



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

APR 29 2013

Received

MAY 07 2013

BSHW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Bosek
Facility Manager
Clean Harbors Florida LLC
170 Bartow Municipal Airport
Bartow, Florida 33830

SUBJ: Clean Harbors Florida LLC
RCRA Compliance Evaluation Inspection Report
EPA ID Number: FLD 980 729 610

Dear Mr. Bosek:

Enclosed is a copy of the United States Environmental Protection Agency Compliance Evaluation Inspection Report for the inspection conducted at Clean Harbors Florida LLC in Bartow, Florida, on November 27, 2012. The site inspection revealed two violations of RCRA.

Pursuant to the Memorandum of Agreement between the EPA and the State of Florida, the EPA has forwarded a copy of the inspection report to the State. If you should have any questions, please contact Parvez Mallick, of my staff, at (404) 562-8594 or by email at mallick.parvez@epa.gov.

Sincerely,

Larry L. Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance
Branch

Enclosure

cc: Tim Bahr, FDEP
Sean McGinnis, FDEP



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cc: Tim Bahr, FDEP
Sean McGinnis, FDEP

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

1) INSPECTOR AND AUTHOR OF REPORT

Parvez Mallick, Environmental Engineer
South RCRA and OPA Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch
U.S. Environmental Protection Agency
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Phone: (404) 562-8594

Fax: (404) 562-8566

E-mail: mallick.parvez@epa.gov

2) FACILITY INFORMATION

Clean Harbors Florida LLC
170 Bartow Municipal Airport
Bartow, Florida 33830

Polk County

EPA ID No.: FLD980729610

Permit / Certification Number: 64247-HO -011

Date of Issue: April 20, 2012

Expiration Date: December 10, 2016

Latitude / Longitude: 27°57'05"N / 81°47'09"W

NAICS No.: 562111 – Hazardous Waste Treatment and Disposal

SIC No.: 4953 – Refuse System (Hazardous Waste Treatment and Disposal)

3) RESPONSIBLE OFFICIAL

John Bosek
Facility Manager
Clean Harbors Florida LLC
(863) 519-6319
E-mail:

4) INSPECTION PARTICIPANTS

Parvez Mallick, U.S. Environmental Protection Agency, Region 4
Elizabeth Knauss, Florida Department of Environmental Protection (FDEP)
John Bosek, Facility Manager, Clean Harbors Florida LLC

5) DATE OF INSPECTION

November 27, 2012
9:30 a.m.

6) APPLICABLE REGULATIONS

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3005, and 3007 (42 U.S.C. §§ 6922, 6925, and 6927), and the regulations promulgated pursuant thereto at 40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273, 279.

Florida Statutes (F.S.) Chapter 403.702 et seq., and the regulations promulgated pursuant thereto and set forth at the Florida Administrative Code (F.A.C.), Chapters 62-710 and 62-730.

7) PURPOSE OF COMPLIANCE EVALUATION INSPECTION

To conduct an unannounced EPA lead Compliance Evaluation Inspection (CEI) to determine the facility's compliance with applicable regulations of RCRA and the corresponding FDEP regulations.

8) FACILITY DESCRIPTION

Prior to the entry briefing, the EPA inspector presented enforcement credentials to Mr. John Bosek of Clean Harbors Florida LLC ("CHF" or "the facility"). CHF is a fully permitted Part B Treatment, Storage and Disposal Facility (TSDF) for hazardous waste containers and tank storage. CHF offers drum pickup and disposal, fuel blending, emergency response, lab packing, and transportation services. In addition, CHF is also a registered hazardous waste, used oil, used oil filter and universal waste transfer facility. CHF accepts PCB and non-PCB lighting ballasts for sorting and shipment to other recycling facilities. The facility no longer reclaims solvent on site.

Clean Harbors Florida facility is located within Bartow Municipal Airport Industrial Park, Bartow, Polk County, Florida. CHF facility is surrounded by a chain link fence topped with barbed wire. CHF is on Bartow City water and sewer. There are no drinking water withdrawal wells located within at least quarter mile of the facility. The nearest major environmental receptor are unnamed tributaries that lead to the Peace River which is located approximately two mile from the facility. The facility area includes: North Container Storage Building; South Container Storage Building; Storage Tanks; Fuel Blending Tanks; Roll-off Boxes; a Laboratory; and Petroleum Wastewater Tanks. CHF has been in operation at this location for approximately 25 years and had 10 employees at the time of the inspection. CHF is in operation Monday through Friday from 7 a.m. to 5 p.m.

CHF is a Large Quantity Generator (LQG) of hazardous waste; a TSDF (storage prior to recycling is regulated and requires a permit/hazardous waste fuel blending in tanks); a hazardous

waste transporter; a used oil transfer facility; a large quantity universal waste handler and a PCB waste handler. CHF also operates a 10-day transfer facility for hazardous waste destined for other TSDFs. A LQG of hazardous waste is a generator of greater than or equal to 1000 kilograms of hazardous waste per month, with no on-site accumulation quantity limit. A LQG can accumulate hazardous waste for 90 days or less. The owner or operator of a TSDF is subject to all applicable requirements of 40 C.F.R. Parts 264, 265, 266, 268, 270 and 124, and the notification requirement under Section 3010 of RCRA. CHF manages D, F, K, P, and U listed hazardous wastes at the facility.

The permit, Permit/Certification Number 64247-HO -011, to operate a storage and treatment facility, was re-issued on April 20, 2012, and expires on December 10, 2016. The permit was issued under the provisions of Section 403.722, Florida Statutes (F.S.) and Chapters 62-4, 61-160, 62-730-, 62-777, 62-780, Florida Administrative Code (F.A.C.). The facility operates the following RCRA permitted hazardous waste management units/areas: North Container Storage Area; South Container Storage Area; Storage Tanks; Fuel Blending Tanks; and Roll-off Boxes.

Part I, General and Standard Conditions, paragraph 14(e), of the permit requires the facility to keep a written operating record at the facility, which includes: results of any waste analysis; copies of manifests for three years; results of inspections; closure plan; inspections of emergency and safety equipment; biennial reports; personnel training records; the Waste Minimization Program Plan (62-730.160(I), F.A.C.); biennial certification of waste minimization; the description and quantity of each hazardous waste (received/generated); the location of each hazardous waste within the facility and the quantity at each location; a log of dates of operations and unusual events; and a summary report and details of incidents that require implementation of the contingency plan. Part I, General and Standard Conditions, paragraph 26(d), requires the facility to maintain arrangements with State and local authorities per 40 C.F.R. § 264.37. Paragraph 26(e) requires the facility to maintain aisle space as required by 40 C.F.R. § 264.35. Part I, General and Standard Conditions, paragraph 34, requires the facility to maintain compliance with 40 C.F.R. Part 264, Subpart H – Financial Requirements and Rule 62-730.180(6), F.A.C.

