



Jeb Bush
Governor

Department of Environmental Protection

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

Colleen Castille
Secretary

Ms. Ann Hopkins
Environmental Enterprises of Florida, Inc.
314-B West Landstreet Road
Orlando, Florida 32824

OWL-HW-C/E-04-024

Orange County-HW
Environmental Enterprises of Florida, Inc.
FLR000006353
Warning Letter

Dear Ms. Hopkins:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance inspection was conducted at your facility on March 25, 2004. This inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with 40 CFR 260 through 268, adopted in Florida Administrative Code Chapter 62-730, and 40 CFR 279, adopted in Florida Administrative Code Chapter 62-710.

During the inspection and a subsequent file review on June 1, 2004, possible violations of Florida Statutes and Rules regarding hazardous waste and used oil management were noted. These violations are set forth in "Summary of Potential Noncompliance Items and Recommended Corrective Actions" of the attached inspection report.

The activities observed during the Department's field inspection and any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately.

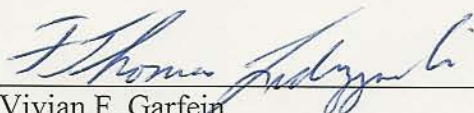
The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with the U.S. EPA RCRA Civil Penalty Policy, dated June 23, 2003, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact John White, Hazardous Waste Section, by telephone at (407) 893-3323 or by e-mail at john.white@floridadep.net within 10 days of receipt of this letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any

facts you may have that will assist in determining whether any violations have occurred and whether any penalties are appropriate. You may bring anyone with you to the meeting that you feel could help resolve this matter.

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 resolution of this matter.

Sincerely,

for 
Vivian F. Garfein
Director, Central District

Date

7/23/2004

VFG/jw 

Enclosures: RCRA Inspection Report
Penalty Worksheet

cc: Mike Redig, FDEP, Tallahassee, mike.redig@floridadep.net
Laurie DiGaetano, EPA Region 4, digaetano.laurie@epa.gov
Debby Valin, FDEP

PENALTY COMPUTATION WORKSHEET

Violator's Name: Environmental Enterprises of Florida, Inc

Identify Violator's Facility: FLR000006353

Name of Department Staff Responsible for the Penalty Computations: John White

ComHaz Case #: 277567

Date: July 1, 2004

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	403.727(1)(e)	5.3	Minor	Minor	-----	N/A	N/A	-----
2.	263.20	5.1	Moderate	Major	\$8,800 - \$12,099			\$10,450
3.	263.12	6.1	Moderate	Moderate	\$5,500 - \$8,799	\$5,225		\$12,375
4.	62-710.500(1)	19.1	-----	-----	-----	N/A	N/A	-----
TOTAL								\$22,825

Total Penalties for all Violations:

\$22,825.00

All Penalties were assessed at the mid-range of the specific matrix

Penalties were not calculated for alleged violation of 403.727(1)(e) because the inspection found a misunderstanding caused the alleged violation and the waste was properly managed and shipped from EEFI correctly. A letter from EEFI to the generators providing the name of the destination facility will ensure the generators know the fate of their waste.

Multiday penalties were selected for storage beyond the 10-day transfer facility time limit. The waste was stored for a 30-day period, 20 days over the limit.

Economic Benefit was not calculated at this time.

Prepared By: John White

Date: 7/19/2004

Reviewed By: Thomas L. Lutz
for Vivian G. Anten

Date: 7/23/2004

WORKSHEET
RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Environmental Enterprises of Florida, Inc Date: July 1, 2004

EPA ID No.: FLR000006353 ComHaz Case #: 277567

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
1.	263.20	No Manifest	4	5	1	3	13
2.	263.12	Storage over 10 days	4	5	1	3	13

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1, 000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12

MULTIDAY PENALTY COMPONENT WORKSHEET

FACILITY NAME: Environmental Enterprises of Florida, Inc Date: July 1, 2004

EPA ID No.: FLR000006353 ComHaz Case #: 277567

Violation Type		Days of Violation	Potential for Harm	Extent of Deviation	Matrix Range	Penalty Selected	Total Multiday
1.	263.12	20	Moderate	Moderate	\$275 - \$1,760	\$275	\$5,225

The multi-day penalty is \$275 per day for 19 days. The first day of the 20 days of violation results in the original gravity based penalty.



