

Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

July 23, 2002

Mr. Robert Stynar
VOPAK USA, Inc.
6049 Old Highway 41A
Tampa, Florida 33619

Re: Final Agency Action (Short Form Consent Order)
VOPAK USA, Inc.
FLD 020 985 727
OGC File No.: 02-0574

Dear Mr. Stynar:

The Department has received your check for \$6,848.00 as stipulated by the Order. This enforcement action is now closed.

If you have any questions please call Jim Dregne at (813) 744-6100, extension 410.

Sincerely,

William Kutash
Administrator
Division of Waste Management

WK/jd

Enclosure


cc: Mohamed Rizk, Vopak
Steve Ray, HWR Section
Kathy Carter, OGC
Jeff Pallas, US EPA Region IV
Kelley Boarwright, Hillsborough County EPC
Compliance File

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO


TO:

 ☐ Deborah A. Getzoff, Director of District Management
☒ William Kutash, Environmental Administrator
☐ Office of General Counsel, ATTN: _____

THROUGH:

SET ☒ Stanley Tam, Professional Engineer II
EA ☒ Elizabeth Knauss, Environmental Manager

FROM:

 Jim Dregne, Environmental Specialist III

DATE:

July 20, 2002

FILE NAME:

VOPAK USA, Inc (WINGO CASE)

PROJECT # **256244**

PROGRAM:

Hazardous Waste

COUNTY: **Hillsborough**

TYPE OF DOCUMENT:

<input type="checkbox"/> Draft or <input type="checkbox"/> Final	<input type="checkbox"/> NOV	<input type="checkbox"/> Consent Order
<input type="checkbox"/> Final Order	<input type="checkbox"/> Case Report	<input type="checkbox"/> Penalty Authorization
<input type="checkbox"/> Warning Letter	<input checked="" type="checkbox"/> Other: Case Closed Letter	

DESCRIPTION OF VIOLATIONS:

SUMMARY OF CORRECTIVE ACTIONS:

All violations have been corrected and SFCO has been signed and executed. Penalty check has been received. Case is closed.

PENALTY SUMMARY:

Potential for Harm:	MODERATE	Extent of Deviation:	MAJOR
Modifiers:			
Penalty Amount:	\$6,748.00	Expenses:	\$100.00

TOTAL PENALTY AMOUNT:

\$6,848.00

☐ APPROVAL REQUIRED

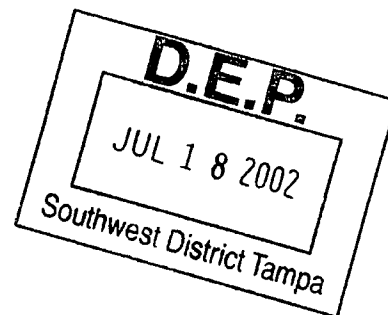
Univar USA Inc.
6100 Carillon Point
Kirkland, WA 98033
PO Box 34325
Seattle, WA
98124-1325 USA

T 425 889 3400
F 425 889 4100
www.univarusa.com



July 16, 2002

Deborah A. Getzoff
Director of District Management
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619



Subject: Settlement of Vopak USA Inc.
OGC File No.: 02-0574

Ms. Getzoff,

Enclosed is a check in the amount of \$6,848, which will resolve the matter identified by the Department of Environmental Protection in the Short Form Consent Order dated May 30, 2002. The check covers \$6,748.00 in civil penalties and \$100 in Department costs. The payment of these civil penalties does not constitute an admission of liability.

Also included is the signed Short Form Consent Order, which constitutes our acceptance of the Department's offer to resolve the matter. This letter is signed by myself and dated June 14, 2002.

Should you have any questions, please do not hesitate to call me at (425)-889-3776.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohamed Rizk".

Mohamed Rizk
Director, Regulatory Affairs
Univar USA Inc.

Enclosures: Check number: 2970211707
Copy of signed Settlement Letter

Vopak USA Inc.
6100 Carillon Point
Kirkland, WA 98033
P.O. Box 34325
Seattle, WA 98124-1325
USA



Tel: (425) 889-3776
Fax: (425) 889-3746
www.vopakusa.com

Operations

June 14, 2002

Ms. Elizabeth Knauss, Environmental Manager
Hazardous Waste Compliance, Southwest District
State of Florida, Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

Ref.: Vopak USA Inc.
6049 Old Hwy 41A
Tampa, FL 33619
EPA ID# FLD 020985727
Warning Letter No. 256244
OGC File No. 02-0574

Dear Ms. Knauss:

Thank you so much for your consideration in this matter, attached please find the executed Short Form Consent Order on behalf of Vopak USA Inc. Payment will be made under separate cover per your instructions within the allotted time. By signing this Short Form Consent Order and paying the civil penalty associated with it, should this matter to a close.

Should you have any questions, or need any additional information, please do not hesitate to contact me at (425) 889-3776.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohamed Rizk", with a long horizontal line extending to the right.

Mohamed Rizk
Director, Regulatory Affairs

Cc: Robin Hazel, Vopak – Tampa, FL
Sara Dixon, Vopak – Atlanta, GA
Gary Tonry, Vopak – Atlanta, GA
Dennis Thornton, Vopak – Spartanburg, SC

Oracle Developer forms Runtime - Web
Query Coll Rpts Find Exit CRA Window ORACLE

Cash Receiving Application - Collection Point Log Remittance

Collection Point Log Remittance

AREA **SWD** Tot **CRAF006A \$6,848.00**

Remittance **482121** Type **CP** Recvd Date **07/18/2002** Status **RECEIVED**

SYSSRCPT **388356** PNR Check # **2970211707** Amount **6,848.00**

SSN/FEI# Name **VOPAK USA INC**

First Middle Title Suf

Address1 **6049 OLD HIGHWAY 41A** Short Comments

Address2 **S-OGC 02-0574 HW**

City **TAMPA** ST **FL** Zip **33619** Country

PAYMENT(S)

Payment#	Distr CL Area	Object Code/Description	Payment Amount	Reference#	Applic/ Fund *	status
515260	SWD	018003 LCT-REIMB.LEGAL	\$100.00		ECOSYS	COMPLETE
515261	SWD	012008 LCT-PENALTIES	\$6,748.00		ECOSYS	COMPLETE

COMMIT FREQUENTLY **\$6,848.00** Payment total

Press <TAB> to accept Collection Point or enter F&A.
Record 1/1

Bank of America

CASHIER'S CHECK

19-2
1250

CK.#

2970211707

ISSUE DATE

June 20, 2002

Purchaser: VOPAK USA INC.

VOID AFTER 90 DAYS

PAY

\$6,848.00

NOT VALID OVER \$10,000

AMOUNT

\$6,848.00

Pay to the order of

ECOSYSTEMS MANAGEMENT & RESTORATION
TRUST FUND
TAMPA, FL 33619

Bank of America, N.A., Seattle, Washington

OGC FILE NO: 02-0574

BY

Mari Lunn

Authorized Signature

⑈ 2970211707⑈ ⑆ 125000024⑆ 2138 940⑈ 522

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

- ☒ Deborah A. Getzoff, Director of District Management
☐ William Kutash, Environmental Administrator
☐ Office of General Counsel, ATTN: _____

FROM/THROUGH:

- ☒ William Kutash, Environmental Administrator
☒ Stanley Tam, Professional Engineer II
☒ Elizabeth Knauss, Environmental Manager
Raymond L. Wingo, Environmental Specialist II

DATE:

June 19, 2002

FILE NAME:

VOPAK USA, Inc

PROJECT #

256244

PROGRAM:

Hazardous Waste

COUNTY:

Hillborough

TYPE OF DOCUMENT:

☐ Draft or ☐ Final

☐ NOV

☐ Consent Order

☐ Final Order

☐ Case Report

☐ Penalty Authorization

☒ Warning Letter

☐ Other: _____

DESCRIPTION OF VIOLATIONS:

SUMMARY OF CORRECTIVE ACTIONS:

PENALTY SUMMARY:

Potential for Harm:

MODERATE

Extent of Deviation:

MAJOR

Modifiers:

Penalty Amount:

\$6,748.00

Expenses:

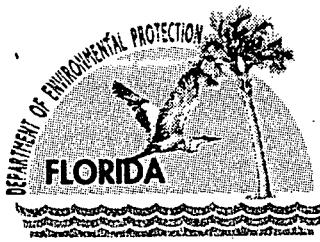
\$100.00

TOTAL PENALTY AMOUNT:

\$6,848.00

☐ APPROVAL REQUIRED

SFCO for Execution



Jeb Bush
Governor

Department of
Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

June 24, 2002

Mr. Mohamed Rizk
VOPAK USA, Inc.
6049 Old Highway 41A
Tampa, Florida 33619

Re: Final Agency Action (Short Form Consent Order)
VOPAK USA, Inc.
FLD 020 985 727
OGC File No.: 02-0574

Dear Mr. Rizk:

Enclosed is a copy of the executed Consent Order for the referenced case.

In order to conclude this enforcement case, a penalty payment of \$6,848.00 must be submitted. The payment must be made by July 15, 2002.

Your continued cooperation is appreciated. If you have any questions please call Raymond Wingo at (813) 744-6100, extension 493.

Sincerely,

William Kutash
Administrator
Division of Waste Management

WK/rlw

Enclosure

cc: Steve Ray, HWR Section
Kathy Carter, OGC
Jeff Pallas, US EPA Region IV
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

RECEIVED
JUN 06 2002
REGULATORY AFFAIRS

David B. Struhs
Secretary

SHORT FORM CONSENT ORDER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 30, 2002

Mr. Robert Stynar
VOPAK USA, Inc.
6049 Old Highway 41A
Tampa, Florida 33619

SUBJECT: Proposed Settlement of VOPAK USA, Inc.
OGC File No.: 02-0574

Dear Mr. Stynar:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated April 2, 2002, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$6,748.00, along with \$ 100.00 to reimburse the Department costs, for a total of \$6,848.00. The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3408 Coconut Palm Drive, Tampa, FL 33619-8318, within 30 days of your signing this letter.

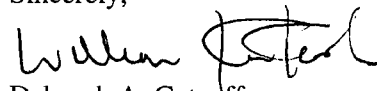
Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

"More Protection, Less Process"

Printed on recycled paper.

If you do not sign and return this letter to the Department at the District address by June 14, 2002, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,


for Deborah A. Getzoff
Director of District Management
Southwest District

FOR THE RESPONDENTS:

Mohamed Rizk
I, ~~Robert Stynar~~ on behalf of VOPAK USA, Inc, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

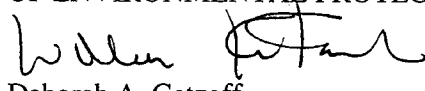
By: _____

Date: June 14, 2002

FOR DEPARTMENT USE ONLY

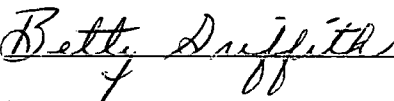
DONE AND ENTERED this 24th day of June, 2002.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


for Deborah A. Getzoff
Director of District Management
Southwest District

FILING AND ACKNOWLEDGMENT

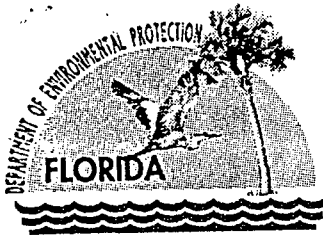
FILED, on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk: _____

Date: 6-24-02

DAG/rlw

Attachments:



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

April 2, 2002

Mr. Robert Strynar
VOPAK USA, Inc.
6049 Old Hwy 41A
Tampa, Florida 33619

Re: VOPAK USA, Inc.
FLD 020 985 727
Warning Letter #256244
Hillsborough County

Dear Mr. Strynar:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on March 20, 2002, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Section 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Raymond Wingo at (813) 744-6100, extension 493, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties that would be assessed in this case are \$13,248.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's agreement with

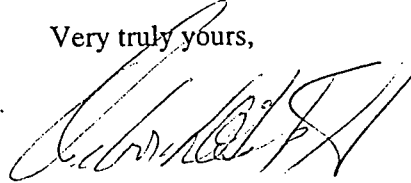
"More Protection, Less Process"

Printed on recycled paper.

April 2, 2002

the EPA, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Very truly yours,

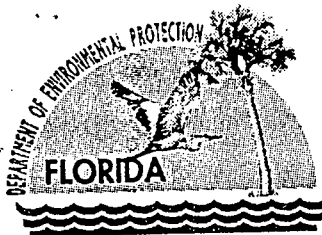
A handwritten signature in black ink, appearing to read 'Deborah A. Getzoff', written in a cursive style.

Deborah A. Getzoff
Director of District Management
Southwest District

DAG/rlw

Attachment

cc: Kelley Boatwright, Hillsborough County
Jeff Pallas, US EPA Region IV
Steve Ray, HWR Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME VOPAK USA, Inc. EPA ID # FLD 020 985 727

STREET ADDRESS 6049 Old Hwy 41A, Tampa, FL 33619

MAILING ADDRESS Same

COUNTY Hillsborough PHONE 813/677-8414 DATE 3/20/02 TIME 1:30 P.M.

