



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

FACILITY INFORMATION:

Facility Name: Trilogy MedWaste Southeast LLC dba BioWaste LLC
On-Site Inspection Start Date: 02/17/2021 **On-Site Inspection End Date:** 02/17/2021
ME ID#: 132841 **EPA ID#:** FLR000230888
Facility Street Address: 1402 Commerce Centre Dr, Port St Lucie, Florida 34986-3208
Contact Mailing Address: PO Box 550569, Houston, Texas 77255
County Name: St. Lucie **Contact Phone:** (713) 205-7233

NOTIFIED AS:

Non-Handler

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Commercial Waste

INSPECTION TYPE:

Routine Inspection for Transporter Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Justin Stark, Inspector
Other Participants: Alannah Irwin, Environmental Manager; Andrew Collins, Facility Manager

LATITUDE / LONGITUDE: Lat 27° 20' 28.0788" / Long 80° 25' 18.5844"

NAIC: 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

On February 17, 2021, Justin Stark with the Florida Department of Environmental Protection ("FDEP") conducted a Compliance Evaluation Inspection ("CEI") at Trilogy MedWaste Southeast LLC dba BioWaste LLC (hereinafter "Trilogy" or "facility"), located at 1402 Commerce Centre Dr, Port St Lucie, Florida 34986. Trilogy was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations ("C.F.R.") Parts 260-268, 273, and 279, adopted and incorporated by reference in Rule 62- 710, 62- 730, and Rule 62-737, Florida Administrative Code ("F.A.C.").

Trilogy also operates biomedical waste transporter and processing facilities in Port St. Lucie, Miami, Lauderdale Lakes, Fort Myers, Tampa, and Orlando. Prior to this inspection, the Southeast District attempted to inspect the Pompano Beach facility (EPA ID FLR000233312) on 01/26/2021 and 02/05/2021. It was discovered on the 02/05/2021 inspection attempt that the Pompano Beach facility had closed and operations were moved to the Port St. Lucie location.

The inspector was escorted around the facility by Andrew Collins, Facility Manager. Upon arrival at the facility, the inspectors presented their credentials and explained the purpose of the inspection. The inspector was accompanied by Alannah Irwin, Environmental Manager for the FDEP.

Trilogy is siltation on a 1.81 acre property and is connected to municipal water and sewer. Trilogy has been operating at this location since 2019 and currently employs 6 staff.

Notification History:

Trilogy Port St. Lucie initially notified the Department as a non-handler of hazardous waste, a mercury handler/transporter, and a handler of universal pharmaceutical waste on 02/18/2019. This notification assigned the EPA ID FLR000230888. The facility most recently notified on 2/25/2021 as a hazardous waste transporter, a universal waste handler, and a mercury handler/transporter. This hazardous waste transporter registration is valid until 06/30/2022.

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Inspection History:

Trilogy has not been inspected by the FDEP at this location.

Personal Protective Equipment (PPE) was not required to enter the facility. Department personnel were equipped with steel-toed boots and a facial mask.

Process Description:

Trilogy offers transport and waste management services for medical waste, sharps waste, and hazardous waste and pharmaceutical waste. Trilogy also offers document destruction, compliance training, and assistance with DEA-controlled substance collection for clients throughout Florida and the southeastern region of the United States. Trilogy does not generate any hazardous waste from its operations; however, universal waste is generated from its day to day operations. Prior to this inspection, Trilogy Port St. Lucie had not been registered as a hazardous waste transporter, pursuant to Rule 62-730.170(2), F.A.C.

Currently, one truck and driver are assigned to the transport of hazardous waste pharmaceuticals. According to the facility, any pharmaceuticals transported are stored for less than 24 hours and delivered to a registered 10-day hazardous waste transfer facility operated by Clean Earth.

The facility is comprised of one office area and two warehouse bays. All hazardous waste pharmaceuticals, universal wastes, and biomedical waste are stored in the warehouse. During the inspection the following were observed:

- 3 closed boxes holding universal waste lamps with an accumulation start date of 10/23/2020. The boxes were properly labeled.
- 1 closed container holding universal waste mercury containing devices with an accumulation start date of 10/21/2020. The container was properly labeled.

No hazardous waste was observed. The rest of the warehouse contained biomedical waste.

