



Department of Environmental Protection

Lawton Chiles
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
Z 188 599 080

OHM Remediation Services Corp.
Post Office Box 551
Findlay, Ohio 45839

Attention: Mr. James L. Kirk

WARNING LETTER
Class I Violations
OWL-HW/E-95-0020

Lake County - HW
OHM Corporation
FLD980799381

Dear Mr. Kirk:

On March 17, 1995, a meeting was held in the Florida Department of Environmental Protection (FDEP) District office to review documents, data and conversations related to involvement of OHM Remediation Services Corporation to an unplanned release of hazardous waste at the Orlando Executive Airport. This meeting and review was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes, and is designed to ascertain the compliance status of your facility with 40 CFR 260-268, adopted in Florida Administrative Code Chapter 62-730.

During the review, possible Class I violations of rules regarding hazardous waste management were noted. These possible violations are set forth in the "Summary of Potential Noncompliance Items" section of the attached report.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of possible violations and to set up a meeting to resolve any violations and/or civil penalties for which you may be responsible. If the Department determines that an enforcement proceeding should be initiated in this case, it may be initiated by issuing a Notice of Violation or by filing a judicial action in accordance with Section 403.121, Florida Statutes. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation. The Department can also resolve any violation through entry into a Consent Order.

WARNING LETTER
OWL-HW/E-95-0020
OHM Corporation

Please be aware that on all cases involving Class I violations of RCRA hazardous waste rules, the Department is required to seek civil penalties in accordance with the EPA RCRA Civil Penalty Policy, dated October 26, 1990.

Please contact Jennifer Hobbs or John White, Hazardous Waste Section, at (407) 893-3323 within ten (10) days of receipt of this letter to schedule an informal conference concerning resolution of this matter.

Sincerely,



Vivian F. Garfein
Director of District Management

February 28, 1996
Date

VFG/jh
[initials]

Enclosures: RCRA Inspection Report

cc: FDEP, Tallahassee
EPA Region IV
FDEP, Orlando - Emergency Response



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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: COMPLAINT ☒ ROUTINE FOLLOW-UP PERMITTING
FACILITY NAME OHM Corporation DEP/EPA ID# FLD980799381
STREET ADDRESS 405 Mohawk Road, Clermont, Florida 34711
MAILING ADDRESS Post Office Box 121190, Clermont, Florida 34712-1190
COUNTY Lake PHONE (904) 394-8601 DATE 03/17/95 TIME 10:30

NOTIFIED AS:

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

CURRENT STATUS:

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

2. Applicable Regulations:

☐ 40 CFR 261.5 ☐ 40 CFR 262 ☒ 40 CFR 263 ☐ 40 CFR 264
☐ 40 CFR 265 ☐ 40 CFR 266 ☐ 40 CFR 268 ☐ 40 CFR 279

3. Responsible Officials:

James L. Kirk (OHM Remediation Services Corporation)

4. Survey Participants and Principal Inspector:

Jennifer Hobbs (FDEP)
John White (FDEP)

5. Facility Location: Latitude: 28°34'16" Longitude: 81°33'26"

6. SIC Code: 4212, Local trucking, without storage

7. Type of Ownership: FEDERAL STATE COUNTY MUNICIPAL PRIVATE ☒

8. Permit No.: None Date Issued: N/A Exp. Date: N/A

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

I. NARRATIVE:

On March 14, 1995 the Department's Hazardous Waste Section received two applications for hazardous waste temporary identification numbers. One number was requested for Orange County Arthropod Control, located at 598 Herndon Avenue, and the other for Orange County Arthropod Control, located at 2715 Americana Boulevard. Mark Kulo of Orange County Arthropod Control signed the applications on behalf of the County.

These numbers are given under only three circumstances, an emergency situation (spills, etc.), cleanup of an abandoned site, and a one-time cleanup of a site that does not normally generate hazardous waste and will not generate hazardous waste in the foreseeable future.

The description of the situation for which a temporary number was requested did not meet any of the above circumstances. The description for 598 Herndon Avenue indicated that it was a one-time cleanup of a site that does not normally generate hazardous waste. The waste to be disposed of was 7 55-gallon drums of asphalt and limestone particulate. The EPA waste codes assigned were D018, F003, F005, and P094. At the Americana Boulevard address, the description indicated that there was a one-time cleanup of a site that generates conditionally exempt small quantity generator (CESQG) amounts of hazardous waste, and that there was a spill cleanup of a used oil storage tank. There were 9 55-gallon drums of EPA waste code D001, D002, D018, F003, F005, and P094 to be disposed of as hazardous waste.

CESQGs generate hazardous waste, even after a one-time cleanup, therefore, the facility did not meet the criteria. In addition, airports and arthropod control facilities generally generate hazardous waste in conducting day to day business.