Part II, Subpart A – General Operating Conditions, of the permit, includes: paragraph 3, the requirement to maintain training records at the facility (training received annually, maintain updated list of personnel handling hazardous waste and their job titles per 40 C.F.R. § 264.16); Paragraph 5, the requirement to comply with the manifest requirements of 40 C.F.R. §§ 264.71 and 264.72; paragraph 6e, the requirement to amend the contingency plan if any condition in 40 C.F.R. § 264.54 is met (amendment must be approved in writing by FDEP); paragraph 8, the requirement to certify annually that the facility has a program in place to reduce the volume and toxicity of hazardous waste and maintain the certification in the operating record; paragraph 12, the requirement to keep complete and current the facility Air Emission Monitoring/Equipment Log as per 40 C.F.R. § 264.1064(b)(1); paragraph 14, the requirement to keep operating records, results of inspections, monitoring reports, repairs as per 40 C.F.R. 264 Subparts AA, BB, and CC.

Part II, Subpart B – Operating Conditions - Containers, paragraph 1, requires the North Container Storage Building storage volume not exceed 136,400 gallons of hazardous waste (equivalent to 2,480 55-gallon drums); paragraph 2, requires the South Container Storage Building storage volume not exceed 106,920 gallons of hazardous waste (equivalent to 1,944 55-gallon drums); paragraph 3, requires the Roll-off Boxes storage volume not exceed 32,320 gallons of hazardous waste (equivalent to four 40-cubic yard roll-off boxes).

Part II, Subpart C – Operating Conditions – Tank Systems, paragraph 6, requires the volume of tanks T-101 through T-110 not exceed 6,000 gallons of hazardous waste; paragraph 11, requires that all permitted storage tank system be inspected as described in Inspection Procedures in Appendix II-F.6.

Part II, Subpart D – Operating Conditions – Fuel Blending, paragraph 4, requires the volume of waste handled in tanks T-112 and T-114 not exceed 780 gallons.

9) INSPECTOR FINDINGS

North Container Storage Building

This hazardous waste container storage building has dimensions of 200 feet by 100 feet. The building is designed to store a maximum volume of 136,400 gallons (equivalent to 2,480 55-gallon drums). The building is subdivided into 17 separate storage cells, designated as Cells A through Q, each with independent secondary containment (Pictures #1-3). The inspectors observed one 55-gallon satellite container of D001 aerosol paint waste. The container was marked "Hazardous Waste" and closed.

The North Building was in compliance with its capacity limits and the types of waste being stored during the inspection. The inspector observed that there were separate areas/cells for universal, D001 (flammable), D002 (corrosive, base), D003 (reactive), PCB, and other types of wastes. One 55-gallon hazardous waste container had a small amount of sticky residue at the bung holes. The residue was cleaned off during the inspection. No open, unlabeled or leaking containers were found during the inspection. Aisle space and emergency equipment were also in compliance. Hazardous and non-hazardous wastes staged for transfer were placed in authorized locations. The inspectors observed that CHF was holding a shipment of dry cleaning waste initially transported by MCF, manifested to Clean Harbors in Hebron, Ohio. The labels indicated that no transfer waste had been held more than ten days. The inspector observed a cell for PCB wastes. There was one 5-gallon container of PCB waste dated 9/12/12 (Picture #4).

The inspectors noted that some containers that had been provided with pre-printed labels by CHF. The pre-printed labels had an accumulation start date printed on the label which implied that the generator had accumulated all the containers on the same date. The inspectors requested CHF to review the "pre-printed labels" issue and not to print accumulation start date on the pre-printed labels. This start accumulation date space is normally left blank, and the date is written in by the generator, by hand.

South Container Storage Building

This hazardous waste container storage building has dimensions of 125 feet 3 inches by 120 feet 3 inches. The permitted container storage area is in the southern half and a small portion of the northern half of the building (Picture #5). Other activities performed in the building include container staging and fuel blending. The permitted container storage area is designed to store a maximum volume of 106,920 gallons (equivalent to 1,944 55-gallon drums). The container storage area south of the fluid collection trench consists of 18 rows, whereas the container storage area north of the fluid collection trench, located next to the fuel blending area, consists of 1 row. The South Building was in compliance with its capacity limits and the types of waste being stored during the inspection. The liquid containment trench in the south building was clean and dry. The inspectors observed that the ledges supporting the metal trench covers did not appear to have been sealed in accordance with Appendix II-F.3 page 1 of 6 of the permit renewal application dated February 14, 2011. This is an area of concern. Sealant should be applied to all parts of the floor of the storage buildings as specified in the permit application as Specific Condition I.2. of the permit. Worn sealant must be recoated as necessary to maintain an impervious floor surface. The containment trench and the ledges were sealed and painted after the inspection (Picture #6).

Blending of hazardous waste fuels is conducted in tanks T-112 and T-114. The fuel blending tanks (T-112 and T-114) are located in the northeast corner of the South Container Storage Building (Picture #7). The Inspectors observed residues of dried hazardous waste were on and adjacent to fuel blending tanks and ancillary equipments (Picture #8). The Inspectors requested CHF to clean the equipment and the FDEP inspector reminded that housekeeping practices in this area have been a continuing area of concern. **Therefore, it appears that CHF is in apparent violation of their permit, Part II, Subpart A, General Operating Conditions, #4 (40 C.F.R. § 264.31/F.A.C. Chapter 62-730.180), which states that the Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.** The equipment was cleaned after the inspection (Picture #9). No issues were noted with respect to compliance with Subpart BB and CC requirements. The valves, pumps and threaded connections were tagged and inspected in accordance with the permit. It was noted that flange 5018 was missing three bolts but no leaks were observed during the inspection (Picture #10).

Tank Farms

Hazardous wastes are also stored in tanks at the facility. Tanks T-101 to T-110 (Picture #11) are located in the south tank farm. These ten tanks are referred to as crude storage tanks and used for storage of bulk amount of incoming wastes and blended hazardous waste fuel. Tanks R-202 and R-203 are located in the west tank farms and referred to as bottom tanks. These tanks are used for storage of wastes generated from recycling operation. The inspectors walked around the tank farms and inspected the top of tanks T-101 to T-110 (Picture #12). The tanks were marked "Hazardous Waste" and their secondary containment appeared to be in condition. No issues were

noted with respect to compliance with 40 C.F.R. 264 Subpart AA, BB and CC requirements. All valves, pumps and threaded connections were tagged and inspected in accordance with the permit.

Roll-off Containers

The Inspectors observed two 40-cubic yard hazardous waste roll-off containers. The roll-off containers were stored on the fenced and paved road area within the facility boundary. The permitted capacity for the roll-off containers is 32,320 gallons (equivalent to four 40-cubic yard roll-off containers). At the time of the inspection, the roll-off containers contained hazardous and non-hazardous wastes. The roll-off containers were marked "Hazardous Waste," covered, and were in compliance with permit conditions.

Laboratory

The facility has a laboratory on-site that generated small amounts of various wastes. The Inspectors observed three satellite accumulation containers for flammable liquids, flammable solids and flammable corrosives. The containers were closed and properly labeled. Each sample is bar coded with the same code as the parent container. The samples are not retained after testing except to resolve discrepancies.

