



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

ELECTRONIC MAIL

kfogleman@perma-fix.com

RECEIVED
SEP 21 2010
DEP Central Dist

Kurt Fogelman, Environmental, Health & Safety Manager
Perma-Fix of Orlando
10100 Rocket Blvd
Orlando, FL 32824

OCD-HW-E-10-171

SUBJECT: Proposed Settlement of Perma-Fix of Orlando, Inc.-FLD980559728
OGC File No.: 10-1669

Dear Mr. Fogelman:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, OWL-HW-E-10-004, dated April 5, 2010, a copy of which is attached as Exhibit I. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$24,354.00, along with \$500.00 to reimburse the Department costs, for a total of \$24,854.00. The civil penalty in this case includes two violations of \$2,000.00 or more.

The Department has determined that 90% of civil penalty of \$24,354.00 (that is, \$21,919.00) may be offset through the implementation of the In-Kind Project that is described in the Perma-Fix of Orlando, Inc. submittals dated September 8, 2010 (received via email) attached as Exhibit II. Perma-Fix of Orlando, Inc. shall pay the remaining 10% (that is, \$2,435.00) and the Department's costs of \$500.00 within 30 days of signing this letter. A payment of \$2,935.00 by cashier's check or money order must be made payable to the Department of Environmental Protection "Ecosystems Management and Restoration Trust Fund" and shall include the OGC File Number 10-1669. Payment shall be sent to the Department of Environmental Protection, Central District, 3319 Maguire Blvd, Suite 232, Orlando FL 32803, within 30 days of your signing this letter.

As provided in the previous paragraph, the Department is giving Perma-Fix of Orlando, Inc. the option to offset the civil penalty with an In-Kind Project. The value of the In-Kind Project must be 1 and 1/2 times the civil penalty amount, which in this case is the equivalent of at least \$32,878.00. This option requires that Perma-Fix of Orlando, Inc. strictly comply with the requirements and deadlines for implementing, completing, and submitting a notification of In-Kind Project completion to the Department. Upon signing this letter, Perma-Fix of Orlando, Inc. shall implement the approved In-Kind Project in accordance with the requirements of Exhibit II hereto. The In-Kind Project must be completed no later than November 13, 2010. Perma-Fix of Orlando, Inc. shall notify the Department by telephone or in writing when the in-kind project starts. Perma-Fix of Orlando, Inc.'s failure to timely complete the approved In-Kind Project or timely provide the Department with the notification of the In-Kind Project completion will cause the In-Kind Project option to be forfeited and the balance of the civil penalty, \$21,919.00, shall be due within 10 days of notice from the Department.

Perma-Fix of Orlando, Inc. signing this letter constitutes its acceptance of the Department's offer to resolve this matter on these terms. If Perma-Fix of Orlando, Inc. elects to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

If Perma-Fix of Orlando, Inc. does not sign and return this letter to the Department at the District address within 15 days of receiving it, the Department will assume that Perma-Fix of Orlando, Inc. is not interested in settling this matter on the above described terms, and will proceed accordingly. None of Perma-Fix of Orlando, Inc. rights or substantial interests are determined by this letter unless a representative of Perma-Fix of Orlando, Inc. signs it and it is filed with the Department Clerk.

Sincerely yours,



F. Thomas Lubozynski, P.E.
Waste Program Administrator
for
Vivian F. Garfein
Director, Central District

Date: 9/10/2010

FOR THE RESPONDENT:

I, RAYMOND WHITTLE - VP Southeast Region, (print name and
title) on behalf of PERMA-FIX OF ORLANDO **HEREBY ACCEPT**
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.


Signature

09/20/10
Date

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 23rd day of September, 2010.

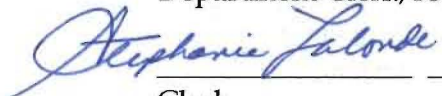
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

for Vivian F. Garfein
District Director



FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated
Department Clerk, receipt of which is hereby Acknowledged.

 9/23/2010
Clerk Date

Copies furnished to:
Lea Crandall, Agency Clerk, Mail Station 3

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

ELECTRONIC MAIL
choward@perma-fix.com

Cory Howard, Operations Manager
Perma-Fix of Orlando, Inc.
10100 Rocket Blvd
Orlando, FL 32824

WARNING LETTER
OWL-HW-E-10-004

Orange County-HW
Perma-Fix of Orlando, Inc.
FLD980559728

Dear Mr. Howard:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance inspection was conducted at your facility on January 25, 2010. The inspection was 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 hazardous waste and used oil.

During the inspection, Department personnel observed possible violations of Florida Statutes and Rules regarding used oil and hazardous waste. These violations are set forth in the attached inspection report including pictures.

