



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

April 27, 2020

Dean Beitler, Assistant Vice President of HR
Tropical Shipping USA, LLC
501 Avenue P
Riviera Beach, FL 33404
dbeitler@tropical.com

Re: Warning Letter #WL20-00056HW50SED
Tropical Shipping USA, LLC
Facility EPA ID FLR000095737
Palm Beach County

Dear Mr. Beitler:

A Compliance Evaluation Inspection (CEI) was conducted at your facility on February 12, 2020. During this inspection, possible violations of Chapter 403, Florida Statutes (F.S.), Chapters 62-710, 62-730, and 62-737, Florida Administrative Code (F.A.C.) and Title 40, Code of Federal Regulations (CFR) Parts 262, 263, 265, 273, and 279 were observed.

At the time of the inspection, Department personnel verbally notified the facility that potential violations existed at the facility and was encouraged to take corrective action within 14 days.

On March 5, 2020 and April 15, 2020, the facility provided additional information that indicates the following possible violations may continue to exist:

- Failure to comply with notification requirements when importing hazardous waste.
- Failure to comply with RCRA manifest instructions for hazardous waste import shipments.
- Failure to comply with the 10-day hazardous waste storage requirement for transfer facilities.
- Failure to conduct hazardous waste container weekly inspections.
- Failure to maintain a full contingency plan that contains all the elements required under 40 CFR part 265.52.
- Failure to notify as a hazardous waste transfer facility.

Please refer to the attached Request for Additional Information for more details.

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 403.141, 403.161 and 403.727, Florida Statutes.

Please contact Romina Lancellotti at 561-681-6624, 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 the investigation and resolving this matter.

Sincerely,



Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Hazardous Waste Inspection Report dated February 12, 2020.
Request for Additional Information

ec: Matthew King, Safety Manager, Tropical Shipping USA, LLC., mking@tropical.com
Jason Andreotta, Sirena Davila, Norva Blandin, Romina Lancellotti -FDEP

Request for Additional Information

1. 40 CFR part 262.11 - Waste Determination

- a. During the inspection, the inspectors observed one unlabeled 55-gallon drum of unknown liquid stored outside the Marine Division Shop. On March 5, 2020, the facility identified that the content of the 55-gallon drum was used oil and spent paint.
 - i. Properly dispose of the 55-gallon drum identified to contain used oil and paint and provide disposal records to the Department.
- b. On March 5, 2020, the facility provided the analytical results of the Toxic Characteristic Leaching Procedures (TCLP) conducted on February 20, 2020 to the spent sandblast media generated in the Marine Division Shop.
 - i. Please provide previous TCLP analysis results conducted prior to February 20, 2020 to the spent sandblast media, if available.
 - ii. Provide disposal records of the spent sandblast media for the last three years or explain how this waste stream was previously disposed of.

2. 40 CFR part 262.84(b)(1) – Import Requirements

If the facility elects to continue importing hazardous waste shipments, please comply with the following requirements and provide the information to the Department:

- a. Notification to EPA of transboundary movement and obtain consent 60 days before the shipment from the foreign country.
- b. Compliance with the manifest instructions for import shipments.
- c. Movement document requirements for imports shipments accordingly to 40 CFR part 262.84(d).
- d. Import contract requirements.
- e. Keep imports records of hazardous waste or hazardous secondary materials for at least three years.

For more guidance please visit the EPA link: [Information for Importers and Receiving Facilities of RCRA](#)

3. 40 CFR part 262.84(c) – Manifest

Please ensure that all future Uniform Hazardous Waste Manifest used for imports of hazardous waste shipments include Tropical as a transporter 1, including name, address, EPA ID, date and signature and meets all requirements of import shipments per 40 CFR 262.84(c).

- a. Please send a copy of a corrected manifest to the Department.

4. 40 CFR part 263.12, 403.727(1)(b) F.S., 62-730.171(1) F.A.C.- Storage Requirements

Based on the records provided by the facility on March 5, 2020, Tropical was not compliant with the 10-day storage limitations described in 40 CFR 263.12(a), adopted and incorporated by reference in Rule 62-730.170(1), F.A.C.

- a. If the facility elects to continue storing hazardous waste for more than 10 days, shall comply with the permitting requirements for a hazardous waste storage facility and is subject to the requirements of Rule 62-730 et seq. of the Fla. Admin. Code Ann. [40 C.F.R. Parts 264, 265, and 267] and the permit requirements of Fla. Admin. Code Ann. r. 62-730.220(1) [40 C.F.R. Part 270]; **or**
- b. If the facility elects to continue operating as a transfer facility, shall register as a transfer facility of hazardous waste and provide Standards Operating Procedures (SOP) on how Tropical will track and ensure that hazardous waste received by the facility is not stored greater than 10 days.

5. 40 CFR part 265.174, and 62-730.171 F.A.C. - Hazardous Waste Container Weekly Inspections

Based on inspection observations and record review provided on March 5, 2020, the facility does not conduct weekly inspections of areas where hazardous waste cargo containers or tanks are stored or staged, in which the operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors, according to 40 CFR part 265.174 and 62-730.171(4)(a) F.A.C. As a note, the Department acknowledge that cargo containers shall not be open or inspected without the authorization of U.S. Coast Guard. Therefore, these inspections are mainly designed to detect leaks or any signal of discharge and noted in a log.

- a. Please implement weekly hazardous waste container inspections and provide a copy of the inspection log worth for two weeks to the Department.

6. 40 CFR 265.52 – Contingency Plan

The facility failed to maintain and submit a contingency and emergency plan that comply with all requirements under 40 CFR 265.52. Tropical and Port of Palm Beach coordinate operations and activities at the port that include activities related to accidents or spills.