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter

2. APPLICABLE REGULATIONS:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input checked="" type="checkbox"/> 40 CFR 268 | <input checked="" type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-737, FAC | <input type="checkbox"/> 62-740, FAC |

3. RESPONSIBLE OFFICIAL(s):

Robert Strynar, Operations Manager

4. INSPECTION PARTICIPANTS:

Robert Strynar

Raymond L. Wingo, FDEP

5. LATITUDE/LONGITUDE 27°52'04" 82°23'26"

6. SIC Code: 5169, 4214

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: EXP. DATE:

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

VOPAK USA, Inc. (VUI) is a warehouse and distribution operation for commercial chemicals and is a break-bulk facility for solvents and corrosive chemicals. It also operates as a hazardous waste transfer facility for hazardous waste transported under EPA ID# GAD 980 845 077. VUI employs 18 people. Water and sanitary services are provided by public utilities.

On the west side of the facility is a rail siding where bulk shipments of chemicals are brought in for unloading into dedicated storage tanks. The deteriorated concrete catchment pad has been removed and replaced with a new plastic containment system. The catch pans are covered when not in use and are secured in place using plastic foam. The existing underground piping has been abandoned in place and a new drainage pump and piping system is in place. The drainage system discharge is into the common collection system.

On the west side of the railway spur is a storm water retention pond. The uncontained drum storage area and the paved truck parking lot drains into this pond. The water level was lower than observed during the last inspection on 8/7/2000. No changes in the pond appearance were noticed.

On the north side of the facility are the offices and the chemical warehouse. In the southwest corner of the warehouse building is a drumming operation. Dedicated lines carry the product to the drumming area, and dedicated hoses are used to connect these lines to the drum-filling machine. All lines are capped and the hoses are drained and sealed with caps between usages. Material drained from the hoses is placed in the product drums and no waste is generated from the operation. Any spillage of product onto the floor is flushed with water through a hole in the wall allowing for drainage into the secondary containment system surrounding the bulk storage tanks.

On the south side of the warehouse is the designated hazardous waste storage area for both the transfer facility waste and the waste generated by VUI. As this storage area was being passed enroute to the outside areas, it was noted that the hazardous waste drums in the designated hazardous waste storage were stacked in such a manner as to prevent inspection and emergency access should an incident occur. The drums were packed into the space three pallets wide, two pallets deep and up to three tiers high. Mr. Strynar told me the palletized drums were being moved and staged to place on a truck for shipment. There was no truck at the loading dock being loaded with hazardous waste, nor did one arrive during my inspection. It took approximately 10-15 minutes for me to first pass through this area and the flurry of activity appeared to be occurring to correct the obvious violation prior to it being observed. A forklift operator was in the process of reorganizing the pallets to create narrow aisles that barely allowed my passage to inspect the labels and drum condition. Stacking the hazardous waste drums three tiers high and failure to provide adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers is a violation of **62-730.160(7), F.A.C.** Failure to provide adequate aisle space to allow for unobstructed movement of personnel and equipment in an emergency is a violation of **40 CFR 265.35**. An over packed 55-drum marked as hazardous waste failed to have the date the waste was generated written on the outside of the over pack drum. Failure to mark each container with the date the hazardous waste is first accumulated in the container is a violation of **40 CFR 262.34(a)(2)**. The drum of hazardous waste was generated at VUI.

South of the warehouse on the west half of the facility is a tank farm for corrosive and solvent products. All these tanks are provided with secondary containment. Spillage and rainwater from these containment areas is pumped to the onsite wastewater neutralization system. All previously used underground piping

has been abandoned in place and replaced with a new discharge pump and piping to a common collection system.

South of the tank farm area is the empty drum and tote storage area. Empty plastic and steel deposit drums are stored here awaiting returned to Georgia for reconditioning. The storage contained a number of empty intermediate bulk containers (IBC or totes) that were awaiting shipment to another facility. Approximately 12 blue plastic drums were in the storage area. These drums were filled with water and are used to stabilize stacks of empty drums. It is recommended that these drums be marked or labeled as "Water Drums" to avoid confusing them with product drums.

Between the outside empty drum storage area and the chlorine facility at the location of the old in-ground concrete neutralization tank is a construction project. The construction has opened up the in-ground tank and is being renovated for use as secondary containment for two 12,500-gallon plastic tanks. The plastic tanks will be used for the purpose of collection and elementary neutralization of any water collected from the tank farm secondary containment, the rail siding offload site and any spillage, leakage or contaminated rainwater. The first collection tank will be equipped with sensors and a mixer that will automatically adjust the pH of the water being pumped into the tank. The second tank will be used for the storage of the neutralized water pending disposal to Tampa's POTW for disposal. All water disposed off is transported by tanker truck to the POTW.

Examination of records shows that the required inspection of the hazardous waste drums in storage was either not performed or was not documented between January 18, 2002 and February 8, 2002. The last documented inspection was March 8, 2002. Failure to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors is a violation of 40 CFR 265.174. The weekly inspection records failed to record the number of drums in storage after July 27, 2001. The weekly inspection records failed to contain the time of the inspection and a legibly printed name of the inspector after Andre Carnegie stopped performing the inspections. The failure to include in the record of the weekly inspections of hazardous waste containers in storage; the time of the inspection, the legibly printed name of the inspector, and the number of containers is a violation of 62-730.160(6), F.A.C.

10. SUMMARY OF ALLEGED VIOLATIONS:

- | | |
|-----------------------|--|
| 40 CFR 262.34(a)(2) | Failure to mark each container with the date the hazardous waste is first accumulated in the container. |
| 40 CFR 265.35 | Failure to maintain aisle space to allow unobstructed movement of personnel and equipment in an emergency. |
| 40 CFR 265.174 | Failure to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. |
| 62-730.160(6), F.A.C. | Failure to include in record of the weekly inspections of hazardous waste containers in storage; the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions. |

62-730.160(7), F.A.C.

Failure to maintain adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers.

Report prepared by:

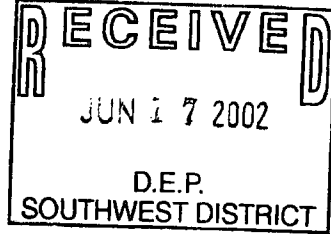
Raymond L. Wingo Date 25 March 02
Raymond L. Wingo
Environmental Specialist II

Approved by:

Elizabeth Knauss Date 3/28/02
Elizabeth Knauss
Environmental Manager

Vopak USA Inc.
6100 Carillon Point
Kirkland, WA 98033
P.O. Box 34325
Seattle, WA 98124-1325
USA

Tel: (425) 889-3776
Fax: (425) 889-3746
www.vopakusa.com



Operations

June 14, 2002

Ms. Elizabeth Knauss, Environmental Manager
Hazardous Waste Compliance, Southwest District
State of Florida, Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

Ref.: Vopak USA Inc.
6049 Old Hwy 41A
Tampa, FL 33619
EPA ID# FLD 020985727
Warning Letter No. 256244
OGC File No. 02-0574

Dear Ms. Knauss:

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Should you have any questions, or need any additional information, please do not hesitate to contact me at (425) 889-3776.

Sincerely,

A handwritten signature in black ink, appearing to read "Mohamed Rizk".

Mohamed Rizk
Director, Regulatory Affairs

Cc: Robin Hazel, Vopak – Tampa, FL
Sara Dixon, Vopak – Atlanta, GA
Gary Tonry, Vopak – Atlanta, GA
Dennis Thornton, Vopak – Spartanburg, SC

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

Wk *5/30/02*

- ☒ Deborah A. Getzoff, Director of District Management
☐ William Kutash, Environmental Administrator
☐ Office of General Counsel, ATTN: _____

FROM/THROUGH:

- ☒ William Kutash, Environmental Administrator
SCT ☒ Stanley Tam, Professional Engineer II
g ☒ Elizabeth Knauss, Environmental Manager
Raymond L. Wingo, Environmental Specialist II

DATE:

May 24, 2002

FILE NAME:

VOPAK USA, Inc

PROJECT #

256244

PROGRAM:

Hazardous Waste

COUNTY:

Hillborough

TYPE OF DOCUMENT:

☐ Draft or ☐ Final

☐ Final Order

☒ Warning Letter

☐ NOV

☐ Case Report

☐ Other:

☐ Consent Order

☐ Penalty Authorization

DESCRIPTION OF VIOLATIONS:

VOPAK USA, Inc. has a second occurrence of documented violations concerning aisle space and weekly inspections. A drum of hazardous waste was also found in storage without the required date being placed upon it.

SUMMARY OF CORRECTIVE ACTIONS:

VOPAK USA, Inc. has documented corrective actions and enter into a SFCO to pay penalties.

PENALTY SUMMARY:

Potential for Harm:

MODERATE

Extent of Deviation:

MAJOR

Modifiers:

Penalty Amount:

\$6,748.00

Expenses:

\$100.00

TOTAL PENALTY AMOUNT:
REQUIRED

\$6,848.00

☐ APPROVAL



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

SHORT FORM CONSENT ORDER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 30, 2002

Mr. Robert Stynar
VOPAK USA, Inc.
6049 Old Highway 41A
Tampa, Florida 33619

SUBJECT: Proposed Settlement of VOPAK USA, Inc.
OGC File No.: 02-0574

Dear Mr. Stynar:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated April 2, 2002, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$6,748.00, along with \$ 100.00 to reimburse the Department costs, for a total of \$6,848.00. The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3408 Coconut Palm Drive, Tampa, FL 33619-8318, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

"More Protection, Less Process"

Printed on recycled paper.



Robert Strynar
Branch Operations Manager

Vopak USA Inc.
6049 Old Hwy. 41A
Tampa, FL 33619-9796
USA
www.vopakusa.com

Telephone (813) 677-8414
Fax (813) 671-2920
Mobile (813) 713-4753
Pager (813) 266-4384
Voice Mail (800) 284-6264, Ext. 9204
robert.strynar@vopakusa.com

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0016 6336 7378

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

5-30-02

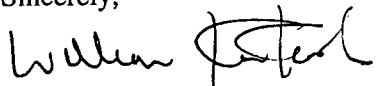
Recipient's Name (Please Print Clearly) (To be completed by mailer)	
Robert Strynar - VOPAK	
Street, Apt. No.; or PO Box No.	
6049 Old Hwy 41A	
City, State, ZIP+ 4	
Tampa FL 33619	

PS Form 3800, February 2000

See Reverse for Instructions

If you do not sign and return this letter to the Department at the District address by June 14, 2002, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,


For Deborah A. Getzoff
Director of District Management
Southwest District

FOR THE RESPONDENTS:

I, Robert Stynar on behalf of VOPAK USA, Inc, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____ Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2002.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
Director of District Management
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk: _____ Date: _____

DAG/rlw

Attachments:

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Consent Order;
- (c) A statement of how each petitioner's substantial interests are affected by the Consent Order;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order;
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

PENALTY COMPUTATION WORKSHEET

Violator's Name: Greg Smith

Identify Violator's Facility: Smitty's Auto Recyclers

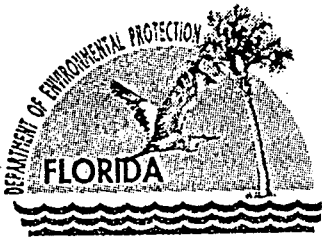
Name of Department Staff Responsible for the Penalty Computations: Raymond L. Wingo

ComHaz Case # 255203

Date: February 13, 2002

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	279.22 (c)(1)	20.1	MINOR	MINOR	100-199			150
2.	279.22(d)(1)	27.1	MINOR	MAJOR	1,199-600		Second Violation	1,199
3.	279.22(d)(2)	27.1	MINOR	MAJOR	Combined with Violation # 2			
4.	279.22(d)(3)	27.1	MINOR	MAJOR	Combined with Violation # 2			
5.	62-710.850(6), F.A.C. Labeling	26.2	MINOR	MINOR	Combined with Violation # 2			
6.	62-710.850(6), F.A.C. Storage	26.2	MINOR	MINOR	100-199			150
Total Penalties for all Violations:							\$1,499.00	

All bolded entries are changes from original calculations.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

February 18, 2002

Mr. Greg Smith
Smitty's Auto Recycler's Inc.
4631 W Cardinal Street
Homosassa, Florida 34446

Re: Smitty's Auto Recycler's Inc.
FLR 000 073 734
Warning Letter #255203
Citrus County

Dear Mr. Smith:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on February 11, 2002, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Section 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Raymond Wingo at (813)744-6100, extension 493, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties, which would be assessed in this case, are \$11,547.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's


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Smitty's Auto Recycler's inc.
FLR 000 073 734
Warning Letter #255203
Page 2

agreement with the EPA, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

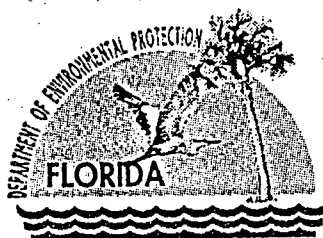


Deborah A. Getzoff
Director of District Management
Southwest District

DAG/rw

Attachment

cc: Patty Jefferson, Citrus County
Jeff Pallas, US EPA Region IV
Steve Ray, HWR Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☐ Routine ☒ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME Smitty's Auto Recyclers EPA ID # FLR 000 073 734

STREET ADDRESS 4631 W Cardinal Street, Homosassa, FL 34446

MAILING ADDRESS Same

COUNTY Citrus PHONE (352) 628-9118 DATE 11 Feb 02 TIME 1315 P.M.

