



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

February 20, 2019

Sent electronically to: darren.poole@evocorp.net

Darren Poole, Vice President and Chief Safety Officer
Evo Corporation
1703 Vargrave Street
Winston Salem, NC 27107

RE: Warning Letter No. WL19-052 (Significant Non-Complier)
Evo Corporation
EPA/DEP ID: NCD 982 114 803
Duval County – Hazardous Waste

Dear Mr. Poole:

A hazardous waste compliance inspection was conducted at your facility on September 21, 2018. During this inspection, possible violations of Chapter 376 and 403, Florida Statutes (Fla. Stat.) and Chapters 62-710 and 62-730, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

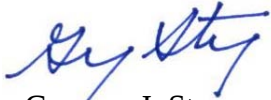
- The facility failed to notify the Department of their status as a hazardous waste transporter.
- The facility did not properly label two containers of used oil as "Used Oil."
- The facility did not have secondary containment for four 55-gallon drums and one (1) 5-gallon bucket of used oil.
- The facility did not properly dispose of one (1) non-empty "Brakleen Brake Parts Cleaner" aerosol can.
- The facility did not respond to a used oil release.
- The facility did not store two (2) 55-gallon drums of used oil filters on an oil-impermeable surface.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121 and 376.121, Florida Statutes.

Please contact Bonnie Bradshaw at (904) 256-1638, or email at Bonnie.Bradshaw@floridadep.gov, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving 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(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg J. Strong", is positioned above the printed name.

Gregory J. Strong
District Director

GS/bb

Attachment: Final Inspection Report

ec: Shannon Ramey, Evo Corporation – Shannon.Ramey@evocorp.net



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

FACILITY INFORMATION:

Facility Name: EVO Corp

On-Site Inspection Start Date: 09/21/2018

On-Site Inspection End Date: 09/21/2018

ME ID#: 130660

EPA ID#: NCD982114803

Facility Street Address: 1703 Vargrave St, Winston Salem, NC 27107

Contact Mailing Address: 1703 Vargrave St, Winston Salem, NC 27107

County Name: All FL Cnty

Contact Phone: (877) 725-5844

NOTIFIED AS:

N/A

INSPECTION TYPE:

Complaint Inspection for VSQG (<100 kg/month) facility

Complaint Inspection for Hazardous Waste Transporter facility

Complaint Inspection for Used Oil Generator facility

INSPECTION PARTICIPANTS:

Principal Inspector: Pam Fellabaum, Inspector

Other Participants: Shannon Ramey, Industrial Operations Manager

LATITUDE / LONGITUDE: Lat ° ' " / Long ° ' "

SIC CODE: 1799 - Construction - special trade contractors, nec

TYPE OF OWNERSHIP: Private

Introduction:

Evo Corporation (Evo) was inspected September 21, 2018, as an unannounced hazardous waste complaint inspection. Evo operates a Florida facility located at 5634 West 5th Street in Jacksonville, FL that has never been inspected by the Department's Hazardous Waste Program, but was inspected by the City of Jacksonville's Environmental Quality Division (EQD) on August 1, 2018. During the EQD inspection, it was revealed that Evo is transporting hazardous waste, but is not a registered/certified Florida Hazardous Waste Transporter. Evo has been transporting hazardous waste under the EPA identification number NCD 982 114 803 issued to its primary facility in North Carolina. The facility in North Carolina operates as a Hazardous Waste Transporter, Hazardous Waste Transfer Facility, Used Oil Transporter and Used Oil Transfer Facility. The facility in Florida is used for transportation vehicle parking only and does not operate as a Hazardous Waste Transfer Facility. In addition to hazardous waste transport activities being required to be registered in the state of Florida, Evo is reminded that Hazardous Waste Transfer, Used Oil Transportation and Used Oil Transfer Facility registrations are also required in the state of Florida.

The facility in Jacksonville, FL is also operating as a Used Oil and Used Oil Filter Generator and a Very Small Quantity Generator (VSQG) of hazardous waste. Evo has been operating in Jacksonville, FL for four years. The facility has been at its present location at 5634 West 5th Street for two years, and at 14476 West Duval Place for two years prior to that. Evo leases the building/property which is connected to city water and sewer. Evo has 15 employees at this Jacksonville, FL location. This Inspection Report is only for Evo's operations at West 5th Street in Jacksonville, FL.