The activities observed during the Department's field inspection 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 September 2004, 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) 893-3329 or by e-mail at janine.kraemer@dep.state.fl.us 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,



F. Thomas Lubozynski, P.E.
Waste Program Administrator
for
Vivian F. Garfein
Director, Central District
Date: 4/5/10

VFG/jk

Enclosures:
Inspection Report
Pictures
Penalty Calculation Worksheet

cc:
Debby Valin, P2 Coordinator, FDEP, Debby.Valin@dep.state.fl.us
Kurt Fogleman, Compliance Officer, Perma-Fix, kfogleman@perma-fix.com
Robert Burns, Hazardous Materials Investigator, DOT, bob.burns@dot.gov



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

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.

Inspection Date: 01/25/2010

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

Inspection Date: 01/25/2010

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.

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.

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.

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

Inspection Date: 01/25/2010

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

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.

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.

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.

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.

Inspection Date: 01/25/2010

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.

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

Inspection Date: 01/25/2010

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.

Inspection Date 01/25/2010

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

Inspection Date 01/25/2010

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.



Figure 1: Regulated medical waste from consolidation



Figure 2: Pharmaceutical waste outside container



Figure 3: "non" RCRA regulated waste



Figure 4: label "non" RCRA regulated waste



Figure 5: Solid waste dumpster



Figure 6: Used oil tank



Figure 7: Sheen on parking lot



Figure 8: Sorting/Consolidation area

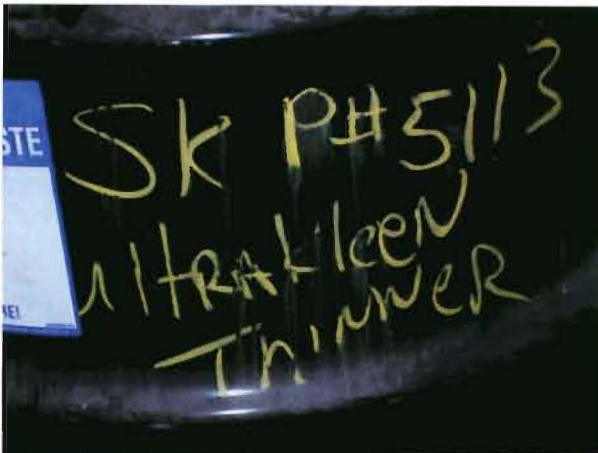


Figure 9: Label stated used oil but thinner in drum



Figure 10: Thinner in drum



Figure 11: Chemo waste from consolidation/sorting process



Figure 12: Chemo waste from consolidation/sorting process; missing date



Figure 13: Chemo waste from consolidation/sorting process

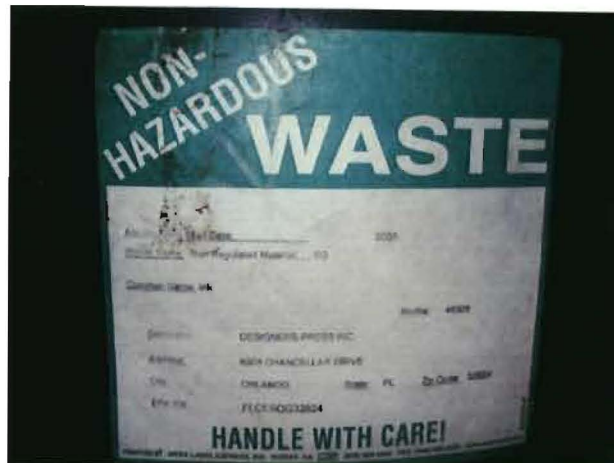


Figure 14: Non-hazardous Ink



Figure 15: Non-Regulated waste label on haz waste container



Figure 16: Drum of distillation bottoms from Figure 15



Figure 17: RCRA regulation waste as Bio-Hazardous waste



Figure 18: RCRA regulation waste as Bio-Hazardous waste

PENALTY COMPUTATION WORKSHEET

Facility's Name: Perma-Fix of Orlando EPA ID #: FLD980559728

Facility Address: 10100 Rocket Blvd, Orlando FL 32824

Staff Responsible for the Penalty Computations: Janine Kraemer Date: 1/25/10

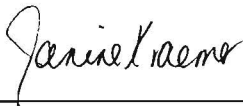
	Violation Type	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustment	Total
a.	262.34(a)(2) Drum dating	Minor	Minor	\$644-\$500			\$644
b.	262.34(a)(3) Drum Labeling	Minor	Minor	\$644-\$500			\$644
c.	263.20 Manifest	Minor	Moderate	\$1,933-\$645			\$1,933
d.	264.13(a) Waste Analysis	Moderate	Major	\$14,184-\$10,316			\$14,184
e.	264.31 Minimizing Releases	Moderate	Major	\$14,184-\$10,316			\$14,184
f.	264.54 Contingency Plan	Minor	Moderate	\$1,933-\$645			\$1,933

Multiday penalties were not selected as it was not possible to determine the number of days out of compliance at this time. Economic benefit not calculated for these violations.

