the dumpster contained mostly empty containers and petroleum contaminated material.

On the loading dock was six 55-gallon drums of used oil, one 250-gallon tote of oily wastewater and ten 55-gallon drums of oil sludge residuals from the cruise ship, Monarch of the Seas. The oil sludge drums were generated from cleaning a tank on the ship. The material is managed as a used oil and sent to the Perma-Fix facility in Ft. Lauderdale.

North of the loading dock is the 20,000-gallon above ground storage tank (Figure 6) for used oil and off-spec/oily wastewater. The tank contains two compartments, one part is dedicated to used oil and the other part is used for off-spec fuel or oily wastewater depending on the waste Perma-Fix needs to store. The tank is registered with the FDEP-Petroleum Tanks Program.

All of the rainwater from the facility is collected in a sump located on the northwest corner of the property. The rainwater is checked for contamination prior to releasing to an on site retention pond. At the time of the inspection a sheen was observed on the water flowing to the sump (Figure 7). According to Perma-Fix employees, if a sheen is observed on the water in the sump, the water

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will be pumped out and disposed of with the oily wastewater.

The Consolidation Area is mainly used for staging of used oil and spent antifreeze. The used oil is transferred to the 20,000-gallon storage tank. Spent antifreeze is transferred to totes. At the time of the inspection the building was storing nine 250-gallon totes, one 200-gallon tank, two 350-gallon tanks, and seven 55-gallon drums of spent antifreeze. This area also contained five 55-gallon drums labeled used oil; however, one of the drums had writing on the drum, which stated "ultrakleen thinner" (Figure 9). Perma-Fix employees opened the drum and a strong solvent odor emanated from the drum. The material did not appear to be used oil (Figure 10) [40 CFR 262.34(a)(3), 264.13(a)(1) and 264.31]. The drum came from The Recovery Room, a paint and body shop.

NOTE: Perma-Fix disposed of this drum as hazardous waste as "Flammable liquids" on 2/17/10.

The sorting and consolidating of chemotherapy waste was also located in the Consolidation Area (Figure 8). The Department approved of storing historical documents in the Consolidation Area, providing consolidation was not being conducted in this area. In the future these documents should be removed prior to the consolidation of hazardous waste.

Behind the facility Perma-Fix had several tractor trailers. According to Perma-Fix employees, these trailers were empty.

## RECORD REVIEW

Records from 2009 to present were reviewed that included hazardous waste manifests, land disposal restriction notification forms, position descriptions, training records, contingency plan, and inspections. Training records indicate current employees have received annual training. Inspections were in compliance.

The position descriptions needed to be updated to include type and amount of both introductory and continuing training [40 CFR 264.16(d)(3)]. The contingency plan needs to be updated to include the changes in the facility layout and emergency contact numbers [40 CFR 264.54].

A hazardous waste manifest was not used to transport the drum of waste thinner from The Recovery Room or the drum of distillation bottoms from Reed Nissan [40 CFR 263.20(c)]. Waste manifests with the EPA identification number FLD982115669 were used to transport hazardous waste generated by Altamonte Auto Body. This EPA identification number is incorrect and should have been FLD982105843. Please be advised that Perma-Fix needs to ensure the information on a manifest is correct prior to transporting the hazardous waste [40 CFR 263.20(h)(2)].

The 20,000-gallon above ground storage tank is registered with the state. Perma-Fix had completed used oil training and had a standard operating procedure for conducting halogen screening of used oil. The Department observed a used oil disposal document from The Recovery Room that did not indicate halogen screening had been completed on the drums [62-710.510(1)(g) F.A.C.]. Please ensure that all used oil containers are screened for halogens and the results documented on the disposal documentation. At the time of the inspection the facility could not produce a Spill Prevention Control and Countermeasure Plan (SPCCP) for the tank, which would include management of the water flowing into the sump. Please provide the Department with a copy of the SPCCP.

A copy of the Rejected Load Log was provided after the inspection. The most recent entry is April 2006. The Department is concerned that the log is not being updated. Please ensure that all rejected loads are entered into the log.

Perma-Fix is transporting used oil to the Perma-Fix, Ft. Lauderdale facility for recycling. Used oil filters are transported to U.S. Foundry for recycling. Spent antifreeze is transported to Elite Coolant in Orlando for recycling.

## New Potential Violations and Areas of Concern:

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**Checklist Independent Potential Violations and Areas of Concern**

Type:	Violation
Rule:	264.54
Explanation:	The facility must amend the contingency plan when there are changes in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; or the emergency coordinator changes. Specifically, Perma-Fix failed to update the contingency plan with the new information concerning the used oil tank, the solid waste solidification process and the emergency contact information.
Corrective Action:	Within 30 days of receipt of this Warning Letter, provide the Department with an updated contingency plan.
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Type:	Violation
Rule:	263.20(c)
Explanation:	The transporter must ensure that a manifest accompanies the hazardous waste during transportation. Specifically, Perma-Fix failed to use a manifest when transporting the waste thinner from The Recovery Room and the distillation bottoms from Reed Nissan.
Corrective Action:	Perma-Fix must ensure all waste profiles are correct. Within 30 days of receipt of this Warning Letter provide training for employees to ensure recognition of information suggesting the waste is hazardous. Documentation of the training shall be submitted to the Department upon completion.
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Type:	Violation
Rule:	263.20(h)(2)
Explanation:	The transporter records, on a log or shipping paper, the following information for each shipment: name, address, and EPA identification number, quantity of waste accepted, and date the waste was accepted.
Corrective Action:	Perma-Fix must ensure correct EPA identification numbers are written on hazardous waste manifest. Within 30 days of receipt of this Warning Letter, provide the Department with a copy of a standard operating procedures outlining a quality assurance procedure to ensure proper information on manifests.
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Type:	Violation
Rule:	262.34(a)(2)
Explanation:	The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container. Specifically, Perma-Fix failed to mark a hazardous waste container with the accumulation start date.
Corrective Action:	Perma-Fix must immediately mark the accumulation start date on all containers of hazardous waste. In addition, within 30 days of receipt of this Warning Letter, Perma-Fix shall submit to the Department written notification that all employees involved with hazardous waste management and/or practices have been informed that all containers of hazardous waste shall be marked with the

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date accumulation begins, which is when the first drop of waste is placed in the container.

