



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

JAN 29 2015



Nathan Hess
Central District Office
Waste Management Program
3319 Maguire Blvd, Suite 232
Orlando, Florida 32803-3767

SUBJ: Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Triumvirate Environmental, Inc. (EPA ID #: FLD 980 559 728)

Dear Mr. Nathan Hess:

On July 14, 2014, an Environmental Protection Agency (EPA) lead RCRA CEI was conducted by the EPA and the FDEP at Triumvirate Environmental, Inc., in Orlando, Florida, to determine the facility's compliance status with RCRA.

Enclosed is the EPA RCRA CEI report which indicates that apparent violations of RCRA were discovered. The EPA has identified this facility as a significant non-complier.

If you have any questions regarding the inspection, please contact Brooke York, of my staff, by phone at (404) 562-8025 or by email at york.brooke@epa.gov.

Sincerely,

Larry Lamberth
Chief, Hazardous Waste Enforcement and
Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure



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:

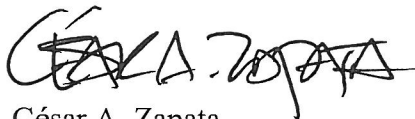
Larry L. Lamberth
Chief, Hazardous Waste Enforcement and Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

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

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	• 005176076FLE	• 012355304JJK
• 005004581FLE	• 005176142FLE	• 012355321JJK
• 005004702FLE	• 008706195JJK	• 012355322JJK
• 005004785FLE	• 008706730JJK	• 012355473JJK
• 005176051FLE	• 012355229JJK	
• 005176060FLE	• 012355302JJK	
11. Please provide any and all documentation relating to the waste transported on the following nonhazardous waste manifests.

• NHWM056853	• NHWM060957	• NHWM078341
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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 | • 850-27 | • F18168-20-01 |
| • 202578FL | • 850-28 | • F18295-02-01 |
| • 202799FL | • 851-12 | • F18297-01-01 to 07 |
| • 202800FL | • 944-4 | • F18414-01-01 to 16 |
| • 202803FL | • F15751-03-01 | • F18414-02-01 to 05 |
| • 457-5 | • F16762-09-01 | • F18414-03-01 to 05 |
| • 457-6 | • F17870-06-01 | • F18414-03-03 |
| • 457-8 | • F17870-06-03 | • F18414-04-01 to 05 |
| • 564-22 | • F17907-02-01 | • F18414-05-01 to 20 |
| • 663-2 | • F17908-01-02 | • F18414-06-01 to 16 |
| • 663-3 | • F18013-17-01 | • F18414-07-01 to 05 |
| • 719-4 | • F18063-03-01 | • F18418-01-01 |
| • 744-4 | • F18168-17-01 | • F18867-08-03 (660-10) |
17. Please provide the waste profiles identified below.
- | | | | |
|----------|---------|-----------|------------|
| • 022915 | • 32514 | • 35854 | • 7635324 |
| • 022930 | • 32614 | • 7635302 | • 76353314 |
| • 025515 | • 33350 | • 7635305 | • 33597LP |
| • 025516 | • 34663 | • 7635308 | • 34669LP |
| • 029559 | • 35521 | • 7635309 | • 35011LP |
| • 029662 | • 35524 | • 7635310 | • 3830LP |
| • 31142 | • 35621 | • 7635313 | • 9582 |

ENCLOSURE C

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

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

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

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

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/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and

Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and

Clearinghouses

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 or 1-703-308-6411

Clean Air Technology Center (CATC)

Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline

www.epa.gov/safewater/hotline/index.html or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

U. S. EPA Small Business Resources

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
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

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

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

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/

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

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

EPA's Audit Policy
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.

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.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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JAN 29 2015

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RETURN RECEIPT REQUESTED

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

SUBJ: Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Triumvirate Environmental, Inc. (EPA ID #: FLD 980 559 728)

Dear Mr. Charles Buckley:

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Sincerely,

A handwritten signature in black ink, appearing to read "Larry Lamberth".

Larry Lamberth
Chief, Hazardous Waste Enforcement and
Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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ATLANTA FEDERAL CENTER
61 FORSYTH STREET
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JAN 29 2015

Glenn Perrigan
Division of Waste Management
MS #4500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

SUBJ: Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Triumvirate Environmental, Inc. (EPA ID #: FLD 980 559 728)

Dear Mr. Perrigan:

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Sincerely,

A handwritten signature in black ink, appearing to read "Larry Lamberth".

Larry Lamberth
Chief, Hazardous Waste Enforcement and
Compliance Section
Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosure

**United States Environmental Protection Agency (EPA)
Region 4, Atlanta, Georgia
Compliance Evaluation and Inspection Report**

1. Inspector and Author of Report

Brooke York
Environmental Engineer
U.S. Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-8025
York.Brooke@epa.gov

2. Facility Information

Triumvirate Environmental, Inc.
10100 Rocket Boulevard
Orlando, Florida 32824
EPA ID #: FLD 980 559 728
NACIS Code:

3. Responsible Officials

Mr. Charles Buckley
Orlando Operations Manager

4. Inspection Participants

Brooke York, U.S. Environmental Protection Agency (EPA)
Michael Eckoff, Florida Department of Environmental Protection (FDEP)
John White, FDEP
Nicholas Vick, Triumvirate Environmental (Florida), Inc. (TEFI)
Patricia Malloy, TEFI

5. Date of Inspection

July 14, 2014 at 10:00 a.m.