- a. Please amend the contingency plan submit a copy to the Department. The plan must include the following:
 - Description of actions facility personnel must take to comply with 40 CFR 265.51 and 265.56, in response to fires, explosions, or any unplanned release of HW constituents to air, soil, or surface water at the facility.
 - Agreement with local police department, fire department, hospitals, contractors and emergency response teams to coordinate services.
 - List of names, addresses, and phone numbers (office and home) of all persons to act as emergency coordinator, and this list must be kept up to date.
 - List of all emergency equipment at the facility, and the location and a physical description of each item on the list.
 - Evacuation plan

7. 62-730.171(2) F.A.C. – Notification as Transfer facility of Hazardous Waste

Based on the submittals received by the Department on March 5, 2020, it was discovered that the facility failed to notify as a hazardous waste transfer facility to the Department at least 30



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

FACILITY INFORMATION:

Facility Name: Tropical Shipping & Construction Co Ltd
On-Site Inspection Start Date: 02/12/2020 **On-Site Inspection End Date:** 02/12/2020
ME ID#: 50031 **EPA ID#:** FLR000095737
Facility Street Address: 5 E 11th St, Riviera Beach, Florida 33404-6920
Contact Mailing Address: 5 East 11th Street, Riviera Beach, Florida 33404
County Name: Palm Beach **Contact Phone:** (800) 367-6200

NOTIFIED AS:

Non-Handler, Transporter

WASTE ACTIVITIES:

Generator: VSQG **Other Status:** Vessel, Importer **Transporter:** Commercial Waste, Transfer Facility **Used Oil:** Used Oil, Oil Filters **Universal Waste: Indicate types of UW generated and/or accumulated at the facility:** **Generate/Accumulate:** Batteries, Mercury Containing Lamps **Maximum quantity of UW handled or transported at any time:** Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

INSPECTION TYPE:

Routine Inspection for Hazardous Waste Transporter Facility
Routine Inspection for Transfer Facility Facility
Routine Inspection for Used Oil Generator Facility
Routine Inspection for VSQG (<100 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Romina J Lancellotti, Inspector
Norva Blandin, Environmental Administrator; Carlos Grajeda, Environmental Specialist II;
Other Participants: Matthew King, Safety Manager; Ryan Doyle, Safety Engineer

LATITUDE / LONGITUDE: Lat 26° 46' 16.8888" / Long 80° 3' 13.7124"

NAIC: 483211 - Inland Water Freight Transportation

TYPE OF OWNERSHIP: Private

Introduction:

On February 12, 2020 (02/12/2020), Romina Lancellotti with the Florida Department of Environmental Protection (FDEP) conducted a routine compliance evaluation inspection at Tropical Shipping & Construction Co Ltd. (hereinafter Tropical or facility), located at 5 E11th St, Riviera Beach, FL 33404-6920. Tropical's main office is located at 501 Avenue P, Riviera Beach, FL 33404. The facility was inspected to determine compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, 273, and 279 adopted and incorporated by reference in Rule 62-710, 730, and 737 Florida Administrative Code (F.A.C.). The inspector was accompanied by Norva Blandin, Environmental Administrator, and Carlos Grajeda, Environmental Specialist II from the FDEP.

The inspectors were escorted around the facility by Matthew King, Safety Manager, and Ryan Doyle, Safety Engineer. Upon arrival at the facility the inspectors presented their credentials and explained the purpose of the inspection.

The facility occupies 50.1 acres and is connected to public water and sewer. Tropical has been operating at its current location since 06/23/1962 and employs approximately 400 staff. The facility operates from 8 am.to 4 pm.

Notification History:

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Tropical initially notified with the Department as a Small Quantity Generator (SQG) of hazardous waste on 01/13/2003, and was assigned the EPA Identification (EPAID) Number FLR000095737. The facility most recently notified as a transporter and as a non-handler of hazardous waste on 08/28/2019, and is effective until 11/30/2020. The facility is not currently registered as a Transfer facility under 40 CFR 263.12.

Inspection History:

The facility was previously inspected by the Department on 09/22/2016 as a hazardous waste transporter, used oil generator, and as non-handler facility, and was found to be in compliance at the time of inspection.

Safety vests and steel-toed boots were the only Personal Protective Equipment (PPE) required to enter the facility.

Process Description:

Tropical consists of indoor offices located at the main building, a storage/processing yard where all cargo containers are processed, a maintenance shop, a maintenance marina division, and a port maintenance shop.

Tropical transports hazardous waste over open ocean via cargo ship for disposal. Tropical transports hazardous waste and other cargo between Puerto Rico, Saint Thomas, Saint Croix, Bahamas, and Riviera Beach via decked barges and vessels. Upon arrival at their respective terminal destinations, the vessels are staged at the facility, pending transport to final destination. The facility has not notified the Environmental Protection Agency (EPA) the import of hazardous waste from a foreign country to the United States in accordance with 40 CFR part 262, Subpart H.

Maintenance Shop

This maintenance shop is located at the west of the port, where Tropical rents 2 buildings: "Shop 1," for automotive maintenance, and "Shop 2," for refrigeration maintenance and repair.

Shop 1:

Shop 1 is comprised of 8 bays, each of which are designated to conduct maintenance and repair of chassis, trucks, forklifts, and small machinery. Used oil, used oil filters, aerosol cans, oily rags, and spent solvent are generated in this area.

During the inspection, the inspectors observed the following:

- >One 15-gallon parts washer serviced by Safety-Kleen.
- >One closed and unlabeled 55-gallon steel drum for used oil [40 CFR part 279.22(c)(1), 62-710.401(6) F.A.C.].
- >One 250-gallon doubled-walled tank, labeled as "waste oil." The inspectors requested the facility to properly label the tank with the words "Used Oil," according to 40 CFR part 279.22(c)(1), 62-710 F.A.C.
- >One closed and labeled 55-gallon poly drum with used oil filters, labeled as "used oil filters" [62-710.850(5)(a) F.A.C.].
- >Eight spent lead acid batteries stored indoors over a tray. Spent batteries are managed under 40 CFR part 266, Subpart G. Even though the batteries were not dated, the facility was able to demonstrate that spent batteries are not kept onsite more than one year based on shipment frequency. Battery cores are constantly exchanged for charged batteries through the company Fleet Pride, Inc. However, the inspector offered compliance assistance by advising the facility to individually mark spent lead acid batteries with the earliest date that the universal waste was received by the recycling facility to keep track of the accumulation time.