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
- ☒ CESQG (<100 kg/mo.)
- ☐ SQG (100-1000 kg/mo.)
- ☐ Generator (>1000 kg/mo.)
- ☐ Transporter
- ☐ Transfer Facility
- ☐ Interim Status TSD Facility
- ☐ TSD Facility
- Unit Type(s):
 - ☐ Exempt Treatment Facility
 - ☒ Used Oil & Filter: Generator

- ☐ Non Handler
- ☒ CESQG (<100 kg/mo.)
- ☐ SQG (100-1000 kg/mo.)
- ☐ Generator (>1000 kg/mo.)
- ☐ Transporter
- ☐ Transfer Facility
- ☐ Interim Status TSD Facility
- ☐ TSD Facility
- Unit Type(s):
 - ☐ Exempt Treatment Facility
 - ☒ Used Oil & Filter: Generator

2. APPLICABLE REGULATIONS:

- | | | | |
|--|--|---|---|
| <input checked="" type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, F.A.C. | <input type="checkbox"/> 62-737, F.A.C. | <input type="checkbox"/> 62-740, F.A.C. |

3. RESPONSIBLE OFFICIAL(s):

Greg Smith

4. INSPECTION PARTICIPANTS:

Greg Smith

Raymond L. Wingo, FDEP

5. LATITUDE/LONGITUDE 28°45'49" 82°31'35"

6. SIC Code: 9993, 5015, 5093

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: EXP. DATE:

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9. PROCESS DESCRIPTION:

Smitty's Auto Recyclers, Inc. (SARI) is a used automobile parts salvage yard. SARI employs 2 people. Greg Smith is the business owner and has been operating SARI at this site since October 2000 when they moved from the Premiere Avenue site. John H Smith, 3347 Seaway Dr., New Port Richey, FL own the property. An on-site well provides water service and sanitary wastes are treated in an on-site septic system. Mr. Greg Smith now lives in the mobile home that is located within the salvage yard. This inspection was conducted due to a complaint received at the District office concerning oil and gasoline releases to the ground. A compliance assistance visit occurred on 6 March 2001 and a previous complaint inspection occurred on July 7, 2001. Mr. Smith settled the previous complaint with a P2 project and a short form consent order.

Upon walking into the office building, a strong petroleum odor was noted. Engine parts and transmissions were noted to be draining oil onto the concrete floor inside the building. Outside the rear door of the building an automobile was on the elevated steel rack draining motor oil into a small plastic pan situated approximately 5 feet below the source. The concrete pad that was installed as part of the P2 project performed after the July 2001 inspection was stained black and had freestanding oil on its surface indicating poor housekeeping. Near the gated entrance to the salvage yard, it was noted that an area approximately 3 foot by 4 foot was wet with black oil (depth determined). Upon walking into the rear of the yard, it was noted that trails of dripping oil were on the soil between the front gate and the vehicles stored in the rear. Mr. Smith told us that his forklift was leaking hydraulic oil and inquired as to what type of automotive fluids are allowed to be drained to the ground. Failure to stop the release of hydraulic oil from the forklift to the environment upon detection is a violation of 40 CFR 279.22(d)(1). Failure to take steps to contain the released used oil is a violation of 40 CFR 279.22(d)(2). Failure to clean up used oil released to the environment is a violation of 40 CFR 279.22(d)(3).

It was also noted that a strong odor of gasoline was evident in the rear yard. Upon further investigation, a vehicle gasoline tank was discovered between several vehicles. The gasoline tank was not capped and contained an undetermined amount of gasoline. The gasoline tank had been also been run over by the forklift. Mr. Smith removed the gasoline tank from the ground and placed it into the truck of one of the scrap vehicles. Mr. Smith assured me he would empty the gasoline into the waste gasoline tank. Mr. Smith once again told me that the vehicles are normally drained of all automotive fluids (with the exception of motor oil on good non-leaking engines) prior to the vehicles being stored in the yard. Mr. Smith also told me that he allows non-employees access to the yard to pull their own parts.

Used oil is stored in a 275-gallon steel tank that is properly marked. The tank is set upon the edge of a concrete pad in front of a small metal yard shed that has a dirt floor. The soil between the concrete pad and extending into the metal shed was contaminated with used oil that either overflowed from the tank or was spilled due to poor handling procedures. Failure to stop the release of used oil from the storage tank to the environment upon detection is a violation of 40 CFR 279.22(d)(1). Failure to take steps to contain the released used oil is a violation of 40 CFR 279.22(d)(2). Failure to clean up used oil released to the environment is a violation of 40 CFR 279.22(d)(3). Four Way Oil of Cairo, GA. normally handles used oil and gasoline although the last pick-up of used oil was by Jan's Waste Oil Service.

Inside the small metal shed were several 5-gallon plastic containers containing used oil and used oil filters. The pails were sitting on wooden pallets and none of the containers were marked to indicate their contents. Failure to label or mark containers used to store used oil with the words "Used Oil" is a violation of 40 CFR 279.22(c)(1). Failure to label containers used to store used oil filters with the words "Used Oil Filters" is a violation of 62-710.850(6), F.A.C. Failure to store used oil filters in sealed

containers or otherwise protected from weather, and stored on an oil-impermeable surface is a violation of 62-710.850(6), F.A.C.

An accumulation of lead acid automotive type batteries was observed being stored on a wooden pallet just to the East of the entrance gate. The batteries were stacked three high on a wooden pallet and was observed to be covered with a metal car hood. The use of a conductive cover is not safe as it may contact the terminals of the lead acid batteries causing a short circuit and possible detonation of the lead acid battery.

Mr. Smith was requested to contact an environmental consultant to ensure that the cleanup of the oily soils and the subsequent confirmatory sampling is performed in accordance with Department standards and protocols.

10. SUMMARY OF ALLEGED VIOLATIONS:

- | | |
|-----------------------|---|
| 40 CFR 279.22(c)(1) | Failure to label or mark containers used to store used oil with the words "Used Oil". |
| 40 CFR 279.22(d)(1) | Failure to stop the release of used oil to the environment from leaking forklift. |
| 40 CFR 279.22(d)(2) | Failure to take steps to contain used oil that had been released to the environment during forklift operation. |
| 40 CFR 279.22(d)(3) | Failure to clean up used oil released to the environment. |
| 62-710.850(6), F.A.C. | Failure to label containers used to store used oil filters with the words "Used Oil Filters." |
| 62-710.850(6), F.A.C. | Failure to store used oil filters in sealed containers or otherwise protected from weather, and stored on an oil-impermeable surface. |

Report prepared by: Raymond L. Wingo Date Feb 13, 2002
Raymond L. Wingo
Environmental Specialist II

Approved by: Elizabeth Knauss Date 2/14/02
Elizabeth Knauss
Environmental Manager

Vopak USA Inc.
6100 Carillon Point
Kirkland, WA 98033
P.O. Box 34325
Seattle, WA 98124-1325
USA



Tel: (425) 889-3776
Fax: (425) 889-3746
www.vopakusa.com

Operations

D.E.P.
MAY 20 2002
Southwest District Tampa

May 17, 2002

Ms. Elizabeth Knauss, Environmental Manager
Hazardous Waste Compliance, Southwest District
State of Florida, Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

Ref.: Vopak USA Inc.
6049 Old Hwy 41A
Tampa, FL 33619
EPA ID# FLD 020985727
Warning Letter No. 256244
OGC File No. 02-0574

Dear Ms. Knauss:

Thank you so much for the opportunity to discuss the above referenced Warning Letter and Short Form Consent Order. I want to take this opportunity to reiterate to you how committed Vopak is to complying with all rules and regulations of the Department. As we discussed during our telephone conversation, we are not contesting violations number 1 and 3, but we do have concerns with respect to violation number 2. As I am sure you are aware, aisle space violations are extremely subjective and leave a lot of room for interpretation, consequently, I would like to share with you our thoughts regarding this violation and ask you to reconsider the "Potential for Harm" and "Extent of Deviation" characterization of this violation as well as the penalty value assessed for this violation.

While both Federal and State regulations have a requirement for aisle space, neither Federal nor State regulations specify an exact measurement of aisle space required. Aisle space is predominantly used for inspections and emergency operation, if needed. The waste stored at our Tampa facility is stored in rows, that are only three or four pallets deep. If there is ever an issue, it is much easier and more efficient to move the pallets from the front using a forklift vs. attempting to remedy the situation from the aisle space. In the inspection report, Mr. Wingo did note there was aisle space, but he did not feel it was adequate. We do want to stress that there was aisle space and even Mr. Wingo was able to walk down the aisle space. Was it sufficient to have a forklift drive down the aisle, absolutely not. Could it have been a little bigger? Probably yes, but should it have been bigger, that's open for debate. We do feel the aisle space was there and was sufficient to conduct inspections, as evidenced by Mr. Wingo's report, but we submit to you that emergency operations will be conducted without utilization of the aisle space. We would like to add that we will stripe the waste storage area so that there is no confusion as to the boundaries of the aisles.

While we would like to argue that the extent of deviation is "Minor" in this case, it is not even an option in the enforcement guidance manual. However, we strongly feel the potential for harm is "Minor" in this case, based on the fact that the waste material is containerized, it is only at our facility for a maximum of 10 days, the potential for a large spill is unlikely, the warehouse and tank farm act as containment areas in the event of a release, and there is hardly any traffic in the waste storage area unless we are adding or removing containers to the waste area.

For the reasons stated above, we feel Violation number 2 should be characterized as Minor potential for harm and Moderate extent of deviation. This would put the penalty value at \$500.00 to \$1,499.00. Using the same factors for a repeat violation, that would put the dollar value for this violation at \$1,499.00, for a grand total of \$6,648.00.

I hope you agree the steps and procedures noted above adequately address the department's concerns and correct the issues noted in your warning letter. If you have any questions regarding this matter or wish to discuss it further, please feel free to contact me at (425) 889-3776.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohamed Rizk', with a long horizontal flourish extending to the right.

Mohamed Rizk
Director, Regulatory Affairs

Cc: Robin Hazel, Vopak – Tampa, FL
Sara Dixon, Vopak – Atlanta, GA
Gary Tonry, Vopak – Atlanta, GA
Dennis Thornton, Vopak – Spartanburg, SC

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT

CONVERSATION RECORD

Date May 3, 2002
Time 1345

Subject VOPAK USA, Inc.

Project No. _____

County HILLSBOROUGH

Telephone No. (425) 889-3776

Mr. Mohammed Risk

Representing VOPAK USA, Inc.

☒ Phoned Me ☐ Was Called ☐ Scheduled Meeting ☐ Unscheduled Meeting

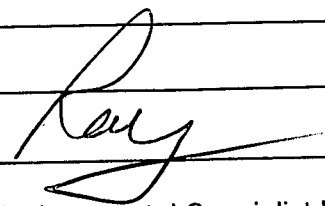
Other Individuals Involved in Conversation/Meeting _____

Summary of Conversation/Meeting

① Discussed situation that occurred
at VOPAK (tampa) during ~~last~~ ~~inspection~~
inspection involving adequate aisle
space.

He will call Beth on Monday

Signature



Title

Environmental Specialist I

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

- ☒ Deborah A. Getzoff, Director of District Management
☐ William Kutash, Environmental Administrator
☐ Office of General Counsel, ATTN: _____

FROM/THROUGH:

- ☒ William Kutash, Environmental Administrator
☒ Stanley Tam, Professional Engineer II
☒ Elizabeth Knauss, Environmental Manager
☒ Raymond L. Wingo, Environmental Specialist II

DATE:

April 24, 2002

FILE NAME:

VOPAK USA, Inc

PROJECT #

256244

PROGRAM:

Hazardous Waste

COUNTY:

Hillborough

TYPE OF DOCUMENT:

☐ Draft or ☐ Final

☐ Final Order

☒ Warning Letter

☐ NOV

☐ Case Report

☐ Other:

☒ Consent Order

☐ Penalty Authorization

DESCRIPTION OF VIOLATIONS:

VOPAK USA, Inc. has a second occurrence of documented violations concerning aisle space and weekly inspections. A drum of hazardous waste was also found in storage without the required date being placed upon it.

SUMMARY OF CORRECTIVE ACTIONS:

VOPAK USA, Inc. has documented corrective actions and enter into a SFCO to pay penalties.

PENALTY SUMMARY:

Potential for Harm:

MODERATE

Extent of Deviation:

MAJOR

Modifiers:

Penalty Amount:

\$13,248.00

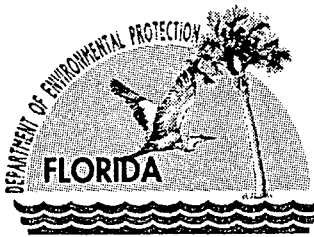
Expenses:

\$100.00

TOTAL PENALTY AMOUNT:
REQUIRED

\$13,348.00

☐ APPROVAL



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

SHORT FORM CONSENT ORDER

CERTIFIED MAIL 7000 0520 0016 6336 7163
RETURN RECEIPT REQUESTED

April 26, 2002

Mr. Robert Stynar
VOPAK USA, Inc.
6049 Old Highway 41A
Tampa, Florida 33619

SUBJECT: Proposed Settlement of VOPAK USA, Inc.
OGC File No.: 02-0574

Dear Stynar:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated April 2, 2002, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$13,248.00, along with \$ 100.00 to reimburse the Department costs, for a total of \$13,348.00. The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3408 Coconut Palm Drive, Tampa, FL 33619-8318, within 30 days of your signing this letter.