Records Review:

- Proof of Liability Insurance: The insurance is issued by Star Surplus Lines Insurance Company (Policy No. 1000067348211, expires 01/1/2021), which includes a pollution bond in the amount of \$1 million.
- Employee Training: The facility provides initial and annual DOT HAZMAT, DOT Security Awareness Test, and HAZWOPER to its staff.
- Hazardous waste manifests: During the inspection, only manifests from 11/2020 to 2/2021 were available for review. 9/20-11/20 were uploaded in Trilogy's database. Therefore, manifests from 9/20-2/21 were requested via email and mailed to the FDEP's Southeast Office on 3/19/2021. A separate report (file review) will be written to discuss the findings of Trilogy's hazardous waste manifests records and what has been uploaded to RCRAInfo.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	263.11(a) , 62-730.150(2)(a)
Question Number:	6.1
Question:	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)
Explanation:	Per 40 CFR part 263.11(a), adopted and incorporated by reference in Rule 62-730.170(1) F.A.C., and per rule 62-730.150(2)(a) F.A.C., all transporters, and all persons who own or operate a facility which treats, stores, or disposes of hazardous waste, must notify the Department using Form 62-730.900(1)(b), "8700-12FL Florida Notification of Regulated Waste Activity,". The facility was operating as a hazardous waste transporter without notifying the FDEP. The facility however did have a EPA ID number.
Corrective Action:	Please submit the 8700-12FL Florida Notification of Regulated Waste Activity form to

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register as a hazardous waste transporter.

Comments:

Violation corrected.

Type:	Violation
Rule:	263.20(a)(1)
Question Number:	6.7
Question:	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1)
Explanation:	Per 40 CFR part 263.20(a)(1), adopted and incorporated by reference in Rule 62-730.170(1) F.A.C., a transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (EPA Form 8700-22, and if necessary, EPA Form 8700-22A) signed in accordance with the requirement of §262.23, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with §262.20(a)(3) of this chapter, and signed with a valid and enforceable electronic signature as described in 40 CFR 262.25. The facility was using its EPA ID number from its Orlando and Pompano Beach facilities for its transportation activities at this location.
Corrective Action:	EPA ID's in the State of Florida are site specific. Therefore, the facility shall ensure its uses EPA ID number: FLR000230888 for all hazardous waste activities occurring at this location.

PHOTO ATTACHMENTS:

Entrance



Box Truck



Conclusion:

Trilogy operates as a hazardous waste transporter, mercury handler and transporter, and a universal waste handler and was found to be out of compliance with State and Federal hazardous waste regulations during the time of inspection. Compliance assistance was provided both during the inspection and via the exit interview on 02/17/2021. Trilogy registered the Port St. Lucie site as a hazardous waste transporter on 02/25/2021.

Prior to this inspection, the Southeast District attempted to inspect the Pompano Beach location per the request of FDEP's Division of Waste Management in Tallahassee. The inspection was prompted by two factors:

- 1.) The Trilogy MedWaste Orlando Facility (EPA ID FLR000230839) submitted a Petition for Variance from 403.7211(2), Florida Statutes (F.S.) regarding the transfer facility siting requirements.
- 2.) An inspection of Harmony Environmental (EPA ID FLR000218636) was conducted by FDEP's Central District Office and observed noncompliance issues on three bill of lading from Trilogy. More specifically, Trilogy was using a bill of lading to transport hazardous waste pharmaceutical and using the term "Universal

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Pharmaceutical Waste". The Department repealed the Universal Pharmaceutical Waste (UPW) rule outlined in 62-730.186, F.A.C. on 08/16/2019 and adopted the Standards for Management of Hazardous Waste Pharmaceuticals (HWP) described in 40 CFR 266, Subpart P on 08/21/2019.

Under the UPW regulations, transporters of HWPs were only required to register as a Large Quantity Handler (LQH) of UPW. However, 40 CFR 266, Subpart P requires that transporters of non-creditable HWPs comply with the uniform hazardous waste manifest requirements, including notifying each facility as a transporter, pursuant to Rule 62-730.150(2)(b), F.A.C. A combination of the inspection conducted by the Central District Office, the file review in response to the Petition of Variance, and the inspection of the St. Lucie location caused the Department to discover that Trilogy was still operating under the UPW regulations after the sunset date of 08/16/2019. Additionally, all Trilogy locations in Florida were not properly registered as hazardous waste transporters, pursuant to 40 CFR 263.11(a) and/or 62-730.170(2), F.A.C., as all sites were operating under the UPW requirements in 62-730.186, F.A.C. Trilogy had initially registered the Pompano Beach facility as a Hazardous Waste Transporter in December of 2019; however, this registration expired in November 2020.

A Warning Letter (WL) will be issued to schedule a meeting and discuss the noncompliance issues encountered prior and during the inspection. A subsequent file review will also be conducted for Trilogy's hazardous waste manifests to confirm if all sites were using the Pompano Beach and/or Orlando EPA ID numbers to transport their hazardous waste.