Next to the Shop 1, there is an area designated to pressure washing trucks over a sump. The sump collects all oily water from this process for transfer to an oil/water separator unit located adjacent to the sump. This is to prevent oily water from entering the storm water system. Cliff Berry, Inc.(CBI) services the oil/water separator and collects oily water and used oil in vacuum trucks.

Shop 2:

This building has 6 bays and is connected to Shop 1 on the southern side via offices and a storage area. Routine maintenance and repair of refrigeration systems are conducted in this area.

During the inspection, the following was observed:

- > One closed 55-gallon poly drum holding used oil filters, observed to be unlabeled [Rule 62-710.850(5)(a), F.A.C.].
- > One 250-gallon double-walled tank holding used oil, observed to be within secondary containment and labeled

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with the words "Used Oil."

> Two parts washers serviced by Safety-Kleen.

> One wooden box for alkaline batteries, labeled as "Used Battery Disposal."

No painting is performed in Shops 1 or 2.

Storage Area

On the east side of the maintenance buildings, there is a fenced area designated for storage of universal waste and scrap metal. During the inspection, the inspectors observed 29 unlabeled spent mercury lamps stored on the floor, without a container. Also, the inspectors observed one unlabeled and open box with 16 spent mercury lamps, with no accumulation start date [40 CFR part 273.14(e), 40 CFR part 273.13(d)(1), and 62-737.400(5)(b) F.A.C.].

Additionally, the inspectors observed one 25 cubic-yard roll off container for scrap metal designated for recycling, and two spill kits.

Marine Division

The Marine Division is located on the northern side of the facility. This area consists of one building with a maintenance area and storage area. Maintenance is performed by responding to corrective maintenance, replacement of parts. As result of the operation the following waste streams are generated: spent grease, oily rags, aerosol cans, and spent sand blast media.

The inspectors observed the following:

> One closed and unlabeled 55-gallon drum of unknown content. The facility failed to conduct a proper waste determination, according to 40 CFR part 262.11.

> 24 spent lead acid batteries, wrapped with plastic and stored outdoors over a pallet. Tropical representatives informed that the spent lead acid batteries were stored outdoors for a shipment scheduled for that day. No accumulation start day was observed; however, the facility demonstrated that spent battery cores are exchanged periodically and the spent lead acid batteries are accumulated onsite less than one year.

> One sandblaster.

> One closed 55-gallon steel drum for spent sandblast media, labeled as non-hazardous waste, the name of the facility, and the address.

Additionally, six empty 55-gallon drums and two 25 cubic-yard roll off containers storing used tires were observed in this area.

There is one sandblaster machine that is used to sandblast worn parts of machinery that are maintained and repaired in the Marine Shop. Spent sandblast media is collected in 55-gallon drums labeled, managed and disposed of as nonhazardous waste. On 03/05/2020, the facility provided the Safety Data Sheet (SDS) of the blast media used, which is based in Silica, Aluminum Oxide, and Iron Oxide, considered nonhazardous. Also, the facility provided Toxic Characteristic Leaching Procedure (TCLP) analytical result for metals, conducted on 02/27/2020, to spent sand blast media, demonstrating that it does not exhibit characteristics for toxicity. During the DEP inspection, Tropical representative stated that TCLP analysis for metals to the spent sandblast media has been conducted in the past. However, there was no documentation available to support the proper waste determination according to 40 CFR part 262.11.

Port Maintenance Shop

The Port Maintenance Shop is located on the northeast side of the facility next to the port deck. This area consists of two bays used for maintenance practices and one outdoor storage area. The facility performs maintenance and repair of different types of cranes. As result of the activities, spent grease, used oil, used coolant and oily rags are generated in this area.

At the outdoors storage area, the inspectors observed the following:

> 43 unlabeled 55-gallon drums of unknown content. Facility staff suggested the contents were used antifreeze, degreaser, and empty containers. However, during the inspection, it was unclear which one of the drums were empty or contained degreaser or used antifreeze. Therefore, the facility shall provide an inventory with the description of the contents of these drums and conduct a proper waste determination [40 CFR part 262.11]

> One 300-gallon double-walled tank for used oil, labeled with the words "Used Oil," within a secondary containment, according to 40 CFR part 279.22(c)(1), 62-710.401(6) F.A.C.

> One 200-gallon double-walled portable tank, improperly labeled with the words "Waste Oil," within a secondary containment, according to 40 CFR part 279.22(c)(1), 62-710.401(6) F.A.C.

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>One parts washer serviced by Safety-Kleen.

Cargo Container Processing Yard

The Cargo Container Processing Yard is located at the eastern side of the facility next to the loading deck. Cargo containers or tanks received by Tropical that are identified as hazardous waste or hazardous materials are not segregated to a specific area. Also, Tropical does not have the authority to open the cargo containers unless the U.S. Coast Guard or U.S. Customs mandates it for inspection or visible leaks are observed from the containers. Because of this, Tropical does not unload hazardous waste off or out of the cargo containers.

During the inspection, the inspectors were unable to determine if hazardous waste cargo containers or tanks were on-site, and no visible leaks were detected at any point during the inspection. After a record review provided on 03/05/2020, the inspector discovered that the Waste Transfer Log demonstrates that Tropical received (inbound records) hazardous waste containers on 07/03/2019, 08/16/2019, and 02/19/2020, from Bahamas, prior to DEP inspection. However, there is no outbound dates available on when these shipments were shipped off to the designated facility via rail or highway.

Records Review:

>Manifests

Tropical maintains uniform hazardous waste manifests and bill of lading, for a period of three years. The records indicate the following:

>The manifest number 018487388JJJ indicated that on 06/14/2018, Tropical accepted 1 container type portable tank (TP) with 36,000 pounds of waste flammable liquid, hazardous waste (EPA waste codes D001, D002, F003, F005) from the generator, PharmaChem Technologies G.B. LTD., located at West Sunrise Highway, PO Box F-42430, Freeport, Bahamas, and delivered it to a second transporter, A & D Environmental (EPA ID SCD987598331), on 06/22/2018. Based on this information, Tropical stored hazardous waste for 8 days without notifying the Department as a hazardous waste transfer facility, pursuant to Rule 62-730.171(2)(b), F.A.C.