Records Review

The facility's contingency plan, emergency procedures, personnel training, biennial report, and weekly inspections were reviewed and appeared to be in order. Records required by the permit, hazardous waste storage tank inspections, container and facility's air emission monitoring/equipment logs were also being performed in accordance with the permit.

The inspectors reviewed facility's incoming outgoing manifests and associated Land Disposal Restriction documents. During the record review it was noted that profile CH596378 for Window Man of South Florida, a non-notifier, characterized the waste as a mixture of cupric nitrate, nitric acid, phosphoric acid and 3% selenous acid. The DOT shipping name for the material on the manifest was Waste Corrosive Liquid, Acidic, Inorganic, n.o.s (selenous and nitric acids). The D010 (selenium) waste code was not included on the manifest, profile, or land disposal restriction notice. The shipping weight for the four containers was listed as 800 lb on the manifest, while the actual weight was 1,396 lb. CHF staff accepted the shipment of hazardous waste on manifest 005539690FLE from Window Man of South Florida without recognizing that the USDOT shipping description of the waste did not match the waste profile or land disposal restriction notice. In addition, the accumulation start dates on the containers indicated that the generator may not have been conditionally exempt. The Inspectors requested CHF to investigate this manifest discrepancy and potential training issue with the company's profiling group in Massachusetts. **Therefore, it appears that CHF is in apparent violation of 40 C.F.R. § 264.72(a)(1)/F.A.C. Chapter 62-730.180, which states manifest discrepancy is significant differences between the quantity or type of hazardous waste designated on the manifest or shipping papers, and the quantity and type of hazardous waste a facility actually receives.**

In addition, CHF is in apparent violation of their permit, Part I, General and Standard Operating Conditions, #8g(2), which states that if a significant discrepancy in a manifest is discovered, the Permittee shall attempt to rectify the discrepancy. If not resolved within fifteen days after the waste is received, the Permittee shall immediately submit a letter report, including a copy of the manifest, to FDEP.

Out Briefing

CHF was informed of the inspector's preliminary conclusions of the compliance evaluation inspection.

