



# Florida Department of Environmental Protection

Southeast District Office  
400 N. Congress Avenue, Suite 200  
West Palm Beach, FL 33401  
561-681-6600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

**CERTIFIED MAIL NO.:** 91 7108 2133 3938 2488 4738  
**RETURN RECEIPT REQUESTED**

John F. McQuillan, Jr., President  
Triumvirate Environmental (Florida), Inc.  
61 Inner Belt Rd.  
Somerville, MA 02143

Warning Letter # 11-0108HW06SED

Subject: Hazardous Waste Compliance Evaluation Inspection at Triumvirate Environmental  
(Florida), Inc., formerly PermaFix of Ft. Lauderdale, 3701 SW 47<sup>th</sup> Ave., Suite 109,  
Davie, FL 33314  
EPA ID # FLD981018773

Dear Mr. McQuillan:

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 evaluation inspection conducted on May 12, 2011, at your hazardous waste transporter and used oil processing facility indicates that violations of Florida Statutes and Rules may exist at the facility. Department of Environmental Protection personnel observed possible violations regarding hazardous waste and universal waste management. The observations of the Department are in the attached inspection report.

Section 403, Florida Statutes, provides that facilities must comply with Title 40 Code of Federal Regulations (CFR), Parts 260 to 268 and 273 as adopted in Chapter 62-730 and Chapter 62-737 Florida Administrative Code (F.A.C.). The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased. The operation of a facility in violation of State statutes or rules may result in liability for damages and restoration, and the judicial imposition of penalties up to \$50,000.00 per violation per day pursuant to Section 403.727, Florida Statutes.

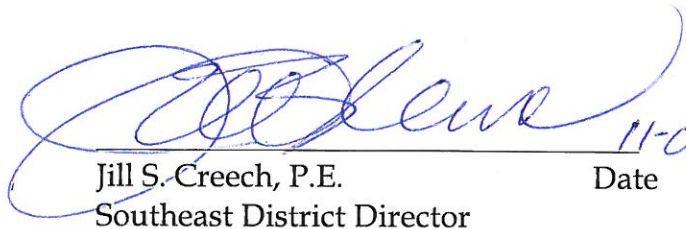
You are requested to contact Kathy Winston at the address above or 561/681-6756 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the

meeting that you feel could help resolve this matter. However, we must be given the names and positions of any persons you intended to bring to the meeting and we must have the information at least five days before the meeting.

If after further investigation, the Department determines that the violations occurred, this matter may be resolved through entry of a Consent Order which will include a compliance schedule and an appropriate penalty. In accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, the Department's Guidelines for Characterizing RCRA Violations, and the Department's Guidelines for Characterizing Universal Waste Violations, the penalty proposed in the case is \$21,939.00 plus \$1,000.00 for costs and expenses, for a total of \$22,939.00.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,

  
Jill S. Creech, P.E. 11-08-11  
Southeast District Director Date

✓  KW  
JSC/JWL/KK/kw


Attachments: Hazardous Waste Inspection Report  
Penalty Justification Worksheets

cc: Electronic Archboard/Oculus  
Glen Perrigan, FDEP, [Glen.Perrigan@dep.state.fl.us](mailto:Glen.Perrigan@dep.state.fl.us)  
Alfred Gomez, Broward County Environmental Protection and Growth Management Department  
[AGOMEZ@broward.org](mailto:AGOMEZ@broward.org)

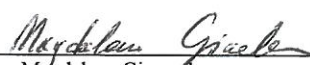
## PENALTY COMPUTATION WORKSHEET

Facility Name: Triumvirate Environmental (Florida), Inc.  
 Facility Address: 3701 SW 47th Ave., Ste 109, Davie, FL

Department Staff Responsible for the Penalty Computations:

  
 Kathy Winston

  
 Karen Kantor

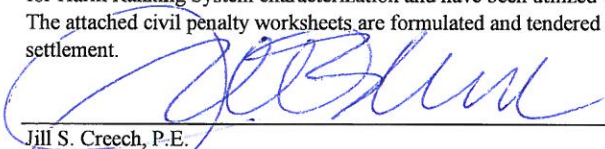
  
 Magdalena Gierczak

Date: 11/8/11

### PART I - Class A Penalty Determinations

	Alleged Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-event	Adjustments	Economic Benefit Calculation	Total
1	40 CFR 263.20	Minor	Minor	\$710	\$4,050			\$4,760
	Manifest Discrepancies				\$150 x 27			
2	Chaper 62-737.400(5)(b)	Minor	Moderate	\$599		\$120		\$719
	Failure to properly label Universal Waste lamps					20% upward		
3	40 CFR 262.12(c)	Moderate*	Major	\$11,330	\$5,130			\$16,460
	Hazardous Waste Transporter Requirements				\$570 x 9			
* See attached Ranking System for Potential for Harm Worksheets						Penalties Subtotal:		\$21,939
						Department Costs:		\$1,000
						Total:		\$22,939

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing RCRA Violations" and "Guidelines for Characterizing Used Oil Violations" both of which were revised as of May 2008. Certain violations require Potential for Harm Ranking System characterization and have been utilized where applicable; refer to the attached Ranking System for Potential for Harm worksheet. The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.

  
 Jill S. Creech, P.E.  
 District Director

11-08-11  
 Date

Florida Department of Environmental Protection Southeast District



## **PENALTY COMPUTATION WORKSHEET**

(continued)

Facility Name: Triumvirate Environmental (Florida), Inc.  
Facility Address: 3701 SW 47th Ave., Ste 109, Davie, FL

### **Part II - Multi-day Penalties and Adjustments**

**Adjustments:**

**Dollar Amount:**

Good Faith/lack of good Faith prior to Discovery:

Justification:

Good Faith/lack of good Faith after Discovery:

Justification:

History of Non-Compliance:

\$120

Justification: A 20% upper adjustment was added to violation #2, as this was a repeat violation noted during the last inspection of this facility.

Economic Benefit of Non-Compliance:

Justification:

Ability to pay:

Justification:

**Multi-Event Penalties:**

**Dollar Amount:**

\$9,180

Number of events matrix amount is to be multiplied:

27 & 9

Justification: An additional 27 times between May 2009 and May 2011, the facility indicated on the manifest that the facility they were transporting waste for was a CESQG, when, in fact, the facility had an EPA ID number. Also, at least an additional 9 times since May of 2009, the transporter picked up SQG amounts of waste from facilities without EPA ID numbers.

### **Part III-Other Adjustments Made After Meeting With Responsible Party**

**Adjustments:**

**Dollar Amount:**

Relative Merits of the Case:

Resource Consideration:

Other Justification:

\_\_\_\_\_  
Jill S. Creech, P.E.  
District Director  
Florida Department of Environmental Protection Southeast District

\_\_\_\_\_  
Date



Florida Department of  
Environmental Protection  
Hazardous Waste Inspection Report

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**FACILITY INFORMATION:**

**Facility Name:** Triumvirate Environmental Florida Inc  
**On-Site Inspection Start Date:** 05/12/2011 **On-Site Inspection End Date:** 05/12/2011  
**ME ID#:** 50649 **EPA ID#:** FLD981018773  
**Facility Street Address:** 3670 SW 47th Ave #109, Davie, Florida 33314  
**Contact Mailing Address:** 3701 SW 47th Ave #109, Davie, Florida 33314-2830  
**County Name:** Broward **Contact Phone:** (954) 583-3795

**NOTIFIED AS:**

CESQG (<100 kg/month)  
Transporter  
Transfer Facility  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for CESQG (<100 kg/month) facility  
Routine Inspection for Hazardous Waste Transporter facility  
Routine Inspection for Transfer Facility  
Routine Inspection for Universal Waste Transporter facility  
Routine Inspection for Used Oil Transporter facility  
Routine Inspection for Used Oil Transfer Facility  
Routine Inspection for Used Oil Processor facility  
Routine Inspection for Used Oil Marketer facility  
Routine Inspection for Used Oil Generator facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kathy R. Winston, Inspector  
**Other Participants:** Shawn Lennon, General Manager; Ben Fisch, Environmental Specialist