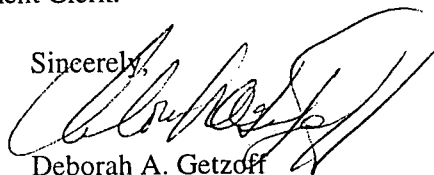
Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

"More Protection, Less Process"

Printed on recycled paper.

If you do not sign and return this letter to the Department at the District address by May 17, 2002, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,



Deborah A. Getzoff
Director of District Management
Southwest District

FOR THE RESPONDENTS:

I, Robert Stynar on behalf of VOPAK USA, Inc, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____ Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2002.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
Director of District Management
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes,
With the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk: _____ Date: _____

DAG/rlw

Attachments:

NOTICE OF RIGHTS

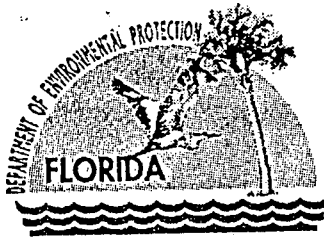
Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

- (a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

April 2, 2002

Mr. Robert Strynar
VOPAK USA, Inc.
6049 Old Hwy 41A
Tampa, Florida 33619

Re: VOPAK USA, Inc.
FLD 020 985 727
Warning Letter #256244
Hillsborough County

Dear Mr. Strynar:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on March 20, 2002, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Section 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Raymond Wingo at (813) 744-6100, extension 493, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties that would be assessed in this case are \$13,248.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's agreement with

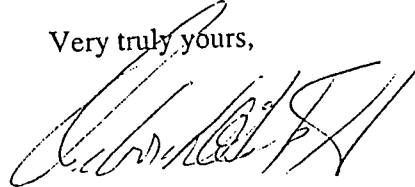
"More Protection, Less Process"

Printed on recycled paper.

April 2, 2002

the EPA, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Very truly yours,



Deborah A. Getzoff
Director of District Management
Southwest District

DAG/rlw

Attachment

cc: Kelley Boatwright, Hillsborough County
Jeff Pallas, US EPA Region IV
Steve Ray, HWR Section
Compliance File

PENALTY COMPUTATION WORKSHEET

Violator's Name: Robert Strynar

Identify Violator's Facility: VOPAK USA, Inc.

Name of Department Staff Responsible for the Penalty Computations: Raymond L. Wingo

ComHaz Case # 256244

Date: March 20, 2002

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1	262.34(a)(2) Undated Drum	6.2	MINOR	MAJOR	2,999-1,500			2,250
2	265.35 Emergency Aisle Space	10.3	MODERATE	MODERATE	7,999-5,000		Repeat Violation	7,999
3	265.174 Inspections	14.2	MINOR	MAJOR	2,999-1,500		Repeat Violation	2,999
4	62-730.160(6) FAC, Records	14.3	MINOR	MINOR	499-100	Combined with Violation # 3		
5	62-730.160(7) FAC, Inspection Aisle Space	10.3	MODERATE	MODERATE	7,999-5,000	Combined with Violation # 2		
Total Penalties for all Violations:							\$13,248.00	

All repeat violations were assessed at the top of the penalty range. All new violations were assessed at the mid point of the penalty range.

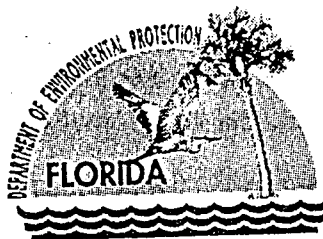
RANKING SYSTEM FOR POTENTIAL FOR HARM

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
1	262.34(a)(2)	Undated Drum	4	2	1	2	9
2	265.35	Aisle Space for emergency operations	4	8	4	2	18
5	62-730.160(7) FAC, Aisle Space	Aisle Space for inspections of labels and drums	4	8	4	2	18

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - < 10

MAJOR POTENTIAL FOR HARM: 19-24, MODERATE POTENTIAL FOR HARM: 13-18, MINOR POTENTIAL FOR HARM: 8-12



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME VOPAK USA, Inc. EPA ID # FLD 020 985 727
STREET ADDRESS 6049 Old Hwy 41A, Tampa, FL 33619
MAILING ADDRESS Same
COUNTY Hillsborough PHONE 813/677-8414 DATE 3/20/02 TIME 1:30 P.M.

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter

2. APPLICABLE REGULATIONS:

- ☐ 40 CFR 261.5 ☒ 40 CFR 262
☐ 40 CFR 265 ☐ 40 CFR 266
☒ 40 CFR 279 ☒ 62-710, FAC

- ☐ 40 CFR 263 ☐ 40 CFR 264
☒ 40 CFR 268 ☒ 40 CFR 273
☒ 62-737, FAC ☐ 62-740, FAC

3. RESPONSIBLE OFFICIAL(s):

Robert Strynar, Operations Manager

4. INSPECTION PARTICIPANTS:

Robert Strynar

Raymond L. Wingo, FDEP

5. LATITUDE/LONGITUDE 27°52'04" 82°23'26"

6. SIC Code: 5169, 4214

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: EXP. DATE:

"More Protection, Less Process"

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9. PROCESS DESCRIPTION:

VOPAK USA, Inc. (VUI) is a warehouse and distribution operation for commercial chemicals and is a break-bulk facility for solvents and corrosive chemicals. It also operates as a hazardous waste transfer facility for hazardous waste transported under EPA ID# GAD 980 845 077. VUI employs 18 people. Water and sanitary services are provided by public utilities.

On the west side of the facility is a rail siding where bulk shipments of chemicals are brought in for unloading into dedicated storage tanks. The deteriorated concrete catchment pad has been removed and replaced with a new plastic containment system. The catch pans are covered when not in use and are secured in place using plastic foam. The existing underground piping has been abandoned in place and a new drainage pump and piping system is in place. The drainage system discharge is into the common collection system.

On the west side of the railway spur is a storm water retention pond. The uncontained drum storage area and the paved truck parking lot drains into this pond. The water level was lower than observed during the last inspection on 8/7/2000. No changes in the pond appearance were noticed.

On the north side of the facility are the offices and the chemical warehouse. In the southwest corner of the warehouse building is a drumming operation. Dedicated lines carry the product to the drumming area, and dedicated hoses are used to connect these lines to the drum-filling machine. All lines are capped and the hoses are drained and sealed with caps between usages. Material drained from the hoses is placed in the product drums and no waste is generated from the operation. Any spillage of product onto the floor is flushed with water through a hole in the wall allowing for drainage into the secondary containment system surrounding the bulk storage tanks.

On the south side of the warehouse is the designated hazardous waste storage area for both the transfer facility waste and the waste generated by VUI. As this storage area was being passed enroute to the outside areas, it was noted that the hazardous waste drums in the designated hazardous waste storage were stacked in such a manner as to prevent inspection and emergency access should an incident occur. The drums were packed into the space three pallets wide, two pallets deep and up to three tiers high. Mr. Strynar told me the palletized drums were being moved and staged to place on a truck for shipment. There was no truck at the loading dock being loaded with hazardous waste, nor did one arrive during my inspection. It took approximately 10-15 minutes for me to first pass through this area and the flurry of activity appeared to be occurring to correct the obvious violation prior to it being observed. A forklift operator was in the process of reorganizing the pallets to create narrow aisles that barely allowed my passage to inspect the labels and drum condition. Stacking the hazardous waste drums three tiers high and failure to provide adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers is a violation of 62-730.160(7), F.A.C. Failure to provide adequate aisle space to allow for unobstructed movement of personnel and equipment in an emergency is a violation of 40 CFR 265.35. An over packed 55-drum marked as hazardous waste failed to have the date the waste was generated written on the outside of the over pack drum. Failure to mark each container with the date the hazardous waste is first accumulated in the container is a violation of 40 CFR 262.34(a)(2). The drum of hazardous waste was generated at VUI.

South of the warehouse on the west half of the facility is a tank farm for corrosive and solvent products. All these tanks are provided with secondary containment. Spillage and rainwater from these containment areas is pumped to the onsite wastewater neutralization system. All previously used underground piping

has been abandoned in place and replaced with a new discharge pump and piping to a common collection system.

South of the tank farm area is the empty drum and tote storage area. Empty plastic and steel deposit drums are stored here awaiting returned to Georgia for reconditioning. The storage contained a number of empty intermediate bulk containers (IBC or totes) that were awaiting shipment to another facility. Approximately 12 blue plastic drums were in the storage area. These drums were filled with water and are used to stabilize stacks of empty drums. It is recommended that these drums be marked or labeled as "Water Drums" to avoid confusing them with product drums.

Between the outside empty drum storage area and the chlorine facility at the location of the old in-ground concrete neutralization tank is a construction project. The construction has opened up the in-ground tank and is being renovated for use as secondary containment for two 12,500-gallon plastic tanks. The plastic tanks will be used for the purpose of collection and elementary neutralization of any water collected from the tank farm secondary containment, the rail siding offload site and any spillage, leakage or contaminated rainwater. The first collection tank will be equipped with sensors and a mixer that will automatically adjust the pH of the water being pumped into the tank. The second tank will be used for the storage of the neutralized water pending disposal to Tampa's POTW for disposal. All water disposed off is transported by tanker truck to the POTW.

Examination of records show that the required inspection of the hazardous waste drums in storage was either not performed or was not documented between January 18, 2002 and February 8, 2002. The last documented inspection was March 8, 2002. Failure to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors is a violation of 40 CFR 265.174. The weekly inspection records failed to record the number of drums in storage after July 27, 2001. The weekly inspection records failed to contain the time of the inspection and a legibly printed name of the inspector after Andre Carnegie stopped performing the inspections. The failure to include in the record of the weekly inspections of hazardous waste containers in storage; the time of the inspection, the legibly printed name of the inspector, and the number of containers is a violation of 62-730.160(6), F.A.C.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 262.34(a)(2)	Failure to mark each container with the date the hazardous waste is first accumulated in the container.
40 CFR 265.35	Failure to maintain aisle space to allow unobstructed movement of personnel and equipment in an emergency.
40 CFR 265.174	Failure to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.
62-730.160(6), F.A.C.	Failure to include in record of the weekly inspections of hazardous waste containers in storage; the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

62-730.160(7), F.A.C.

Failure to maintain adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers.

Report prepared by:

Raymond L. Wingo
Raymond L. Wingo
Environmental Specialist II

Date

25 March 02

Approved by:

Elizabeth Knauss
Elizabeth Knauss
Environmental Manager

Date

3/28/02



March 22, 2002

Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619-8318
Attn: Raymond L. Wingo

D.E.P.
MAR 25 2002
Southwest District Tampa

Re: Vopak USA inspection of 3/20/02

Dear Mr. Wingo:

I wish to take this time to address the inspection of Vopak USA's facility in Tampa, FL and the potential waste non-compliance points noted during the inspection. Vopak USA is committed to complying with all rules and regulations put forth by the Department of Environmental Protection. We have made great efforts to improve our Tampa branch since the last inspection and the results of our efforts are evident in the many areas visited during the inspection.

I want to share with you the steps taken to correct the few items noted in your inspection.

Undated container (262.34) – over-pack drum has been dated and placed back into the waste storage area. During a safety meeting conducted this morning, it was re-affirmed that all waste containers must have a start date once labeled and placed into the waste storage area. A copy of the attendance sheet and minutes from the meeting are attached.

Inadequate aisle spacing (62-730.160) – as noted during inspection, drums were being moved and adequate aisle space is present.

Weekly inspection records (62-730.160) – a new form is being implemented that will contain all required information and will be documented weekly. A copy of the revised form is attached.

Also noted was the single over-pack drum that was stacked a third pallet high. The drum has been brought down and this item too was addressed at this morning's safety meeting. Again, the minutes and attendance sheet are attached.

I hope you agree that Vopak USA has taken great steps to improve our facility and have adequately addressed the potential points of non-compliance noted during the inspection.

If you have any questions regarding this matter, please feel free to contact me at 813-677-8414. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Strynar", with a long horizontal flourish extending to the right.

Robert Strynar
Branch Operations Manager
Vopak USA, Tampa, FL

CC: Robin Hazel, Vopak USA – Tampa, FL
Gary Tonry, Vopak USA – Atlanta, GA
Dennis Thornton, Voapk USA – Spartanburg, SC

WEEKLY INSPECTION LOG

Week Ending: _____, 20__

INSPECTION ITEM	S	U	RECOMMENDED ACTION
A. LOCATION – FENCES / GATES / DEBRIS			
➤ Waste materials properly segregated according to compatibility storage program			
➤ Aisles adequate for inspections			
B. CONTAINER CONDITION / LABEL MARKINGS			
➤ All containers closed			
➤ All containers labeled			
➤ All containers have markings			
➤ All containers compatible with material stored within			
➤ All containers have Storage-Start-Date			
➤ Container stacking			
C. ABSORBENT / RECOVERY DRUMS			

Inspection codes: S = Satisfactory U=Unsatisfactory

Number of containers inspected: _____

Inspector (print): _____

Date: _____

Time: _____

I have reviewed this report and certify that all stored containers of hazardous waste are in satisfactory condition.

Branch Operations Manager: _____ Date: _____

Recommended Action Codes:

- A. Effect compatibility program
- B. Effect container maintenance receiving procedure
- C. Effect container transfer procedure
- D. Effect spill control procedure

I certify that the above-recommended action(s) have been implemented and storage of hazardous wastes is now satisfactory.