10) SIGNED

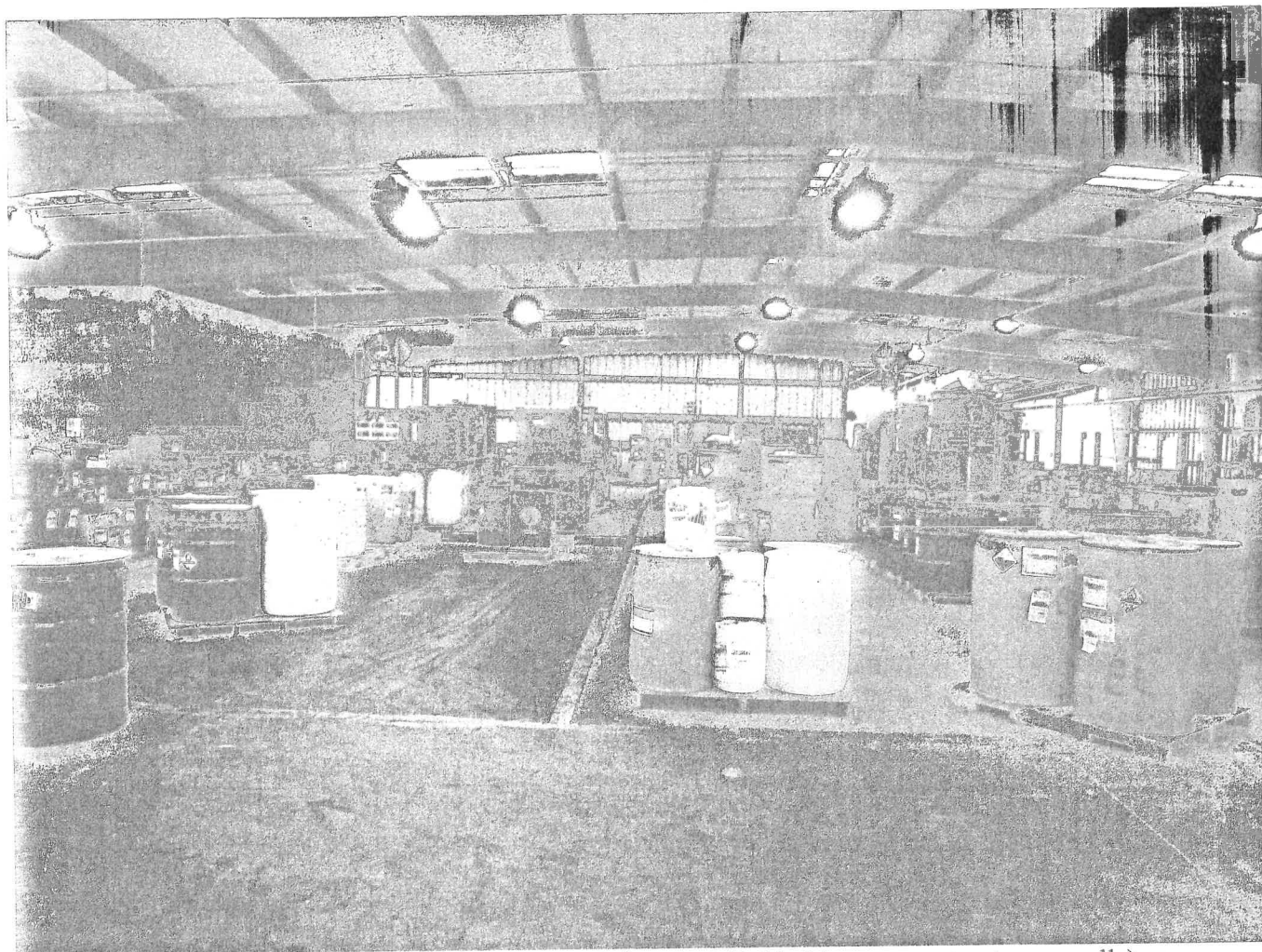

Parvez Mallick
Inspector and Author of Report

4/1/2013
Date

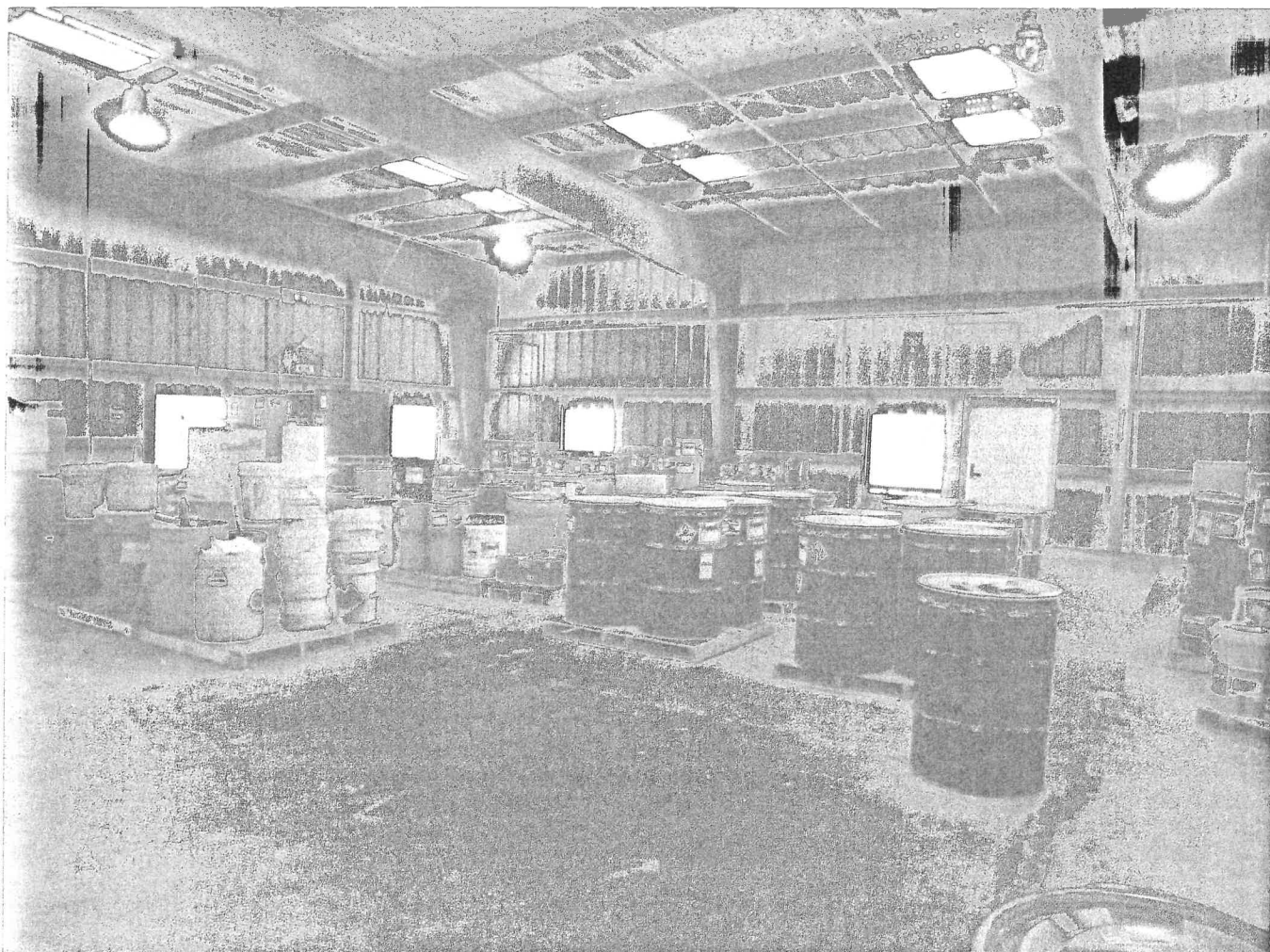
11) CONCURRENCE AND APPROVAL


Larry Lamberth, Chief
South Enforcement and Compliance Section
RCRA and OPA Enforcement and Compliance Branch

04/25/13
Date



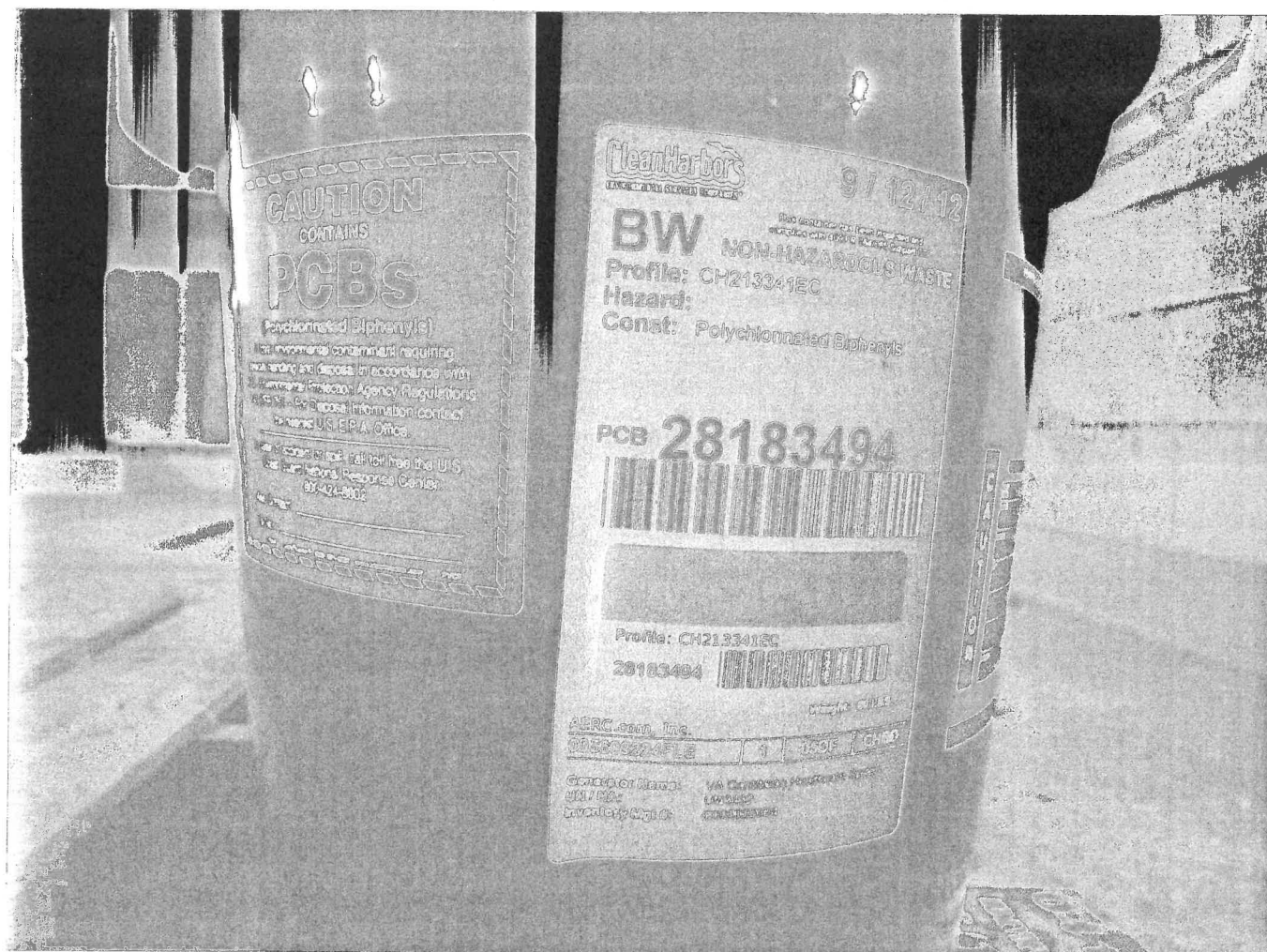
Picture #1 – North Container Storage Building (subdivided into separate storage cells).