The transporter who is owner or operator of a transfer facility which stores manifested shipments of hazardous waste for more than 24 hours but 10 days or less (hereinafter referred to as "the transfer facility") shall notify the Department using Form 62-730.900(1)(b) F.A.C., "8700-12FL – Florida Notification of Regulated Waste Activity," pursuant to 62-730.171(2)(b). Therefore, the facility failed to comply with time 24-hour limit requirements for hazardous waste transporters.

>>The manifest tracking number 017902583JJJ indicates that on 01/10/2018, Tropical accepted 1 container type TP of 36,000 pounds of waste flammable liquid, hazardous waste (EPA waste codes D001, D002, F003, F005) from the generator, PharmaChem Technologies G.B. LTD., located at West Sunrise Highway, PO Box F-42430, Freeport, Bahamas, and delivered it to a second transporter, A & D Environmental (EPA ID SCD987598331) on 02/26/2018. Based on this information, Tropical stored hazardous waste for 47 days and was not compliant with the 10-day storage limitations described in 40 CFR part 263.12(a), adopted and incorporated by reference in Rule 62-730.170(1), F.A.C.

Additionally, the manifests numbers 016890649JJJ, 016890648JJJ, 016890744JJJ, 016882564JJJ, from 2017; manifest numbers 017902842JJJ, 012327917FLE, 017902584JJJ, 017902841JJJ, 017902817JJJ, 017902816JJJ, 018486708JJJ, and 018486709JJJ, from 2018, to mention some, show that the facility routinely stored hazardous waste for greater than 10 days. Pursuant to 40 CFR part 263.12, 403.727(1)(b) F.S., & 62-730.171(1) F.A.C., if the facility stores hazardous waste for more than 10 days is subject to the permitting requirements for a hazardous waste storage facility.

>Used Oil Shipping Records

Tropical does maintain used oil, used oil filters, petroleum contact water shipping records in order and for the last three years. Records show that these waste streams are disposed of through CBI (EPA ID FLR000083071).

Also the facility maintains shipping records for petroleum contaminated solids, disposed through JAM Environmental & Vacuum Services, LLC. (EPA ID FLR000176842). The non-hazardous waste manifest tracking number 2001-002, demonstrates that the last shipment occurred on 01/03/2020 where 4 drums (800 pounds total) of petroleum contaminated solids were shipped and disposed as nonhazardous waste. Designated facility Waste Management, Central Disposal (EPA ID FLD981019581), located at 2700 NW 48 Street, Pompano Beach, FL 33073.

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>Waste Transfer Log (Inbound and Outbound Records of Hazardous Waste Cargo Containers and Tanks)

On 03/05/2020, the facility provided a copy of the written log for all hazardous waste entering and leaving the facility, for the years 2017, 2018, and 2019, according to 62-730.171(6) F.A.C.. Based on records review, the Waste Transfer Logs include shipping document number, dates when waste enters and leaves the facility, and amount of waste in kilograms. The inspector observed that the information on the Log from 2017, 2018, and 2019, confirms that Tropical exceeded the 24-hour and the 10 days storage time for hazardous waste transporter and transfer facility, respectively.

>Inspection Requirements

The facility does not conduct weekly inspections of areas where containers are stored. The operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors, according to 40 CFR part 265.174 and 62-730.171(4)(a) F.A.C.

>Employee Training

The facility conducts annual hazardous waste training to all staff in contact with hazardous materials and hazardous wastes. This training includes hazardous materials safety and security awareness, RCRA hazardous waste generator training. The training also includes site-specific PowerPoint presentation covering International Maritime Dangerous Goods (IMDG) Code, and 49 CFR, proctored by Currie Associates, Inc. [62-730.171(4)(a) F.A.C. & 40 CFR part 265.16]. The most recent training was conducted on November 2019.

Contingency Plan

The facility maintains a contingency plan that was issued on 08/20/2005, for the Port of Palm Beach. Tropical and the Port of Palm Beach coordinate operations and activities at the port that include activities related to accidents or spills. The plan includes emergency contact numbers, the port emergency coordinator positions and their job duties. Last update 03/30/2009. Additionally, the facility maintains an Emergency Response Procedures for Hazardous Materials Plan pertaining to leaks and/or spills. This plan includes training information emergency response team responsibilities, contact information of medical care and reporting, and disposal information of hazardous/non-hazardous waste.

The facility failed to maintain a contingency and emergency plan that comply with all requirements under 40 CFR part 265.52, according to 62-730.171(4)(a) F.A.C. The contingency plan did not include the following:

- >Description of actions facility personnel must take in response to fires, explosions, or any unplanned release of HW constituents to air, soil, or surface water at the facility.

- >List of names, addresses, and phone numbers (office and home) of all persons to act as emergency coordinator, and this list must be kept up to date.

- >List of all emergency equipment at the facility, and where this equipment is required. Include the location and a physical description of each item on the list.

- >Evacuation Plan

The facility could not demonstrate that the appropriate arrangement with the local police, fire department, hospital, and local emergency response agencies have been made. Per 40 CFR part 265.52(c), the contingency plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals.

>Closure Plan

Based on record review, the facility failed to submit a copy of a closure plan to the Department demonstrating that the transfer facility will be closed in a manner which satisfies the closure performance, notification, and decontamination standards of 40 CFR parts 265.111, 265.112, 265.114 and 265.115 [as adopted by reference in subsection 62-730.180(2), F.A.C.], according to 62-730.171(3)(a)5 F.A.C.

>Financial Responsibility

Based on record review, the facility has submitted evidence of liability insurance to the Department, every year, since 2009.