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HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME Environmental Enterprises of FL Inc EPA ID # FLR000006353

STREET ADDRESS 314-B W Landstreet Rd, Orlando 32824

MAILING ADDRESS Same as above

COUNTY Orange PHONE 407-855-0141 DATE 3/25/04 TIME 1315

NOTIFIED AS: ☐ N/A

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

CURRENT STATUS:

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

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|---|--------------------------------------|
| <input type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262 | <input checked="" type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-730, FAC | <input type="checkbox"/> 62-737, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Rondal Chambers, President

4. **INSPECTION PARTICIPANTS:**

John White – FDEP

Ann Hopkins - EEFI

5. **LATITUDE/LONGITUDE:** 28° 26' 8.97" / 81° 22' 50.59"

6. **NAICS Code:** 562112 Hazardous Waste Collection (SIC 4212 Local Trucking without storage)

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** None **ISSUE DATE:** **EXP. DATE:**

9. INTRODUCTION

On March 25, 2004, John White, Florida Department of Environmental Protection (FDEP), accompanied by Ann Kay Hopkins, Environmental Enterprises of Florida, Inc. (EEFI), inspected EEFI for compliance with State and Federal hazardous waste regulations. EEFI is a registered hazardous waste transporter.

EEFI is located on two acres of property. EEFI leases the property and presently employs eight to ten people. EEFI was issued a hazardous waste identification number from the Department for their present location on July 25, 1995.

10. INSPECTION HISTORY

August 20, 2002

The facility was not in compliance. Violations found included a leaking container and manifests indicating waste was transported from small quantity generator locations on a hazardous waste manifest while "CESQG" was written in the EPA identification number field.

September 18, 2001

Facility was in compliance

September 8, 2000

Facility was in compliance

September 18, 1998

Facility was in compliance

11. PROCESS DESCRIPTION

Prior to picking up waste from generator locations, generators are required to submit a waste profile to EEFI. EEFI submits the waste profile to a permitted disposal facility for approval. If the disposal facility accepts the waste, EEFI schedules a date and time to transport the waste. EEFI then provides the generator with a description of the waste and an acceptance letter. When a hazardous waste requires transportation, EEFI dispatches a driver with orders showing the waste type and amount.

EEFI uses tractor-trailers to pick up hazardous waste and non-hazardous waste, including pharmaceuticals and consumer commodities, from businesses that generate waste. The hazardous waste is transported to EEFI's facility and stored no longer than 10 days. The waste may or may not be unloaded from the trailer and/or consolidated onto another trailer. The waste is stored in accordance with DOT shipping requirements. A typical trailer can store a maximum of ninety 55-gallon drums. The outdoor storage area for the trailers is about 50 feet long and is constructed with a six-inch thick concrete surface. A six-inch high asphalt containment system surrounds the concrete pad.

EEFI also accepts wastewater treatment sludges from electroplating facilities, EPA waste code F006, and bulks the material prior to shipment to permitted facilities. Lab packs are also consolidated prior to shipment.

Nonhazardous solid waste, including universal waste, used oil, and used oil filters, is stored on a concrete pad located adjacent to the hazardous waste trailer. US Filter pumps used oil and coolant from containers and transports the material for processing.

EEFI does not conduct any process that would generate hazardous waste. Spills and releases from operations involving the transfer facility are managed in accordance with EEFI's contingency plan and emergency procedures.