6. Applicable Regulations

40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273, & 279
Resource Conservation and Recovery Act (RCRA) Sections 3002 - 3005,

Chapter 403 of the Florida Statutes (Fla. Stat.), Fla. Stat. § 403.702 et seq.
Rule 62-730 et seq. of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.)

7. Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection (CEI) to determine whether TEFI was in compliance with the applicable requirements of RCRA and the corresponding Florida Regulations. This was an EPA lead inspection.

8. Facility Description

The TEFI is a RCRA permitted treatment, storage and disposal facility, Permit Number 26916-HO-008. The facility is a hazardous waste transporter, 10-day transfer facility, and a permitted used oil processor, and solid and hazardous waste storage facility. The location was previously owned and operated by Perma-Fix. On October 14, 2011 the permit issued to Perma-Fix on January 28, 2009 was officially transferred to TEFI.

9. Previous Inspection History

Date	Inspection/Agency	Findings	Action
April 11, 2013	FDEP held Prearranged Meeting	Discussion of permit renewal and associated topics.	Permit Issued
February 29, 2012	CEI conducted by FDEP	Failure to meet the requirements of 40 C.F.R. § 264.16(d)(2) and (3), 40 C.F.R. § 279.46(a)(2), and 62-710.510(1)	Findings were corrected by facility and no further action was taken.
October 14, 2011	FDEP transferred permit to TEFI	Perma-Fix transferred ownership to TEFI	Permit Transferred

10. Findings

10.1. Arrival and Opening Conference

Upon the inspectors arrival to the facility the inspectors met with Ms. Malloy. The inspectors presented Ms. Malloy with their credentials and explained the purpose of the inspection. Ms. Malloy explained that the Mr. Charles Buckley and Mr. Lee Richardson were not available to escort the inspectors or discuss the operations of the facility. She asked if the inspection could be rescheduled. The inspectors explained the purpose of the inspection and that the nature of the inspection was to get a clear picture of the facility's compliance with the regulations and in order to accomplish this that the agencies must conduct unannounced inspections. Ms. Malloy understood and made a phone call to the appropriate company official to inform them of the inspection.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions, Condition 12.d states “The Permittee shall comply with the

requirements of 40 C.F.R. § 264.55, concerning the emergency coordinator.” Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.55], which requires at all times, there must be at least one employee either on the facility premises or on call (i.e. available to respond to emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of wastes handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

Ms. Malloy introduced the inspectors to Mr. Vick. Mr. Vick was the primary contact for the facility during the inspection. Mr. Vick informed the inspectors that he would do his best to explain the operations of the facility and answer any question that arose but that he was not as knowledgeable about the processes as Mr. Buckley.

10.2. Loading/Un-Loading Dock

Mr. Vick escorted the inspectors to the Dock Area. Inspectors observed approximately 53 containers arranged in 2 rows in the Loading Dock Area. Mr. Vick informed the inspectors that the containers on the Loading Dock had been unloaded earlier that morning.

The nuts and bolts intended to secure the rings on the 55-gallon drums were observed to be improperly tightened.

Hazardous Waste Permit Number: 26916-HO-008 Part II Subpart B.1 – Specific Operating Conditions for Container Management Condition 16 states “All drums shall be kept closed with rings tightened and bungholes plugged except when adding or removing waste.”

The inspectors asked Mr. Vick why the nuts and bolts on the 55-gallon containers were improperly tightened. Mr. Vick told inspectors that each container was opened when it arrived to the Facility to ensure that the material was properly characterized by the generator and in the case of lab packs that the containers were still intact inside the drum.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 1 states “The Permittee shall comply with those sections of 40 C.F.R. § 124 specified in Subsection 62-730.200(3), F.A.C., 40 C.F.R. § 260 through 268, and 40 C.F.R. § 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements.” Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart B.1 – Specific Operating Conditions for Container Management Condition 10 states “The Permittee shall manage all containers, including containers of non-hazardous waste, in the manner outlined in this permit to ensure that a release of hazardous waste or hazardous constituents will not occur.” Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.31], which requires that facilities be 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.

Inspectors observed one of the 55-gallon drums generated by the University of South Florida, dated 7/9/2014, which held formaldehyde solution. This container had a non-hazardous waste label placed on top of a hazardous waste label.

Inspectors observed that some of the hazardous waste labels on the containers on the loading dock did not have the manifest number completely filled out as required by 40 C.F.R. § 262.32. (Figure 1)

Inspectors observed a roll off container staged under the roof immediately to the west of the Loading Dock. Mr. Vick informed the inspectors that the container was for the disposal of solid waste intended for RCRA Subtitle D Landfill disposal. At the time of the inspection the container was covered with a tarp. The asphalt on the North end of the container was observed to be stained (Figure 2)

10.3. AES Trailer/Flammable Trailer

At the time of the inspection the fire suppression system in the permitted storage area had not been upgraded to meet the requirements of the fire code. Therefore, TEFI could not store flammable material in the permitted storage area. In an attempt to continue to manage flammable waste a trailer had been placed at one of the loading bays. This container was intended to serve as a 10 day transfer facility. At the time of the inspection the trailer was observed to hold 12 containers that had not been processed into the facility and 31 which had been processed in, for a total of 43 containers. Most of the containers were 55-gallon drums (Figures 3-8).

All of the containers, except one, that had not yet been processed into the facility, were from Halifax Health. The 31 containers that had been processed in to the facility that were stored in the rear of the trailer were stored with no space between the containers. This made it difficult to properly inspect the containers. The containers that had labels that were visible had non-hazardous labels. At least four of these containers appeared to have been relabeled as non-hazardous. The non-hazardous labels that were observed on 3 of the relabeled containers indicated that TEFI was the generator (Figures 5-8).

