

TRIUMVIRATE ENVIRONMENTAL

January 13, 2012

Kathy Winston
Florida Department of Environmental Protection
Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, Florida 33401

RECEIVED

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FL DEP
WEST PALM BEACH

Re: Corrective Action Plan in response to Hazardous Waste Compliance Evaluation Inspection at Triumvirate Environmental (Florida), Inc, formerly Perma-Fix of Ft. Lauderdale
3670 SW 47th Avenue, Davie, Florida 33314
EPA ID# FLD 98101773
FEID# 592480377

Dear Ms. Winston,

Several compliance issues were noted during a Hazardous Waste Compliance Evaluation Inspection conducted by the Florida Department of Environmental Protection on May 12, 2011 at the Perma-Fix of Ft. Lauderdale facility located at the above-referenced address. In August 2011, Perma-Fix of Ft. Lauderdale, Inc., changed its name to Triumvirate Environmental (Florida), Inc. (TEFI) as part of a stock purchase of the corporation by Triumvirate Environmental Inc., headquartered in Somerville, Massachusetts.

The FDEP issued Warning Letter #11-0108HW06SED dated November 9, 2011 in response to the May 12, 2011 Compliance Inspection. Mr. James Green, Vice President, and Mr. John (Shawn) Lennon, Facility Manager of TEFI met with Ms. Kathy Winston and Ms. Karen Kantor of the FDEP on November 30, 2011 to discuss the compliance issues. The following Corrective Action Plan was prepared as a follow-up to the November 30, 2011 meeting:

Item #1) In at least two cases, Item #1 on the manifests indicated the generator facility was an unregistered CESQGs when the facility actually had an EPA ID Number. The FDEP requested TEFI go through every manifest indicating the facility was a CESQG since May 22, 2009 and reissue the manifest if the facility was found to have an EPA ID Number. The corrected manifests must then be copied to the generator; the treatment, storage, and disposal facility, and the FDEP.

Corrective Action Issue #1) After reviewing the manifests, Mr. Lennon discussed the corrections with Ms. Winston on December 22, 2011. Per Ms. Winston's instructions, the incorrect CESQG was crossed out with a double line and the EPA ID # was written over the Item #1 box. Additionally, TEFI noted the correction in the Item # 14 box on the manifests. TEFI submitted electronic copies of the corrected manifests to the FDEP and mailed copies of the revised manifests to the generator and treatment, storage, and disposal facility.

Additionally, TEFI devised a Generator Status EPA ID # Protocol for the sales and customer service representative to verify the generator status to ensure future compliance. A copy of the protocol is attached. Mr. Lennon also coached the drivers to cross check the amount of waste with the generator status. If the amount of waste exceeds that allowable for a CESQG, the driver is not to accept the waste and contact management immediately.

Item #2) The acceptance and delivery logs for the end of October 2010 contained an error in which it appeared that in two instances waste was received after it went out of the facility, as the outgoing date was not changed to reflect the proper month. Also, two manifests with incoming entries from December 8, 2010 did not have a corresponding outgoing date. FDEP reminded TEFI to note the outgoing dates corresponding to the actual month of the shipment and requested copies of the

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completed manifests from December 8, 2010 to establish the waste did not remain onsite for more than 10 days and confirm the waste reached its' final destination facility.

Corrective Action Item #2) TEFI submitted the manifests from December 8, 2010 proving the waste was not onsite for more than 10 days and confirming the waste reached its' final destination facility. Additionally, TEFI staff were coached on the importance of completing manifests correctly.

Item #3) FDEP noted two boxes of Universal Waste lamps in the Drum Storage Building 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. FDEP requested TEFI properly label the boxes and provide pictures to the FDEP.

Corrective Action #3) Mr. Lennon submitted photos of the re-labeled boxes on May 17, 2011 via email to Ms. Kathy Winston.

Item #4) The Contingency Plan did not have the telephone numbers of the closest police and fire station. FDEP requested the plan be revised to include the telephone numbers.

Corrective Action #4) TEFI revised the Contingency Plan as requested and sent the revised plan to the appropriate authorities on May 20, 2011.

Item #5) Records reviewed during the inspection indicated TEFI had transported hazardous waste in amounts exceeding 1,000 kg for a facility which was a non-notifier. A transporter of hazardous waste must also comply with 40 CFR Part 262, 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 ID Number. FDEP requested TEFI cease and desist transporting hazardous waste from a generator without an EPA ID Number.

Corrective Action #5) TEFI implemented the protocol(s) and procedures detailed in Corrective Action #1 to ensure compliance with this regulation.

Item #6) TEFI hazardous waste transporter drivers were not carrying a copy of their Transporter Status Form and Department Certificate of Approval in their trucks. FDEP requested the facility make copies of these documents and ensure that the all trucks that transport hazardous waste have them onboard.

Corrective Action #6) Mr. Lennon explained during the meeting with FDEP that there was a miscommunication regarding this issue. However, TEFI ensured the requested copies of the documents and placed them in each vehicle that will be transporting hazardous waste. Additionally, TEFI re-trained the drivers to verify the documents are present during their pre-trip inspection of the vehicle.

As you are aware, the previous compliance issues were noted during an inspection conducted on May 21, 2011, and occurred while the company was owned by Perma-Fix of Ft. Lauderdale, Inc. On August 12, 2012, the shareholders of Triumvirate Environmental (Florida), Inc. purchased the shares of Perma-Fix of Ft. Lauderdale, Inc and submitted requests to transfer the existing facility permits. The permits were transferred with no correspondence from FDEP regarding the pending Warning Letter, which was subsequently issued on November 9, 2011. We would like you to take this into consideration and propose no monetary fine.

Additionally, in order to avoid additional potential Warning Letters, we request the opportunity to conduct a self-audit for the time period from May 9, 2011 through December 31, 2011 in order to ensure no similar compliance issues occurred between the date of the inspection and implementation of the aforementioned actions without further regulatory action. Should our self-audit uncover additional

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compliance issues, we agree to implement the corrective actions listed above and submit a report detailing the results.

As you are aware, there was a change in shareholder control for the corporation on August 12, 2011. The inspection occurred before this change and the Warning Letter was issued after this change. TEFI has endeavored to rectify all issues noted and implement the enclosed changes. We respectfully submit that no dollar penalty should be assessed. However, in an act of good faith and to expedite the settlement of this issue, TEFI is prepared to offer \$5,000.00 to resolve this matter.

If you have any questions or require any additional information, please do not hesitate to contact me at 407-859-4441 or via email at jgreen@triumvirate.com.

Sincerely,



James F. Green
Vice President
Triumvirate Environmental (Florida), Inc.

Attachment – TEFI Generator Status Protocol

CC: Sara Gilbert, ETSC, TEFI <via email: sgilbert@triumvirate.com>
John (Shawn) Lennon, Facility Manager, TEFI <via email: jlennon@triumvirate.com>
Richard Barry, Director of Compliance, Triumvirate Environmental, Inc., <via email: rbarry@triumvirate.com>