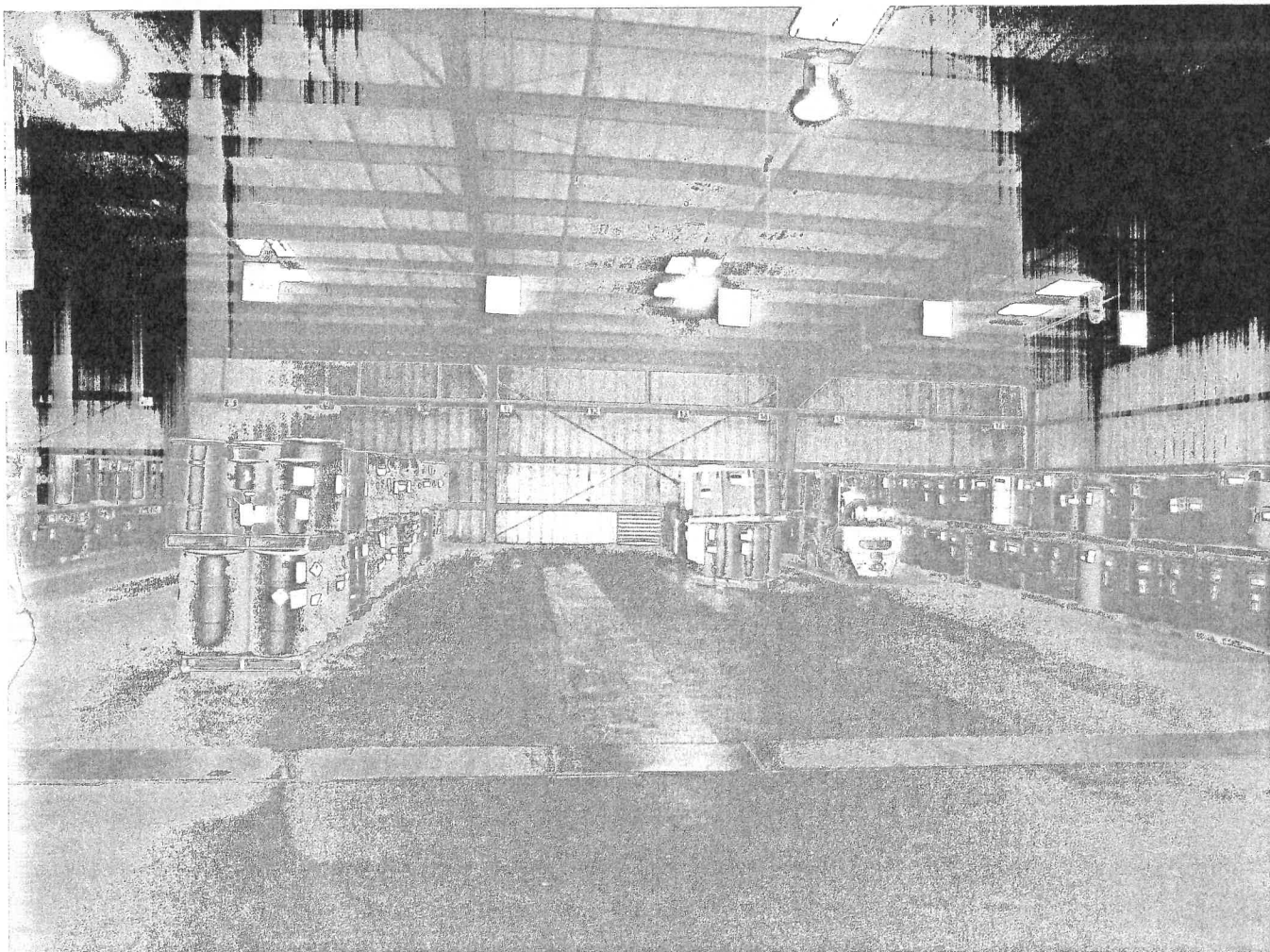
Picture #2 – North Container Storage Building.



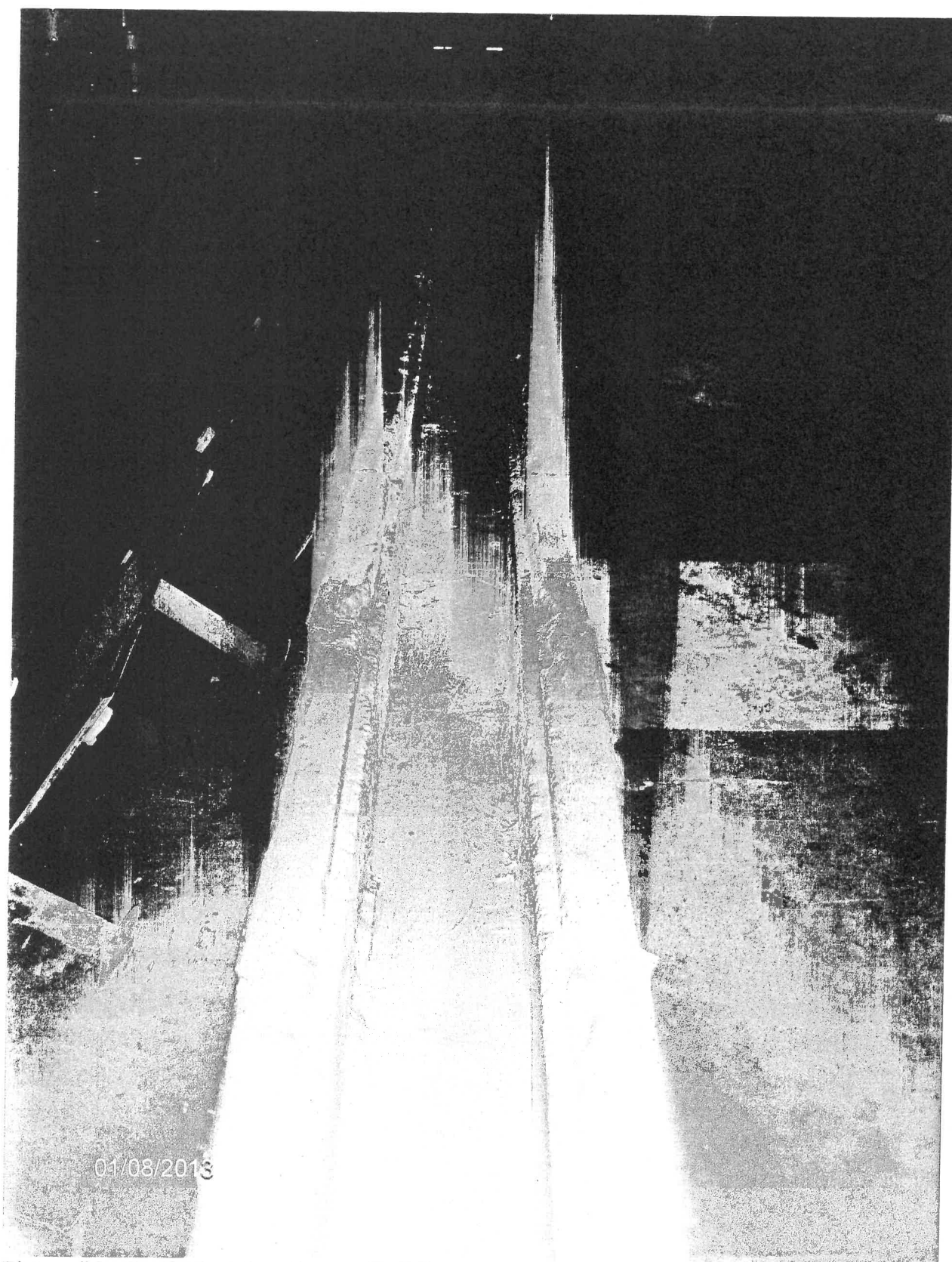
Picture #3 – North Container Storage Building,