12. INSPECTION

EEFI was inspected as a transporter and transfer facility of hazardous waste. The inspection was prompted by receipt of hazardous waste manifests that identify Environmental Enterprises of Florida, Inc. as the "Designated Facility" in box 9 of the hazardous waste manifest [Figure 1]. A "Designated Facility" is defined in 40 CFR 260.10 "means a hazardous waste treatment, storage, or disposal facility which (1) has received a permit in accordance with the requirements of parts 270 and 124 of this chapter, (2) has received a permit from a State authorized..., or (3) is regulated under §261.6(c)(2) or subpart F of part 266 of this chapter, and (4) that has been designated on the manifest by the generator pursuant to §260.20... EEFI is not a permitted RCRA treatment, storage or disposal facility and can not be identified as a "Designated Facility" by hazardous waste generators [403.727(1)(e) F.S.].

Discussion of the issue with representatives of EEFI found the use of this designation was a result of a misinterpretation of the requirements of 40 CFR Part 263. EEFI accepts F006 plating wastewater treatment sludge and lab pack containers. Both of these wastes are bulked, if necessary, prior to shipment off-site. Upon completion of the bulking operations, EEFI had generated a new manifest identifying themselves as the disposal facility and attached the original manifest. EEFI mistakenly identified itself as the "Designated Facility" because they assumed after the bulking operation they were the designated facility. EEFI agreed to cease using the Orlando facility's name and address in the "Designated Facility" box on manifests.

In the yard were 2 trailers storing hazardous waste. One trailer was half full of drums. Near the trailer door was an envelope containing manifests for all containers stored on the truck. The second trailer was fully loaded and ready for transport. The manifests for all containers on the trailer were readily available.

There were several containers of non-hazardous waste stored along side the trailers. This waste includes waste coolants, used oil, batteries, and photographic waste (not containing silver). Profiles are generated for all of these wastes and they normally remain on-site for less than 90 days. EEFI is not currently registered with the Department as a used oil or used oil filter transporter [62-710.500(1)(a), FAC].

File Review on June 1, 2004

On June 1, 2004, the Department received a copy of a "Straight Bill of Lading" dated February 18, 2004 [Figure 2] from Eckerd Corporation. The bill of lading indicates 20 pallets of "returned and outdated consumer commodity (for sorting)" were transported from Eckerd Corporation's warehouse, located at 10400 Rocket Boulevard, Orlando, Florida, by EEFI to EEFI's warehouse. Eckerd Corporation's facility, located at 10400 Rocket Boulevard, Orlando, Florida, had notified as a small quantity generator of hazardous waste and on December 2, 2003 received EPA identification number FLR000099796. The hazardous waste was removed from Eckerd's facility without a hazardous waste manifest [40 CFR 263.20(a)] and transported to a facility that was not permitted to accept such waste [62-730.180/403.727(1)(b) F.S./ 40 CFR 263.12]. The waste was stored by EEFI for 30 days. Hazardous waste was sorted out of the original shipment and was shipped off-site on hazardous waste manifest, number 00012, on March 19, 2004 [Figure 3]. On June 16, 2004, EEFI provided the Department with a list of 325 different "types" of Eckerd's consumer products that were shipped from EEFI's Orlando facility as hazardous waste. A list of 410 types of consumer products shipped as nonhazardous waste was also provided.

13. POTENTIAL NON-COMPLIANCE ITEMS AND RECOMMENDED CORRECTIVE ACTIONS

- (a) Regulation: 403.727(1)(e) F.S. – EEFI was improperly identified as a "Designated Facility" on hazardous waste manifests when EEFI does not possess a RCRA permit that would allow the facility to operate as a "Designated" treatment, storage, or disposal facility.