Some of the drums appeared to be rusty and shown signs of deterioration. One of the drums stored in the rear of the trailer was observed to be bulging under positive pressure. Inspectors ask Mr. Vick for a list of the waste containers on the trailer. However, Mr. Vick was unable to supply the list due to his limited knowledge of the waste tracking system.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 1 states “The Permittee shall comply with those sections of 40 C.F.R. § 124 specified in Subsection 62-730.200(3), F.A.C., 40 C.F.R. § 260 through 268, and 40 C.F.R. § 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements.” Pursuant to Fla. Admin. Code Ann. r. 62--30.180(2) [40 C.F.R. § 264.171], which requires a facility to transfer hazardous waste from containers which are not in good condition, or have begun to leak into containers which are in good condition and manage the waste in accordance with the applicable regulations.

Additional information has been requested regarding the trailer and the 10-day transfer activities at the facility.

Hazardous Waste Permit Number: 26916-HO-008 requires that the containers stored in the transfer facility be inspected at least once weekly. Proper inspection of the containers stored on the AES Trailer was not possible at the time of the inspection due to the lack of aisle space as evident by a 55-gallon container observed bulging in the rear of the container. Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 264.35] requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment. And decontamination equipment to any area of facility operation in an emergency.

10.4. Container Storage Unit

The inspectors observed the permitted waste storage area. The storage area is organized by bay numbers which identify the type of waste that can be safely stored within the bay. The fire suppression system had not been properly maintained and updated at the time of the inspection. Therefore, the storage area was not permitted to store any flammable materials at the time of the inspection.

Row 301 (Figure 9) Inspectors observed the container labeled Spectrus NX114. The TEFI label identified the container number as F17908-01-02 and indicated that the material was characteristically hazardous for ignitability. The MSDS was reviewed for the material. The MSDS indicates that the flash point of the material is >200 °F and that the material would meet the characteristic for corrosivity (D002) and not ignitability.

Container F18297-01-01 (Figure 10) had been characterized as a flammable hazardous waste and was stored in the container storage area.

Row 303 (Figures 11 and 12) Inspectors observed a 55-gallon drum stored in Row 303 which was under a negative pressure. The labels on the drum indicate that the drum was received at TEFI on 6/30/2014 from Florida Atlantic University, FLD982150658, on manifest number 012355473JJK.

Inspectors observed three 5-gallon container of hazardous waste that shown signs of corrosion and deterioration. (Figures 13 and 14)

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 1 states “The Permittee shall comply with those sections of 40 C.F.R. § 124 specified in Subsection 62-730.200(3), F.A.C., 40 C.F.R. § 260 through 268, and 40 C.F.R. § 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements.” Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.171], which requires a facility to transfer hazardous waste from containers which are not in good condition, or have begun to leak into containers which are in good condition and manage the waste in accordance with the applicable regulations.

Inspectors observed the fire extinguisher, emergency shower and eye wash test/inspection record which indicated that the equipment had not been inspected since 6/20/2014 (Figure 15).

Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.15], which requires the owner or operator of a facility to inspect his facility for malfunctions and deterioration, operator errors, and discharges on a written schedule. Hazardous Waste Permit Number: 26916-HO-008 requires that inspections of emergency equipment be conducted weekly.

10.5. Waste Consolidation/Stabilization Area

Inspectors observed the waste Consolidation Area to contain five pallets of hazardous/universal pharmaceutical waste in black containers, one pallet of containers with blue lids that had two black hazardous waste containers on top of it (Figure 16), eleven super sacks, and two pallets of red biomedical waste containers. Many of the containers were not properly closed and the lack of aisle space did not allow unobstructed movement in the area.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 1 states “The Permittee shall comply with those sections of 40 C.F.R. § 124 specified in Subsection 62-730.200(3), F.A.C., 40 C.F.R. § 260 through 268, and 40 C.F.R. § 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements.” Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.171], which requires a facility to transfer hazardous waste from containers which are not in good condition, or have begun to leak into containers which are in good condition and manage the waste in accordance with the applicable regulations.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 11.d states “The Permittee shall maintain aisle space, as required pursuant to 40 C.F.R. 264.35, to allow the unobstructed movement of personnel, fire protection, and emergency response equipment to any area of the facility.” Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 264.35] requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment. And decontamination equipment to any area of facility operation in an emergency.

Inspectors asked Mr. Vick about the consolidation processes that take place in the area. Mr. Vick explained that the facility’s standard operating procedure was to open the containers of hazardous/universal pharmaceutical waste and separate out the solid waste. The solid waste components including needles, IV lines, bags and tubing, paper towels, gloves, and other wastes that the generator had determined to be hazardous wastes. These wastes were removed from the black containers and combined in with solid waste or biomedical waste (Figures 17-24). Inspectors obtained a SOP for the separation/consolidation procedure.

The facility personnel do not appear to have sufficient knowledge of the use and potential contamination of the waste through a visual examination of the material to determine if the waste would meet the definition of hazardous waste, whether by characteristic or listing. Furthermore, the generator is responsible for making hazardous waste determinations at the point the waste is generated. The generator has already made the determination that the waste in the black containers is a hazardous waste and sent it for management and disposal, as such. The further reclassification of the waste and subsequent shipment of the reclassified waste as a non-hazardous solid waste, or biomedical waste without the required documentation to a facility that is not permitted to manage the waste is problematic. The universal pharmaceutical waste standards found at Fla. Admin. Code Ann. r. 62-730.186 require very specific criteria and management standards to be met in order to manage the waste as a universal pharmaceutical waste. TEFI does not appear to be meeting these criteria or management standards. Therefore, pursuant to Fla. Admin. Code Ann. r. 62-730.186(3) the hazardous waste pharmaceuticals not managed as universal waste in accordance with this section shall be managed in accordance with Chapter 62-730, Fla. Admin. Code, and shall be disposed of at a permitted hazardous waste treatment, storage or disposal facility.