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Type: Violation  
Rule: 262.34(a)(3)  
Explanation: While being accumulated on site each container and tank must be labeled or marked clearly with the words "Hazardous Waste." Specifically, Perma-Fix failed to label hazardous waste storage containers with the words "Hazardous Waste."  
Corrective Action: Perma-Fix must immediately label all hazardous waste storage containers with the words "Hazardous Waste". In addition, within 30 days of receipt of this Warning Letter, Perma-Fix shall submit to the Department written notification that all employees involved with hazardous waste management and/or practices have been instructed in proper hazardous waste storage container management.

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Type: Violation  
Rule: 264.16(d)(3)  
Explanation: A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position. Specifically, Perma-Fix is missing this information on their position descriptions.  
Corrective Action: Within 30 days of receipt of this Warning Letter, provide the Department with updated position descriptions.

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Type: Violation  
Rule: 264.13(a)(1)  
Explanation: Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes, he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste. Specifically, Perma-Fix received several containers of hazardous waste without proper detailed analysis of the material in the containers.  
Corrective Action: Perma-Fix must ensure all waste profiles are correct. Within 30 days of receipt of this Warning Letter provide training for employees to ensure recognition of information suggesting the waste is hazardous. Documentation of the training shall be submitted to the Department upon completion.

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Type: Violation  
Rule: 264.31  
Explanation: Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment. Specifically, Perma-Fix allowed incorrectly identified waste into the facility, which resulted in the improper management of the wastes. If mixed with incompatible waste, it could have threatened human health or the environment.

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Corrective Action: Perma-Fix must ensure all waste profiles are correct. Within 30 days of receipt of this Warning Letter provide training for employees to ensure recognition of information suggesting the waste is hazardous. Documentation of the training shall be submitted to the Department upon completion.

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

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
264.54		01/25/2010	The facility must amend the contingency plan when there are changes in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; or the emergency coordinator changes. Specifically, Perma-Fix failed to update the contingency plan with the new information concerning the used oil tank, the solid waste solidification process and the emergency contact information.
263.20(c)		01/25/2010	The transporter must ensure that a manifest accompanies the hazardous waste during transportation. Specifically, Perma-Fix failed to use a manifest when transporting the waste thinner from The Recovery Room and the distillation bottoms from Reed Nissan.
263.20(h)(2)		01/25/2010	The transporter records, on a log or shipping paper, the following information for each shipment: name, address, and EPA identification number, quantity of waste accepted, and date the waste was accepted.
262.34(a)(2)		01/25/2010	The date upon which each period of accumulation begins must be clearly marked and visible for inspection on each container. Specifically, Perma-Fix failed to mark a hazardous waste container with the accumulation start date.
262.34(a)(3)		01/25/2010	While being accumulated on site each container and tank must be labeled or marked clearly with the words "Hazardous Waste." Specifically, Perma-Fix failed to label hazardous waste storage containers with the words "Hazardous Waste."
264.16(d)(3)		01/25/2010	A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position. Specifically, Perma-Fix is missing this



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Rule Number	Area	Date Cited	Explanation
			information on their position descriptions.
264.13(a)(1)		01/25/2010	Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes, he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste. Specifically, Perma-Fix received several containers of hazardous waste without proper detailed analysis of the material in the containers.
264.31		01/25/2010	Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment. Specifically, Perma-Fix allowed incorrectly identified waste into the facility, which resulted in the improper management of the wastes. If mixed with incompatible waste, it could have threatened human health or the environment.

Areas of Concern

No Areas of Concern

**Conclusion:**

Perma-Fix of Orlando, Inc was inspected as a hazardous waste and used oil transporter, 10-day transfer facility, a permitted used oil processor, and permitted storage facility of solid and hazardous waste and was not in compliance at the time of the inspection.

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**Signed:**

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

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

Janine Kraemer

**PRINCIPAL INSPECTOR NAME**

Environmental Specialist

**PRINCIPAL INSPECTOR TITLE**

NO SIGNATURE

**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

Mike Eckoff

**INSPECTOR NAME**

Environmental Specialist

**INSPECTOR TITLE**

NO SIGNATURE

**INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

Kim Rush

**INSPECTOR NAME**

Environmental Specialist

**INSPECTOR TITLE**

NO SIGNATURE

**INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

Robert Burns

**INSPECTOR NAME**

Hazardous Materials Investigator

**INSPECTOR TITLE**

NO SIGNATURE

**INSPECTOR SIGNATURE**

FDOT

**ORGANIZATION**

Cory Howard

**REPRESENTATIVE NAME**

Field Service Representative

**REPRESENTATIVE TITLE**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

Perma-Fix of Orlando

**ORGANIZATION**

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