On Tuesday, March 14th, Robert Snyder and Jennifer Hobbs of the Hazardous Waste Section called Mr. Kulo to ask about the cleanup of the spill from the tank referenced in the application. He stated that the spill had happened on Friday (no date was given) at the Orlando Executive Airport. There were 7 55-gallon drums of asphalt and limestone contaminated with hazardous waste at the airport site and the County had 9 55-gallon drums of hazardous waste transported to the Arthropod Control facility from the airport by a contractor, OHM Corporation. According to Mr. Kulo, it was decided the waste would be safer at the Arthropod Control facility, in their storage shed, rather than sitting at the airport.

The steel used oil tank was located at the Orange County Arthropod Control maintenance area, on the northwest side of Orlando Executive Airport. Apparently, corrosive pesticides were put into the used oil tank, causing the tank to corrode and leak. Mr. Snyder asked if Orange County Environmental Protection Department (OCEPD) or the Florida Department of Environmental Protection (FDEP) were notified at the time of the spill. Mr. Kulo stated, to his knowledge, neither had been contacted. Mr. Snyder and Ms. Hobbs informed Mr. Kulo that before identification numbers could be assigned, the Department would need to gather further information.

Contact with Kay Yeuell, Greater Orlando Aviation Authority (GOAA), revealed he was informed of the leaking waste oil tank on January 13th by Mike Mena of Orlando Executive Airport (OEA). On January 16th, Mr. Yeuell and Mr. Mena inspected the tank and "stuck it". Mr. Yeuell indicated the contents seemed to be two phased (oil/gas and a bronze liquid). The following day Mr. Mena sent a two employees to inspect the tank and "stick it" again. The

employees became ill and were taken to a local clinic. GOAA contacted Bionomics Laboratory, Inc., who collected a sample of the tank contents that same day.

Mr. Yeuell stated that Mr Dudley, Executive Air Center, contacted a used oil hauler regarding emptying the tank. The used oil hauler, after inspection of the tank, would not pick up the waste oil. According to Mr. Yeuell, the used oil hauler said the contents "smelled funny" and believed it contained material other than waste oil.

Mr. Yeuell knew that there were drums located at the airport and at Arthropod Control, and indicated that John Benge of Orange County Risk Management may have further information. It is uncertain why Mr. Yeuell, former Department of Environmental Protection employee, did not contact the Department or Orange County Environmental Protection Department.

Dan Carrington of OCEPD indicated he had no knowledge of the release, but was surprised that OCEPD was not notified since John Benge of Orange County Risk Management, had formally worked at OCEPD. Mr. Benge was involved with the incident since February 2, 1995.

At this point the Department felt the best approach to gathering all necessary information would be to conduct a meeting at the Department with all involved parties. A meeting was set for March 17th with Kay Yeuell, John Benge, Mark Kulo, and Dan Carrington.

Present at the March 17th meeting were the following:

Bob Snyder	Florida Department of Environmental Protection
John White	Florida Department of Environmental Protection
Jennifer Hobbs	Florida Department of Environmental Protection
Dan Carrington	Orange County Environmental Protection Department
Cynthia Froling	Orange County Arthropod Control Department
Mark Kulo	Orange County Arthropod Control Department
John Benge	Orange County Risk Management Department
Paul Chipok	Orange County Attorney's Office
Pete Clarke	Orange County Health and Community Services
Mike Mena	Orlando Executive Airport/Greater Orlando Aviation Authority
Kay Yeuell	Greater Orlando Aviation Authority
Mike Geden	Environmental Science and Engineering, Inc.

Since that meeting Cynthia Froling and Mark Kulo are no longer employed by Orange County Arthropod Control.

Two consultants were used for the cleanup, OHM Corporation and Environmental Sciences and Engineering, Inc. (ESE). A discussion of the sequence of events took place and copies of the analytical results of the tank contents were reviewed, revealing the following chemicals were present in the waste oil:

Benzene	10 mg/l
Bromodichloromethane	1,820 mg/l
Bromomethane	3,086 mg/l
sec-Butylbenzene	184 mg/l
Chloromethane	178 mg/l
1,2-Dibromoethane	7 mg/l
Dichlorovos DDVP	7,210 mg/l
Ethylbenzene	288 mg/l
2-Hexanone	52 mg/l
Isopropylbenzene	485 mg/l

COAST
15TE PER
BACON
3/20/96

p-isopropyltoluene	358 mg/l
4-Methyl-2Pentanone	55 mg/l
Naphthalene	1,060 mg/l
Phorate (P094)	10,790 mg/l
n-Propylbenzene	1,180 mg/l
Tetrachloroethylene	839 mg/l
Toluene	601 mg/l
1,2,4-Trimethylbenzene	10,100 mg/l
1,3,5-Trimethylbenzene	2,970 mg/l
m & p Xylene	1,105 mg/l
o Xylene	1,017 mg/l

Mark Kulo stated that Orange County Arthropod Control (OCAC) uses Naled (Dibrom) which quickly breaks down into Dichlorovos, DDVP, and is corrosive. OCAC does not use Phorate and they are unsure of where it may have come from. Aviation gasoline may be the source of some of the F-listed hazardous wastes found in the tank contents.