Hazardous Waste Permit Number: 26916-HO-008 requires that “Consolidated waste is assigned the same codes that belonged to the waste put into the consolidated containers.” Pursuant to Fla. Admin. Code Ann. r. 62-730.186(5), a handler of universal pharmaceutical waste is prohibited from disposing of universal pharmaceutical waste.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 2 states “The Permittee shall comply with the manifest requirements of 40 C.F.R. §§ 264.71 and 264.72. The Permittee must document the reconciliation of any manifest discrepancies.” Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.71] which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.20(a)(1)], a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a Manifest on EPA Form 8700-22.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 2 states “The Permittee shall comply with the manifest requirements of 40 C.F.R. §§ 264.71 and 264.72. The Permittee must document the reconciliation of any manifest discrepancies.” Pursuant to Fla. Admin. Code Ann. r. 62-730.180(2) [40 C.F.R. § 264.71] which incorporates Fla. Admin. Code Ann. r. 62-730.160(1)-.01(3)(a) [40 C.F.R. § 262.12(c)] and Fla. Admin. Code Ann. r. 62-730.160(1)-.01(3)(a) [40 C.F.R. § 262.20(b)], a generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number and that the generator must designate on the manifest one facility which is permitted to handle the waste.

At the time of the inspection the inspectors observed a 30-cubic yard roll off container in the Waste Consolidation/Stabilization Area. At the time of the inspection the tarp covering the roll-off container was not secure. The container was labeled “Hazardous Waste.” The label indicated that the container held sand blast media that was characteristically hazardous waste due to the lead content. However, the description of the waste appearing on the labels was improperly or inconsistently completed. Inspectors observed what appeared to be spilled material on area around the container (Figures 25-27).

10.6. Exterior

Inspectors observed a 30-cubic yard roll off container in the rear of the Consolidation and Stabilization Area. This container held contained crushed 5-gallon cans, punctured aerosol cans, empty 1-gallon cans, drum lids, and aluminum frames from totes. (Figure 28)

Inspectors observed another five roll-off containers staged on the east side of the building in the dirt lot. Several of these containers held standing liquid that appeared to have been allowed to accumulate over time. No mosquito larva were observed in the liquid in any of the containers. This appeared to be unusual for standing rain water in July in Florida. In one of the containers plant life was observed but not in the others. (Figures 29-32) Inspectors asked the Mr. Vick about the containers there current and previous contents and if any mosquito prevention had been utilized. Mr. Vick speculated that the containers held rainwater.

Inspectors observed the storm water drain on the north-west corner of the fenced facility area. The drain was surrounded by a small berm approximately 2" high and 6" wide which contained PVC piping with shut-off valves. At the time of the inspection valves were observed in the open position. Standing water was observed on the south side of the berm. (Figure 33) This water contained tad polls, mosquito larva and vegetative growth.

10.7. Records Review

At the time of the inspection a limited review of the uniform hazardous waste manifests, weekly inspections, employee training, biennial reporting, and Contingency Plan was conducted.

Review of the Contingency Plan found the primary contact, Thomas Montgomery, who was no longer employed by TEFI. The secondary contact, Lee Richardson, was also unavailable at the time of the inspection. However, Nicholas Vick was designated as an alternate contact. Mr. Vick was available during the inspection however he was not thoroughly familiar with all aspects of the facility's operations and activities. Additional information has been requested.

Hazardous Waste Permit Number: 26916-HO-008 Part II – Operating Conditions, Subpart A – General Operation Conditions Condition 1 states "The Permittee shall comply with those sections of 40 C.F.R. § 124 specified in Subsection 62-730.200(3), F.A.C., 40 C.F.R. § 260 through 268, and 40 C.F.R. § 270 as adopted in Chapter 62-730, F.A.C., until all hazardous waste permitting operations have ceased and the facility has been closed and released from postclosure care requirements and all facility-wide corrective action requirements." Pursuant to Fla. Admin. Code Ann. r. 62-730.171(4)(a) [40 C.F.R. § 265.52(d)], which requires that the facility's Contingency Plan list the names, addresses, and phone numbers (cellular and home) of all persons qualified to act as emergency coordinator, and that this list must be kept up to date.

Additional information relating to uniform hazardous waste manifests, waste profiles, land disposal restrictions, employee training, weekly inspections, and the facility Contingency Plan has been requested.

10.8. Closing Conference

A Closing Conference was held on July 15, 2014 by teleconference. During the teleconference the preliminary findings of the inspections were discussed.

