



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

FACILITY INFORMATION:

Facility Name: Lighting Resources LLC

On-Site Inspection Start Date: 04/25/2013

On-Site Inspection End Date: 04/25/2013

ME ID#: 40403

EPA ID#: FLR000070565

Facility Street Address: 1007 SW 16th Ln, Ocala, Florida 34474

Contact Mailing Address: 1007 SW 16th Lane, Ocala, Florida 34471

County Name: Marion

Contact Phone:

NOTIFIED AS:

LQG (>1000 kg/month)

Transporter

INSPECTION TYPE:

Routine Inspection for TSD Facility Unit Type(s)

INSPECTION PARTICIPANTS:

Principal Inspector: Janine Kraemer, Environmental Manager

Other Participants: Hector Danois, Environmental Engineer; Anthony McDonald, Warehouse Supervisor;
Terry Sutton, Consultant

LATITUDE / LONGITUDE: Lat 29° 10' 20.7785" / Long 82° 8' 49.0004"

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

TYPE OF OWNERSHIP: Private

Introduction:

On April 25, 2013 Janine Kraemer, Florida Department of Environmental Protection (FDEP), and Hector Danois, Environmental Protection Agency (EPA) inspected Lighting Resources, LLC (LRL) for compliance with hazardous waste, universal waste, and mercury recycling regulations. Inspectors were accompanied by Anthony McDonald, Warehouse Foreman-LRL and Terry Sutton, Consultant-LRL.

Lighting Resources, located at 1007 SW 16th Lane, Ocala, Marion County, Florida, operates a facility for recovery of mercury from mercury containing lamps under RCRA Permit 0309339-HO-001. The permit was issued July 6, 2012, and expires July 6, 2017. The permit was posted at the front door.

Lighting Resources notified FDEP as a Transporter and Large Quantity Handler of Universal Waste Lamps and Devices and received EPA identification number FLR000070565 on February 17, 2011. Lighting Resources began mercury lamp processing operations at this location on July 11, 2012. The facility operates Monday through Friday with two shifts with a 4 hour overlap between the two shifts. LRL is connected to City of Ocala drinking water and sanitary sewer services. At the time of the inspection LRL had 19 employees.

INSPECTION HISTORY

The initial inspection by the Department was conducted in August 2012. The facility was cited for not meeting permit requirements by not maintaining the log documenting the 12 week rolling average, not having the proper signage and not documenting weekly inspections. The facility was advised to ensure employees had the proper training and that hazardous waste from outside entities could not be stored on site for more than 24 hours. The facility provided the corrective actions and no further action was taken.

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Process Description:

LRL is a hazardous waste transporter, a universal waste transporter and handler, and a processor of mercury containing lamps. Waste coming into the facility is unloaded and placed inside the warehouse in the counting area where the number of containers described on the shipping paper is verified with the number of containers delivered by the trucking company. From there, the waste is moved to one of ten rows in the processing storage area. Bulbs are processed usually within 72 hours.

Wastes that come in on one shipping paper are kept together on a pallet and usually arrive shrink wrapped. A copy of the shipping paper is kept with the containers. A written log is maintained by personnel identifying the shipping paper number, the generator of the waste, the date the waste arrived on-site, and the date the waste was verified.

Located in a separate room with an air filtering system and self contained, negative pressure process, is a Balcan MP8000. The Balcan MP8000 lamp processor separates the glass, end caps and phosphor powder from mercury containing lamps. The equipment operates all day during each business day. The lamps are fed into the processor on a conveyor belt and pass through crushers. Phosphor powder is continuously pulled out of the system by air handlers. Glass and metal end caps are separated and fall out into separate containers. Lamps are processed by type with one machine handling long tubes and a second, multi-purpose machine handles crushed lamps, HID lamps, CFLs, and other miscellaneous lamps. Plastic shields are removed from bulbs prior to processing in the warehouse.

Currently, end caps are recycled and glass is sent to the landfill; however, LRL is in the process of arranging for the glass to be used at American Cement in Sumterville, FL. Phosphor powder is sent to an LRL facility in Indiana for retorting.

INSPECTION NARRATIVE

Inspectors started the inspection in the warehouse. Upon entering the warehouse, three employees were sorting boxes of light bulbs and removing them from their packaging (Figure 1). As employees were sorting these items, they were tossing them into a box causing breakage [62-737.400(5) F.A.C. and 40 CFR 273.33(d)].

Several pallets of universal waste had recently arrived and the boxes were being checked in, verified, and organized. Once the waste is compared to the bill of lading or manifest and verified, the pallets are placed in one of the 10 rows. The bulbs are processed in date order. Rows 1-9 store whole bulbs and row 10 is used for crushed bulbs.

As inspectors walked through the warehouse many boxes of fluorescent bulbs were observed unlabeled (Figures 2-9) [62-737.400(5)(b)(1) F.A.C. and 40 CFR 273.34(e)]. If the facility generating fluorescent bulbs does not label the boxes, it appears a label is attached to the shrink wrap; however, upon arrival to the facility the shrink wrap is removed and so is the label. Shards of glass were observed on top of containers of fluorescent bulbs indicating bulbs had been broken [40 CFR 264.31].