Evo is an industrial cleaning operation. The facility primarily cleans equipment, cleans up spills and collects and transports non-hazardous waste for industrial facilities. Evo also transports hazardous waste on occasion. The facility consists of a Warehouse Building (Photo 1) that contains offices and a warehouse space for storage of ancillary equipment. The building has a covered overhang where vehicle maintenance is performed (Photo 2). There is also a large Storage Yard (Photos 3 and 4) that surrounds the Warehouse Building where the facility parks vehicles and other large equipment while not in use. Evo uses eight vacuum boxes, ten roll-off containers, five air-mover vacuum trucks, three roll-off container trucks, one roll-off

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container tractor trailer and one 3,000-gallon liquid ring vacuum truck for its transportation operations. Bonnie Bradshaw (DEP) and Shannon Ramey (Evo) were present throughout the inspection.

Process Description:

Hazardous Waste Transportation

Evo transports hazardous waste baghouse dust from Gerdau Ameristeel Jacksonville Steel Mill (Gerdau) (FLD 083 812 537). Mr. Ramey stated that Gerdau is the only facility for which Evo currently transports hazardous waste. The representative stated that hazardous waste is never stored at this location, but is transported directly from the pick-up location at Gerdau and then taken to the disposal location. Roll-off containers are only rinsed at the disposal facility and not on site.

Hazardous Waste Transportation Records Review

Evo was not registered in Florida as a Hazardous Waste Transporter at the time of inspection [62-730.150(2)(a), FAC]. The Department requested Evo to register by submitting Form 62-730.900(1)(b) and provide the required casualty/liability insurance to the Department. Records indicate that the registration forms were received by the Department on October 2, 2018, and are currently being processed.

A review of the last three years of hazardous waste manifests indicate that Evo transported hazardous waste "emission control dust/sludge from primary production of steel in electric furnaces" (K061) from Gerdau on 45 occasions. Waste was transported to either Steel Dust Recycling (ALR 000 042 754), Horsehead Corporation/American Zinc Recycling Corporation (TND 982 144 099) or Chemical Waste Management, Inc. (ALD 000 622 464). The reviewed manifests were signed by the designated facilities and appeared to be properly completed. The facility is reminded to ensure the correct manifest form, 8700-22 (Rev 12-17), is used as of June 30, 2018.

Non-Hazardous Waste Transportation

The facility transports a variety of non-hazardous waste such as industrial waste and asbestos. The facility also removes and transports rainwater that has collected in secondary containment of the diesel and oil storage tanks at Gerdau to Water Recovery, LLC (FLR 000 069 062). The facility is reminded that if Petroleum Contact Water (PCW) is transported, the facility should comply with all of the requirements of 62-740, FAC, including Florida notification. The facility currently has not notified of PCW transportation activities.

Facility Areas

An inspection of the facility's operation areas revealed the following:

Warehouse Building

The warehouse is used for the storage of parts and equipment. There is also an employee locker area where employees dress in uniforms and/or Personal Protective Equipment (PPE). The warehouse area contained two flammable lockers which contained fuel, oil, caulk, aerosol paint cans, Finish 1 Economy Thinner (17% toluene, 11% medium aliphatic hydrocarbon solvent, 6% xylene, <1% p-chlorobenzotrifluoride, 14% methanol, 25% acetone, 7% methyl ethyl ketone, 3% methyl n-amyl ketone, 13% n-butyl acetate) and other miscellaneous maintenance products. The facility is reminded that once a product is unusable, abandoned or no longer in use, a hazardous waste determination should be performed and the waste managed accordingly. Wipes contaminated with Finish 1 Economy Thinner should be managed as F005 hazardous waste or managed under the solvent-contaminated wipes exclusion. Spent liquid Finish 1 Economy Thinner is D001/F003/F005 hazardous waste that should be managed properly.

There was one used oil drain pan that contained used oil. It was not properly labeled as "Used Oil" (Photo 5) [40 CFR 279.22(c)]. There were several spent lead acid batteries accumulating on a shelf in the warehouse (Photo 6). Mr. Ramey stated that the lead acid batteries are purchased from and returned to NAPA Auto Parts for recycling.