11. Signed



Brooke York
Environmental Engineer
Hazardous Waste Enforcement and Compliance Section
Enforcement & Compliance Branch,
Resource Conservation and Restoration Division

1/15/2015
Date

12. Concurrence



Larry Lamberth
Chief, Hazardous Waste Enforcement and Compliance Section
Enforcement & Compliance Branch,
Resource Conservation and Restoration Division

1/28/14
Date

Attachment 1
Photographs taken July 14, 2014

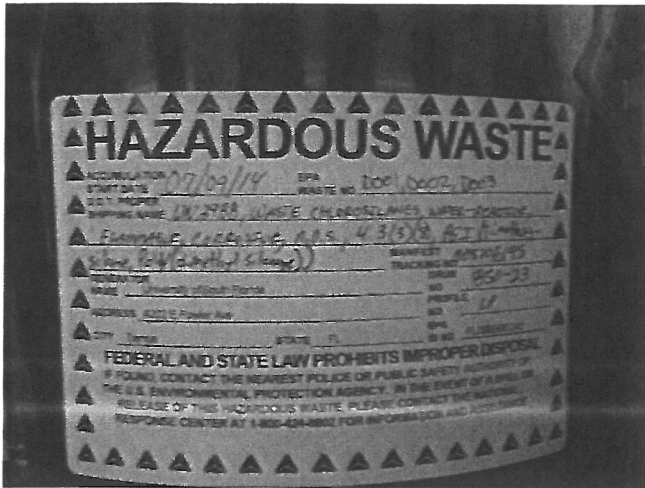


Figure 1: 850-23



Figure 2: The asphalt surrounding the dumpster.



Figure 3: Waste in rear of AES Trailer.



Figure 4: Overview of Transfer Facility waste storage on AES Trailer.

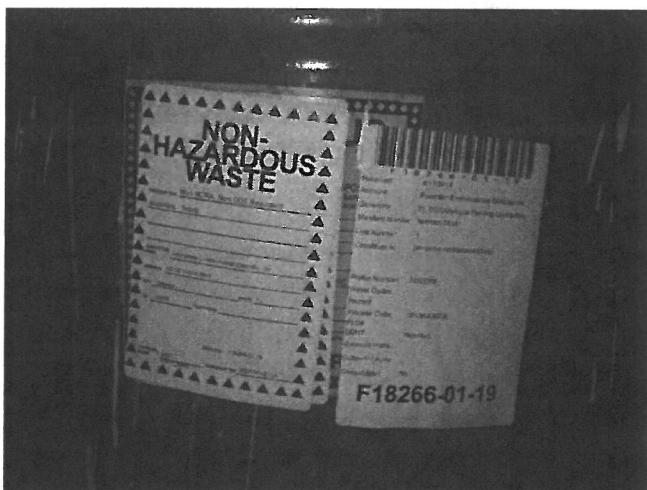


Figure 5: F18266-01-19 Nonhazardous label on top of hazardous label.

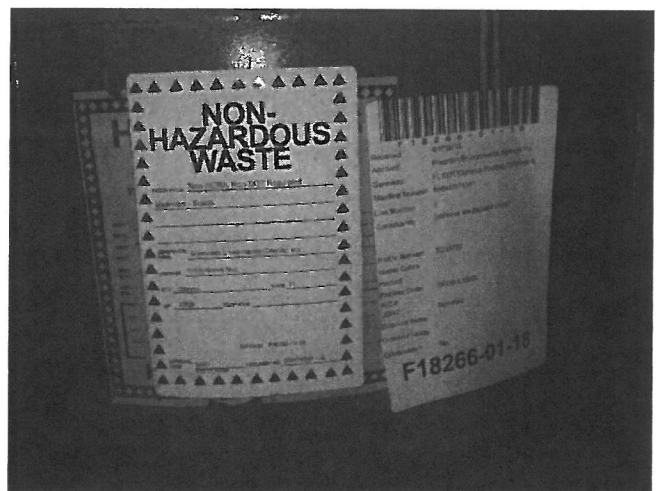


Figure 6: F18266-01-18 Nonhazardous label on top of hazardous label.

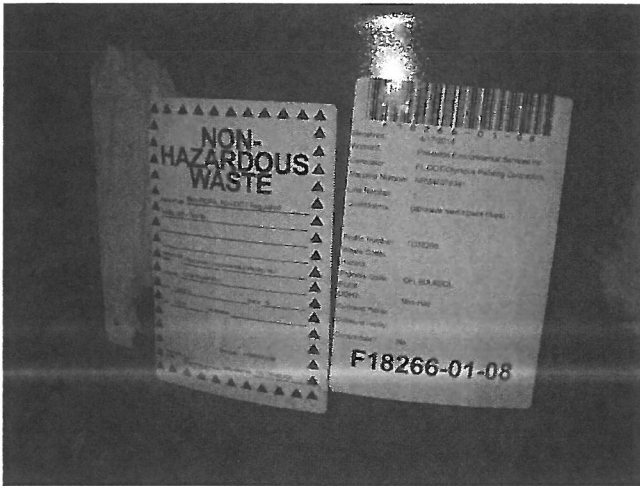


Figure 7: F18266-01-08



Figure 8: F18266-01 Nonhazardous label on top of hazardous label.

