



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JAN 29 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Charles Buckley  
Orlando Operations Manager  
Triumvirate Environmental, Inc.  
10100 Rocket Boulevard  
Orlando, Florida 32824

SUBJ: Request for Information Pursuant to Section 3007 of the Resource Conservation Recovery Act  
Triumvirate Environmental, Inc.  
EPA ID Number: FLD 980 559 728

Dear Mr. Buckley:

On July 14, 2014, the U.S. Environmental Protection Agency conducted a compliance evaluation inspection (CEI) at Triumvirate Environmental, Inc. (TEFI), in Orlando, Florida to determine the facility's compliance with the applicable requirements of the Resource Conservation and Recovery Act (RCRA) and Rule 62-730 et seq. of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.).

At the time of the inspection, key personnel were not available to provide or identify information required to complete the investigation. Therefore, additional information must be obtained. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby directed to respond to the Information Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B), within fourteen (14) calendar days of your receipt of this letter.

Compliance with this Information Request is mandatory and information provided by you may be used by the EPA in civil or criminal proceedings. Failure to respond fully and truthfully to each and every question or request within thirty (30) calendar days of your receipt of this letter, or to adequately justify such failure to respond, may result in enforcement action against the TEFI by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. Please be further advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

Your response to this request for information should be mailed to:

Larry L. Lamberth  
Chief, Hazardous Waste Enforcement and Compliance Section  
Enforcement and Compliance Branch  
Resource Conservation and Restoration Division  
U.S. EPA, Region 4  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

The information requested herein must be provided to the EPA notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a suitable notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) provides small businesses with the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement activity. The Information Sheet included as Enclosure D provides information on this right, as well as information on compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. If you qualify as a small business under the SBREFA regulations at 13 C.F.R. § 121.201, this material applies to you.

Should you have any questions on this matter, please contact Brooke York, of my staff, at (404) 562-8025 or by email at [york.brooke@epa.gov](mailto:york.brooke@epa.gov)

Sincerely,



César A. Zapata,  
Chief, Enforcement and Compliance Branch  
Resource Conservation and Restoration Division

Enclosures

cc: Nathan Hess, FDEP  
Glenn Perrigan, FDEP

## ENCLOSURE A

### Instructions

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.



## ENCLOSURE B

### Definitions

The following definitions shall apply to the following words as they appear in the letter to which this Enclosure is attached and the enclosed Information Request.

1. The term "AFFILIATES" shall include any two or more parties where one party has the power to control the other, or all parties are controlled by a common third party. Affiliates shall also include any parties that share directorates, ownership, employees, equipment, and/or facilities.
2. The terms "AND" and "OR" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
3. The term "BUSINESS" shall mean any activity, task, objective, or the creation of an atmosphere that enables commerce, trade, industry, traffic and/or economic dealings.
4. The term "DISPOSAL" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
5. The term "DOCUMENT" and "DOCUMENTS" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any e-mail, invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing; including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
6. The term "FACILITY" shall mean the any physical location(s) that the Respondent has conducted business whether in person or by way of formal or informal communication that is of a business nature.
7. The term "GENERATION" shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
8. The term "GENERATION" shall mean any act or process which produces solid and/or hazardous waste as defined at § 1004 of RCRA, 42 U.S.C. § 6903.
9. The term "HAZARDOUS WASTE" shall mean a hazardous waste as defined in 40 C.F.R. § 261.3.

## ENCLOSURE B

10. The term "IDENTIFY" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
11. The term "IDENTIFY" means, with respect to a corporation, partnership, business trust or other associate of business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
12. The term "IDENTIFY" means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
13. The term "IDENTIFY" means, with respect to a sampling document, to provide its customary business description, the date of the document, the date of sampling event(s) described therein, the location of sampling events described therein, the method(s) and procedure(s) used during the subject sampling events, the individual(s) that participated in the sampling events described therein, the number, if any (invoice or purchase order number), the identity of the document author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "PERSON" includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
15. The term "POLLUTANT" or "CONTAMINANT" shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunction in reproduction) or physical deformation in such organisms or their offspring; except that the term "POLLUTANT" or "CONTAMINANT" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of Definition 5 above, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). "POLLUTANT" or "CONTAMINANT" shall include any mixtures of such pollutant and contaminants with other substances, including petroleum products.
16. The term "RELEASE" shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
17. The term "SOLID WASTE" means a waste as defined at § 1004(27) of RCRA, 42 U.S.C. § 6903(27).
18. The term "TRANSACTION" or "ARRANGEMENT" shall mean every separate agreement, act, deal, instance or occurrence.