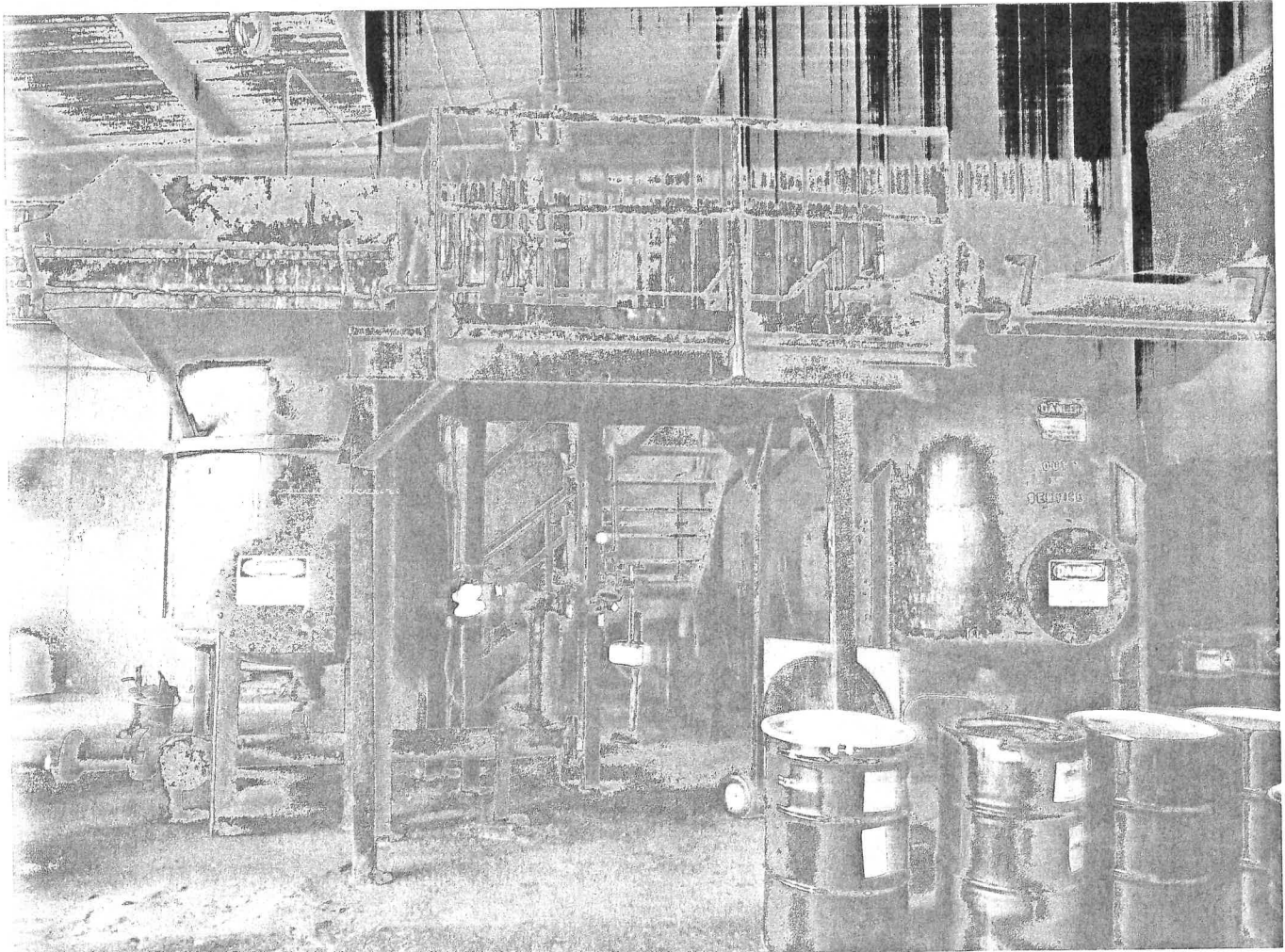
Picture #4 – One 5-gallon container of PCB waste (North Container Storage Building).



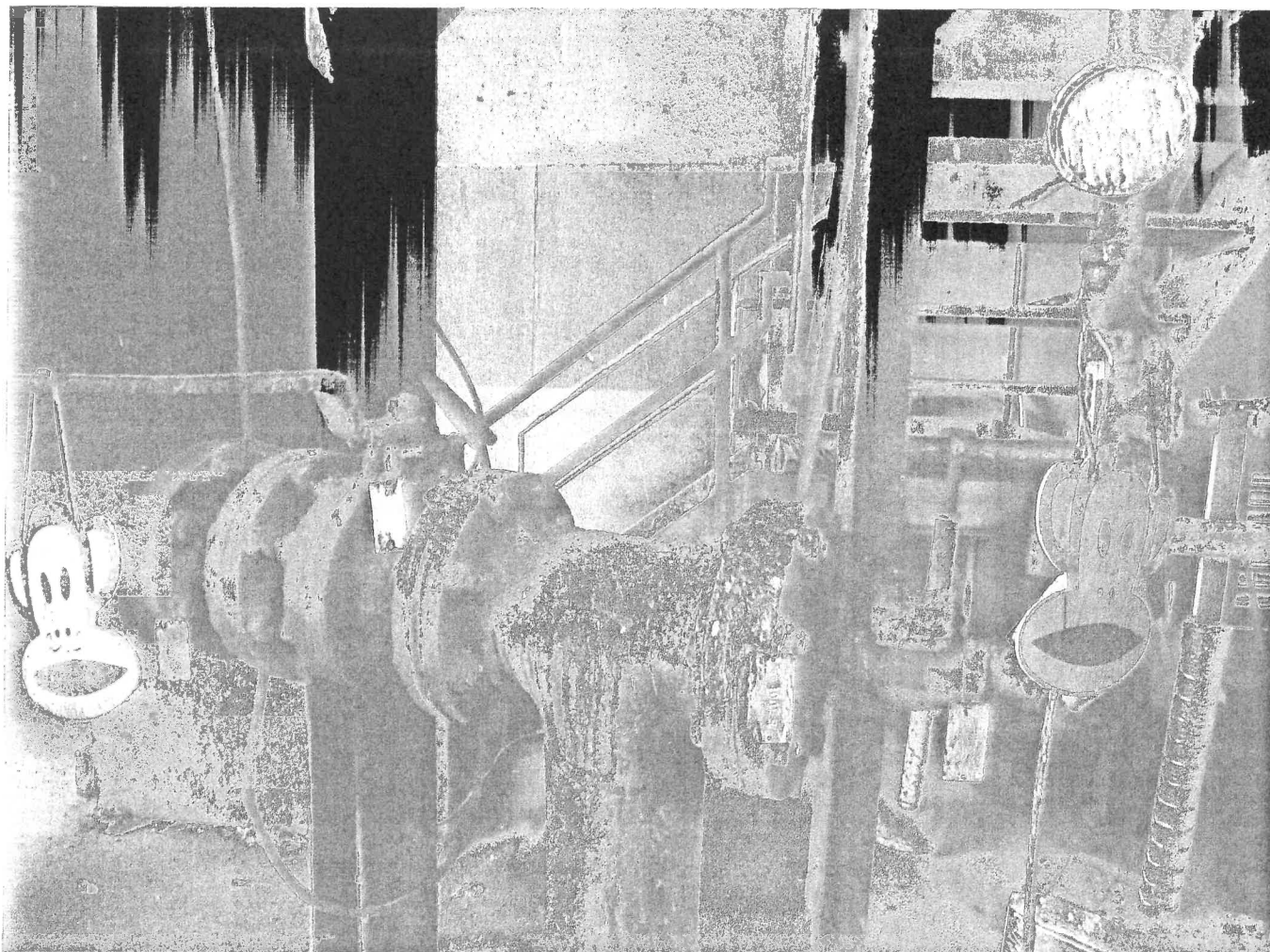
Picture #5 – South Container Storage Building – covered liquid containment trench.