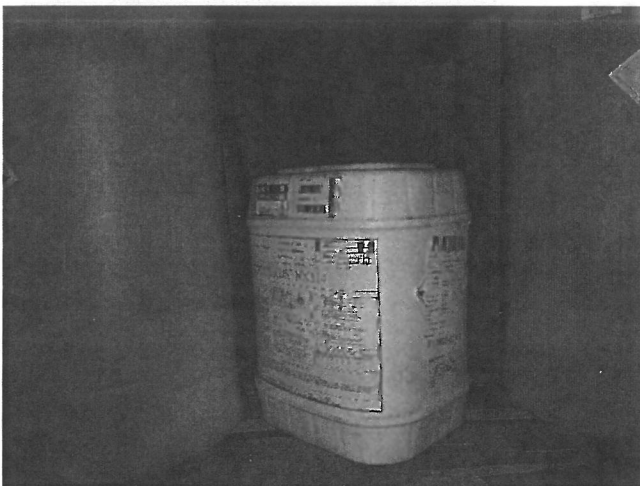


Figure 9: Container labeled Spectrus NX114

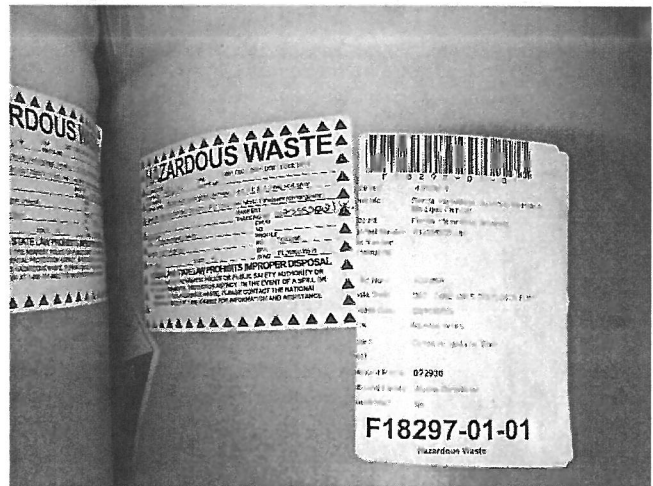


Figure 10: F18297-01-01 which had been characterized as D001 waste.

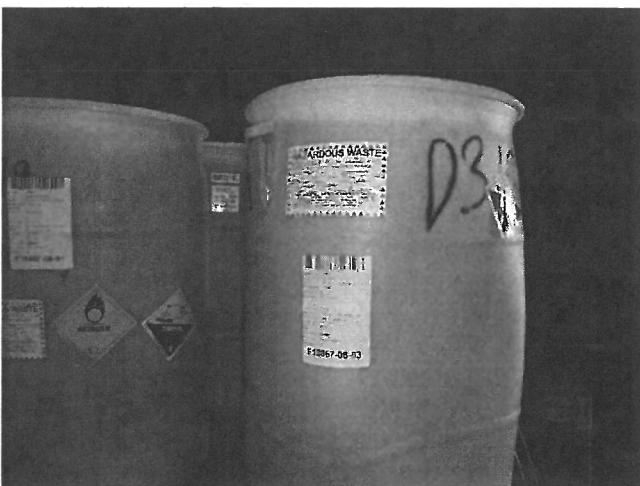


Figure 11: Container under negative pressure.

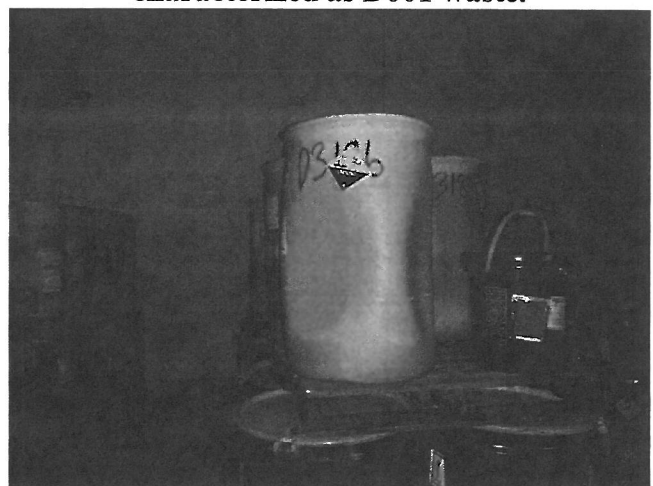


Figure 12



Figure 13: Condition of containers.

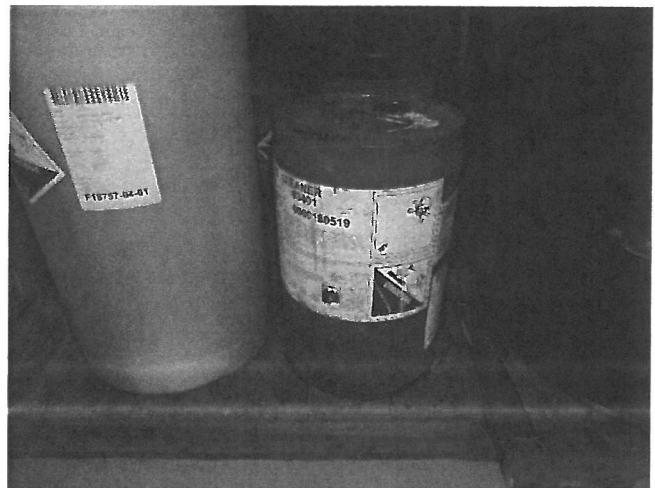


Figure 14: Condition of container.

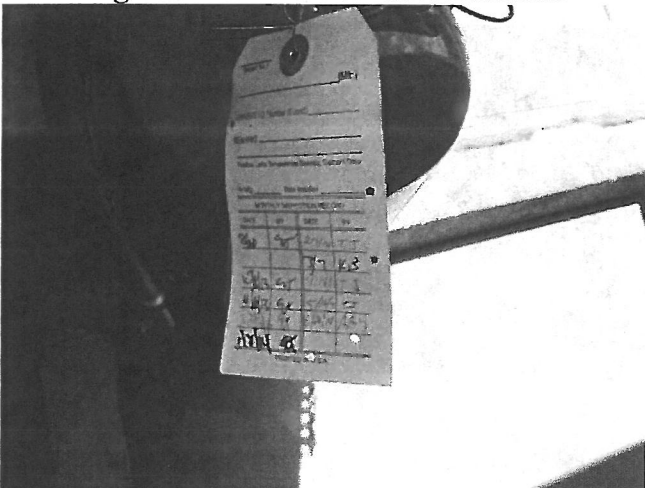


Figure 15: Inspection tag on fire extinguisher.