Based on the above results, the waste oil is regulated as a P094/D018/D039 hazardous waste and would be considered acutely toxic. Enclosed is a copy of the results and a chronology of events submitted by OCAC.

Tank ownership and a letter from Foley and Lardner, attorneys representing GOAA, were discussed. According to Mr. Yeuell, the tank belongs to Hangar One who leases it out. A letter dated February 3rd from Foley and Lardner to Mr. Dudley, Executive Air Center, indicates the tank belonging to GOAA, is leased by Executive Air Center, who in turn, subleases space near the tank to OCAC. The letter further states, "that the Authority intends to hold you (Executive Air Center) responsible for (a) removal of material in the Tank and the transport of such material to a properly licensed disposal facility in accordance with all applicable laws and regulations...." (a copy of the letter is enclosed).

OCAC was first made aware of the problem on February 3rd and assumed responsibility for removal of the waste and the tank, in addition to repairing the asphalt. OCAC tried to use their personnel and equipment to remove the material from the tank and were unsuccessful. OCAC personnel did not have the required hazardous waste management training necessary to attempt abatement of the situation.

OHM Corporation was brought in as ESE's contractor on February 3rd. The results of the tank contents indicating the used oil was a hazardous waste were dated January 27th. The above mentioned Foley and Lardner letter was dated February 3rd and received on that same day at 5:00 p.m. at the OCAC office via facsimile. The drums of hazardous waste were moved on February 4th to OCAC, which is not a permitted hazardous waste storage facility. According to the submitted chronology of events, Orange County states that OHM Corporation and ESE determined the waste could be transported to the OCAC facility.

On February 9th, OHM Corporation removed and containerized the sludge from the tank. The sludge, and associated personal protection equipment, were placed in 3 55-gallon drums. Again, it is indicated OHM and ESE made the determination to move the waste to OCAC. OCAC stated they took their lead from Risk Management.

The meeting also revealed that, on March 13th, Orange County Risk Management gave approval for the Orange County Highway Department to cut up the contaminated asphalt. The waste asphalt was placed in 7 55-gallon drums. The

waste asphalt was contaminated with hazardous waste and, therefore, hazardous waste itself. None of the Highway Department workers had the required training in hazardous waste management. Again, OCAC stated they took their lead from Risk Management. It is stated in a report written by ESE, and sent to Orange County Risk Management, that the asphalt integrity appeared to be significantly degraded.

At the end of the meeting it was mentioned, by Mark Kulo that the Department of Community Affairs was contacted about the release after Steve Sickerman, Department of Agriculture, advised him to call and report the incident. Steve Sickerman is investigating the incident for the Department of Agriculture. Lastly, the County was informed that temporary EPA ID numbers would not be issued for the two sites, permanent numbers would need to be assigned.

The hazardous waste was shipped for proper treatment and disposal from the Americana Boulevard site (OCAC) on May 22nd under the permanent EPA ID number FLR000004564, and the Herndon Avenue site (OEA) on May 30th, under permanent EPA ID number FLR000004556.

II. SUMMARY OF POTENTIAL NONCOMPLIANCE ITEMS AND RECOMMENDED CORRECTIVE ACTIONS:

- a) Violation: 40 CFR 263.20 Subpart B - Compliance With the Manifest System and Recordkeeping

A transporter may not accept hazardous waste from a generator unless accompanied by a manifest signed in accordance with the provisions of 40 CFR 262.20. Specifically OHM Corporation transported 9 55-gallon drums of hazardous waste from Orlando Executive Airport to the Orange County Arthropod Control, which is not an approved storage facility, without use of a uniform hazardous waste manifest.

Corrective Action:

OHM Corporation must immediately begin using uniform hazardous waste manifests for all shipments of hazardous waste from generator locations.

III. CONCLUSION:

OHM Corporation was inspected as a hazardous waste transporter and was not in compliance at the time of the file review.