Recommended Corrective Action – EEFI must provide all facilities that received an incorrect manifest in calendar years 2003 and 2004 with a manifest discrepancy letter (this can be one letter covering multiple manifests) stating that the incorrect facility was identified as the "Designated Facility" on the manifest. The

Recommended Corrective Action – EEFI must provide all facilities that received an incorrect manifest in calendar years 2003 and 2004 with a manifest discrepancy letter (this can be one letter covering multiple manifests) stating that the incorrect facility was identified as the "Designated Facility" on the manifest. The letter should also indicate the waste was properly managed and transported to a permitted TSD and the destination TSD should be identified.

- (b) Regulation: 40 CFR 263.20 – A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest signed in accordance with the provisions of 40 CFR 262.20. Specifically, on February 18, 2004, 20 pallets of "returned and outdated consumer commodity (for sorting)" were transported by EEFI to EEFI's Orlando facility on a "Straight Bill of Lading." The materials were declared a waste by Eckerd's, and sent to EEFI "for sorting" into hazardous and non-hazardous waste streams for disposal.

Recommended Corrective Action – EEFI must not accept hazardous waste from generators of greater than 100 kilograms of hazardous waste per month for transportation unless it is accompanied by a hazardous waste manifest.

- (c) Regulation: 62-730.180 F.A.C./40 CFR 263.12 – Operation of a hazardous waste storage facility without a RCRA permit. Specifically, EEFI transported hazardous waste from Eckerd's to the Orlando facility and stored the waste for a period of 30 days (February 18 to March 19, 2004) prior to off-site disposal. EEFI does not possess a RCRA permit that would allow the facility to store hazardous waste for greater than 10 days.

Recommended Corrective Action – EEFI must not accept hazardous waste for storage for greater than 10 days unless the facility first applies for, and receives, a RCRA storage permit.

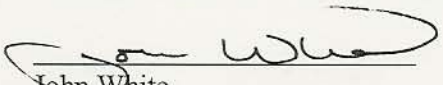
- (d) Regulation: 62-710.500(1)(a) F.A.C. – The following persons shall annually register their used oil handling activities with the Department on DEP Form 62-701.900(9); used oil transporters and transfer facilities.

Recommended Corrective Action – EEFI must register with the Department as a used oil transporter.

14. CONCLUSION

Environmental Enterprises of Florida, Inc. is a transporter of hazardous waste and used oil and a registered 10-day transfer facility for hazardous waste and was not in compliance at the time of this inspection.

Report Prepared By:


John White

Environmental Specialist

July 19, 2004

Date

Report Approved By:


Lu Burson

Environmental Manager

July 23, 2004

Date

03/17/2004 08:34 8504140414
 PAR.1672004 20:06 3066224445

DEP SW
 GOODRICH LANDING SYSTEMS SERVICES #3039 P.303

PAGE 03

Emergency Contact Telephone Number

UNIFORM HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. **FLD982106080** Manifest Document No. **0789**

2. Page 1 of 1 Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address
GOODRICH LANDING SYSTEM
3201 NW 167TH STREET
OPA LOCKA FL 33056-

4. Generator's Phone (305) 622-4500 STEVEN LEWIS/X4519

5. Transporter 1 Company Name **ENVIRONMENTAL ENTERPRISES OF FLORIDA INC** 6. US EPA ID Number **FLR000006353**

7. Transporter 2 Company Name 8. US EPA ID Number

9. Designated Facility Name and Site Address
ENVIRONMENTAL ENTERPRISES OF FLORIDA, INC
314-B LANDSTREET ROAD
ORLANDO FL 32824- 10. US EPA ID Number **FLR000006353**

11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)

a.	b.	c.	12. Centalors		13. Total Quantity	14. Unit We/Vol	15. Waste No.
			No.	Type			
a.	"RO" HAZARDOUS WASTE SOLID, N.O.S. X (CONTAINS: PLATING SLUDGE, CHROMIUM) Q 30377, 111 8006 D007		003	CR	00003	Y	FG06 D007
b.	"RA" WASTE CORROSIVE LIQUID, N.O.S. X (CONTAINS: Sulfuric, Hydrochloric) 8, UN3264, PG-II		0025T		00375	G	FG02
c.							
d.							

