



# Florida Department of Environmental Protection

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

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

Herschel T. Vinyard Jr.  
Secretary

MAR 14 2012

561-681-6600

**CERTIFIED MAIL NO. 91 7108 2133 3938 2488 5445**  
**RETURN RECEIPT REQUESTED**

Carl A Bryant Sr., President and Registered Agent  
Bio Waste Tech Inc.  
710 Evergreen Dr  
Lake Park, FL 33403

Subject: **Warning Letter #WL12-0024HW50SED**  
Hazardous and Universal Waste Compliance Evaluation Inspection at  
Bio Waste Tech Inc., 3311 Pinewood Ave, West Palm Beach, Florida 33407-4845  
EPA ID # FLR000169631

Dear Mr. Bryant:

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 June 15<sup>th</sup>, 2011 hazardous waste compliance evaluation field inspection of your hazardous and universal waste transporter facility indicates that a violation of Florida Statutes and Rules may exist at the above described facility. Department of Environmental Protection ("Department") personnel observed the following at the above-described facility: 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 279 as adopted in Chapter 62-730 and Chapter 62-710, 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.

You are requested to contact Magdalena Gierczak at the letterhead address or 561/681-6718 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.





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	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

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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	Inspector
<b>PRINCIPAL INSPECTOR NAME</b>	<b>PRINCIPAL INSPECTOR TITLE</b>
<i>Magdalena Gierczak</i>	6/28/2011
<b>PRINCIPAL INSPECTOR SIGNATURE</b>	<b>DATE</b>

Kathy Winston	Consultant
<b>INSPECTOR NAME</b>	<b>INSPECTOR TITLE</b>

NO SIGNATURE	FDEP
<b>INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>

Drovica Rodriguez	Supervisor
<b>INSPECTOR NAME</b>	<b>INSPECTOR TITLE</b>

NO SIGNATURE	DOH
<b>INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>

Wendy Duncombe	ES III
<b>INSPECTOR NAME</b>	<b>INSPECTOR TITLE</b>

NO SIGNATURE	DOH
<b>INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>

Carl Bryant	Owner
<b>REPRESENTATIVE NAME</b>	<b>REPRESENTATIVE TITLE</b>

NO SIGNATURE	Bio Waste Tech
<b>REPRESENTATIVE SIGNATURE</b>	<b>ORGANIZATION</b>



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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.

№ 1750

SHIPPING PAPER

BIO WASTE TECH 3311 PINWOOD AVE. WEST PALM BEACH, FL 33407 1 888-250-2230 561-302-3173 LICENSE# DOH 50-84-03974				GENERATOR NAME DR. HEADY RUM			
LICENSE# DOH 50-84-03974				STREET ADDRESS 712 ALA BLUE SUITE 220			
DATE 9/24/09		PICK UP P/U 2	DROP OFF D/O 2	QTY 2641	CONTAINER TYPE 5 GAL		
SUPPLIES/OTHER COMMENTS XRAY HAZ. FILM							
CUSTOMER SIGNATURE: PRINT NAME:							
DISPOSAL DATE:							
PLACE & METHOD OF DISPOSAL BIOMEDICAL WASTE SOLUTIONS/KEECHOBBE COUNTY							
BIO WASTE TECH SOLUTIONS CERTIFIES THAT ALL WASTE MATTER REMOVED FROM THE GENERATOR'S PREMISES WILL BE DISPOSED OF IN A MANNER CONSISTENT WITH THE PROVISIONS SET FORTH IN FLORIDA ADMINISTRATIVE CODE FOR BIOMEDICAL WASTE CHAPTER 64E-18							