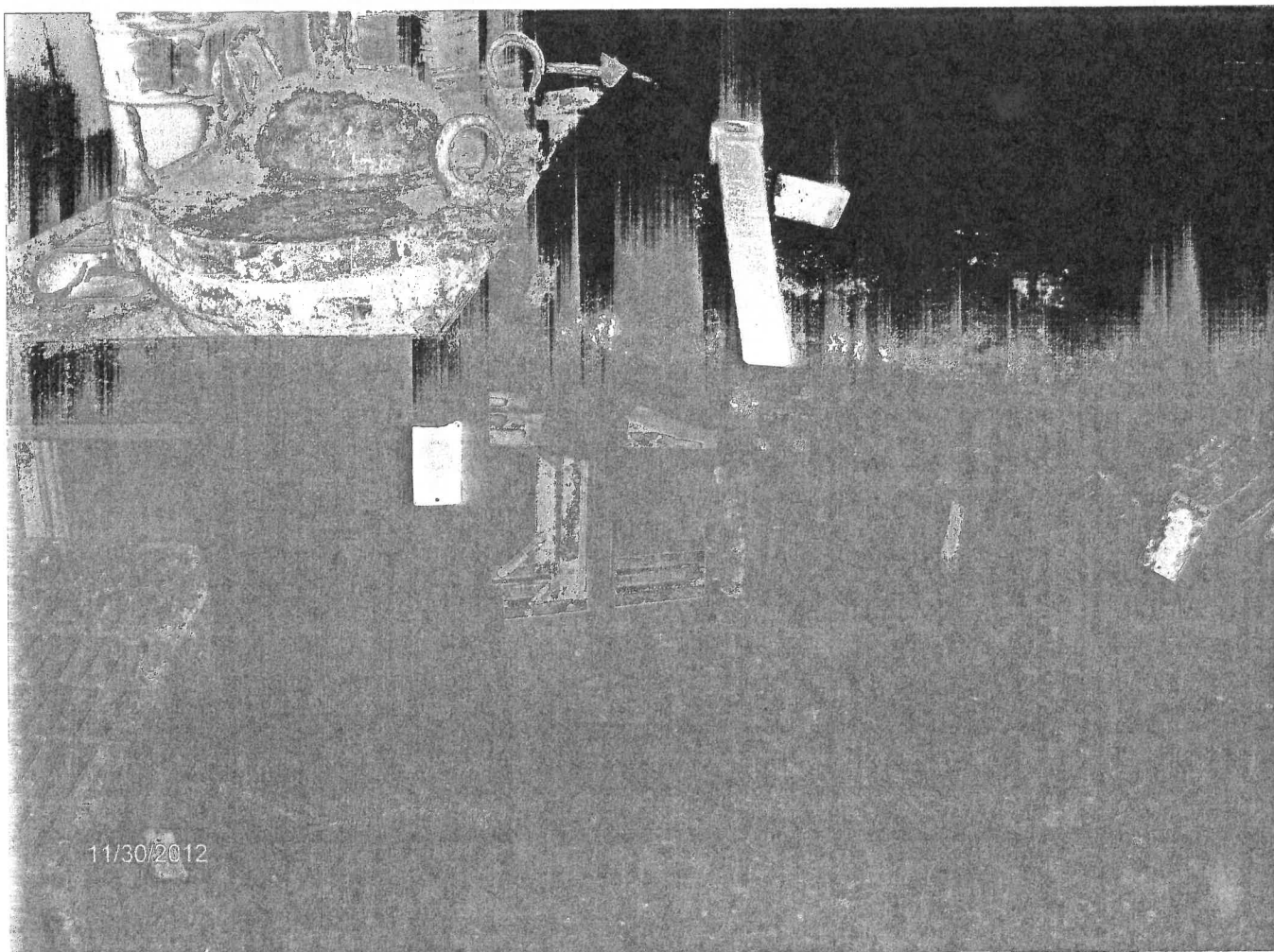
Picture #6 – South Container Storage Building – sealed and painted liquid containment trench.



