



Florida Department of Environmental Protection

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

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

RECEIVED
MAY 26 2009

DEP Central Dist.

ELECTRONIC MAIL
hazmatfl@att.net

Ron Chambers
314-B West Landstreet Rd.
Orlando, FL 32824

OCD-HW-E-09-111

SUBJECT: Proposed Settlement of Environmental Enterprises of Florida, Inc.-
FLR000006353 - OGC File No.: 09-2356

Dear Mr. Chambers:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, OWL-HW-E-09-014, dated May 5, 2009, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$7,736.00, along with \$ 500.00 to reimburse the Department costs, for a total of \$8,236.00. The civil penalty in this case includes one violation of \$2,000.00 or more. Payments shall be made in 8 monthly installments, due on the 5th of each month. The first payment of \$1,236.00 is due June 5, 2009 with subsequent monthly payments being \$1,000.00. The last payment is due January 5, 2010.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number 09-2356 and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, Central District, 3319 Maguire Blvd, Suite 232, Orlando FL 32803, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

"More Protection, Less Process"
www.dep.state.fl.us

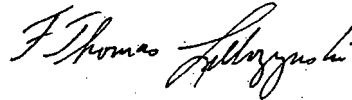
SCANNED
DATE <u>5/27/09</u>
BY <u>Lucy</u>

RECEIVED

MAY 28 2009

If you do not sign and return this letter to the Department at the District address within 10 days of receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.


Sincerely,



For Vivian F. Garfein
Director, Central District

FOR THE RESPONDENTS:

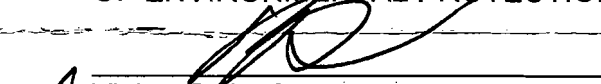
I, RONDAL CHAMBERS on behalf of Environmental Enterprises of Florida, Inc.
HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

By: 
Date: 5-27-09

FOR DEPARTMENT USE ONLY

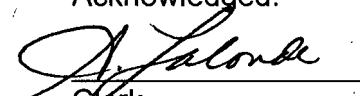
DONE AND ENTERED this 0th day of June, 2009.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Vivian F. Garfein
District Director

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, With the designated Department Clerk, receipt of which is hereby Acknowledged.


Clerk

6/2/2009
Date

Copies furnished to:
Lea Crandall, Agency Clerk
Mail Station 35

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; (c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order; (d) A statement of when and how the petitioner received notice of the Consent Order; (e) A statement of all material facts disputed by petitioner, if any; (f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes the petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



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Orlando, FL 32824

WARNING LETTER

OWL-HW-E-09-014

Environmental Enterprises of Florida, Inc.
FLR000006353

Dear Mr. Chambers:

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. After a record review, the Department has identified several manifest discrepancies. As a registered hazardous waste and used oil transporter you must maintain compliance with Title 40 Code of Federal Regulations (CFR) Parts 260-268 and 279 adopted in Florida Administrative Codes 62-730 and 62-710 and other Florida laws relating to hazardous waste. Please see the attached inspection report for additional information.

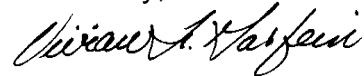
The activities described in the report and any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately.

The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, dated September 2004, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Janine Kraemer, Hazardous Waste Section, by telephone at (407) 893-3329 or by e-mail at janine.kraemer@dep.state.fl.us 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(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Vivian F. Garfein
Director, Central District

5/5/09

Date

VFG/jk

Enclosures:

Inspection Report

Penalty Calculation Worksheet

copy to:

Debby Valin, FDEP, Debby.Valin@dep.state.fl.us



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Environmental Enterprises of Florida Inc
On-Site Inspection Start Date: 04/17/2009 **On-Site Inspection End Date:** 04/17/2009
ME ID#: 56404 **EPA ID#:** FLR000006353
Facility Street Address: 314 W Landstreet Rd # B, Orlando, Florida 32824-7803
Contact Mailing Address: 314 W Landstreet Rd #B, Orlando, Florida 32824-7822
County Name: Orange **Contact Phone:** (407) 855-0141

NOTIFIED AS:

SQG (100-1000 kg/month)
Transporter
Transfer Facility
Used Oil

INSPECTION TYPE:

File Review Inspection for Hazardous Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Janine Kraemer, Inspector
Other Participants: NA

LATITUDE / LONGITUDE: Lat 28° 26' 8.1123" / Long 81° 22' 50.7241"

SIC CODE: 4212 - Trans. & utilities - local trucking, without storage

TYPE OF OWNERSHIP: Private

Introduction:

On February 10, 2009, the Department received information concerning several shipments of hazardous waste that had been consolidated at Environmental Enterprises of Florida, Inc. (EEFI) facility located at 314-B W. Landstreet, Orlando FL. EEFI is a registered transporter and transfer facility for used oil and hazardous waste.