Records of the facility's Certification of Liability Insurance forms from the last three years were available for review. The Certification of Liability Insurance forms appeared to be complete and in order, at the time of inspection. The facility provided proof of pollution liability insurance issued by Travelers Prop Cas Co of America in the amount of \$1 million, policy #TC2J-840-4251B840-TIL-19, expiration date 11/01/2020.

Universal Waste

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The facility maintains recycling records of spent mercury lamps and spent lead acid batteries, for three years.

Spent mercury lamps are recycled through Envirolight and Disposal, Inc. (EPA ID FLR000089185), located at 3200 44th Avenue North, St. Petersburg, FL 33714. Last shipment occurred on 09/27/2019, where a total amount of 710 lamps were shipped out by Tropical.

Spent lead acid battery cores are recycled through FleetPride, Truck & Trailer Parts, located at 2250 Australian Ave, Riviera Beach, FL 33404. Last shipment occurred on 09/27/2019 and 01/30/2020 where 17 and five battery cores were shipped out, respectively.

Preparedness and Prevention:

Spill kits, eye wash and shower stations, fire alarms, and fire extinguishers are available on-site [40 CFR part 265.32]. The facility conducts routine inspections, testing, and maintenance of all communications systems, fire protection equipment, spill control equipment, and decontamination equipment [40 CFR part 265.33]. The facility utilizes a two-way radio system for internal communications.

Importer Requirements

Based on file review, it was discovered that Tropical imported hazardous waste from Bahamas to the U.S. territory, routinely during the last three years. Therefore, the facility shall comply with importer requirements described under 40 CFR part 262, subpart H.

The facility did not provide 60 days advance written notice to EPA of proposed trans-boundary movement of hazardous waste for the 32 shipments of hazardous waste brought from Bahamas in 2017; 49 shipments of hazardous waste brought from Bahamas in 2018, and for the 39 shipments of hazardous waste brought from Bahamas in 2019, according to 40 CFR part 262.84(b)(1).

The facility does not comply with RCRA manifest instructions for import shipments. Based on records review, Tropical did not complete the manifest with the transporter name, EPA ID, and address. Tropical also failed to date and sign the manifests, according to 40 CFR 262.84(c).

New Potential Violations and Areas of Concern:

Violations

| | |
|--------------------|---|
| Type: | Violation |
| Rule: | 262.11 |
| Explanation: | <ol style="list-style-type: none"> 1. The inspectors observed one unlabeled 55-gallon drum of unknown liquid stored outside the Marine Division Shop. Facility staff suggested the content was used oil. 2. The inspectors observed one 55-gallon drum of spent sandblast media in the Marine Division Shop. During the inspection, there was no documentation available to support the proper waste determination according to 40 CFR 262.11. 3. The inspectors observed 43 unlabeled 55-gallon drums of an unknown liquid stored outside the Port Maintenance Shop. Facility staff suggested the contents were used antifreeze, degreaser, and empty containers. |
| Corrective Action: | <ol style="list-style-type: none"> 1. Please identify the content of the unlabeled 55-gallon drum located in the Marine Maintenance Shop and conduct a TCLP analysis for metals. 2. Please conduct a TCLP analysis for metals of the spent sandblast media generated in the Marine Division Shop and provide a copy of the analysis results to the Department. 3. Please identify the content of each of the 45 55-gallon drums, and provide a copy of the disposal records confirming if it was hazardous or nonhazardous waste. <p>Please ensure that all waste determinations are correctly done in the future.</p> |

Comments:

**The violation was partially resolved on 03/05/2020. A proper waste characterization for the 55-gallon drum with

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used oil and paint, is still pending**

Photo Attachments:

1. Unlabeled 55-gallon Drum Unknown Content



2. Labeled 55-gallon Drum for Spent Sandblast Media



3. 43 Unlabeled 55-gallon Drums



| | |
|--------------------|--|
| Type: | Violation |
| Rule: | 262.84(b)(1) |
| Explanation: | After conducting a file review for the facility, the Department determined that Tropical did not provide 60 days advance written notice to EPA of proposed trans-boundary movement of hazardous waste for the 32 shipments of hazardous waste brought from Bahamas in 2017; 49 shipments of hazardous waste brought from Bahamas in 2018, and for the 39 shipments of hazardous waste brought from Bahamas in 2019, according to 40 CFR part 262.84(b)(1). |
| Corrective Action: | If the facility plans to continue importing hazardous waste shipments, please make written notice to EPA, at the addresses specified in 40 CFR 262.82(e), at least 60 days in advance of the next import shipment. |

| | |
|--------------|--|
| Type: | Violation |
| Rule: | 262.84(c) |
| Explanation: | After conducting a file review for the facility, the Department determined that Tropical did |

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not comply with RCRA manifest instructions for hazardous waste import shipments. Tropical did not complete the manifests as a transporter, nor include the date of acceptance of the waste.

Corrective Action: Please ensure that all future Uniform Hazardous Waste Manifest used for imports of hazardous waste shipments include Tropical as a transporter 1, including name, address, EPA ID, date and signature and meets all requirements of import shipments per 40 CFR 262.84(c). Please sent a copy of a corrected manifest to the Department.

Photo Attachments:

Before - Incomplete HW Manifest

Type: Violation

Rule: 263.12 , 403.727(1)(b) , 62-730.171(1)

Explanation: >>The manifest tracking number 017902583JJJ indicates that on 01/10/2018, Tropical accepted 1 container type TP of 36,000 pounds of waste flammable liquid, hazardous waste (EPA waste codes D001, D002, F003, F005) from the generator, and delivered it to a second transporter, A & D Environmental (EPA ID SCD987598331) on 02/26/2018. Based on this information, Tropical stored hazardous waste for 47 days was not compliant with the 10-day storage limitations described in 40 CFR 263.12(a), adopted and incorporated by reference in Rule 62-730.170(1), F.A.C.

>>The manifest tracking number 017902842JJJ indicates that on 02/02/2018, Tropical accepted 1 container type TP of 36,000 pounds of waste flammable liquid, hazardous waste (EPA waste codes D001, D002, F003, F005) from the generator, and delivered it to a second transporter, A & D Environmental (EPA ID SCD987598331) on 03/13/2018. Based on this information, Tropical stored hazardous waste for 39 days.