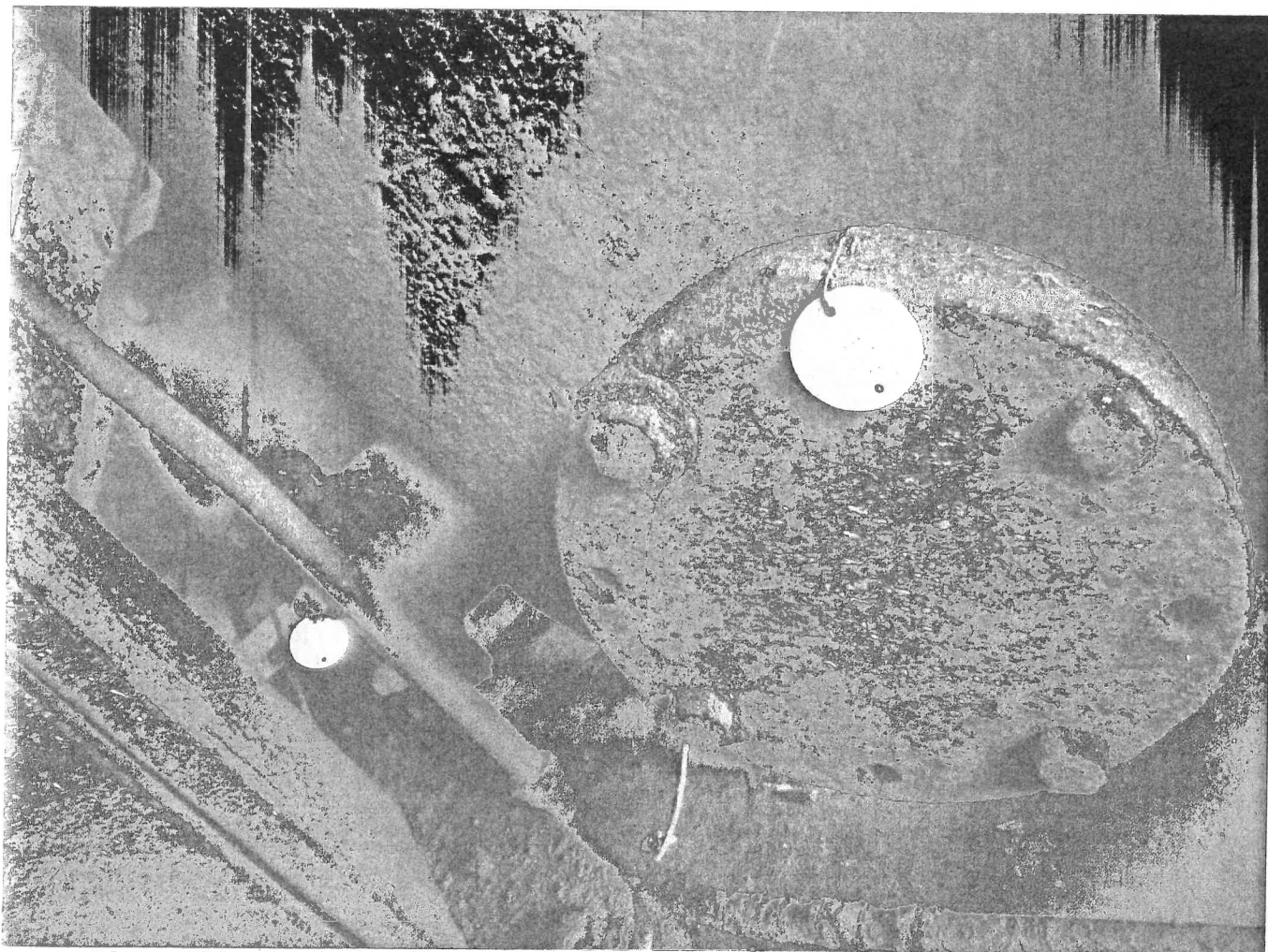
Picture #7 – Fuel blending tanks T-112 and T-114.



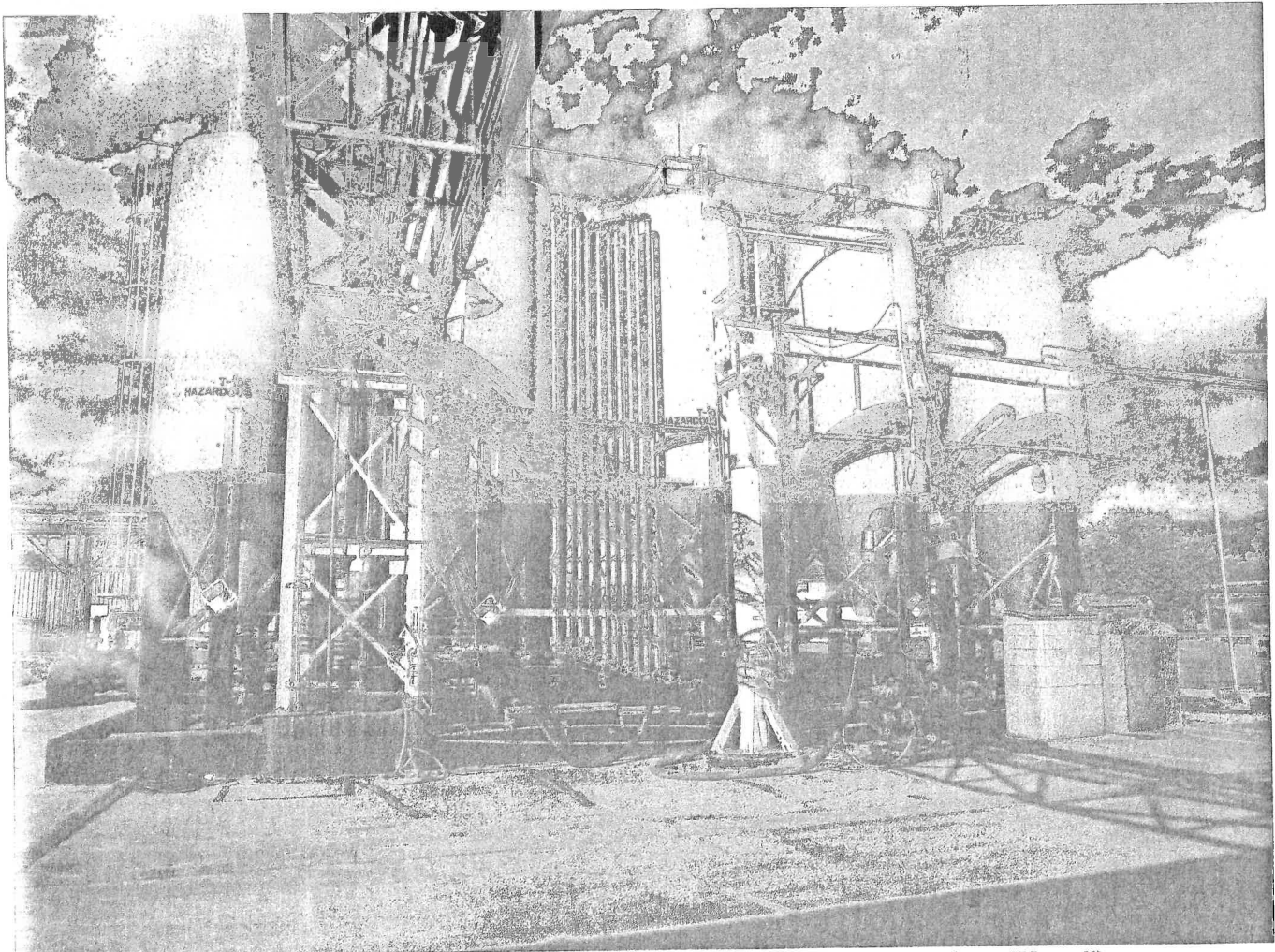
Picture #8 – Residues of dried hazardous waste on ancillary equipments.



Picture #9 – Cleaned and painted ancillary equipments.



Picture #10 – South Container Storage Building - flange 5018 missing three bolts.



Picture #11 – South Tank Farm (tanks T-101 to T-110 marked “Hazardous Waste”).



Picture #12 – Top of South Tank Farm (tagged ancillary equipments).