Evo performs vehicle maintenance in the exterior area to the south of the building under the overhang. There were four 55-gallon drums and one 5-gallon bucket of used oil in this area. These containers were not

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double-walled and were not stored on an oil-impermeable surface within secondary containment (Photo 7) [62-710.401(6), FAC]. The 5-gallon bucket of used oil was not labeled as "Used Oil" (Photo 8) [40 CFR 279.22(c)]. All other containers of used oil were properly labeled. There were two 55-gallon drums of used oil filters also in this area. The drums were properly labeled, but were not stored on an oil-impermeable surface [62-710.850(5)(a), FAC].

The facility employees use Gunk Brake Parts Cleaner - Chlorinated (90-100% perchlorethylene, 1-<3% carbon dioxide) and Brakleen Brake Parts Cleaner (90-100% perchlorethylene, 1-5% carbon dioxide) on rags during vehicle maintenance operations. Both products generate a D001/D039/U210 hazardous waste liquid from the non-empty aerosol cans and an F002 hazardous waste rag. Alternatively, the rags may qualify for management under the solvent contaminated wipes exclusion per 40 CFR 261.4(a)(26) or (b)(18). There were four empty aerosol cans of Gunk Brake Parts Cleaner - Chlorinated in the used oil filter drums. The cans were removed at the time of inspection. There was one non-empty aerosol can of Brakleen Brake Parts Cleaner (Photo 9) that still contained product observed in a trash can in this area [40 CFR 262.14(a)(5)]. Aerosol cans of Brakleen or Gunk Brake Parts Cleaner that are not completely empty of product and propellant should be managed as hazardous waste. Rags contaminated with brake part cleaner should be managed as F002 hazardous waste or as excluded solvent contaminated wipes. There were no waste wipes observed during the inspection.

There were several empty totes stored in the building overhang area. Mr. Ramey stated that the totes were transferred from an Evo facility that closed in Chattanooga.

Mr. Ramey stated that the facility has not generated any spent fluorescent lamps. The facility is reminded that mercury-containing lamps are universal waste and should be managed in accordance with 40 CFR 273 and 62-737, FAC.

Storage Yard

The Storage Yard consists of grassed and paved areas to the east, west and south of the Warehouse Building. Several trucks and empty roll-off containers were being stored in the grassed, eastern portion of the Storage Yard at the time of inspection (Photo 10). There was one roll-off dumpster of cardboard, wood and other debris observed in the paved, southern portion of the Storage Yard (Photo 11). There were several trucks, trailers and hoses stored in the western portion of the Storage Yard. This area contains both paved and grassed areas. There was what appeared to be a small release of used oil in the gravel transition between grass and pavement in the western portion of the Storage Yard that had not been cleaned up (Photo 12) [40 CFR 279.22(d)].

Records Review

At the time of inspection, Evo was not a registered transporter of hazardous waste in the state of Florida. The inspectors provided information to Evo about Florida's registration requirements during the inspection. After the inspection, Evo submitted registration forms to the Department's Tallahassee office that were received on October 2, 2018. Evo is reminded that transporters of hazardous waste that do not register as Used Oil Transporters should submit both evidence of casualty/liability insurance in accordance with 62-730.170(2)(a) and (b), FAC, and a complete and accurate Form 62-730.900(1)(b) by September 1 of each year. In addition, registered transporters should maintain a copy of the authorization to transport hazardous waste in any vehicle transporting hazardous waste. The facility should ensure that these documents are submitted and maintained as required once it is properly registered.

Evo is operating as a Very Small Quantity Generator (VSQG) of hazardous waste. There were no records of hazardous waste disposal from the facility. Mr. Ramey stated that aerosol paint cans, which are not routinely generated or disposed of, have previously been taken to the Duval County Household Hazardous Waste (HHW) facility, but no documentation was kept. The facility is reminded that hazardous waste should be delivered to an off-site treatment, storage or disposal facility as required by 40 CFR 262.14(a)(5), or to a HHW facility that is authorized to accept VSQG waste. The facility should keep a copy of the proper disposal documents for three years.

Used oil and used oil filters are managed by Independent Waste Oil, Inc. (FLD 000 009 563). A review of the used oil and used oil filter disposal records appeared in order.