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6.0: Transporters 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.	Transporter Requirements	Yes	No	N/A
6.1	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)		✓	
6.2	Does the transporter repackage wastes with different USDOT shipping descriptions?			
6.3	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)	✓		
6.4	Does the transporter transport waste into the US from abroad?			
6.5	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.6	Does the transporter obtain a signed and dated manifest prior to accepting a hazardous waste for transport?			
6.7	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1) <input type="checkbox"/> Exemption Type - Tolling Agreement <input type="checkbox"/> Exemption Type - VSQG Bill-of-Lading		✓	
6.8	Does the transporter sign and date the manifest upon acceptance? 263.20(b)	✓		
6.9	Does the transporter leave a signed copy of the manifest acknowledging acceptance of the waste? 263.20(b)	✓		
6.10	Does the transporter ensure the manifest and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(c)	✓		
6.11	Does the transporter obtain the signature and date of delivery of the receiving (designated) facility or other transporter upon transferring custody of the waste? 263.20(d)(1)	✓		
6.12	Does the transporter retain one copy of the manifest signed and dated by the designated facility or other transporter? 263.20(d)(2)	✓		
6.13	Does the transporter give the remaining copies of the manifest to the designated facility or accepting transporter? 263.20(d)(3)	✓		
6.14	If the entire quantity of hazardous waste cannot be delivered, does the transporter contact the generator for further direction and revise the manifest in accordance with the generator's instructions? 263.21(b)			✓
6.15	For a partial load rejection, while the transporter is on the facility's premises, does the transporter obtain a new manifest for the rejected material, accompanied by a copy of the original manifest that includes the manifest tracking number of the new manifest? 263.21(b)			✓
6.16	Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)	✓		
Item No.	Rail Transporters	Yes	No	N/A
6.17	If initial rail transporter, when accepting hazardous waste from a non-rail transporter does the rail transporter sign and date the manifest acknowledging receipt of the hazardous waste? 263.20(f)(1)(i)			✓
6.18	If initial rail transporter, does the rail transporter return a signed copy of the manifest to the non-rail transporter? 263.20(f)(1)(ii)			✓

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6.19	If initial rail transporter, does the rail transporter forward at least three copies of the manifest to the next designated non-rail transporter or facility? 263.20(f)(1)(iii)			✓
6.20	If initial rail transporter, does the rail transporter retain one copy of the manifest and rail shipping paper? 263.20(f)(1)(iv)			✓
6.21	Does the rail transporter ensure the shipping paper and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(f)(2)			✓
6.22	Does the final rail transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(f)(3)(i)			✓
6.23	Does the final rail transporter retain a copy of the manifest or signed shipping paper? 263.20(f)(3)(ii)			✓
6.24	When delivering hazardous waste to a non-rail transporter, does the rail transporter obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest and retain one copy of the manifest? 263.20(f)(4)			✓
Item No.	Water (Bulk) Transporters	Yes	No	N/A
6.25	Does the water (bulk) transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(e)(3)			✓
6.26	Does the water (bulk) transporter retain a copy of the manifest or signed shipping paper? 263.20(e)(5)			✓
Item No.	SQG Waste	Yes	No	N/A
6.27	For SQG waste, if a manifest is not used is the waste being transported pursuant to a recalculation (tolling) agreement per 262.20(e)? 263.20(h)(1)			✓
6.28	Is the following information recorded on a log or shipping paper for each shipment? (Check items below that are NOT in compliance): 263.20(h)(2) <input type="checkbox"/> Name, address, and EPA identification number of the generator of the waste <input type="checkbox"/> Quantity of waste accepted <input type="checkbox"/> All DOT-required shipping information <input type="checkbox"/> The date the waste is accepted	✓		
6.29	Does the transporter carry the shipping paper/log when transporting waste to the reclamation facility? 263.20(h)(3)			✓
6.30	Does the transporter retain shipping papers/logs for a period of at least three years after termination or expiration of the tolling agreement? 263.20(h)(4)			✓
6.31	If hazardous waste was discharged during transport, did the transporter give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802)? 263.30(c)(1)			✓
6.32	If hazardous waste was discharged during transport, did the transporter report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590? 263.30(c)(2)			✓
6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31			✓
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)(a)? 62-730.150(2)(a)	✓		
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)	✓		

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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

Justin Stark**Principal Investigator Name**Environmental Specialist II**Principal Investigator Title****Principal Investigator Signature**FDEP**Organization**04/07/2021**Date**Alannah Irwin**Inspector Name**Environmental Manager**Inspector Title**FDEP**Organization**Andrew Collins**Representative Name**Facility Manager**Representative Title**Trilogy MedWaste Southeast
LLC dba BioWaste LLC**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:** Alannah B Irwin**Inspection Approval Date:**04/07/2021