Row 10 had four 55-gallon drums of "wet" crushed bulbs that were not labeled properly [62-737.400(5)(b)(1) F.A.C. and 40 CFR 273.34(e)]. According to Mr. McDonald, wet crushed bulbs clog up the processor; therefore, they have to wait for them to dry out or ship them to their facility in Indiana. Row 1 had several boxes of projection lamps. According to Mr. McDonald the projection lamps need some dismantling prior to processing, so employees work on them as they can. None of the boxes were over a year old.

The hazardous waste storage area for the facility is located near the loading dock. It is marked off with yellow tape. At the time of the inspection the LRL had one 55-gallon drum of hazardous waste, floor sweepings (Figure 11). The drum was labeled and dated correctly. Normally, hazardous waste, phosphor powder drums would also be stored in this location.

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On the back wall of the warehouse is the battery storage area. The batteries are sorted and placed into 55-gallon drums. Five of the 55-gallon drums were properly labeled; however, one of the 55-gallon drums (Figure 10) was not labeled [40 CFR 273.14(a)]. Near the battery storage area was a pallet of seven 5-gallon buckets and a cart with two boxes and a 5-gallon bucket of batteries. None of the containers were labeled (Figures 12-13)[40 CFR 273.14(a)].

Within the processing room, three employees were processing bulbs. Attached to the processor were two 55-gallon satellite accumulation drums. Both drums were labeled properly. Air filters for the room are changed once a week and disposed of as hazardous waste. Bag filters within the processor have not been changed since installation of the equipment. Employees have prolonged the life of the bag filters by tapping out the phosphor powder and reusing the filters. PPE from employees is disposed of as hazardous waste.

At the time of the inspection the facility had four 55-gallon drums of hazardous waste, phosphor powder located in the processing room. All of the drums were labeled and dated properly.

Located in the Supply Storage and Process Glass Storage Warehouse were four cubic yard bags of crushed processed glass and two cubic yard bags of metal end caps. The rest of warehouse contained over pack drums, new buckets and shipping containers.

Two samples of crushed processed glass were taken by inspectors from two cubic yard bags. Both sample results indicate the glass is non-hazardous.

RECORDS REVIEW

Records reviewed included disposal manifests, twelve month rolling average, inspections, training records, position descriptions, contingency plan and discrepancy log for the last year.

Review of the manifests found several issues. According to LRL's permit, the facility is only allowed to store fifteen 55-gallon drums of phosphor powder on site. According to manifests reviewed, the facility exceeded the storage limit on four separate occasions; November 2012, December 2012, January 2013, and March 2013 [F.S. 403.727(1)(c)]. According to LRL's permit, the facility is only allowed to store two 55-gallon drums of mercury containing devices on site. According to manifests reviewed, the facility exceeded the storage limit on six occasions; November 2012, December 2012, January 2013, twice in February 2013 and April 2013 [F.S. 403.727(1)(c)].

In March 2013 LRL received ten 55-gallon drums of contaminated crushed glass from Costa Rica. The waste was shipped using a Uniform Hazardous Waste manifest as a D009 hazardous waste. According to LRL staff, the glass was from a mercury processor in Costa Rica that could not remove enough mercury to deem it non-hazardous waste; therefore, had to ship it off site for additional processing. The transporter was Freeport and the designated facility was LRL, Indiana (IND000351387). Four weeks prior to receiving hazardous waste from a foreign source, LRL is required to notify the Regional Administrator in writing [40 CFR 264.12(a)(1) and F.S. 403.727.(1)(c)]. Additionally, LRL is not a registered 10-day transfer facility; therefore, hazardous waste is only allowed to remain on site for only 24 hours.

Training records were reviewed for Heath Clark, Aaron Campbell, Anthony McDonald, Jim Miller, Roderick Richardson and Bonnie Bishop-Clark. According to the permit, employees should have received either a 24 or 40 hour OSHA Hazwoper; however, in reviewing training documentation it was difficult to determine if employees had received this training. According to Ms. Bishop-Clark, employees watch video tapes to fulfill the 24/40 Hazwoper requirement; however, documentation indicated employees completed the training in two days. Please provide clarification and documentation that all employees have received their OSHA Hazwoper training.

RCRA Hazardous Waste Management training was conducted for most employees this year; however, Anthony McDonald, Warehouse Foreman, had not received RCRA training since July 2011 [40 CFR 264.16(c) and F.S. 403.727(1)(c)]. No training documentation was available for review for Jason Sims, who was listed as the third person in contingency plan as a emergency contact [40 CFR 264.16(c) and F.S. 403.727(1)(c)].

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Position descriptions were missing the type and frequency of training [40 CFR 264.16(d) and F.S. 403.727(1)(c)].

Weekly inspections started being documented in October 2012. Inspectors were concerned upon reviewing documented weekly inspections because several inspections had future dates and times [F.S. 403.727(d)].