Branch Operations Manager: _____ Date: _____

SAFETY MEETING REPORT
SAFETY COMMITTEE REPORT

LOCATION TAMPA, FL DATE 3-22-02 TIME 7:00

NO. OF EMPLOYEES ATTENDED 15 (ATTACH ATTENDANCE LIST)

MINUTES OF THE MEETING:

- must maintain aisle space in warehouse
- all drums of waste are to be dated
 - customers + vopak self generated
- quality check all manifest to match

RECOMMENDATIONS - PENDING:

Mike to watch over waste area + log maint.

NEW:

SAFETY COMMITTEE REPORT:

- nitric acid burn - new ppe to prevent recurrence in the future
- must wash area for 15 minutes

MEETING DIRECTED BY B. Strymer POSITION B.O.M.

REPORT REVIEWED/SIGNED BY: [Signature]

NXT MEETING DATE TBD TIME PLACE

USE ADDITIONAL SHEET IF NECESSARY

DISTRIBUTION:

- 1: Area Operations Manager
- 2: Regulatory Manager
- 3: Safety File (3 Year Retention)

VOPAK USA INC. -- OPERATIONS TRAINING ATTENDANCE SHEET

OFFICE: Tampa / GL 175

INSTRUCTOR: R Stryner

CLASS DATE: 3-22-02

OTC#	COURSE TITLE	HRS:MINS
233	Hazcom 6	30
115	Medical Surveillance	20
027	MSD Sheets	20
014	Safety meeting	20

OTC#	COURSE TITLE	HRS : MINS

EMPLOYEE
NUMBER

SIGNATURE

EMPLOYEE NAME (NICKNAME)

Type or print clearly

TITLE

HIRE DATE

9594	<u>Warren Bowden</u>	Bowden, Warren G (Warren)	Driver/Material Handler	06/25/2001
9430	_____	Bradford, Elizabeth R (Beth)	ISR I	04/02/2001
9830	_____	Bruce, Bethany E (Beth)	Buyer II	12/10/2001
8032	_____	Carter, David S (Dave)	Account Executive	01/18/2001
8033	<u>[Signature]</u>	Colon, Juan (JC)	Driver/Material Handler	01/18/2001
7629	_____	Cox, Shanna N (Shanna)	ChemCare Sales Coord. II	06/26/2000
9857	<u>[Signature]</u>	Deiudicibus, Nicholas (Nicholas)	Material Handler	12/31/2001
53	_____	Dello Buono, Nancy L (Nancy)	ISR I	06/04/2001
4330	<u>[Signature]</u>	Dupree, John L (Johnny)	Material Handler	05/16/2001
6847	_____	Fabbri, Geny A (Geny)	Sales Representative I	12/07/1998
8034	<u>[Signature]</u>	Feliciano, Miguel A (Mike)	Branch Operations Supervisor	01/18/2001
9856	<u>[Signature]</u>	Figueroa, Hilario (Hilario)	Material Handler	12/31/2001

IMPORTANT!!

Please provide a copy of this sheet to:

Kirkland/Operations

Date forwarded: _____

This certifies that training and testing (as applicable) has been completed as indicated.

Instructor's Signature: _____

[Signature]

VOPAK USA INC. -- OPERATIONS TRAINING ATTENDANCE SHEET




OFFICE: Tampa / GL 175

INSTRUCTOR: R. Strynar

CLASS DATE: 3-22-02

OTC#	COURSE TITLE	HRS:MIN
233	Hazcom 6	30
115	Medical Surveillance	20
027	MSD sheets	20
014	Safety meeting	20

OTC#	COURSE TITLE	HRS:MIN

EMPLOYEE NUMBER	SIGNATURE	EMPLOYEE NAME (NICKNAME) <i>Type or print clearly</i>	TITLE	HIRE DATE
7282		Forrester, Marie K (Marie)	Sales Representative I	01/03/2000
6608		Gill, Brian S (Brian)	Lead Material Handler	03/30/1998
8053		Glowacki, John M (John)	Technical Sales Specialist	01/18/2001
5176		Hazel, Robin K (Robin)	General Manager	03/07/1994
9678		Kirkner-Epler, Nancy C (Nancy)	ISR I	08/20/2001
6009		Knepp, Michele L (Michele)	Planner	09/18/2000
8035		Mahoney Jr, Daniel F (Daniel)	Account Executive	01/18/2001
6011		Mitchell, Milo P (Milo)	Lead Material Handler	10/16/2000
9445		Moore, Keith B (Keith)	ChemCare Specialist	04/16/2001
2129		Muggleton, Nancy K (Nancy)	Branch Administrative Manager	11/01/1986
7653		Murchie, Samantha A (Samantha)	Sales Representative I	07/10/2000

IMPORTANT!!

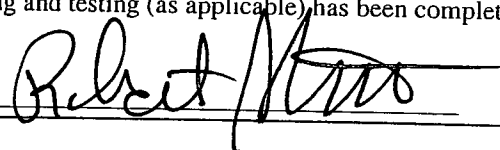
Please provide a **copy** of this sheet to:

Kirkland/Operations

Date forwarded: _____

This certifies that training and testing (as applicable) has been completed as indicated.

Instructor's Signature: _____



1/10/2002

VOPAK USA INC. -- OPERATIONS TRAINING ATTENDANCE SHEET

OFFICE: Tampa / GL 175

INSTRUCTOR: R. Strynar

CLASS DATE: 3-22-02

OTC#	COURSE TITLE	HRS:MINS
233	Haz com 6	30
115	Medical Surveillance	20
027	MSD sheets	20
014	Safety Meeting	20

OTC#	COURSE TITLE	HRS : MINS

EMPLOYEE
NUMBER

SIGNATURE

EMPLOYEE NAME (NICKNAME)
Type or print clearly

TITLE

HIRE DATE

1777	<u>Robert Powell</u>	Powell, Robert (Bob)	Driver/Material Handler	11/01/1986
6421	_____	Reedy, Tammy L (Tammy)	ISR II	12/15/1997
9612	_____	Santiago, Nancy (Nancy)	Buyer II	07/09/2001
6180	<u>Robert Strynar</u>	Strynar, Robert W (Bob)	Branch Operations Manager	06/09/1997
7602	<u>Cedrick Troupe</u>	Troupe, Cedrick G (Cedrick)	Driver/Material Handler	05/26/2000
8069	_____	Turner, Kevin W (Kevin)	Technical Sales Specialist	01/18/2001
6442	_____	Wanek, Gary J (Gary)	Sales Manager	01/05/1998
9794	_____	Wilcox, Michael S (Mike)	Driver/Material Handler	10/29/2001
1348	_____	Wolfson, Mark D (Mark)	Account Executive	02/17/1986

IMPORTANT!!

Please provide a copy of this sheet to:
Kirkland/Operations

Date forwarded: _____

This certifies that training and testing (as applicable) has been completed as indicated.

Instructor's Signature: _____

Robert Strynar

1/10/2002

VOPAK USA INC. -- OPERATIONS TRAINING ATTENDANCE SHEET

OFFICE: Tampa / GL 175

INSTRUCTOR:

B. Strynar

CLASS DATE: 3-22-02

OTC#	COURSE TITLE	HRS:MIN
233	Hazcom 6	30
115	Medical Surveillance	20
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OTC#	COURSE TITLE	HRS:MIN

EMPLOYEE
NUMBER

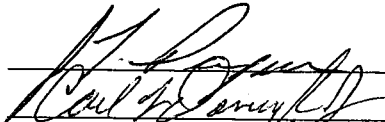
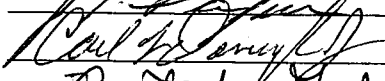
SIGNATURE

EMPLOYEE NAME (NICKNAME)

Type or print clearly

TITLE

HIRE DATE

_____		<u>JOHN L. DUPREE</u>	<u>Temp</u>	_____
_____		<u>(BOB) CARL L. DOUGLAS JR.</u>	<u>DRIVER</u>	_____
_____	<u>Butch Goddard</u>	<u>BUTCH GODDARD</u>	<u>DISPATCHER</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

IMPORTANT!!

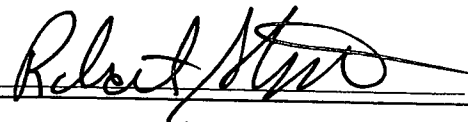
Please provide a copy of this sheet to:

Kirkland/Operations

Date forwarded: _____

This certifies that training and testing (as applicable) has been completed as indicated.

Instructor's Signature: _____



1/10/2002

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

- ☒ Deborah A. Getzoff, Director of District Management
☐ William Kutash, Environmental Administrator
☐ Office of General Counsel, ATTN: _____

FROM/THROUGH:

- MR 3/29/02*
☒ William Kutash, Environmental Administrator
scT ☒ Stanley Tam, Professional Engineer II
u ☒ Elizabeth Knauss, Environmental Manager
Raymond L. Wingo, Environmental Specialist II

DATE:

March 25, 2002

FILE NAME:

VOPAK USA, Inc

PROJECT #

256244

PROGRAM:

Hazardous Waste

COUNTY:

Hillborough

TYPE OF DOCUMENT:

- ☐ Draft or ☐ Final
☐ Final Order
☒ Warning Letter

- ☐ NOV
☐ Case Report
☐ Other:

- ☐ Consent Order
☐ Penalty Authorization

DESCRIPTION OF VIOLATIONS:

VOPAK USA, Inc. has a second occurrence of documented violations concerning aisle space and weekly inspections. A drum of hazardous waste was also found in storage without the required date being placed upon it.

SUMMARY OF CORRECTIVE ACTIONS:

VOPAK USA, Inc. is to document corrective actions and enter into a SFCO to pay penalties.

PENALTY SUMMARY:

Potential for Harm: **MODERATE**

Extent of Deviation:

MAJOR

Modifiers:

Penalty Amount: **\$13,248.00**

Expenses:

\$100.00

TOTAL PENALTY AMOUNT:
REQUIRED

\$13,348.00

☐ APPROVAL

PENALTY COMPUTATION WORKSHEET

Violator's Name: **Robert Strynar**

Identify Violator's Facility: **VOPAK USA, Inc.**

Name of Department Staff Responsible for the Penalty Computations: **Raymond L. Wingo**

ComHaz Case # **256244**

Date: **March 20, 2002**

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1	262.34(a)(2) Undated Drum	6.2	MINOR	MAJOR	2,999-1,500			2,250
2	265.35 Emergency Aisle Space	10.3	MODERATE	MODERATE	7,999-5,000		Repeat Violation	7,999
3	265.174 Inspections	14.2	MINOR	MAJOR	2,999-1,500		Repeat Violation	2,999
4	62-730.160(6) FAC, Records	14.3	MINOR	MINOR	499-100	Combined with Violation # 3		
5	62-730.160(7) FAC, Inspection Aisle Space	10.3	MODERATE	MODERATE	7,999-5,000	Combined with Violation # 2		
Total Penalties for all Violations:							\$13,248.00	

All repeat violations were assessed at the top of the penalty range. All new violations were assessed at the mid point of the penalty range.

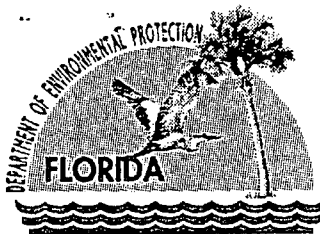
RANKING SYSTEM FOR POTENTIAL FOR HARM

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
1	262.34(a)(2)	Undated Drum	4	2	1	2	9
2	265.35	Aisle Space for emergency operations	4	8	4	2	18
5	62-730.160(7) FAC, Aisle Space	Aisle Space for inspections of labels and drums	4	8	4	2	18

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1, 000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24, MODERATE POTENTIAL FOR HARM: 13-18, MINOR POTENTIAL FOR HARM: 8-12



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

April 2, 2002

Mr. Robert Strynar
VOPAK USA, Inc.
6049 Old Hwy 41A
Tampa, Florida 33619

Re: VOPAK USA, Inc.
FLD 020 985 727
Warning Letter #256244
Hillsborough County

Dear Mr. Strynar:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on March 20, 2002, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Section 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Raymond Wingo at (813) 744-6100, extension 493, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties that would be assessed in this case are \$13,248.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's agreement with

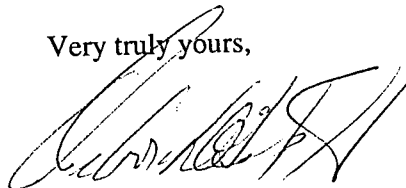
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April 2, 2002

the EPA, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Very truly yours,



Deborah A. Getzoff
Director of District Management
Southwest District

DAG/rlw

Attachment

cc: Kelley Boatwright, Hillsborough County
Jeff Pallas, US EPA Region IV
Steve Ray, HWR Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME VOPAK USA, Inc. EPA ID # FLD 020 985 727

STREET ADDRESS 6049 Old Hwy 41A, Tampa, FL 33619

MAILING ADDRESS Same

COUNTY Hillsborough PHONE 813/677-8414 DATE 3/20/02 TIME 1:30 P.M.