The 264.16(d)(3) (position descriptions) violation was not assessed a penalty because the rest of the position description was in compliance.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: \$33,522.00

Prepared by:



Janine Kraemer, CHMM
Environmental Specialist
Date: 1/25/10



F. Thomas Lubozynski, P.E.
Waste Program Administrator
for
Vivian F. Garfein
Director, Central District
Date: 4/5/10

WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

Facility's Name: Perma-Fix of Orlando

EPA ID #: FLD980559728

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.34(a)(2)	Drum Dating	4	2	1	2	9
b.	262.34(a)(3)	Drum Labeling	4	2	1	2	9
c.	263.20	Manifest	4	2	1	2	9
d.	264.13	Waste Analysis	4	2	6	2	14
e.	264.31	Minimizing Releases	4	2	6	2	14

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	6 - Actual Release	4 - > 1,000
	5 - 1,000 to 5,000 kg (6 to 25 drums)	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (6 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

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED ON THIS PAGE.



10100 Rocket Blvd.

Orlando, FL 32824

**In-Kind Project Plan
Consent Order 10-1669
EXHIBIT II**

**Perma-Fix of Orlando Facility
10100 Rocket Blvd.
Orlando, FL 32824
September 8, 2010**

Prepared by

**Kurt Fogleman
Environmental Health and Safety Manager**

**Perma-Fix Southeast Region
1940 NW 67th Place
Gainesville, FL 32653
(352) 395-1356**

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III. Project Costs.....5

IV. Project Schedule5

V. Project Completion5

VI. Compliance Requirements6

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Exhibit B: Project Timeline8

I. Introduction

This In-Kind Penalty Project Plan (“Plan”) has been prepared in response to a consent order issued by the Florida Department of Environmental Protection Central District to Perma-Fix of Orlando (“Perma-Fix”). The Plan will be implemented by Perma-Fix in order to offset a portion of the civil penalties as described in the consent order. The object of the Plan is to promote a collection event of household pharmaceuticals.

II. Project Proposal

Perma-Fix will work in conjunction with FDEP Central District to support, staff and promote Operation Medicine Cabinet, a district-wide collection event scheduled for November 13, 2010. Perma-Fix will perform the following activities as part of this Plan:

- Perma-Fix will provide production of advertising materials including flyers to be placed in pharmacies, radio advertisements for broadcast and newspaper advertisements for publication. Perma-Fix will arrange for distribution, broadcast and publication of these promotional materials. The purpose of these materials is to raise community awareness of the collection event.
- Perma-Fix will rent and set up a tent at the staging area selected for Operation Medicine Cabinet.
- Perma-Fix will staff the event with a lab-pack chemist knowledgeable in segregation of chemicals to meet DOT packaging requirements. This chemist will ensure that all pharmaceuticals received at the event will be segregated according to DOT hazard classes so that there is no potential for reaction or other adverse effects.
- Perma-Fix will provide containers for the collected materials for use in transport and storage.
- Perma-Fix will provide transportation to Covanta for disposal, and any storage of materials required to meet Covanta’s compliance obligations and available burn schedules.
- Perma-Fix will arrange for treatment, storage and disposal of any materials received at the event that do not meet Covanta’s receiving criteria.

III. Project Costs

Exhibit A details the anticipated costs for implementing the Plan. The costs are anticipated to total \$32,878. Depending on the success of Operation Medicine Cabinet, additional volumes of waste beyond what is anticipated may be received. Project labor costs include:

- 30 hours for program development including production and review of radio and print advertising materials, arranging advertising schedules, preparation of the Plan and personnel training;
- 10 hours project management including tent rental and setup, procuring containers, arranging transportation and delivery of waste and obtaining certificates of destruction;
- 20 hours of labor for on-site technicians (including travel time);
- 10 hours of labor for the truck driver;
- 50 hours of labor in disseminating print materials to pharmacies.

Perma-Fix will provide 30-gallon fiberboard containers. Other costs are included in Exhibit A and are self-explanatory.

IV. Project Schedule

Exhibit B shows the timeline for Operation Medicine Cabinet. Included in the timeline are production of advertising materials, publication and airdates for advertisements, placement of promotional materials and the event itself. Operation Medicine Cabinet will occur Saturday, November 13, 2010.

