



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

FACILITY INFORMATION:

Facility Name: Bio Waste Tech Inc

On-Site Inspection Start Date: 06/15/2011

On-Site Inspection End Date: 06/15/2011

ME ID#: 95526

EPA ID#: FLR000169631

Facility Street Address: 3311 Pinewood Ave, West Palm Beach, Florida 33407-4845

Contact Mailing Address: 710 Evergreen Dr, Lake Park, Florida 33403

County Name: Palm Beach

Contact Phone: (561) 502-3173

NOTIFIED AS:

CESQG (<100 kg/month)

Transporter

INSPECTION TYPE:

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for CESQG (<100 kg/month) facility

INSPECTION PARTICIPANTS:

Principal Inspector: Magdalena Gierczak, Inspector

Other Participants: Kathy Winston, Consultant; Carl Bryant, Owner; Drovica Rodriguez, Supervisor; Wendy Duncombe, ES III

LATITUDE / LONGITUDE: Lat 26° 44' 36.708" / Long 80° 3' 31.5792"

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

TYPE OF OWNERSHIP: Private

Introduction:

Bio Waste Tech Inc (BWTI) was inspected along with Palm Beach County Health Department's representatives Drovica Gosein-Rodriguez and Wendy Duncombe.

The facility has been at the current location for ten (10) years as a biomedical waste transporting facility. On 09/16/2010 BWTI was approved by the Department as Mercury Lamps and Devices Transporter. Hazardous waste transporting notification was approved by the Department on 12/15/2010.

BWTI uses city utilities and does not currently have any other employees.

As per the operator, Mr. Bryant, at this time, the facility only transports biomedical waste, and not hazardous waste. However, two (2) records of HW transport by Bio Waste Tech were obtained through other investigations (as described below).

Process Description:

At time of inspection all records were reviewed along with proof of insurance. Also inspected was the truck that was registered for hazardous waste transport.

A "Shipping Paper" was forwarded to the FDEP by Mrs. Gosein-Rodriguez of DOH. The shipping paper indicated that BWTI received two (2) 5-gal containers of "XRAY HAZ FILM" on 09/24/2009 from Dr. Henry Kim's office/clinic, located on 712 A1A Suite 220, North Palm Beach, FL. The shipping paper (see "Shipping Paper" attachment) also indicated that BWTI certified that "all waste matter removed (...) will be disposed of in a manner consistent with the provisions set forth in FAC for biomedical waste Chapter 64E-16"; the document did not indicate a proper method of disposal

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for his hazardous waste. When asked twice during the inspection if Mr. Bryant has ever transported any hazardous waste prior to transporting SFI's waste, Mr. Bryant denied transport of such wastes each time. In addition to concerns of proper disposal methods of above-mentioned x-ray waste, BWTI was not notified as a hazardous Waste transporter on 9/24/09, and was not approved by the Department as a hazardous waste transporter until 12/15/2010.

Previous investigation of Southland Forming, Inc. (SFI) in December 2010 through January 2011 revealed that BWTI was the hazardous waste transporter used by SFI. Wastes removed by BWTI from SFI were a total of nine (9) containers (8 55-gal drums and 1 70-gal above-ground gas tank). SFI representative, Mr. Owen Bristow, clearly stated that the containers removed by BWTI from SFI on December 28th, 2010 did contain nearly 140 gal of waste clean strip at time of pick-up (see attached SFI correspondence dated 07/21/2011). Upon pick-up there was no manifest issued for waste picked up. The only documentation provided to the generator was Bill of Lading dated 12/28/2010 (attached).

The Bill of Lading indicated the receipt of fourteen (14) empty 55-gal drums and one (1) empty gas tank (size not indicated), destined for "Miami" in "Palm Beach County", a non-existent destination. As follow-up documentation Mr. Bryant provided a Solid Waste Authority (SWA) Disposal Authorization Ticket #8498 (attached), dated 12/28/2010 and signed by Mr. Jose Garcia, a SWA technician. The SWA location was not indicated on the document. Also, the disposal ticket indicated disposal of "Clean Strip Sealer" characterized as "Hazardous Waste" (number of containers and amount of waste was not indicated). Mr. Bryant did not produce the Uniform Hazardous Waste Manifest until 02/14/2011, at which point he presented it to SFI's Mr. Bristow requesting the generator's signature. The manifest was then forwarded to the Department on 02/15/2011 listing receipt of nine (9) non-hazardous, empty drums of "Clean Strip Sealant" with weight/volume indicated as "6140" (no measurement units specified). The date of transport was indicated on manifest as 2/14/11, and the date received by the designated facility was indicated as 2/11/11, which pre-dates the pick-up date by three days. The designated facility is listed as SWA on "6161 N. Jog Rd, West Palm Beach, FL 33412, 561-687-1100. FLD984172239" and signed for by SWA representative, Jose Garcia.

SFI representative, Mr. Bristow, reported that the truck that picked up his containers was not the truck recorded in Department records as registered for HW transport.

The following observations were made during the 6/15/11 inspection:

1. SWA Disposal Authorization Ticket dated 12/28/10 was used to transport hazardous waste containers (size and number of containers not specified) from SFI into Class I Landfill. No manifest was used to transport and dispose of the hazardous waste containers.
2. BWTI transported hazardous waste, as documented on "Shipping Paper" listing transport of X-ray hazardous film, dated 9/24/09. The transport took place prior to BWTI obtaining EPA ID (EPA ID obtained on 08/23/2010, status change to HW transporter processed on 12/15/2010). All changes in generator/transporter status must be registered with the Department using form 8700-12FL.
3. Manifest dated 2/11/11 submitted to the Department used to reflect previous (12/28/10) transport of hazardous waste drums from Southland Forming was not completed correctly. Generator's EPA ID number (or CESQG indicator) was not listed, hazardous waste drums transported were transported as non-hazardous materials, generator's signature was dated three (3) days after transporter's receipt of waste signature and date. Receipt of waste was also inconsistent with actual waste pick-up and delivery date of 12/28/2010.
4. A truck used by the facility for transporting hazardous and universal waste is not enclosed as required by FAC 62-737.400.
5. The facility did not have the resources necessary to enable them to properly respond to discharge during transport in accordance with 40 CFR 263 Subsection C. No spill kits were present on the transport truck at time of inspection. Two spill kits are required, one for transported hazardous waste and one for transported mercury lamps and devices.