Process Description:

According to documents reviewed, EEFI had consolidated waste from Coca-Cola North America, (EPA identification number FLD053393039) and USDVA Bay Pines VA Medical Center (EPA identification number FLD982107583) and manifested the waste under EEFI's EPA identification number. Manifest, 005477019JJK, included waste from manifests 005477017JJK (USDVA) and 005477015JJK (Coca-Cola). The following information was listed on manifest 005477017JJK (USDVA): Waste Flammable liquid, (Contains Acetone, Formalin 10% solution), D001. The following information was listed on manifest 005477015JJK (Coca-Cola): Waste Flammable liquid, (Contains Acetone), D001, F003, F005, Waste Flammable solid, (Contains Acetone), D001, F003, F005 and Waste Toxic Liquid (Contains see attached list). The information transferred over to the EEFI manifest 005477019JJK listed Waste Flammable liquid (Contains Alcohol, Xylene) D001, F003, F005, U122 and Waste Flammable solids (Contains Acetone, Xylene) D001, F003, F005. The consolidated manifest had incorrect waste descriptions and waste codes as well as missing waste codes [40 CFR 262.20(a)(1)].

An inspection was conducted at Coca-Cola in order to determine why the waste codes were not listed on the original manifest. According to Coca-Cola employees, EEFI arrived early and the EHS Manager was not available; however, the waste was shipped anyway.

Inspection Date: 04/17/2009

EEFI had also consolidated waste from High Standard Aviation, (EPA identification number FLR000048587) and City of Orlando (EPA identification number FLD981749682) and manifested the waste under EEFI's EPA identification number. Manifest, 005477069JJK, included waste from manifests 003841957JJK (Orlando) and 004193401JJK (HSA). The following information was listed on manifest 003841957JJK (Orlando): Waste Aerosols, D001, F003, F005. The following information was listed on manifest 004193401JJK: Waste Flammable liquid, (Contains See attached list) lab pack, Hazardous Waste liquid (Contains See attached list), lab pack, Waste Aerosols D001, F003, F005 and Waste Flammable liquid (Contains Strontium chromate, Barium Chromate) D006, D007. The information transferred over to the EEFI manifest 005477069JJK (HSA) listed Waste Flammable liquid (Contains Alcohol, Xylene) D001, F003, F005, U122; Waste Flammable liquid, Toxic (Contains Strontium, chromate, Barium chromate) D006, D007 and Hazardous Waste liquid (Contains Epoxy Resin adhesive). The consolidated manifest had incorrect waste descriptions and waste codes as well as missing waste codes [40 CFR 262.20(a)(1)].

NOTE: EEFI provided the Department "Manifest Discrepancy Reports" for each of the above manifests after a discussion by telephone; however, no discrepancy report was provided for the Hazardous Waste liquid (Contains Epoxy Resin adhesive), which was missing waste codes.

During an inspection at Homac Manufacturing Company, Ormond Beach FL on March 25, 2009, the Department reviewed manifest 004193095JJK, which identified the generator as City of Altamonte Springs (EPA Identification number FLD980804912) and the designated TSD facility as Envirite of Ohio (EPA identification number OHD980568992). According to the Departments database, there is no facility with EPA identification number FLD980804912 [40 CFR 262.20(a)(1)]. The material was not a waste but rather spent sodium hydroxide solution generated by City of Altamonte Springs and transported to Homac for use in a production process. A manifest should not have been created for this shipment and it incorrectly identified the designated facility. Homac Manufacturing was listed as the alternate designated TSD facility but waste is only allowed to go to alternate facilities if the waste cannot be delivered to the first facility [40 CFR 263.21].

New Potential Violations and Areas of Concern:

Checklist Independent Potential Violations and Areas of Concern

Type: Violation
Rule: 262.20(a)(1)
Explanation: Manifests must be completed correctly to include proper waste identification and waste codes. Specifically, EEFI did not include some waste codes, included incorrect waste codes as well as incorrectly identified wastes on several manifests.
Corrective Action: EEFI has filed manifest discrepancies for most of the deficiencies; however, several more exist. Within 30 days of receipt of this Warning letter, EEFI must conduct training for personnel and drivers on the proper procedures for completing a manifest.

Type: Violation
Rule: 263.21(a)(2)
Explanation: Transporters can use an alternate designated TSD facility if hazardous waste cannot be delivered to the designated facility. Specifically, EEFI delivered spent sodium hydroxide solution to Homac rather than Envirite, the TSD facility identified on the manifest.
Corrective Action: EEFI must conduct training for personnel and drivers on the proper procedures for ensuring they only accept properly completed manifests for shipments of hazardous waste.

Inspection Date: 04/17/2009

Summary of Potential Violations and Areas of Concern:Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
262.20(a)(1)		04/17/2009	Manifests must be completed correctly to include proper waste identification and waste codes. Specifically, EEFI did not include some waste codes, included incorrect waste codes as well as incorrectly identified wastes on several manifests.
263.21(a)(2)		04/17/2009	Transporters can use an alternate designated TSD facility if hazardous waste cannot be delivered to the designated facility. Specifically, EEFI delivered spent sodium hydroxide solution to Homac rather than Envirite, the TSD facility identified on the manifest.

Areas of Concern

No Areas of Concern

Conclusion:

EEFI is a registered hazardous waste and used oil transporter and transfer facility. EEFI must ensure all manifests are completed correctly including those that are completed as a service for other facilities.

Inspection Date: 04/17/2009

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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Janine Kraemer

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

NO SIGNATURE

PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

NA

REPRESENTATIVE NAME

NO SIGNATURE

REPRESENTATIVE SIGNATURE

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.