>>The manifest number 012327917FLE indicated that on 07/19/2018, Tropical accepted 1 container type TP with 36,000 pounds of waste flammable liquid, hazardous waste (EPA waste codes D001, D002, F003, F005) from the generator, and delivered it to a second transporter, A & D Environmental (EPA ID SCD987598331) on 08/20/2018. Based on this information, Tropical stored hazardous waste for 32 days.

Additionally, the manifests numbers 016890649JJJ, 016890648JJJ, 016890744JJJ, 016882564JJJ, from 2017; manifest numbers 017902842JJJ, 012327917FLE, 017902584JJJ, 017902841JJJ, 017902817JJJ, 017902816JJJ, 018486708JJJ, and 018486709JJJ, from 2018, to mention some, show that the facility routinely stored hazardous waste for greater than 10 days. Pursuant to 40 CFR part 263.12, 403.727(1)(b) F.S., & 62-730.171(1) F.A.C., if the facility stores hazardous waste for more than 10 days is subject to the permitting requirements for a hazardous waste storage facility.

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Based on records review, Tropical exceeded the 24-hour and 10-day storage time limit for hazardous waste transporters and transfer facilities, respectively. Therefore, the facility is subject to the permitting requirements for a hazardous waste storage facility. Pursuant to Fla. Admin. Code Ann. r. 62-730.171(1) [40 C.F.R. § 263.12(a)], a transfer facility who accumulates hazardous waste for more than 10 days is an operator of a storage facility and is subject to the requirements of Rule 62-730 et seq. of the Fla. Admin. Code Ann. [40 C.F.R. Parts 264, 265, and 267] and the permit requirements of Fla. Admin. Code Ann. r. 62-730.220(1) [40 C.F.R. Part 270].

Corrective Action: The facility is required to register and re-notify with the Department in order receive proper authorization required to operate as a 10-day hazardous waste transfer facility.

If Tropical stores hazardous waste for a period more than 10 days under any circumstances the facility will be subject to regulation under 40 CFR 264, 265, 267, 268, and 270 with respect to the storage of those wastes.

Type: Violation

Rule: 265.174 , 62-730.171

Explanation: The facility does not conduct weekly inspections of areas where containers are stored, in which the operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors, according to 40 CFR part 265.174 and 62-730.171(4)(a) F.A.C.

Corrective Action: Please implement weekly hazardous waste container inspections and provide a copy of the inspection log worth for two weeks to the Department. Also, please ensure to continue to implement weekly inspections, do not have a lapse of conducting these inspections, and maintain records for three years.

Type: Violation

Rule: 265.52(a) , 265.52(b) , 265.52(d) , 265.52(e) , 265.52(f)

Explanation: Tropical and Port of Palm Beach coordinate operations and activities at the port that include activities related to accidents or spills. The facility provided the Accidental Hazardous Materials Release Action Plan for the Port of Palm Beach, dated 08/05/2005. To the extend an incident or accident occurs that is covered by this plan, Tropical would act consistently with the plan and in coordination with the port. However, the facility failed to include the following in the plan:

- >Description of actions facility personnel must take to comply with 40 CFR 265.51 and 265.56, in response to fires, explosions, or any unplanned release of HW constituents to air, soil, or surface water at the facility.
- >List of names, addresses, and phone numbers (office and home) of all persons to act as emergency coordinator, and this list must be kept up to date.
- >List of all emergency equipment at the facility, and the location and a physical description of each item on the list.
- >Evacuation plan.

Corrective Action: The facility failed to maintain and submit a contingency and emergency plan that comply with all requirements under 40 CFR 265.52.

Please amend the contingency plan submit a copy to the Department. The plan must include the following:

- >Description of actions facility personnel must take to comply with 40 CFR 265.51 and 265.56, in response to fires, explosions, or any unplanned release of HW constituents to air, soil, or surface water at the facility.
- > Agreement with local police department, fire department, hospitals, contractors and emergency response teams to coordinate services.
- >List of names, addresses, and phone numbers (office and home) of all persons to act as emergency coordinator, and this list must be kept up to date.
- >List of all emergency equipment at the facility, and the location and a physical

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description of each item on the list.
>Evacuation plan

Type: Violation
Rule: **265.52(c)**
Explanation: The facility could not demonstrate that the appropriate arrangement with the local police, fire department, hospital, and local emergency response agencies have been made. Per 40 CFR 265.52(c), the contingency plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals.
Corrective Action: Please provide a copy if certified mail or email of the arrangement with local authorities including police department, hospital, fire department, and emergency response contractor, if applies.

Comments:

On 03/05/2020, the facility provided evidence demonstrating that emergency arrangements have been made with the Riviera Beach Police Department, the Riviera Beach Fire Department, St. Mary's Hospital and Cliff Berry, Inc.

****The violation was resolved on 03/05/2020****

Type: Violation
Rule: **273.13(d)(1)**
Explanation: During the inspection, the inspectors observed 29 unlabeled spent mercury lamps stored on the floor (without a container), and 16 spent mercury lamps stored in an open box, in the storage area.
Corrective Action: Please provide a structurally sound and closed container for the 45 spent mercury lamps located in the storage area.

Comments:

On 03/12/2020, the facility provided pictures demonstrating that the 49 spent mercury lamps were provided with a structurally sound and closed container.

****Violation was resolved on 03/12/2020****

Photo Attachments:

Before - Spent Mercury Lamps without Container



After- Labeled and Closed Boxes of Spent Lamps



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Type: Violation

Rule: 273.14(e) , 62-737.400(5)(b)

Explanation: The inspectors observed 29 unlabeled spent mercury lamps stored on the floor, and 16 unlabeled spent mercury lamps stored in an opened box.

Corrective Action: Please provide a closed container for the 29 spent lamps and label it with the words "Universal Waste-Lamps" and include the accumulation start date.

Comments:

On 03/05/2020, the facility provided pictures demonstrating that the spent lamps have been stored in a closed box, labeled with the words " Universal Waste-Lamps," and dated with the accumulation start date 02/10/2020."