## ENCLOSURE B

19. The term "TREATMENT" shall mean any method, technique, or process, designed to change the physical, chemical or biological character of a waste and is defined at Section 1004(34) of RCRA, 42 U.S.C. § 6903(34).
20. The term "UNIVERSAL WASTE" shall mean a universal waste as defined in 40 C.F.R. § 273.9.
21. The term "UNIVERSAL PHARMACEUTICAL WASTE" shall mean a hazardous waste pharmaceutical as defined by Fla. Admin. Code Ann. r. 62-730.186(4)(e).
22. The term "YOU", "TRIUMVIRATE ENVIRONMENTAL, INC.", "TRIUMVIRATE", "TEFI", or "RESPONDENT" shall mean the addressee of this Information Request, its officers, partners, founders, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C

**Information Request**

1. Please identify the person(s) preparing the answers to this Information Request.
2. Please provide the name and date of employment, position title, and position description for all personnel employed, or contracted fulltime at any time within the past three years. Please include any and all revisions to the position description including dates of revision and/or development.
3. Please provide all hazardous waste training records for each individual identified in the response to the previous question.
4. Please provide weekly inspection logs for each area of the facility where hazardous waste is stored for the last 3 years (July 14, 2011 to July 14, 2014).
5. Please provide a weekly inspection standard operating procedure (SOP). If an SOP does not exist, at a minimum please clearly describe the location or area where weekly inspections are conducted, the items or objects inspected, and conditions that are reviewed.
6. Please provide documentation of the waste determinations made on the fluid observed in the five 30-cubic yard roll off containers observed in the dirt lot at the time of the inspection.
7. Please provide analytical testing or other documentation verifying that the blasting media observed in the Consolidation Area at the time of the inspection meets the treatment criteria as described in the Waste Analysis Plan. This should include but is not limited to the waste profile, TCLP composite sample results, and any additional information provided by the initial generator of the waste.
8. Please provide the uniform hazardous waste manifest(s) received by TEFI for the blasting media observed in the Consolidation Area, and any Land Disposal Restriction provided by the generator at that time.
9. Please provide all disposal records, and post-treatment analysis conducted on the blasting media observed in the Consolidation Area at the time of the inspection.
10. Please provide uniform hazardous waste manifest, packing slips, and land disposal restriction documentation for the following.
  - 003297846JJK
  - 005004581FLE
  - 005004702FLE
  - 005004785FLE
  - 005176051FLE
  - 005176060FLE
  - 005176076FLE
  - 005176142FLE
  - 008706195JJK
  - 008706730JJK
  - 012355229JJK
  - 012355302JJK
  - 012355304JJK
  - 012355321JJK
  - 012355322JJK
  - 012355473JJK
11. Please provide any and all documentation relating to the waste transported on the following nonhazardous waste manifests.
  - NHWM056853
  - NHWM060957
  - NHWM078341