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☒ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☒ Transporter
☒ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Transporter

2. APPLICABLE REGULATIONS:

- ☐ 40 CFR 261.5 ☒ 40 CFR 262
☐ 40 CFR 265 ☐ 40 CFR 266
☒ 40 CFR 279 ☒ 62-710, FAC

- ☐ 40 CFR 263 ☐ 40 CFR 264
☒ 40 CFR 268 ☒ 40 CFR 273
☒ 62-737, FAC ☐ 62-740, FAC

3. RESPONSIBLE OFFICIAL(s):

Robert Strynar, Operations Manager

4. INSPECTION PARTICIPANTS:

Robert Strynar

Raymond L. Wingo, FDEP

5. LATITUDE/LONGITUDE 27°52'04" 82°23'26"

6. SIC Code: 5169, 4214

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: EXP. DATE:

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9. PROCESS DESCRIPTION:

VOPAK USA, Inc. (VUI) is a warehouse and distribution operation for commercial chemicals and is a break-bulk facility for solvents and corrosive chemicals. It also operates as a hazardous waste transfer facility for hazardous waste transported under EPA ID# GAD 980 845 077. VUI employs 18 people. Water and sanitary services are provided by public utilities.

On the west side of the facility is a rail siding where bulk shipments of chemicals are brought in for unloading into dedicated storage tanks. The deteriorated concrete catchment pad has been removed and replaced with a new plastic containment system. The catch pans are covered when not in use and are secured in place using plastic foam. The existing underground piping has been abandoned in place and a new drainage pump and piping system is in place. The drainage system discharge is into the common collection system.

On the west side of the railway spur is a storm water retention pond. The uncontained drum storage area and the paved truck parking lot drains into this pond. The water level was lower than observed during the last inspection on 8/7/2000. No changes in the pond appearance were noticed.

On the north side of the facility are the offices and the chemical warehouse. In the southwest corner of the warehouse building is a drumming operation. Dedicated lines carry the product to the drumming area, and dedicated hoses are used to connect these lines to the drum-filling machine. All lines are capped and the hoses are drained and sealed with caps between usages. Material drained from the hoses is placed in the product drums and no waste is generated from the operation. Any spillage of product onto the floor is flushed with water through a hole in the wall allowing for drainage into the secondary containment system surrounding the bulk storage tanks.

On the south side of the warehouse is the designated hazardous waste storage area for both the transfer facility waste and the waste generated by VUI. As this storage area was being passed enroute to the outside areas, it was noted that the hazardous waste drums in the designated hazardous waste storage were stacked in such a manner as to prevent inspection and emergency access should an incident occur. The drums were packed into the space three pallets wide, two pallets deep and up to three tiers high. Mr. Strynar told me the palletized drums were being moved and staged to place on a truck for shipment. There was no truck at the loading dock being loaded with hazardous waste, nor did one arrive during my inspection. It took approximately 10-15 minutes for me to first pass through this area and the flurry of activity appeared to be occurring to correct the obvious violation prior to it being observed. A forklift operator was in the process of reorganizing the pallets to create narrow aisles that barely allowed my passage to inspect the labels and drum condition. Stacking the hazardous waste drums three tiers high and failure to provide adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers is a violation of **62-730.160(7), F.A.C.** Failure to provide adequate aisle space to allow for unobstructed movement of personnel and equipment in an emergency is a violation of **40 CFR 265.35**. An over packed 55-drum marked as hazardous waste failed to have the date the waste was generated written on the outside of the over pack drum. Failure to mark each container with the date the hazardous waste is first accumulated in the container is a violation of **40 CFR 262.34(a)(2)**. The drum of hazardous waste was generated at VUI.

South of the warehouse on the west half of the facility is a tank farm for corrosive and solvent products. All these tanks are provided with secondary containment. Spillage and rainwater from these containment areas is pumped to the onsite wastewater neutralization system. All previously used underground piping

has been abandoned in place and replaced with a new discharge pump and piping to a common collection system.

South of the tank farm area is the empty drum and tote storage area. Empty plastic and steel deposit drums are stored here awaiting returned to Georgia for reconditioning. The storage contained a number of empty intermediate bulk containers (IBC or totes) that were awaiting shipment to another facility. Approximately 12 blue plastic drums were in the storage area. These drums were filled with water and are used to stabilize stacks of empty drums. It is recommended that these drums be marked or labeled as "Water Drums" to avoid confusing them with product drums.

Between the outside empty drum storage area and the chlorine facility at the location of the old in-ground concrete neutralization tank is a construction project. The construction has opened up the in-ground tank and is being renovated for use as secondary containment for two 12,500-gallon plastic tanks. The plastic tanks will be used for the purpose of collection and elementary neutralization of any water collected from the tank farm secondary containment, the rail siding offload site and any spillage, leakage or contaminated rainwater. The first collection tank will be equipped with sensors and a mixer that will automatically adjust the pH of the water being pumped into the tank. The second tank will be used for the storage of the neutralized water pending disposal to Tampa's POTW for disposal. All water disposed off is transported by tanker truck to the POTW.

Examination of records shows that the required inspection of the hazardous waste drums in storage was either not performed or was not documented between January 18, 2002 and February 8, 2002. The last documented inspection was March 8, 2002. Failure to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors is a violation of **40 CFR 265.174**. The weekly inspection records failed to record the number of drums in storage after July 27, 2001. The weekly inspection records failed to contain the time of the inspection and a legibly printed name of the inspector after Andre Carnegie stopped performing the inspections. The failure to include in the record of the weekly inspections of hazardous waste containers in storage; the time of the inspection, the legibly printed name of the inspector, and the number of containers is a violation of **62-730.160(6), F.A.C.**

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 262.34(a)(2)	Failure to mark each container with the date the hazardous waste is first accumulated in the container.
40 CFR 265.35	Failure to maintain aisle space to allow unobstructed movement of personnel and equipment in an emergency.
40 CFR 265.174	Failure to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.
62-730.160(6), F.A.C.	Failure to include in record of the weekly inspections of hazardous waste containers in storage; the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

62-730.160(7), F.A.C.

Failure to maintain adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers.

Report prepared by:

Raymond L. Wingo Date 25 March 02
Raymond L. Wingo
Environmental Specialist II

Approved by:

Elizabeth Knauss Date 3/28/02
Elizabeth Knauss
Environmental Manager

TRANSPORTERS CHECKLISTFacility Name: VOPAK USA, Inc.Date: March 20, 2002Facility Representative: Robert StrynarFacility ID # FLD 020 985 727SIC Codes: 5169Inspector: Raymond L. Wingo

1. Site Name: VOPAK USA -
Location where records are maintained: on site

Transporter Requirements (40 CFR 263)

1. Do vehicles transporting hazardous waste have the appropriate placards? (263.10)(49 CFR 172.500) Y ☒ N ☐
2. Does transporter have an EPA identification number? (263.11(a)) Y ☒ N ☐
3. Does the transporter use the manifest system as required by 263.20?
Do the manifests contain at least:
- a. Name, address, and EPA ID of transporter? Y ☒ N ☐
- b. Name, address, and EPA ID code of generator? Y ☒ N ☐
- c. Name, address, identification code of designated permitted facility? Y ☒ N ☐
- d. Corresponding manifest document number? Y ☒ N ☐
- e. Description and quantity of each hazardous waste? Y ☒ N ☐
- f. Signature of subsequent transporters? Y ☒ N ☐
- g. Signatures signifying proper delivery or reasons why delivery could not be certified? Y ☒ N ☐
- h. EPA waste codes? Y ☒ N ☐
4. International shipments: (Exports - 263.20(g)) NA ☒
- a. Are records kept of the dates waste left the U.S.? Y ☐ N ☐
- b. Presence of one signed manifest copy in the transporter's records? Y ☐ N ☐
- c. Is a signed copy of the manifest returned to the generator? Y ☐ N ☐
- d. Is a copy of the manifest given to a U.S. Customs official at the point of departure from the United States? Y ☐ N ☐
5. Tolling Agreements for SQG waste: ☒ N/A
- a. Is all waste transported by tolling agreements generated by SQGs? Y ☐ N ☐
- b. Is following information recorded on a shipping paper:
Name, address, and EPA ID of waste generator Y ☐ N ☐
Quantity of waste accepted Y ☐ N ☐
DOT - required shipping info Y ☐ N ☐
Date waste is accepted Y ☐ N ☐
- c. Does transporter carry this shipping paper during transport? Y ☐ N ☐


- d. Are records maintained for three years after termination or expiration of reclamation agreement? Y ☒ N ☐
6. Are copies of the manifest retained for 3 years? (263.22) Y ☒ N ☐
7. Is there evidence of discharge of hazardous waste? (263.30) Y ☐ N ☒
8. Has transporter demonstrated the financial responsibility required under 62-730.170(2) Y ☒ N ☐
9. Does the transporter verify financial responsibility with the Department annually (62-730.170(3))? Y ☒ N ☐
10. Does the transporter mix/consolidate hazardous wastes of different DOT shipping descriptions 263.10(c)(2)? Y ☐ N ☒

If yes, complete the Generator checklist.

Transfer Facility Requirements (62-730.171)

1. Does transporter comply with 10 day storage limit for transfer facilities? (263.12) Y ☒ N ☐
- a.. Is the hazardous waste packaged according to 262.30? (263.12) Y ☒ N ☐
2. Has the facility notified the department on Form 62-730.900(6) (Transfer facility notification form)? (62-730.171(3)) Y ☒ N ☐
3. Does the transfer facility have an EPA/DER ID number? Y ☒ N ☐
4. Is a written log maintained for all waste entering or leaving the transfer facility? (62-730.171(2)(e)) Y ☒ N ☐
- Does the log contain:
- Generators' names? Y ☒ N ☐
- Manifest numbers? Y ☒ N ☐
- Dates when waste enters and leaves facility? Y ☒ N ☐
5. Does facility have a written closure plan satisfying requirements of closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112(c), 265.114, 265.115? (62-730.171(2)(b)) Y ☒ N ☐
- Has the facility supplied DEP with a copy of the plan? Y ☒ N ☐

General Facility Standards (265 Subpart B, adopted by reference in 62-730.161)

1. Security (265.14)
- (a) Is the facility security system adequate to minimize unauthorized entry? Y ☒ N ☐
- (b) Are signs posted and legible for 25 feet? Y ☒ N ☐
2. Inspection Requirements (265.15)
- (a) Does the facility have a copy of the Inspection Plan? Y ☒ N ☐
-  (b) Does the facility have completed inspection logs? Y ☐ N ☐
- (c) Were the deficiencies corrected in a timely manner? Y ☒ N ☐
- (d) Are the inspection logs maintained at the facility for 3 years? Y ☒ N ☐

3. Personnel Training (265.16)

- (a) Do management personnel complete hazardous waste training? Y ☒ N ☐
 Do laborers who handle hazardous waste complete training? Y ☒ N ☐
 Is training on the job? _____ in the classroom? _____ both? ☒

- (b) Does training include:
 Emergency response procedures? Y ☒ N ☐
 Inspection procedures? Y ☒ N ☐
 Operation of hazardous waste handling equipment? Y ☒ N ☐

(c) How often is training reviewed? minimum of annually (bi-weekly mgs)

(d) Does the facility have personnel training records including:

Job title and description of position? Y ☒ N ☐
 Description of employee's training Y ☒ N ☐

(e) Is training successfully completed within 6 months of hiring/
 transfer to HW position? Y ☒ N ☐

(f) Are records maintained for three years at the facility? Y ☒ N ☐

4. Ignitable, Reactive, or Incompatible Waste (265.17)

(a) Is the waste separated and confined from sources of ignition or
 reaction, sparks, spontaneous ignition, and radiant heat? Y ☒ N ☐

(b) Are "No Smoking" signs posted in the area? Y ☒ N ☐

Preparedness and Prevention (265 Subpart C adopted by reference in 62-730.161)

1. Is there evidence of fire, explosion or contamination of the
 environment? (265.31 Maintenance and Operation of Facility) Y _____ N ☒

If yes, use narrative explanation.

2. Is the facility equipped with (265.32 - required equipment):

(a) Internal communications or alarm system? Y ☒ N ☐

Is it easily accessible in case of emergency? Y ☒ N ☐

(b) Telephone or two-way radio to call emergency response personnel? Y ☒ N ☐

(c) Portable fire extinguishers, fire control equipment, spill control
 equipment and decontamination equipment? Y ☒ N ☐

Is this equipment tested to assure its proper operation? Y ☒ N ☐

How frequently? annually

(d) Water of adequate volume for hoses, sprinklers or water spray system? Y ☒ N ☐

(1) Describe source of water. City Water Supply

(2) Indicate flow rate and/or pressure and storage capacity, if applicable.

3. Is there sufficient aisle space to allow unobstructed movement of personnel and
 equipment? (e.g., adequate aisle space in between barrels to check for leakage,
 corrosion and proper labeling, etc.) (265.35 -Required Aisle Space) Y ☒ N ☐

4. Has the facility made emergency response arrangements with the following: (265.37)

Fire Department: _____	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Police: _____	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Hospital: _____	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Emergency Response Contractor: _____	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>

If NA, explain _____

5. If not, has the facility attempted to do so and is the refusal documented? Y ☐ N ☐

6. Does the owner/operator have phone number of and agreements with state emergency response teams, emergency response contractors and equipment suppliers? (265.37 - Arrangements with Local Authorities) Y ☒ N ☐

Are they readily available to the emergency coordinator? Y ☒ N ☐

Contingency Plan and Emergency Procedures (265 Subpart D adopted by reference in 62-730.161)

1. Does the facility have a contingency plan? (265.51 - Purpose and Implementation of Contingency Plan) Y ☒ N ☐

2. Is it maintained at the facility? (265.53 - Copies of Contingency Plan) Y ☒ N ☐

3. Is the contingency plan a revised SPCC Plan (265.52 - Content of Contingency Plan) Y ☒ N ☐

(a) Does the plan include:

(1) Action personnel will take? Y ☒ N ☐

(2) Evacuation routes? Y ☒ N ☐

(3) Emergency Equipment? Y ☒ N ☐

(4) Is the emergency equipment properly inspected and maintained? Y ☒ N ☐

4. Is there an emergency coordinator on site or within short driving distance of the plant at all times? (265.55 - Emergency Coordinator) Y ☒ N ☐

5. Who is the emergency coordinator? Robert Strygar

6. Has the facility supplied local police and fire departments with a copy of the contingency plan? (265.53(b) - Content of Contingency Plan) Y ☒ N ☐

7. Has the facility supplied DEP with a copy of the Contingency Plan? (62-730.171(2)(a)) Y ☒ N ☐

Unregulated Wastes - HHW/CESQG Waste N/A JK

1. Does the transporter have documentation that this waste was generated by an unregulated source? Y ☒ N ☐

2. If no, is the transporter assuming responsibility as the generator of this waste? Y ☐ N ☐

If yes, complete the applicable Generator or Small Quantity Generator checklist.