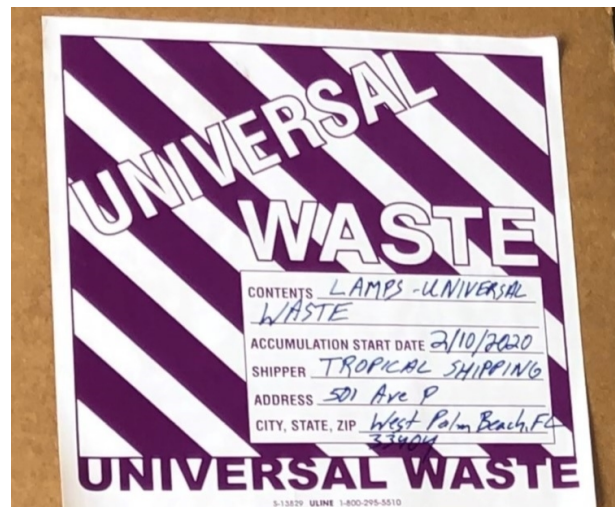
The violation was resolved on 03/05/2020

Photo Attachments:

Before- Unlabeled Box of Spent Lamps



After- Labeled and Dated Box of Spent Lamps



Type: Violation

Rule: 279.22(c)(1) , 62-710.401(6)

Explanation: The facility failed to label one unlabeled 55-gallon drum and one 250-gallon tank, labeled as "waste Oil," of used oil with the words "Used Oil."

Corrective Action: Please label one 55-gallon drum of used oil with the words "Used Oil" and properly label the 250-gallon tank of used oil with the words "Used Oil."

Comments:

During the inspection, tropical representatives properly label the one 55-gallon drum and one 250-gallon tank of used oil with the words "Used Oil."

The violation was resolved on 02/12/2020

Photo Attachments:

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Before - Unlabeled 55-gallon Drum of Used Oil



After - Labeled 55-gallon Drum of Used Oil



Type: Violation

Rule: 62-710.850(5)(a)

Explanation: The inspectors observed one unlabeled 55-gallon drum for used oil filters, located in the Refrigeration Repair and Maintenance Shop.

Corrective Action: Please label the 55-gallon container with the words "used oil filters" and provide a photographic evidence to the Department.

Comments:

On 03/12/2020, the facility provided a picture demonstrating that the 55-gallon drum for used oil filters was properly label with the words "used oil filters."

The violation was resolved on 03/12/2020

Photo Attachments:

Before - Unlabeled 55-gallon Drum for Used Oil Filters



After- Labeled 55-gallon Drum for Used Oil Filters



Type: Violation

Rule: 62-730.171(2)

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Explanation: The manifest number 018487388JJK indicated that on 06/14/2018, Tropical accepted 1 container type TP with 36,000 pounds of waste flammable liquid, hazardous waste (EPA waste codes D001, D002, F003, F005) from the generator, and delivered it to a second transporter, A & D Environmental (EPA ID SCD987598331) on 06/22/2018. Based on this information, Tropical stored hazardous waste for 8 days.

The facility failed to notify as a hazardous waste transfer facility to the Department at least 30 days before the storage of hazardous waste is to begin at a transfer facility (greater than 24 hours).

Corrective Action: The facility shall register as hazardous waste transfer facility using Form 62-730.900(1)(b), "8700-12FL - Florida Notification of Regulated Waste Activity," and provide a copy to the Department.

PHOTO ATTACHMENTS:

Roll-off Container for Scrap Metal



Fire Extinguisher



Storage Area



Labeled 55-gallon Drum for Used Oil Filters



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Eye Wash Station



Used Oil Separator



Cargo Containers Storage Area



Safety-Klean Parts Washer



Pallet of Spent Lead Acid Batteries

**Conclusion:**

Tropical was inspected as a transporter, transfer facility, and as a Very Small Quantity Generator (VSQG) of hazardous waste, as a generator of used oil and as a Small Handler of Universal Waste and was found to be out of compliance. The facility failed to conduct a proper waste determination, failed comply with storage time frame of hazardous waste for transporter and transfer facilities, failed to comply with notification and manifesting

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importer requirements, failed to maintain a full contingency plan, failed to conduct weekly container inspections, failed to make emergency arrangements with local authorities, failed to provide a labeled and dated box for spent lamps, and failed to label used oil and used oil filter containers. Compliance assistance was provided during the inspection and in the exit interview dated 02/22/2020. The facility was provided with a deadline of 03/05/2020 to complete the corrective actions.

On 03/05/2020, the facility submitted photos and documentation demonstrating that some corrective actions have been completed.

To date, the following violations have been corrected:

- >40 CFR part 262.84(b)(1)- Arrangements with local authorities
- >40 CFR part 273.13(d)(1) - Structurally sound and closed container for spent mercury lamps.
- >40 CFR part 273.14(e) - 62-737.400(5)(b) - Labeling and dating of spent mercury lamps.
- >40 CFR part 279.22(c)(1), 62-710.401(6) F.A.C. - Labeling of used oil containers.
- >62-710.850(5)(a) F.A.C. - Labeling of used oil filter container.

The violation 40 CFR 262.11 was partially corrected via documentation on 03/05/2020 as follows:

1. The content of the 55-gallon drum, located in the Marina Maintenance Shop, was identified as used oil mixed with spill dry paint. The drum was relocated to the central accumulation area with a proper secondary containment. However, a TCLP for metals will be requested by the Department to support a proper waste determination and future disposal.
2. The facility provided the analytical results of a TCLP analysis for metals conducted to the spent sand blast media and the results demonstrated that it does not exhibit characteristic of toxicity.
3. The facility provided information that determined the contents of the 43 55-gallon drums were non-hazardous. The drums were identified as follows: Three 55-gallon drums with used coolant, one 55-gallon drum for used oil, one 55-gallon drum with used floor dry with used oil, one 55-gallon drum with used oil filters, and one 55-gallon drum with used grease. The remaining 36 drums were empty, and which 9 were retained for future use and 27 were cut up and sold as scrap metal.