V. Project Completion

The project will be completed once all collected materials are delivered to Covanta or other outlets as outlined above, and the materials are destroyed through incineration. The final disposal outlet will furnish certificates of destruction, which Perma-Fix will deliver to FDEP as proof of project completion.

VI. Compliance Requirements

Perma-Fix possesses the following licenses and permits that are required for handling the materials anticipated to be received during Operation Medicine Cabinet:

- RCRA Part B Permit 26916-HO-006 for treatment, storage and disposal of hazardous waste;
- Solid Waste Permit SO48-0288830-001 for a waste processing facility;
- DOT Hazardous Materials Certificate of Registration Number 070110 600 031S for the transportation of hazardous materials;
- Restricted Rx Drug Distribution-Destruction License Number 536 for transportation, handling and storage of prescription pharmaceuticals.

Perma-Fix is fully insured as a hazardous waste transporter, hazardous waste facility and solid waste facility.

FDEP will provide arrange for law enforcement to be present at the event.

Exhibit A: Project Pricing

		Cost	Quantity
Radio	WTKS		
	Online	\$ 600.00	60 30-Second Spots
	On-air	\$ 5,850.00	48 30-Second Spots
	Saturday	\$ 100.00	4 30-Second Spots
	Live Feed	\$ 900.00	
		\$ 7,450.00	
	WMFQ		
	On-air	\$ 6,890.00	184 30-Second Spots
		\$ 6,890.00	
	\$ 14,340.00		
Newspaper	Sentinel		
	Weekday	\$ 2,650.00	1 Half-Page Color Ad
	Sunday	\$ 5,953.00	1 Half-Page B&W
		\$ 8,603.00	
	\$ 8,603.00		
Printed Flyers	Flyers	\$ 495.00	10000 1/3-Cut Flyers
	\$ 485.00		
Labor	Program Development	\$ 2,550.00	30 hrs @ \$85/hr
	Print Materials Delivery	\$ 2,000.00	50 hrs @ \$40/hr
	Project Management	\$ 1,150.00	10 hrs @ \$115/hr
	Technicians	\$ 1,300.00	2 x 10 hrs @ \$65/hr
	Driver	\$ 650.00	10 hrs @ \$65/hr
		\$ 7,650.00	
	\$ 7,650.00		
Equipment	Tent Rental	\$ 650.00	
	Containers	\$ 640.00	16 @ \$40/drum
		\$ 1,300.00	
	\$ 1,300.00		
Transportation	Transportation per day	\$ 500.00	1 @ \$500/day
		\$ 500.00	
	\$ 500.00		
Disposal	Disposal at Covanta	No cost	
	Other Disposal	TBD	
	TBD		
Total Cost	\$ 32,878.00		

Exhibit B: Project Timeline

15 Nov 2010	Transportation of materials to Covanta for incineration
13 Nov 2010	Day of event
	08:00 Personnel arrive to set up tent and containers
	10:00 Event begins, radio live feed promotion begins
	14:00 End of event, personnel continue packaging and shipping preparations
	16:00 Packages shipped to storage location
	17:00 Packages received at Perma-Fix facility
11 Nov 2010	Friday Sentinel advertisement
08-10 Nov 2010	Additional Sentinel advertisements TBD
08 Nov 2010	WMFQ and WTKS additional weekday ads begin, running through 11/12
07 Nov 2010	Sunday Sentinel advertisement
30 Oct 2010	WMFQ weekend ads begin, running 10/30, 10/31, 11/6, 11/7
25 Oct 2010	WMFQ and WTKS weekday advertisements begin
11-22 Oct 2010	Print flyers are distributed to pharmacies

PENALTY COMPUTATION WORKSHEET

Facility's Name: Perma-Fix of Orlando EPA ID #: FLD980559728

Facility Address: 10100 Rocket Blvd, Orlando FL 32824

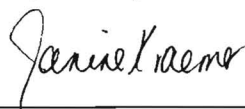
Staff Responsible for the Penalty Computations: Janine Kraemer Revised Date: 5/17/10

Violation Type		Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustment	Total
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f.	264.54 Contingency Plan	Minor	Minor	\$644-\$500			\$500

Multiday penalties were not selected as it was not possible to determine the number of days out of compliance at this time. Economic benefit not calculated for these violations.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: \$24,354.00

Prepared by:



Janine Kraemer, CHMM
Environmental Specialist
Date: 5/17/10



F. Thomas Lubozynski, P.E.
Waste Program Administrator
for
Vivian F. Garfein
Director, Central District
Date: 5/21/10

WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

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EPA ID #: FLD980559728

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