Report prepared by

Jennifer Hobbs
Jennifer Hobbs
Environmental Specialist

EXHIBIT I

FLORIDA DEP HAZARDOUS WASTE COMPLIANCE & ENFORCEMENT

PENALTY REVIEW

FACILITY: OHM Corporation

LOCATION: 405 Mohawk Road, Clermont, Florida 34711

EPA ID: FLD980799381

INSPECTION DATE: March 17, 1995

DISTRICT: Central

PENALTIES: The following penalties were calculated using the Department's April 18, 1995, "Guidelines for Characterizing RCRA Violations" and the USEPA October 1990 "RCRA Civil Penalty Policy" and are in accordance with Department policy.

Assessments for each violation are determined on separate work sheets and summarized below.

SUMMARY OF PROPOSED SETTLEMENT OF LIABILITIES:

<u>REGULATION VIOLATED</u>	<u>AMOUNT</u>	<u>E/B</u>	<u>MULTI-DAY</u>	<u>MATRIX CATEGORY</u>
40 CFR 263.20 Subpart B	\$ 9,500			MINOR/NEGLIGIBLE moderate/major
TOTAL GRAVITY-BASED PENALTIES:	<u>\$ 9,500</u>			
TOTAL ECONOMIC BENEFIT:	_____			
TOTAL MULTI-DAY PENALTY:	_____			
TOTAL PENALTY:	<u>\$ 9,500</u>			

Jennifer H. Hobbs
Prepared By
Jennifer H. Hobbs
Environmental Specialist
2/28/96
Date

Vivian F. Garfein
Vivian F. Garfein
Director of District Management
February 29, 1996
Date

EXHIBIT II

PENALTY COMPUTATION WORKSHEET

Company Name: OHM Corporation

Regulation Violated: 40 CFR 263.20

VIOLATION: A transporter may not accept hazardous waste from a generator unless it accompanied by a manifest signed in accordance with the provisions of 40 CFR 262.20. Specifically OHM Corporation transported 9 55-gallon drums of hazardous waste from Orlando Executive Airport to the Orange County Arthropod Control, which is not an approved storage facility, without use of a uniform hazardous waste manifest.

PENALTY JUSTIFICATION

Potential for Harm and Extent of Deviation were determined using the Department's "Guidelines for Characterizing RCRA Violations", dated April 18, 1995, and are in accordance with Department policy.

1. Potential for Harm:

Nature of the waste: Category 1 hazardous waste, therefore, a score of 8 is warranted. The waste includes an acutely toxic pesticide.

Volume of waste: The volume of waste is between 6 and 25 55-gallon drums, therefore, a score of 5 is warranted. Nine 55-gallon drums were involved in this violation.

Location of receptors: There was not a discharge, therefore, a score of 1 is warranted.

The number of people potentially affected by a release is between 10 - 100 people, therefore, a score of 2 is warranted. This is a very conservative assumption by the Department.

Total rank for potential for harm is 16

Based on the Department's Guidelines, a Moderate potential for harm is warranted.

2. Extent of Deviation:

Failure to use manifest by a LQG, TSD, or transporter, if no shipping papers are available.

Based on the Department's Guidelines, the extent of deviation is Major.

VIOLATION
40 CFR 263.20

Seriousness of Violation Penalty

1. Potential for Harm:	<u>Moderate</u>
2. Extent of Deviation:	<u>Major</u>
3. Matrix Cell Range:	<u>\$ 8,000 - \$ 10,999</u>
Penalty Amount Chosen:	<u>\$ 9,500</u> Mid Range of Cell
4. Assessment:	<u>\$ 9,500</u>

Penalty Adjustments

	<u>Percentage Change*</u>	<u>Dollar Amount</u>
a. Good faith efforts to comply/lack of good faith:	<u> </u>	<u>N/A</u>
b. Degree of willfulness and/ or negligence:	<u> </u>	<u>N/A</u>
c. History of Noncompliance:	<u> </u>	<u>N/A</u>
d. Other unique factors:	<u> </u>	<u>N/A</u>
e. Justification for adjustments:	<u> </u>	<u>N/A</u>

* Percentage adjustments are applied to the dollar amount assessed (Line 4).

5. Adjusted Per-day Penalty (Line 4, ± Adjustments (Lines a-e):	<u>\$ 9,500</u>
6. Multi-day Penalty Amount Chosen From Multi-day Matrix Cell:	<u>N/A</u>
7. Number of Days of Violation Minus One:	<u>N/A</u>
8. Multi-day Penalty (Line 6 x Line 7, Part II):	<u>N/A</u>
9. Economic Benefit of Noncompliance:	<u>N/A</u>
10. Total Penalty (Lines 5 + 8 + 9):	<u>\$ 9,500</u>
11. Ability to Pay Adjustment: Justification for Adjustment:	<u>N/A</u>
12. Total Penalty Amount (must not exceed \$25,000 per day of violation):	<u>\$ 9,500</u>