**LATITUDE / LONGITUDE:** Lat 26° 4' 37.8283" / Long 80° 12' 33.5153"

**SIC CODE:** 9511 - Public admin. - air, water, and solid waste management

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Triumvirate Environmental Florida Inc. (TEF), formerly known as PermaFix of Ft. Lauderdale, is a permitted facility authorized to process used oil, oily wastewater, petroleum contact water, oily solid waste, and used oil filters. TEF is also a hazardous waste transporter and transfer station. The facility is situated on a 2.5 acre site in light industrial area, and is served by city water and sewer. TEF has operated from this site for 13 years and employs 26 people.

In a notification to the Department on August 24, 2011, Triumvirate Environmental (Florida), Inc., recorded its' name change from PermaFix of Ft. Lauderdale, Inc. as part of a stock purchase of the corporation by Triumvirate Environmental, Inc., headquartered in Somerville, MA.

**Inspection History** - The Department is required to inspect TEF at least every two years. Inspections were conducted in 2009 and before that in 2007. In each case, the facility had only minor violations

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and was brought back into compliance without enforcement.

**Process Description:**

Used oil and oily wastewater are received in the tank farm area located in the southeast portion of the site. Used oil is offloaded into two 20,000-gallon aboveground tanks. The used oil is filtered, and then allowed to sit for further oil/water separation. The processed oil is tested for compliance with on-specification standards, and is sold as fuel oil to TEF customers. The oily wastewater is transferred for storage into one of seven tanks. The oily water is filtered, and then transferred to a boiler tank where it is heated to 150 ° F for oil/water separation. An emulsifier is added to facilitate further oil/water separation and the temperature is raised to 200 ° F, then the process is shut down. The water readily separates from the oil, and the oil is diverted to a holding tank. Used oil filters are not consolidated but sent in generator containers to US Foundry in Medley, Florida. Oily solid wastes are consolidated into a rolloff container for disposal at the Central Landfill in Pompano Beach, Florida.

Inspection - The inspector noted two boxes of Universal Waste lamps in the transfer facility storage area that were not labeled per the state regulation. All the boxes appeared to have Universal Waste stickers on them but those two did not say "Mercury Containing Lamps for Recycling" or any of the other acceptable labeling phrases per the state regulations. See the potential violations area of this report for the Department's recommendation on this matter.

The inspector noted no violations or compliance issues in the Used Oil processing area or the solid waste consolidation area. The consolidation area sits directly in front of the processing operations and shares the same berm system. TEF stores used oil filter containers here before shipment, as well as, the oily solids rolloff.

The storage tanks were labeled appropriately with tank # 11 indicated as "out of service." The secondary containment for both the main tank farm and the single large tank in the rear of the property were clean, dry and there were no visible damage to the sealant.

In the rear of the property was a three sided pole barn that contained the boiler for the processing operation and some equipment and chemical feed drums associated with a system to control the buildup of scalant in the boiler itself.

The large Drum Storage building is divided into several different sections and is used for many aspects of the operation. A large section of the rear of the facility serves as storage for everything from emergency response equipment, to spare parts for the processing operation, as well as, tools and products for facility maintenance. The only repair work performed onsite involves the processing equipment and the it's related pumps and valves, as maintenance of the truck fleet and the forklifts are contracted out.

On the other side of the building there were four distinct storage zones. There was the Hazardous Waste Transfer facility, the liquid non-regulated waste area, the solid non-regulated waste area and the Universal Waste storage area which also contained a small collection of escrap. The drums in those zones were all properly labeled and aisle space was acceptable.

Right outside the Drum Storage building and backed up to the loading dock was a trailer being prepared for shipment. Already in the rear of the trailer were eleven 55-gallon drums and one 30-gallon drum of flammable liquids and paint related wastes. Near the door of the trailer were two more 55-gallon drums, the first one contained paint related waste and the other contained flammable liquids. Sitting beside these drums were three five-gallon buckets of isopropyl alcohol. It appeared that the containers in the front of the trailer were still being checked for proper labeling and paperwork before being moved to the rear of the trailer for shipment off site.