ENCLOSURE C

12. Please provide uniform hazardous waste manifests, and land disposal restriction notifications for 012355247JJK, 012355110JJK, 012355315JJK, 003297697JJK and 003297977JJK. Additionally, please identify the numbers assigned to the containers received on the shipments upon their arrival and processing.
13. For each container number identified above, please provide all documentation regarding the onsite waste management and ultimate disposal of the waste. This documentation should include but is not limited to the incoming and outgoing waste profiles, onsite management and treatment, outgoing uniform hazardous waste manifest, other transportation documentation, and any analytical testing.
14. Please provide uniform hazardous waste manifests, and land disposal restriction notifications for 005176049FLE, 005176067FLE, 005176089FLE, 005176094FLE, 005174896FLE, 005176079FLE, and 005176065FLE. Additionally, please identify the numbers assigned to the containers when received at the facility.
15. For each container number identified above, please provide all documentation regarding receipt and onsite waste management. This documentation should include but is not limited to the incoming and outgoing waste profiles, onsite management and treatment, incoming uniform hazardous waste manifest, other transportation documentation, and any analytical testing.
16. Please provide additional information regarding the containers identified below. This information should include but is not limited to waste analyses, incoming and outgoing profiles, incoming and outgoing uniform hazardous waste manifests, onsite management, onsite treatment, and land disposal restrictions.
- 199668FL
  - 202578FL
  - 202799FL
  - 202800FL
  - 202803FL
  - 457-5
  - 457-6
  - 457-8
  - 564-22
  - 663-2
  - 663-3
  - 719-4
  - 744-4
  - 850-27
  - 850-28
  - 851-12
  - 944-4
  - F15751-03-01
  - F16762-09-01
  - F17870-06-01
  - F17870-06-03
  - F17907-02-01
  - F17908-01-02
  - F18013-17-01
  - F18063-03-01
  - F18168-17-01
  - F18168-20-01
  - F18295-02-01
  - F18297-01-01 to 07
  - F18414-01-01 to 16
  - F18414-02-01 to 05
  - F18414-03-01 to 05
  - F18414-03-03
  - F18414-04-01 to 05
  - F18414-05-01 to 20
  - F18414-06-01 to 16
  - F18414-07-01 to 05
  - F18418-01-01
  - F18867-08-03 (660-10)
17. Please provide the waste profiles identified below.
- 022915
  - 022930
  - 025515
  - 025516
  - 029559
  - 029662
  - 31142
  - 32514
  - 32614
  - 33350
  - 34663
  - 35521
  - 35524
  - 35621
  - 35854
  - 7635302
  - 7635305
  - 7635308
  - 7635309
  - 7635310
  - 7635313
  - 7635324
  - 76353314
  - 33597LP
  - 34669LP
  - 35011LP
  - 3830LP
  - 9582

ENCLOSURE C

- T035289
- TL070314
- TO28156
- TO31424
- TO33359
- TO33596
- TO33696
- TO34325
- TO34586
- TO35258
- TO355258

18. Please provide all notification, acceptance and acknowledgements required for the exportation of hazardous waste as required by 40 C.F.R. § 262 Subpart E – Exports of Hazardous Waste. If no such documents exist please state so.
19. Please provide documentation of payment and contract for reverse distribution of universal waste pharmaceuticals. If no such documentation exists please state so.



## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

#### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

#### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

#### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

#### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

#### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

#### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

#### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

#### Education

[www.campuserc.org](http://www.campuserc.org)

#### Food Processing

[www.fpeac.org](http://www.fpeac.org)

#### Healthcare

[www.hercenter.org](http://www.hercenter.org)

#### Local Government

[www.lgean.org](http://www.lgean.org)

#### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

#### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

#### Printed Wiring Board Manufacturing

[www.pwbrc.org](http://www.pwbrc.org)

#### Printing

[www.pneac.org](http://www.pneac.org)

#### Ports

[www.portcompliance.org](http://www.portcompliance.org)

#### U.S. Border Compliance and

Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

#### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

**Antimicrobial Information Hotline**  
[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

**Clean Air Technology Center (CATC) Info-line**

[www.epa.gov/tm/cac](http://www.epa.gov/tm/cac) or 1-919-541-0800

**Emergency Planning and Community Right-To-Know Act**

[www.epa.gov/superfund/resources/infocenter/epca.htm](http://www.epa.gov/superfund/resources/infocenter/epca.htm) or 1-800-424-9346

**EPA Imported Vehicles and Engines Public Helpline**

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or  
734-214-4100

**National Pesticide Information Center**  
[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

**National Response Center Hotline - to report oil and hazardous substance spills**  
[www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

**Pollution Prevention Information Clearinghouse (PPIC)**

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or  
1-202-566-0799

**Safe Drinking Water Hotline**

[www.epa.gov/safewater/hotline/index.html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

**Stratospheric Ozone Protection Hotline**  
[www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996

## U. S. EPA Small Business Resources

**Toxic Substances Control Act (TSCA) Hotline**  
[tsc-hotline@epa.gov](mailto:tsc-hotline@epa.gov) or 1-202-554-1404

**Wetlands Information Helpline**  
[www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828

### State and Tribal Web-Based Resources

**State Resource Locators**  
[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

**State Small Business Environmental Assistance Programs (SBEAPs)**  
[www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

**EPA's Tribal Compliance Assistance Center**  
[www.epa.gov/tribalcompliance/index.html](http://www.epa.gov/tribalcompliance/index.html)

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

**EPA's Tribal Portal**  
[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

**EPA's Small Business Compliance Policy**  
[www.epa.gov/compliance/incentives/smallbusiness/index.html](http://www.epa.gov/compliance/incentives/smallbusiness/index.html)

This Policy offers small businesses special incentives to come into compliance voluntarily.

**EPA's Audit Policy**  
[www.epa.gov/compliance/incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*