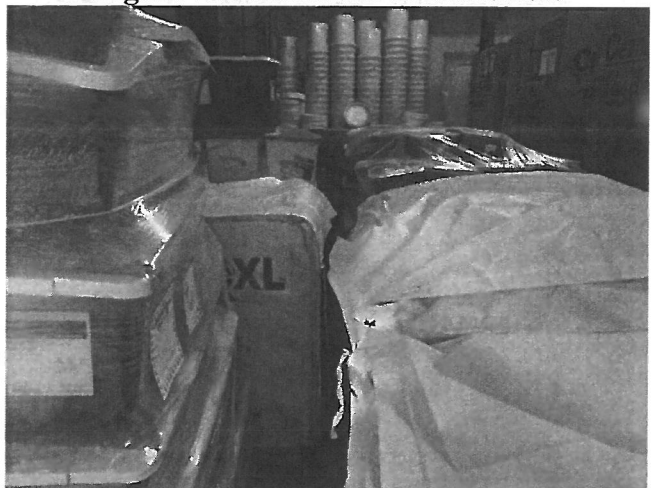


Figure 16: Aisle space in Consolidation Area.



Figure 17: Waste in Consolidation Area.

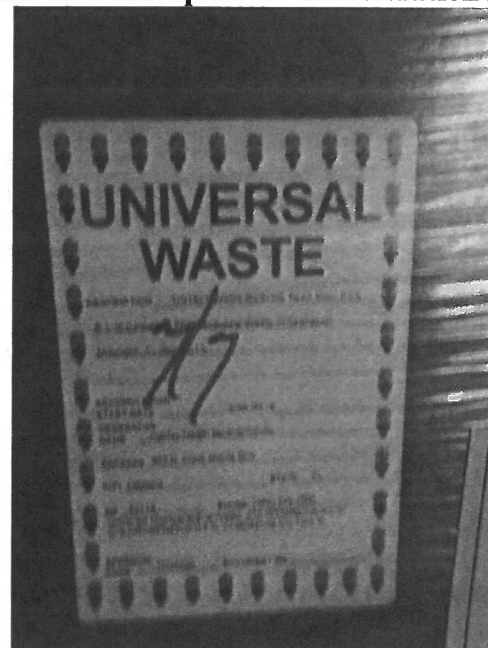


Figure 18:



Figure 19: Waste in Consolidation Area.

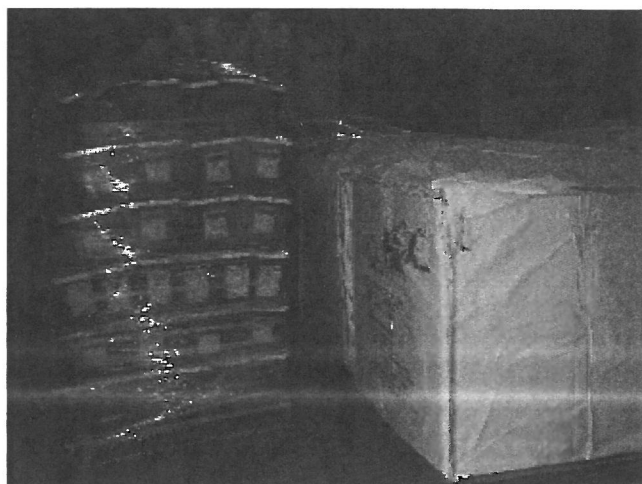


Figure 20: Waste in Consolidation Area.



Figure 21: Open container of waste in Consolidation Area.

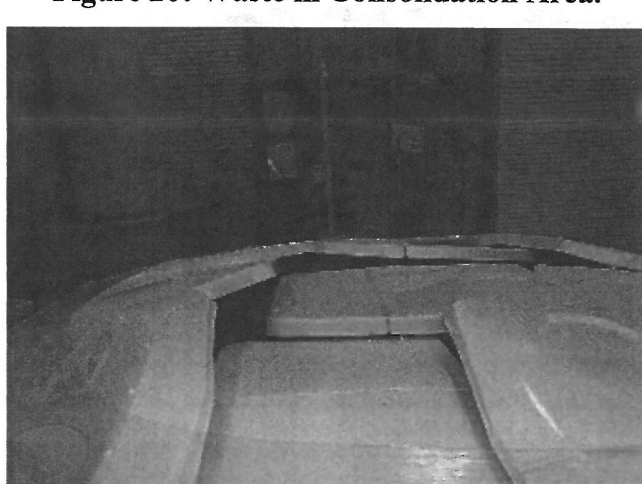


Figure 22: Waste in Consolidation Area.