Records Review - Inspectors reviewed acceptance and delivery logs for both hazardous waste and used oil and found two discrepancies. The hazardous waste transfer facility log entries from October 2010 made it appear that two shipments of waste arrived on site after they had already been shipped out. This was an error due to the entry for the outgoing date having not been

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changed to reflect the correct month; i.e. November. Also, log entries for two shipments of hazardous waste that arrived on December 8, 2010 didn't have a corresponding outgoing date. Inspectors request copies of these manifests to establish whether these waste were shipped out of the facility within ten days and reached their final destination facility. The inspectors inquired as to whether the drivers of the hazardous waste transport trucks carried a copy of the completed Transporter Status Form and Department Approval Certificate in their vehicles. Facility representatives indicated they were unaware of this rule and would ensure this was done in the future. A review of the Contingency Plan revealed that their emergency contact list did not include the telephone numbers of the closest police and fire station. A random sampling of Bills of Lading and manifests that had gone through the facility since their last inspection were compared to the logs mentioned above and no other issues were found. All other records that were reviewed on site appeared to be in order; i. e. training records, facility inspection logs and container inspection logs.

**New Potential Violations and Areas of Concern:****Transporters Checklist**

Type: Violation

Rule: 263.20

Question Number: 1.40

Question: Do the manifests contain at least:

Explanation: Records that were requested during the inspection and subsequently submitted to the Department revealed that TEF had signed off on incorrectly filled out manifests. In 2011 alone, there were at least two case were TEF filled out item #1 on the manifests indicating the facilities as unregistered CESQGs, when the facilities actually had an EPA ID number.

Corrective Action: TEF needs to go back through every manifest since May 22, 2009, where item #1 on the manifest indicates the facility as a CESQG and the facility actually has an identification number, and reissue a corrected manifest. These corrected manifests must then be copied to the generator, the treatment, storage and disposal facility and the Department.

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Type: Area Of Concern

Rule: 62-730.171(2)(e)

Question Number: 1.830

Question: Does the log contain:

Explanation: In the acceptance and delivery logs for the hazardous waste transfer facility, there was an error in the end October of 2010. The error made it appear that in two instances, the waste came in after it went out, as the outgoing date was not changed to reflect the proper month. Also, there were two manifests with incoming log entries from December 8, 2010 that did not have a corresponding outgoing date.

Corrective Action: The Department reminded TEF to make sure and note that outgoing dates correspond to the actual month of shipment. Also, the Department requested copies of the completed manifests from December 8, 2010 that didn't indicate an outgoing date in the hazardous waste transfer facility log to establish that the waste did not remain onsite for more than ten days and that it reached its' final destination facility.

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**Universal Waste Lamps**

Type: Violation

Rule: 62-737.400(5)(b)

Question Number: 39.40

Question: Is each lamp or container labeled or marked clearly with either "Spent Mercury Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps"?

Explanation: There were two boxes of Universal Waste lamps in the Drum Storage building that had Universal Waste stickers on them but did not have the words "Mercury Containing Lamps for Recycling" or any of the other acceptable labeling phrases for Universal Waste lamps per the state regulations.

Corrective Action: Please properly label the referenced boxes and provide pictures to the Department.

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**Used Oil Processor**

Type: Area Of Concern

Rule: 279.52(b)(2)

Question Number: 28.340

Question: Does the plan include the following?

Explanation: The Contingency Plan did not include the telephone numbers of the closest police and fire station.

Corrective Action: Please revise the plan to include the telephone numbers of the closest police and fire station.

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Type: Area Of Concern

Rule: 279.52(b)(3)

Question Number: 28.360

Question: Has the plan been distributed to the:

Explanation: Requested updates to the Contingency Plan will need to be send to the appropriate local authorities.