The contingency plan listed a former employee as the third emergency contact [40 CFR 264.52(d) and F.S. 403.727(1)(c)]. An updated contingency plan needs to list a current employee and a copy of this updated contingency plan needs to be sent to the local authorities.

The twelve month rolling average on mercury levels in the crushed glass were in compliance. Although the permit requires samples be taken for testing after three consecutive days of operation, RCRA Permitting in Tallahassee has allowed LRL to sample twice a week. LRL is in the process of modifying the permit to reflect this change in sampling.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	264.12(a)(1)
Explanation:	F.S. 403.727(1)(c)-The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Specifically, LRL accepted ten 55-gallon drums of hazardous waste from Costa Rica without notification.
Corrective Action:	LRL shall cease accepting hazardous waste from a foreign source without proper notification.
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Type:	Violation
Rule:	264.16(c)
Explanation:	F.S. 403.727(1)(c)-Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section. Facility personnel must take part in an annual review of the initial training. Specifically, LRL had not provided annual training for Mr. Anthony McDonald or Jason Sims.
Corrective Action:	Within 30 days of receipt of this letter, please provide documentation that Mr. McDonald has been trained properly.
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Type:	Violation
Rule:	264.16(d)(2), 264.16(d)(3)
Explanation:	F.S. 403.727(1)(a)-A written job description for each position listed under paragraph (d)(1) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position as well

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as the amount of both introductory and continuing training that will be given to each person filling a position. Specifically, LRL did not meet all of the requirements for their position descriptions.

Corrective Action: Within 30 days of receipt of this letter, please provide the Department with complete position descriptions for employees managing hazardous waste.

Type: Violation

Rule: 264.31

Explanation: Design and operation of facility. Facilities must be designed, constructed, 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, LRL had allowed bulbs to be broken in their storage area.

Corrective Action: LRL should immediately assess the cause of broken bulbs and determine the corrective actions needed to ensure no future releases.

Type: Violation

Rule: 264.52(d)

Explanation: F.S. 403.727(1)(c)-The contingency plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see 264.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. Specifically, LRL listed Jason Sims as the third emergency coordinator; however, Mr. Sims no longer works at the facility. At the time of the inspection Ms. Bishop-Clark was in Tampa and Mr. Clark was in North Carolina. The facility did not have a designated emergency contact located close to the facility.

Corrective Action: LRL has provided the Department a copy of the updated contingency plan listing Mr. Anthony McDonald as the third alternate emergency contact.

Type: Violation

Rule: 273.14(a)

Explanation: F.S. 403.727(1)(c)-Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)". Specifically, LRL failed to label one 55-gallon drum, eight 5-gallon buckets and a box of batteries properly.

Corrective Action: LRL shall immediately label all containers. Please provide the Department with a written procedure to ensure all containers will be labeled properly.

Type: Violation

Rule: 403.727(1)(c)

Explanation: Failure to comply with permit condition Part I-General and Standard Conditions. Specifically, LRL exceeded the amount of phosphor powder allowed to be stored

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on site in November 2012, December 2012, January 2013 and March 2013. Additionally, LRL exceeded the amount of mercury containing devices allowed to be stored on site in November 2012, December 2012, January 2013, twice in February 2013 and April 2013.

Corrective Action: LRL must immediately cease exceeding the storage capacity as specified in the permit. Please provide the Department with a plan to ensure these exceedences won't occur in the future.

Type: Violation

Rule: 403.727(1)(e)

Explanation: Knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act. Specifically, LRL completed weekly inspections for future dates.

Corrective Action: LRL must immediately cease pre-dating weekly inspections.

Type: Violation

Rule: 62-737.400(5)

Explanation: F.S. 403.727(1)(c)-Handlers and transporters shall manage universal waste lamps and devices in a way that prevents breakage, releases of their components to the environment, and their exposure to moisture. Specifically, LRL employees were breaking bulbs during the sorting process.

Corrective Action: LRL shall immediately manage bulbs to ensure no breakage.

Type: Violation

Rule: 62-737.400(5)(b)1.

Explanation: F.S. 403.727(1)(c)-Universal waste lamps shall be labeled with the words "Spent Mercury-Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps". Specifically, LRL had many containers of universal waste lamps not labeled correctly.

Corrective Action: LRL shall immediate label all containers of universal waste lamps. Please provide the Department with the procedure that will be used to ensure all containers are labeled properly.

Conclusion:

Lighting Resources LLC was inspected as a mercury processor, large quantity generator of hazardous waste, and a universal and hazardous waste transporter. The facility was not in compliance at the time of the inspection. An exit interview was held to discuss the corrective actions with Bonnie Bishop-Clark by phone, Anthony McDonald and Terry Sutter prior to leaving the facility.

A copy of the updated contingency plan was received by the Department on May 2, 2013.

EPA will be taking the lead on this enforcement case.

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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.

Janine Kraemer

PRINCIPAL INSPECTOR NAME

Environmental Manager

PRINCIPAL INSPECTOR TITLE

FDEP

ORGANIZATION**Supervisor:** Gary Miller

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.