On the response provided by the facility on 03/05/2020, Tropical informed that the facility and the Port of Palm Beach coordinate operations and activities at the port that include activities related to accidents or spills. Even though Tropical is under the umbrella of the Port of Palm Beach Port, the facility informed that is in the process of developing its own SPCC/Contingency Plan, which will be completed on or prior to April 15, 2020 with a copy provided to the Department.

To date, there are 7 violations still pending resolution:

- >40 CFR part 262.11 - Waste determination of 55-gallon drum containing used oil and paint.
- >40 CFR part 262.84(b)(1) - If the facility plans to continue importing hazardous waste shipments, Tropical shall make a written notice to EPA, at the addresses specified in 40 CFR 262.82(e), at least 60 days in advance of the next import shipment.
- >40 CFR part 262.84(c) - Ensure and correct all future Uniform Hazardous Waste Manifest used for imports of hazardous waste shipments including Tropical as a transporter, including name, address, EPA ID, date and signature and meets all requirements of import shipments per 40 CFR part 262.84(c). Provide a copy of a corrected hazardous waste manifest to the Department.
- >40 CFR part 263.12, 403.727(1)(b) F.S., 62-730.171(1) F.A.C. - Notify the Department in order receive proper authorization required to operate as a 10-day hazardous waste transfer facility.
- >40 CFR part 265.174, 62-730.171 F.A.C.- Weekly container inspections.
- >40 CFR part 265.52(a), (b), (d), (e), & (f) - Contingency Plan.
- >62-730.171(2) F.A.C.- Notification as a hazardous waste transfer facility.

During the inspection, the inspectors were unable to determine if hazardous waste cargo containers or tanks were on-site. However, based on records review provided on 03/05/2020, the inspector discovered that the Waste Transfer Log demonstrates that Tropical received hazardous waste prior to the inspection, but there is not a recorded date of outage, meaning that hazardous waste may have been stored onsite during the inspection. The Department will send a request for additional information, to request pictures of the hazardous waste containers currently stored onsite and all manifest of these wastes when shipped out.

Based on the inspectors' observations, cargo containers or tanks received by Tropical that are identified as containing hazardous waste or materials are not segregated to a hazardous materials-specified area. The inspectors provided compliance assistance and advised the facility to designate an area for hazardous waste and materials to ease the process of weekly inspections and to track the time of hazardous waste storage at the

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facility.

The facility shall not store hazardous waste for more than 24 hours. However, if the facility elects to register as a hazardous waste transfer facility it shall ensure that hazardous waste is not stored more than 10 days and meets all the requirements under 40 CFR 263 and 62-710 F.A.C. for hazardous waste transporters.

Additionally, pursuant to 62-730.171(4) F.A.C., the transfer facility shall comply with the following requirements: (a) 40 C.F.R. Part 265 Subpart B (general facility standards), C (preparedness and prevention), D (contingency and emergency plan), and I (management of containers), with the exception of 265.13, as adopted by reference in subsection 62-730.180(2), F.A.C.

When the facility notify the Department as a transfer facilities of hazardous waste, the initial notification shall include the information and documentation required by subsection 62-370.171(3), which include the following: a Certification by a responsible corporate officer of the transporter that the proposed location satisfies the criteria of Section 403.7211(2), F.S.; completed Form 62-730.900(1)(b), "8700-12FL – Florida Notification of Regulated Waste Activity;" evidence of the transporter's financial responsibility as required under subsection 62-730.170(3), F.A.C.; A brief general description of the transfer facility operations; a copy of a closure plan; a copy of the contingency and emergency plan; and a map or maps of the transfer facility. Additionally, the facility has the potential to generate hazardous waste, therefore, shall notify as a VSQG's of hazardous waste.

If Tropical stores hazardous waste for a period more than 10 days, the facility will be subject to regulation under 40 CFR 264, 265, 267, 268, and 270 with respect to the storage of those wastes, including permitting requirements.

The Department will issue a Warning Letter to address the findings during the inspection and the pending corrective actions.

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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

Romina J Lancellotti**Principal Investigator Name**Inspector**Principal Investigator Title****Principal Investigator Signature**DEP**Organization**04/01/2020**Date**Norva Blandin**Inspector Name**Environmental Administrator**Inspector Title**FDEP**Organization**Carlos Grajeda**Inspector Name**Environmental Specialist II**Inspector Title**FDEP**Organization**Matthew King**Representative Name**Safety Manager**Representative Title**Tropical shipping**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.

Ryan Doyle**Representative Name**Safety Engineer**Representative Title**Tropical Shipping**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:**Norva Blandin**Inspection Approval Date:**04/01/2020

days before the storage of hazardous waste is to begin at a transfer facility (greater than 24 hours)

- a. Please register and re-notify the Department in order receive proper authorization to operate as a 10-day hazardous waste transfer facility. Furnish a copy of the 8700-12FL Florida Notification of Regulated Waste Activity (DEP Form 62-730.900(1)(b), F.A.C.) to the below address and send an electronic copy of this form as proof of submittal.

DEP Waste Management Division – HWRS, MS4560
2600 Blair Stone Road,
Tallahassee, Florida 32399-2400

- b. In the notification form, change the status of Tropical from non-handler to Very Small Quantity Generator (VSQG) of hazardous waste. The facility shall identify and have an accountability of the total amount of hazardous waste and universal waste generated each month and notify the Department accordingly.

8. Hazardous Waste Cargo Containers Onsite

During the inspection, the inspectors were unable to determine if hazardous waste cargo containers were stored on-site. Based on records review provided on 03/05/2020, the inspector discovered that the Waste Transfer Log demonstrates that Tropical received hazardous waste cargo containers prior to the inspection. However, there is no evidence of the outbound date when these containers were shipped out for transportation and disposal, meaning that hazardous waste might have been stored onsite during the inspection.

- a. In case the hazardous waste cargo containers were shipped out for transportation and disposal to the designated facility, please provide shipping documents to the Department for our records.