Corrective Action: Please revise the emergency contact page as requested and then provide proof that these updates have been forwarded to the appropriate local authorities.

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

Type: Violation

Rule: 262.12(c)

Explanation: Records that were requested during the inspection and subsequently submitted to the Department revealed that TEF had provided transport of hazardous waste in amounts exceeding 1000 kg for a facility which was a non-notifier.

Corrective Action: A transporter of hazardous waste must also comply with 40 CFR Part 262,



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Standards for Generators of Hazardous Waste and shall not treat, store, dispose of, transport or offer for transportation hazardous waste from a generator without a EPA identification number from the Administration. TEF must cease and desist transporting in violation of State and Federal rules.

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Type: Area Of Concern  
Rule: 62-730.170(2)(e)  
Explanation: TEF's hazardous waste transporter drivers were not carrying a copy of their Transporter Status Form and Department Certificate of Approval in their trucks.  
Corrective Action: The facility needs to make copies of these documents and assure that all trucks that transport hazardous waste have them onboard.

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

Rule Number	Area	Date Cited	Explanation
Transporters Checklist 263.20		05/12/2011	Records that were requested during the inspection and subsequently submitted to the Department revealed that TEF had signed off on incorrectly filled out manifests. In 2011 alone, there were at least two case were TEF filled out item #1 on the manifests indicating the facilities as unregistered CESQGs, when the facilities actually had an EPA ID number.
Universal Waste Lamps 62-737.400(5)(b)		05/12/2011	There were two boxes of Universal Waste lamps in the Drum Storage building that had Universal Waste stickers on them but did not have the words "Mercury Containing Lamps for Recycling" or any of the other acceptable labeling phrases for Universal Waste lamps per the state regulations.
Checklist Independent Violations 262.12(c)		05/12/2011	Records that were requested during the inspection and subsequently submitted to the Department revealed that TEF had provided transport of hazardous waste in amounts exceeding 1000 kg for a facility which was a non-notifier.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Transporters Checklist 62-730.171(2)(e)		05/12/2011	In the acceptance and delivery logs for the hazardous waste transfer facility, there was an error in the end October of 2010. The error made it appear that in two instances, the waste came in after it went out, as the outgoing date was not

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Rule Number	Area	Date Cited	Explanation
			changed to reflect the proper month. Also, there were two manifests with incoming log entries from December 8, 2010 that did not have a corresponding outgoing date.
Used Oil Processor 279.52(b)(2)		05/12/2011	The Contingency Plan did not include the telephone numbers of the closest police and fire station.
279.52(b)(3)		05/12/2011	Requested updates to the Contingency Plan will need to be send to the appropriate local authorities.
Checklist Independent Areas of Concern 62-730.170(2)(e)		05/12/2011	TEF's hazardous waste transporter drivers were not carrying a copy of their Transporter Status Form and Department Certificate of Approval in their trucks.

**Conclusion:**

## Post Inspection

The manifests that were requested at the inspection and subsequently submitted to the Department revealed that TEF had provided transportation of hazardous waste in amounts exceeding 1,000 kg from a facility without an EPA ID number; TEF had indicated in box #1 of the manifest that this facility was a CESQG. To further investigate the matter, the Department requested copies of all hazardous waste manifests where TEF transported greater than 1,000 kg since the Department's previous inspection of June 23, 2009. The Department is reviewing these documents at this time.

The facility was not in compliance at the time of the inspection. The facility was given 14 days to return to compliance.

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**Signed:**

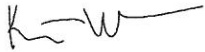
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection 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.

Kathy R. Winston

**PRINCIPAL INSPECTOR NAME**

Inspector

**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**

5/16/2011

**DATE**

Ben Fisch

**INSPECTOR NAME**

Environmental Specialist

**INSPECTOR TITLE**

NO SIGNATURE

**INSPECTOR SIGNATURE**

FDEP

**ORGANIZATION**

Shawn Lennon

**REPRESENTATIVE NAME**

General Manager

**REPRESENTATIVE TITLE**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

Perma Fix

**ORGANIZATION**

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.