16. Additional Descriptions for Materials Listed Above
 PROFILE #: a. C03946 b. **EP6006** c. d.
 ERG #: a. 171 b. c. d.
 Order #: 8830

17. Special Handling Instructions and Additional Information
EMERGENCY: IN CASE OF EMERGENCY CONTACT: RONALD CHAMBERS AT
1-800-762-9162(WORK) OR AT 1-800-223-8140 (HOME)

18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this manifest are true and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.
 If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment. OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name **SALVADOR LIMA** Signature **[Signature]** Month Day Year **10-6-27-03**

17. Transporter 1 Acknowledgment of Receipt of Materials
 Printed/Typed Name **Cory J. Howard** Signature **[Signature]** Month Day Year **10-6-27-03**

18. Transporter 2 Acknowledgment of Receipt of Materials
 Printed/Typed Name Signature Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 18.
 Printed/Typed Name **Patti DeVoe** Signature **[Signature]** Month Day Year **10-6-27-03**

ORIGINAL - RETURN TO GENERATOR

Figure 1. Manifest identifying EEFI as a "Designated Facility" in box 9.

CONTAINS HAZARDOUS MATERIALS

FRANK AND GRAMLING

PAGE 05

Figure 2. Bill of Lading showing transport of waste from Eckerd's to EEFI

05/01/2004 10:40 8132591020 FRANK AND GRAMLING PAGE 05

045E

Emergency Contact Telephone Number

HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. F.L.R.O.D.O.D.O.D.0003.5.000010

2. Page 1 of 1 Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address ENVIRONMENTAL ENTERPRISE OF FLORIDA 314-B LANDSTREET ROAD, ORLANDO FL 32824-

4. Generator's Phone (407)855-0141 ANN HOPKINS

5. Transporter 1 Company Name ENVIRONMENTAL ENTERPRISES OF FLORIDA INC. 6. US EPA ID Number F.L.R.O.D.O.D.O.D.0003.5.000010

7. Transporter 2 Company Name ~~Environmental Enterprises of Florida~~ 8. US EPA ID Number ~~FLR000006353~~

9. Designated Facility Name and Site Address ENVIRONMENTAL ENTERPRISES, INC. 4650 SPRING GROVE ROAD CINCINNATI OH 45232- 10. US EPA ID Number O.H.D.O.8.3.8.7.7.0.1.0

11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)

No.	Type	Total Quantity	Unit Wt/Vol	Waste No.
a. WASTE CONSUMER COMMODITY X (CONTAINS: FLAMMABLE LIQUID) ORM-D D001	DM	001	00001	0001
b. WASTE CONSUMER COMMODITY X (CONTAINS: FLAMMABLE AEROSOLS) ORM-D D001	DM	001	00.100	0001
c.				
d.				

12. Containers

13. Total Quantity

14. Unit Wt/Vol

15. Waste No.

16. Additional Descriptions for Materials Listed Above

PROFILE #1: a. X63768 b. X63769

ERG #: a. b. c. d.

Order #: 04-09734 04-09740

17. Handling Codes for Wastes Listed Above

a) H141

b) H141

18. Special Handling Instructions

1-800-762-9162 (WORK)

1-800-223-8140 (HOME)

OR ENVIRONMENTAL ENTERPRISES 513-541-1823 OR 800-892-1503

19. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently applicable to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name Julie Clark

Signature Julie Clark

Month Day Year 03/19/04

20. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name Cory J. Howard

Signature Cory J. Howard

Month Day Year 03/19/04

21. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name Robert Chambers

Signature Robert Chambers

Month Day Year 03/29/04

22. Discrepancy Indication Space

23. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.

Printed/Typed Name Steve McCallan

Signature Steve McCallan

Month Day Year 04/21/04

Figure 3. Manifest documenting shipment of Eckerd's hazardous waste from EEFI's facility.