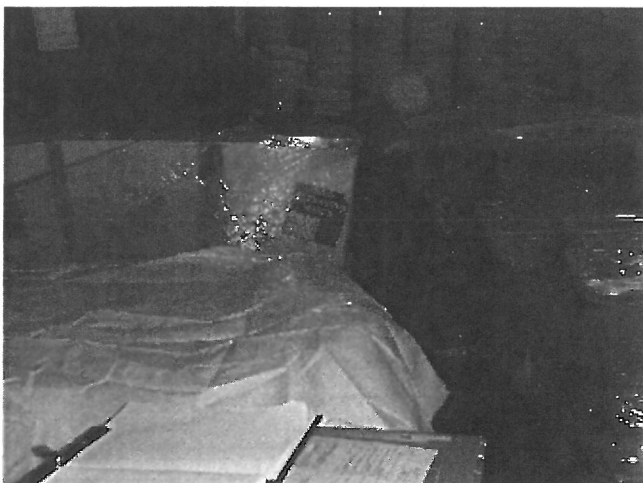


Figure 23: Waste in Consolidation Area.



Figure 24: Oncology waste in Consolidation Area.



Figure 25: Waste in Stabilization Area.

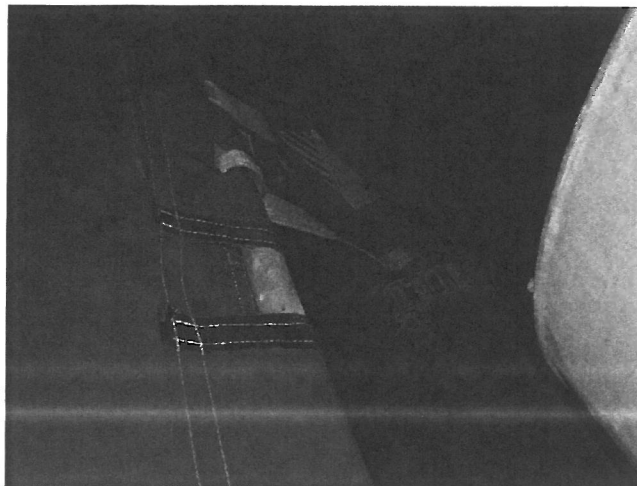


Figure 26: Open container of waste in Stabilization Area.



Figure 27: Open container of waste in Stabilization Area.



Figure 28: Roll off



Figure 29



Figure 30



Figure 31



Figure 32



Figure 33



Figure 34: Overview of Loading Dock



Figure 35: 850-27

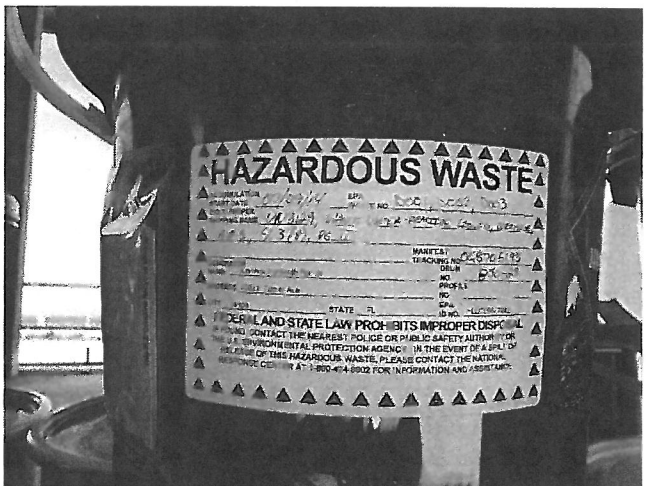


Figure 36: 850-28

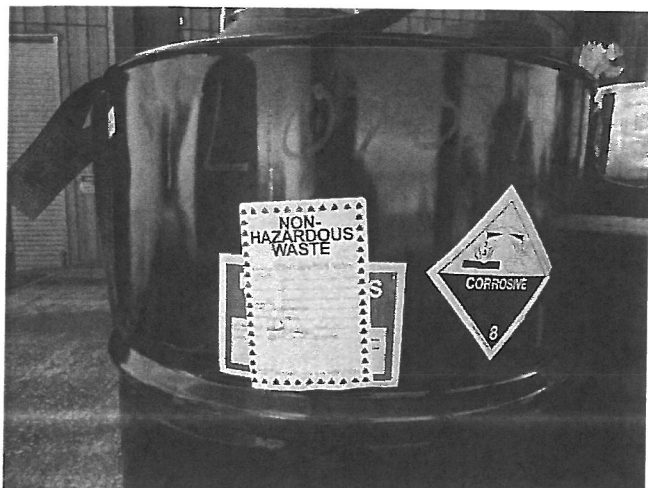


Figure 37: Nonhazardous label over a different label.

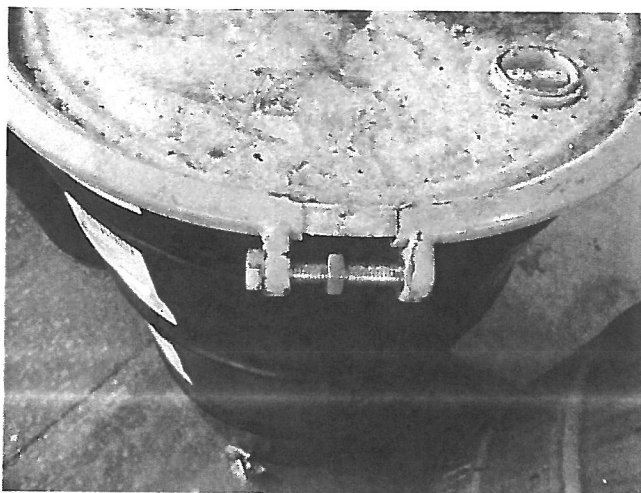


Figure 38: Nut and bolt closure on drum ring.



Figure 39: Truck next to AES Trailer.