If not, explain circumstances in narrative, including a discussion of applicable exemptions.

Container Storage Checklist (Subpart I - Use and Management of Containers 265.170)

1. Is hazardous waste that is stored in containers or vehicles stored on a man made surface which is capable of preventing spills or releases to the ground? (62-730.171(2)(d)) Y ☒ N ☐
2. Are the containers in good condition (265.171)?
(check for leaks, corrosion, bulges, etc.) Y ☒ N ☐
3. If a container is found to be leaking, does the operator transfer the hazardous waste from the leaking container? Y ☒ N ☐
4. Is the waste compatible with the containers and/or its liner? (265.172) Y ☒ N ☐
5. Are containers holding hazardous waste opened, handled or stored in such a manner as to cause the container to rupture or leak? (265.173) Y ☒ N ☒

If yes, explain using narrative.

- X 6. Are each of the containers inspected at least weekly (265.174)? Y ☐ N ☒

If no, explain using narrative concerning the frequency of inspection.

7. Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line? (265.176) Y ☒ N ☐

If yes, explain using narrative.

8. Are incompatible wastes stored in the same containers? Y ☐ N ☒

If yes, explain using narrative.

9. Are containers holding incompatible wastes kept apart by physical barrier or sufficient distance? Y ☒ N ☐

If no, explain using narrative.

10. Does the transporter store hazardous waste in units other than containers? Y ☐ N ☒

If Yes, the transporter may be subject to hazardous waste permit requirements.

SMALL QUANTITY GENERATOR CHECKLIST

Facility Name: VOPAK USA, Inc. Date: March 20, 2002
 Facility Representative: Robert Strynar Facility ID # FLD 020 985 727
 SIC Codes: 5169 Inspector: Raymond L. Wingo

40 CFR 262 Subpart A -- General Standards

1. Describe the facility's hazardous waste streams:

WASTE DESCRIPTION	EPA Waste Codes	Generation Rate	Disposal Facility and EPA ID	Correct ID?	Testing or Process Knowledge
Absorbed Comodities	D001 D002	Varies	PCI memphis	Y	K

Total must be between 100 and 1,000 kg in a calendar month or 6,000 kg total on site (1 kg/m acute HW (P-list))
 (describe discrepancies in waste identification in narrative)

2. Has the facility obtained an EPA ID number? (40 CFR 262.12) Y ☒ N ☐
3. Is the facility disposing of all its hazardous wastes to facilities permitted to accept the waste? Y ☒ N ☐
4. Are any hazardous wastes treated or disposed of on site?
 Describe in narrative. Y ☐ N ☒
5. Is the facility exempt from hazardous waste permit requirements?
 Describe in narrative. Y ☐ N ☒

40 CFR 262 Subpart B -- The Manifest

1. Does the facility use the manifest for all its hazardous wastes? (262.20) Y ✓ N
2. Is the facility using the correct form (EPA 8700-22; OMB #2050-0039)? Y ✓ N
- If no, does the generator qualify for the contractual agreement exclusion? Y N
- Is a copy of the reclamation contract specifying type of waste and frequency of shipment kept on file? (262.20(e)) Y N
3. Does the facility ship by rail or water? (If so, check 262.23(c)) Y N ✓
4. Is the manifest filled out properly? Y ✓ N

Item No.:

- | | | | |
|--------|---|---------------|---------------|
| 1. | -Generator EPA ID # | Y <u> </u> | N <u> </u> |
| | -5 digit manifest document # | Y <u> </u> | N <u> </u> |
| 3. | -Generator name and mailing address | Y <u> </u> | N <u> </u> |
| 4. | -Generator phone # | Y <u> </u> | N <u> </u> |
| 5-8. | -Transporter names and ID #s | Y <u> </u> | N <u> </u> |
| D-F. | -Transporter phone # (state requirement) | Y <u> </u> | N <u> </u> |
| 9. | -TSD name and mailing address | Y <u> </u> | N <u> </u> |
| 10. | -TSD # EPA ID # | Y <u> </u> | N <u> </u> |
| H. | -TSD Phone # (state requirement) | Y <u> </u> | N <u> </u> |
| 11. | -DOT description of the waste, including hazard class, ID # and packaging group | Y <u> </u> | N <u> </u> |
| 12. | -Container # and type | Y <u> </u> | N <u> </u> |
| 13-14. | -Quantity of waste and units | Y <u> </u> | N <u> </u> |
| I. | -EPA waste code (state requirement) | Y <u> </u> | N <u> </u> |
| K. | -Handling codes (state requirement) | Y <u> </u> | N <u> </u> |
| 16. | -Name, handwritten signature of generator and date | Y <u> </u> | N <u> </u> |
| 17-18. | -Name, handwritten signature of transporter and date | Y <u> </u> | N <u> </u> |
| 19. | -Are any manifest discrepancies noted? | Y <u> </u> | N <u> </u> |
| 20. | -Name, handwritten signature of TSD and date | Y <u> </u> | N <u> </u> |

Number of manifests examined 2Number of errors 0

Note manifest document numbers and dates of manifests with errors below:

Manifest #	Date	Destination	Error(s)

5. If the generator did not receive a signed return copy of the manifest from the disposal facility within 60 days of shipment, did the facility notify DEP and send a legible copy of the manifest? (262.42(b)) Y N
6. Are manifests retained for 3 years? Y ✓ N

40 CFR 262 Subpart C -- Pre Transport Requirements

1. Does the facility accumulate the waste on-site prior to treatment or disposal Y ✓ N ?

Circle applicable accumulation units. Facilities accumulating waste in containment buildings or on drip pads are subject to LQG standards

Containers

Tanks

2. Are containers used to ship the waste off-site? Y ✓ N
3. Are any containers on-site prepared for shipment? Y ✓ N
- a. If so, are the containers appropriate for the waste? (262.30) Y ✓ N
- b. Are the correct diamond-shaped DOT hazard class container labels used? (262.31) Y ✓ N
- c. Are containers of 110 g or less marked with the correct DOT shipping name and number? Y ✓ N
- Is a label with the language required under 262.32(b) used? Y ✓ N
- Is the generator's name, address and manifest document number on the label? Y ✓ N
- d. Are placards available to be provided to the transporter? (262.33) Y ✓ N
- e. Are bulk packagings used (over 400 kg solid or 118 g liquid)? Y N ✓
- f. Are they marked and placarded properly? Y N ✓

40 CFR 262 Subpart C -- Accumulation Requirements

1. Does the facility comply with the 180-day accumulation time limit? Y ✓ N
2. Does the facility comply with the 6000 kg maximum accumulation of hazardous waste? (262.34(d)(1)) Y ✓ N
3. If not, has the facility been issued an extension by the Department? (262.34(f)) Y N ✓
- X 4. Is each container marked with the beginning date of accumulation? (262.34(a)(2)) Y N ✓
5. Is each container and tank marked with the words "Hazardous Waste"? (262.34(a)(3)) Y ✓ N
6. Are satellite accumulation points used? Describe in narrative. Y N ✓
7. Are satellite containers closed (262.34(c)) and marked with the words "hazardous waste" or other words that describe the contents? Y N ✓
8. Do satellite accumulation points hold 55 gallons of waste or less? Y N ✓
9. If not, is the excess marked with the date the excess waste began accumulating? (The date must be within 3 days of the date of inspection (262.34(c)(2)) Y N ✓

40 CFR 262 Subpart C -- Personnel Training -- (262.34(d)(5)(iii))

1. Do facility personnel complete hazardous waste training?
Comments, describe documentation: Y ☒ N ☐
2. Is the trainer adequately trained in hazardous waste management procedures? Y ☒ N ☐
3. Does the training cover safety? Y ☒ N ☐
4. Does the training cover emergency response procedures, including equipment handling and inspection? Y ☒ N ☐
5. Does the training cover hazardous waste identification and handling procedures? Y ☒ N ☐

265 Subpart C -- Preparedness and Prevention

1. Is there evidence of a fire, explosion or release of hazardous waste or hazardous waste constituents to the environment? (265.31) Y ☐ N ☒
2. Does the facility have an internal communication or alarm system? (265.32(a)) Y ☒ N ☐
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance? (265.32(b)) Y ☒ N ☐
4. Describe fire control equipment. Is it adequate? (265.32(c)) Y ☒ N ☐
5. Is spill control and decontamination equipment present? (265.32(c)) Y ☒ N ☐
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (265.32(d)) Y ☒ N ☐
7. Is the emergency equipment inspected and tested periodically?
Frequency? annually Y ☒ N ☐
8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (265.35) X Y ☐ N ☒
9. Has the facility made emergency response arrangements with the following: (265.37)
- Fire Department: _____ Y ☒ N ☐
- Police: _____ Y ☒ N ☐
- Hospital: _____ Y ☒ N ☐
- Emergency Response Contractor: _____ Y ☒ N ☐
10. If not, has the facility attempted to do so and is the refusal documented? Y ☐ N ☐

Modified Contingency Plans and Emergency Response --[262.34(d)(5)]

1. Is there an emergency coordinator on site or within short driving distance of the plant at all times? Y ☒ N ☐
2. Who is the emergency coordinator? Robert Graynar
3. Is the following information posted near the telephone:
 - a. Name and telephone number of emergency coordinator? Y ☒ N ☐
 - b. Location of fire extinguishers, spill control material and, if present, fire alarm? Y ☒ N ☐
 - c. Telephone number of fire department, if no direct alarm? Y ☒ N ☐
4. Are all employees thoroughly familiar with proper waste handling and emergency procedures as relevant to their responsibilities during normal facility operations and emergencies? Y ☒ N ☐
5. Does the emergency coordinator or his designee know what is the required response in the event of a fire, a spill which can be contained, or a fire, explosion or other release which could threaten human health outside the facility or reach surface water? Y ☒ N ☐
6. Is the emergency coordinator authorized to commit funds for incident response? Y ☒ N ☐

40 CFR 262 Subpart D -- Record keeping and Reporting

1. Is the generator keeping the following records:

Exception reports (262.42) N/A ☒ Y ☐ N ☐

Test Results: N/A ☒ Y ☐ N ☐
2. Where are records kept? _____
3. Who is in charge of keeping records? Name Robert Graynar
4. Any additional reporting, such as contingency plan implementation reports? (262.43) N/A ☒ Y ☐ N ☐
5. Are records kept for a minimum of 3 years? Y ☒ N ☐

40 CFR 262 Subpart E -- Exports N/A ☒

1. Has the facility exported any hazardous waste? Y ☐ N ☐
2. Has the exporter notified EPA 60 days prior to the initial shipment? Y ☐ N ☐
3. Has the receiving country consented to receive the waste? Y ☐ N ☐
4. Has a copy of the EPA Acknowledgment of Consent accompanied the shipment? Y ☐ N ☐
5. Did the shipment conform, and was the manifest completed as required by 40 CFR 262.54? Y ☐ N ☐
6. Has the exporter received confirmation of delivered shipment? Y ☐ N ☐
7. Are all records kept a minimum of three years? (262.57) Y ☐ N ☐

USED OIL TRANSPORTER CHECKLIST

Facility Name: VOPAK USA, Inc. Date: March 20, 2002
Facility Representative: Robert Strynar Facility ID # FLD 020 985 727
SIC Codes: 5169 Inspector: Raymond L. Wingo

40 CFR 279 Subpart E -- Transporter Standards

1. Is the facility exempt under any of the following? [279.40(a)]

Y ☐ N ☒

On site transport?

Generator transporting < 55 g /time to a collection center?

Transporter of < 55 g /time from generator to aggregation point owned by same generator?

2. If the transporter also transports hazardous waste in the same trucks as are used to transport used oil, are the vehicles emptied per 261.7 after HW shipments? (If not, the used oil must be managed as hazardous)

NA containing only
Y ☐ N ☒

3. Does the transporter process used oil incidental to transport? [279.41]

Y ☐ N ☒

Are any residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock?

N/A ☒ Y ☐ N ☐

If not, has the transporter conducted a hazardous waste determination? [279.10(e)]

N/A ☒ Y ☐ N ☐

4. Has the facility notified of used oil activities? Check EPA form 8700-12.

Y ☒ N ☐

5. Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID Numbers, or to on-specification oil burners? [279.43(a)]

Handled as HAZWASTE
Y ☐ N ☒

6. Does the transporter comply with DOT requirements? [279.43(b)]

Y ☒ N ☐

7. If any oil is discharged during transport, does the transporter: [279.43(c)]

Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable?