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone <b>561-502-3173</b>	4. Manifest Tracking Number <b>000 7078943 AAK</b>	
5. Generator's Name and Mailing Address <b>SOUTH LAND FORMING 8470 Belvedere Rd W, P.B. FL</b>			Generator's Site Address (if different than mailing address)			
Generator's Phone:						
6. Transporter 1 Company Name <b>Bio Waste Tech</b>				U.S. EPA ID Number <b>FLK 000 169631</b>		
7. Transporter 2 Company Name				U.S. EPA ID Number		
8. Designated Facility Name and Site Address <b>HAZARDOUS WASTE SERVICE 6161 N. JOB RD W, P.B. FL 33412</b>				U.S. EPA ID Number <b>FLD 984172239</b>		
Facility's Phone: <b>561-687-1100</b>						
9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))	10. Containers		11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes
		No.	Type			
N	1. <b>H CLEAN SKIP SEAL</b>	9	DL	9	6,140	NH
	2.					
	3.					
	4.					
14. Special Handling Instructions and Additional Information						
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.						
Generator's/Offor's Printed/Typed Name <b>Owen Bristow</b>				Signature <i>Owen Bristow</i>		Month Day Year <b>12   14   2011</b>
16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____						
17. Transporter Acknowledgment of Receipt of Materials						
Transporter 1 Printed/Typed Name <b>CALL BIYANI</b>				Signature <i>Call Biyani</i>		Month Day Year <b>12   11   11</b>
Transporter 2 Printed/Typed Name				Signature		Month Day Year
18. Discrepancy						
18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection						
18b. Alternate Facility (or Generator) <b>SOLID WASTE AUTHORITY HAZARDOUS WASTE SERVICE 6161 N. JOB RD Facility's Phone: 561-687-8100</b>				Manifest Reference Number: <b>7078943</b>		U.S. EPA ID Number <b>FLD 984172239</b>
18c. Signature of Alternate Facility (or Generator)				Signature		Month Day Year
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)						
1.	2.	3.	4.			
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a						
Printed/Typed Name <b>JOSE M. GARCIA</b>				Signature <i>Jose M. Garcia</i>		Month Day Year <b>12   14   11</b>



# DISPOSAL AUTHORIZATION TICKET 8498

Weighmaster Initial: 18

The following material is authorized for disposal:  
CLEAN STRIP SEALER

Hauler: BIO WASTE TECH

Generator: SAME

**DISPOSAL FACILITY:**  
 Class I Landfill  
 Class III Landfill  
 Waste to Energy Plant

**DISPOSAL CODE:**  
 AS     GR     RF  
 SP     TR     MS  
 DL     BD     \_\_\_\_\_

DATE: 12/28/10

This Ticket permits delivery of up to 1 Load(s) of the authorized material on the date indicated only.

**ISSUED BY:**  
 Hazardous Waste     Landfill Operations  
 Environmental     Plant Operations

**AUTHORIZED BY:**  
 Signature: Jose M. Garcia  
 Name: JOSE M. GARCIA  
 Title: LEAD TECH

**PAYMENT TYPE:**     Cash     Check    Must be Pre-approved by Finance Department     Account \_\_\_\_\_    Credit cards Not accepted

*Must be signed by an authorized representative of the Solid Waste Authority.  
 Weighmaster: Initial and return Yellow copy with copy of Weight Ticket to Hazardous Waste.*

White Generator

Yellow Scalehouse

Pink Hazardous Waste



STRAIGHT BILL OF LADING - SHORT FORM

ORIGINAL - NON-NEGOTIABLE

Shipper's No.

Consignee Name Bio Waste Inc Shipper's No. FK000166631

at 8470 Lakota Ct on 12/28/10 FROM Southland Forming

Consigned TO Miami Street 1700 City MIAMI

County FB County State FL Zip

Delivering Carrier 11500 Car or vehicle make and No. 904

Called on Delivery 11500 And Placed to

No. of Packages	Weight	Kind of Package (Describe contents, Special Marks, etc., Excesses)	City	State	Remarks
14	1/2	Clean Strip Seal coils	MIAMI	FL	
1	1/2	Empty Gas Tank			

Signature of Shipper [Signature] Shipper Per [Signature] Agent