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*****NOTE: As of June 18, 2018, the State of Florida has adopted the recently-updated Federal hazardous waste rules, more commonly known as the Generator Improvement Rule. As a generator of hazardous waste, your facility is impacted by the rule change.

Please see the eCFR site for a copy of the Federal rule at - https://www.ecfr.gov/cgi-bin/text-idx?SID=ab7ac7e8d2fb42037c72a0de5162bcfe&mc=true&tpl=/ecfrbrowse/Title40/40cfrv28_02.tpl#0

The November 28, 2016, Federal Register also has a good discussion about the new requirements - <https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-27429.pdf>

Copies of PowerPoints that discuss the new requirements may also be found here - <https://floridadep.gov/northeast/ne-compliance-assurance/content/compliance-assurance-resources>

Please note that the new rule in 40 CFR 262.18 requires re-notification for LQGs every other year effective immediately and every four years for SQGs starting in 2021.

For Outstanding Items of Potential Non-Compliance

Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the corrective action has been completed, please send documentation to the DEP NED inspector listed as the Principal Inspector on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-730.150(2)(a)
Explanation:	Evo failed to notify the Department using Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity," effective date 4-23-13, of its status as a Hazardous Waste Transporter and failed to submit evidence of casualty/liability insurance.
Corrective Action:	Evo submitted the appropriate forms on October 1 and 2, 2018, but the Department requested additional information on November 14, 2018, that has not been received yet. In the future, the facility should submit evidence of casualty/liability insurance in accordance with 62-730.170(2)(a) and (b), FAC, and a complete and accurate Form 62-730.900(1)(b) by September 1 of each year.
Type:	Violation
Rule:	279.22(c)
Explanation:	Warehouse Building - One used oil drain pan of used oil was not labeled with the words "Used Oil." Overhang of the Warehouse Building - One 5-gallon bucket of used oil was not labeled with the words "Used Oil."
Corrective Action:	No further action is required. As described in an email dated September 25, 2018, the facility labeled one container as "Used Oil" and emptied and discontinued service of the second container.

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Type: Violation
Rule: 62-710.401(6)
Explanation: Overhang of the Warehouse Building - Four single-walled 55-gallon drums and one 5-gallon bucket of used oil were not located on secondary containment.
Corrective Action: No further action is required. As described in an email dated September 25, 2018, the used oil containers were relocated inside the Warehouse Building onto a secondary containment pallet.

Type: Violation
Rule: 262.14(a)(5)
Explanation: Warehouse Building - The facility disposed of one non-empty aerosol can of D001/D039/U210 hazardous waste Brakleen Brake Parts Cleaner in the trash.
Corrective Action: In order to return to compliance, the facility should ensure that all hazardous waste generated at the facility is delivered to an off-site treatment, storage or disposal facility as required by 40 CFR 262.14(a)(5), or to a HHW facility that is authorized to accept VSQG waste. The facility should keep a copy of the proper disposal documents for three years.

Type: Violation
Rule: 279.22(d)
Explanation: Storage Yard - There was a small stain of what appeared to be used oil in the gravel transition between the grass and pavement in the western portion of the Storage Yard that had not been cleaned up.
Corrective Action: In order to return to compliance, the facility should clean up and properly manage the released used oil. The contaminated materials or soil should be removed and properly disposed of. The facility should repair or replace any equipment leaking used oil before returning the equipment to service.

Type: Violation
Rule: 62-710.850(5)(a)
Explanation: Overhang of the Warehouse Building - Two 55-gallon drums of used oil filters were not located on an oil-impermeable surface.
Corrective Action: No further action is required. As described in an email dated September 25, 2018, the facility relocated the used oil filter drums inside the Warehouse Building onto a secondary containment pallet.

PHOTO ATTACHMENTS:

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Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



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Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



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1.0 - Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)			✓
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✓
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C.

Pam Fellabaum

Inspector

Principal Inspector Name**Principal Inspector Title**

DEP

12/05/2018

Principal Inspector Signature**Organization****Date**

Shannon Ramey

Industrial Operations Manager

Representative Name**Representative Title**

Evo Corporation

Organization

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

Report Approvers:**Approver:**

Pam Fellabaum

Inspection Approval Date:

12/05/2018