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

Type: Violation

Rule: 263.20

Question Number: 1.30

Question: Does the transporter use manifest system as required by 263.20?

Explanation: One "Shipping Paper" listing transport of X-ray hazardous film, dated 9/24/09 was observed. Shipping paper also indicated that transported hazardous waste was to be disposed as biomedical waste (pursuant to FAC 64E-18).

SWA Disposal Authorization Ticket dated 12/28/10 was used to transport hazardous waste drums from Southland Forming into Class I Landfill. No manifest was used to transport and dispose of 9 containers that were observed to hold contents identified by the generator of the waste as hazardous (not RCRA-empty containers).

Corrective Action: Hazardous waste manifest must be used and properly completed to transport drums of hazardous waste for proper disposal.

Please submit a copy of a properly completed hazardous waste manifest for transporter's next activity.

Type: Violation

Rule: 403.727(1)(e), 263.20

Question Number: 1.40

Question: Do the manifests contain at least:

Explanation: Manifest dated 2/11/11 submitted to the Department used to reflect previous (12/28/2010) transport of hazardous waste containers from Southland Forming was not completed correctly. Generator's EPA ID number was not listed, hazardous waste containers were transported as non-hazardous materials, generator's signature was dated 02/14/2011, forty eight (48) days after transporter's supposed receipt of waste on 12/28/2010.

Corrective Action: All manifests used to transport waste must be properly completed and must list all wastes including their appropriate characteristics.

Checklist Independent Potential Violations and Areas of Concern

Type: Violation

Rule: 261.5(g)(3), 62-730.030(3)

Explanation: Bio Waste Tech transported hazardous waste, as documented on "Shipping Paper" listing transport of X-ray hazardous film, dated 9/24/09. Transport documentation provided does not indicate that received hazardous waste was ensured proper delivery to a Florida TSD.

Corrective Action: Proper disposal documentation must be used to ensure delivery of waste to proper authorities.

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Type: Violation

Rule: 62-737.400(2)

Explanation: A truck used by the facility for transporting hazardous and universal waste is not properly enclosed.

Corrective Action: Please completely enclose the transport truck and provide pictures of all sides of vehicle to the Department as proof of compliance.

Attachments:

HW Transporter truck



Type: Area Of Concern

Rule: 263.30, 263.31

Explanation: The facility did not have the resources necessary to enable them to properly respond to discharge during transport in accordance with 40 CFR 263 Subsection C.

Corrective Action: Please obtain appropriate spill kits for response to hazardous waste and mercury discharges and provide pictures of kits on the transport truck as proof of compliance.

Summary of Potential Violations and Areas of Concern:Potential Violations

Rule Number	Area	Date Cited	Explanation
Transporters Checklist 263.20		06/15/2011	<p>One "Shipping Paper" listing transport of X-ray hazardous film, dated 9/24/09 was observed. Shipping paper also indicated that transported hazardous waste was to be disposed as biomedical waste (pursuant to FAC 64E-18).</p> <p>SWA Disposal Authorization Ticket dated 12/28/10 was used to transport hazardous waste drums from Southland Forming into Class I Landfill. No</p>

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Rule Number	Area	Date Cited	Explanation
403.727(1)(e), 263.20		06/15/2011	manifest was used to transport and dispose of 9 containers that were observed to hold contents identified by the generator of the waste as hazardous (not RCRA-empty containers). Manifest dated 2/11/11 submitted to the Department used to reflect previous (12/28/2010) transport of hazardous waste containers from Southland Forming was not completed correctly. Generator's EPA ID number was not listed, hazardous waste containers were transported as non-hazardous materials, generator's signature was dated 02/14/2011, forty eight (48) days after transporter's supposed receipt of waste on 12/28/2010.
Checklist Independent Violations 261.5(g)(3), 62-730.030(3)		06/15/2011	Bio Waste Tech transported hazardous waste, as documented on "Shipping Paper" listing transport of X-ray hazardous film, dated 9/24/09. Transport documentation provided does not indicate that received hazardous waste was ensured proper delivery to a Florida TSD.
62-737.400(2)		06/15/2011	A truck used by the facility for transporting hazardous and universal waste is not properly enclosed.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Checklist Independent Areas of Concern 263.30, 263.31		06/15/2011	The facility did not have the resources necessary to enable them to properly respond to discharge during transport in accordance with 40 CFR 263 Subsection C.

Conclusion:

Operator was provided with educational materials and labeling stencils. Rules and regulations applicable to transporting various wastes were discussed and all transporting rules and regulations were previously provided to the operator via e-mail on 02/07/2011.

Please submit all proof of compliance within fourteen (14) days of inspection.

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Signed:

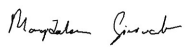
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection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

Magdalena Gierczak

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

6/28/2011

DATE

Kathy Winston

INSPECTOR NAME

Consultant

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Drovia Rodriguez

INSPECTOR NAME

Supervisor

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

DOH

ORGANIZATION

Wendy Duncombe

INSPECTOR NAME

ES III

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

DOH

ORGANIZATION

Carl Bryant

REPRESENTATIVE NAME

Owner

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Bio Waste Tech

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.