Y ☒ N ☐

Report to DOT in writing per 49 CFR 171.16?

Y ☒ N ☐

Clean up any discharges until the discharge poses no threat?

Y ☒ N ☐

8. Does the facility also transport used oil filters?

Y ☒ N ☐

If so, are the filters stored in above ground containers which are: [62-710.850(6)]

In good condition?

Y ☒ N ☐

Closed or otherwise protected from weather?

Y ☒ N ☐

Labeled "Used Oil Filters"?

Y ☒ N ☐

Stored on an oil impervious surface?

Y ☒ N ☐

Transporter Recordkeeping -- 279.46

1. Do used oil acceptance records include: [279.46(a)]

Name & Address of facility providing the oil for transport?

Y ☒ N ☐

EPA ID # of oil provider (if applicable)?

Y ☒ N ☐

Quantity of oil accepted?

Y ☒ N ☐

Date of shipment?

Y ☒ N ☐

Signature of oil provider, dated upon receipt?

Y ☐ N ☐

2. Do used oil delivery records include: [279.46(b)]

Name & Address of receiving facility or transporter?

Y ☒ N ☐

EPA ID # of receiving facility or transporter?

Y ☒ N ☐

Quantity of oil delivered?

Y ☒ N ☐

Date of delivery?

Y ☒ N ☐

Signature of oil receiver, dated upon receipt?

Y ☒ N ☐

3. Do the above records also include state required information on the type of oil and destination or end use? [62-710.510(1)(c & e)]

Y ☐ N ☒

4. Does the facility keep records on DEP Form 62-701.900(13) or equivalent? [62-710.510(1)]

Y ☐ N ☒

5. Does the facility submit an annual report on DEP Form 62-701.900(14) by March 1 summarizing the on site records for the previous calendar year? [62-710.510(5)]

Y ☐ N ☒

If not, is the facility a generator who transport only their own used oil generated at their own non-contiguous operations to their own central collection facility for storage prior to having their used oil picked up by a certified used oil transporter? [62-710.510(3)]

Y ☐ N ☒

7. Does the transporter keep copies of the record and reports for three years at the street address of the facility? [62-710.510(4)]

Y ☒ N ☐

8. Does the transporter sell to burners or claim that any oil meets the specification? If so, complete the USED OIL MARKETER checklist.

Y ☐ N ☒

Transporter Certification -- 62-710 F.A.C.

1. Is the transporter certified? (local governments, and < 55g/time transporters are exempt) [62-710.600]

Y ☒ N ☐

2. Does the facility maintain training records? [62-710.600(2)(c)]

Y ☒ N ☐

3. Does the facility maintain insurance or financial assurance of \$100,000 combined single limit? [62-710.600(2)(d)]

Y ☒ N ☐

4. Is the facility registration form and ID number displayed? [62-710.500(4)]

Y ☒ N ☐

Handled & Disposed at US Environmental

Transfer Facility Standards -- 279.45

1. Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F
N/A Y ✓ N
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.?
Y ✓ N
2. Does the transporter determine whether used oil stored at a transfer facility has a total halogen content above or below 1,000 ppm?
Y N ✓
- Is this done by testing?
Y N
- Is this done by process knowledge? Describe basis in narrative.
Y N
- Are test records or copies of records providing basis for determination kept for 3 years? [279.44(d)]
Y N
3. Have any analyses showed exceedances of the 1,000 ppm level?
Y N
- If so, was the oil managed as hazardous waste?
Y N
- If not, was the oil exempt? Describe in narrative.
N/A Y N
4. Is used oil stored only in tanks or containers? (Circle applicable units)
Y ✓ N
5. If the facility has tanks, do they comply with 62-761 F. A. C. rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.)
Y N N/A
- Is secondary containment provided and adequate?
Y N N/A
6. Are containers, and tank trailers in good condition and not leaking?
Y ✓ N
7. Are containers provided with secondary containment consisting of walls and floor at a minimum?
Y ✓ N
- Is the containment system impervious to oil so as to prevent migration?
Y ✓ N
8. Are ASTs, UST tank fill lines and containers labeled "used oil"?
Y N N/A
9. Are used oil filters stored more than 10 days?
If so, is the facility a registered used oil filter transfer facility? [62-710.850] N/A Y N ✓
10. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable?
Y ✓ N

Disposal of as
haz waste.

Photograph Mount Sheet

VOPAK USA, Inc.

Date: March 20, 2002

Photographer: Ray Wingo



Photograph Mount Sheet

VOPAK USA, Inc.

Date: March 20, 2002

Photographer: Ray Wingo



Photograph Mount Sheet

VOPAK USA, Inc.

Date: March 20, 2002

Photographer: Ray Wingo



U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0016 6336 7163

VOPAK USA, Inc

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

4-26-02

Postmark
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Mr. Robert Stynar

Street, Apt. No.; or PO Box No.

6049 Old Hwy 41A

City, State, ZIP+4

Tampa FL 33619

PS Form 3800, February 2000

See Reverse for Instructions

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Robert Stynar
VOPAK USA, Inc.
6049 Old Hwy 41A
Tampa, FL 33619

4a. Article Number

7000 0520 0016 6336 7163

4b. Service Type

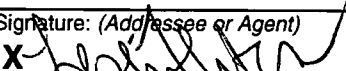
- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4-29-02

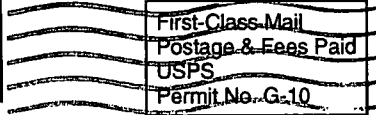
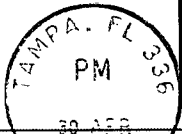
5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X 

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE



• Print your name, address, and ZIP Code in this box •

State of Florida
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

D.E.P.
MAY 01 2002
Southwest District Tampa

Raymond Wings

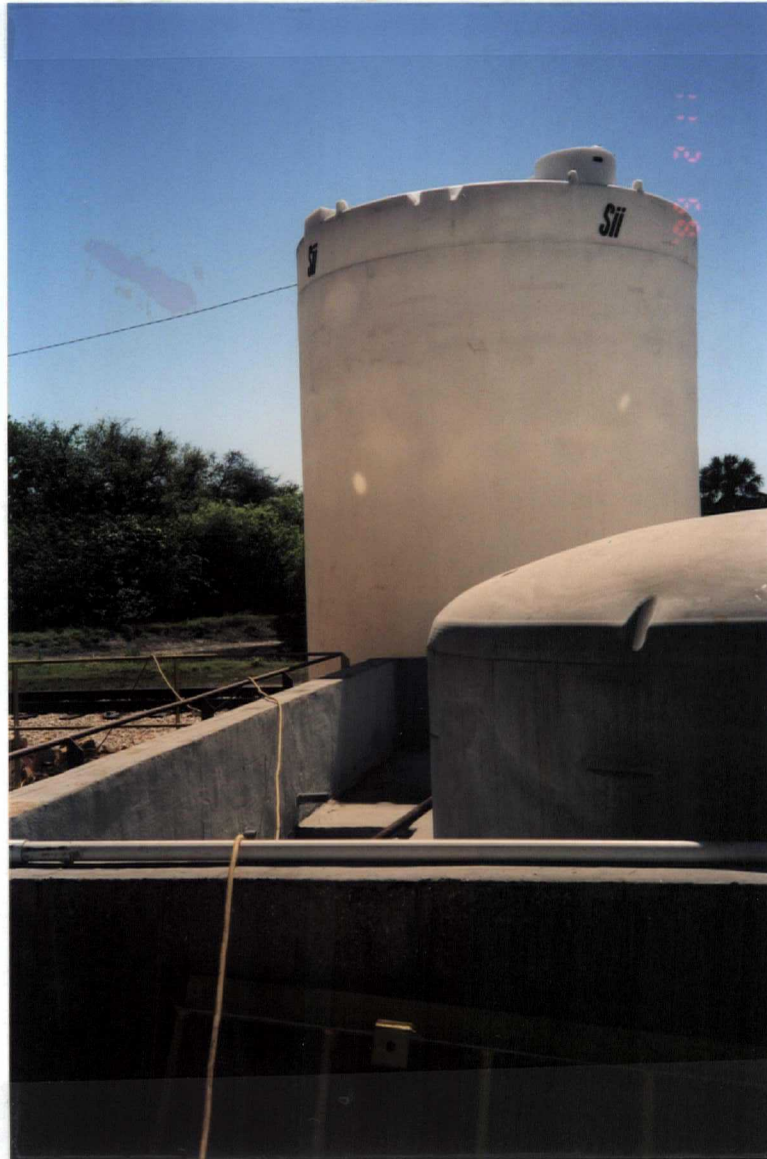
63 *Hazardous Waste*

Photograph Mount Sheet

VOPAK USA, Inc.

Date: March 20, 2002

Photographer: Ray Wingo



NOTICE OF POTENTIAL HAZARDOUS WASTE NON-COMPLIANCE – Page 1 of 2

FACILITY NAME VOPAK WSA inc		TYPE OF INSPECTION:	
ADDRESS		CAV: <input type="checkbox"/>	CEI: <input checked="" type="checkbox"/> CI: <input type="checkbox"/> OTHER: <input type="checkbox"/>
CITY		STATE	ZIP CODE
EPA ID NUMBER	DATE OF INSPECTION	PAGE	OF
FLD 020985727			
FOLLOW UP CAV INSPECTION WITHIN 120 DAYS:		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

A hazardous waste/used oil compliance inspection was made this date, under the authority of Section 403.091, Florida Statutes (F.S.), to determine your facility's compliance with Chapter 403, F.S. and Chapters 62-730 and 62-710, Florida Administrative Code (F.A.C.). Provisions of Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 268 and 279, which are cited on this form, have been adopted by reference as the state hazardous waste and used oil rules in Chapter 62-730 and 62-710, F.A.C. The following 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 which exist at the time of this inspection.**

GENERAL REQUIREMENTS:

- ☐ Failure to ensure delivery of HW to proper HW facility § 261.5
- ☐ Failure to provide hazardous waste determination § 262.11
- ☐ Failure to notify as generator § 262.12
- ☐ Failure to use a manifest or reclamation agreement § 262.20
- ☐ Failure to provide personnel training § 265.16, 262.34
- ☐ Evidence of release(s) of waste § 265.31
- ☐ Facility exceeds 90/180 day time limit § 262.34

USED OIL VIOLATIONS:

- ☐ Failure to label containers § 279.22
- ☐ Failure to respond to releases § 279.22
- ☐ Failure to document used oil disposal § 279.10

MATERIALS PROVIDED to assist in accomplishing corrective actions

- | | |
|---|---|
| <input type="checkbox"/> DEP Small Quantity Generator Handbook | <input type="checkbox"/> EPA Managing Used Oil |
| <input type="checkbox"/> EPA Understanding the Hazardous Waste Rules | <input type="checkbox"/> Environmental Yellow Pages |
| <input type="checkbox"/> EPA Notification of Regulated Waste Activity | <input type="checkbox"/> List of HW/Used Oil Transporters |
| <input type="checkbox"/> Florida Automotive Recyclers Handbook | <input type="checkbox"/> Antifreeze Recycling Vendors |

Florida Fact Sheets

- ☐ Antifreeze for Recycling / Waste Antifreeze
- ☐ Summary of Hazardous Waste Regulations
- ☐ Summary of Used Oil/Used Oil Filter Regulations
- ☐ Other: _____

CONTAINER MANAGEMENT:

- ☐ Unlabeled containers § 262.34
- ☒ Undated containers § 262.34
- ☐ Leaking or bulging containers § 262.34
- ☐ Open containers § 265.173
- ☒ Inadequate aisle space § 62-730.160

RECORDKEEPING REQUIREMENTS:

- ☐ Manifests § 262.40, § 262.44
- ☐ Training records § 262.34
- ☐ Contingency Plan § 262.34
- ☒ Weekly Inspection records § 62-730.160
- ☐ Information not posted by phone § 262.34
- ☐ Authorities not notified § 262.37

SALVAGE DRUM WITH product inside

Self explanatory (corrected)

Time Legibly Printed of name of inspector

missing Drum Count from 7/27/02 to present No Inspection from 11/18/02 to 2/13/03

Last inspection 3/8/02

OTHER:

- ① Weekly inspections (proper Documentation)
- ② aisle space in HW storage area
- ③ HW DRUMS 3 High
- ④ Dates on ALL DRUMS (1 missing)

check USED OIL RECORDS (type of oil & end use codes)
on file (USED OIL TESTING REQUIREMENTS (applicability))

ITEMS REQUESTED BY INSPECTOR:

- ① New Weekly inspection Sheets
- ② Attendance Sheet showing subject matter & names of attendees

OWNER/OPERATOR COMMENTS:

The owner/operator is hereby requested to submit in writing, within 30 days of this inspection, 1) a description of all corrective actions taken, 2) a schedule for completion of corrective actions to be taken and 3) a description of efforts to prevent recurrence of the above items to the person signing as "INSPECTOR", Florida Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, FL 33619. The actions taken within 30 days of this notice will be considered in determining whether enforcement, including the assessment of penalties, should be initiated.

IF YOU HAVE QUESTIONS, contact: **Raymond L. Wingo** at (813) 744-6100 extension 493.

INSPECTOR (signature):

Raymond L Wingo

Date:

3/20/02

The undersigned person hereby acknowledges that he/she received a copy of this notice and has read and understands same.

SIGNATURE:

PRINTED NAME:

TITLE:

DATE: