




Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:  10/13/10
Deborah Getzoff, District Director

THROUGH:  William Kutash, Waste Program Administrator
 James Dregne, Hazardous Waste Program Manager ^{10/14}
 Elizabeth Knauss, HW Enforcement Coordinator

FROM:  Shannon Camp, Environmental Specialist II

DATE: September 28, 2010

FILE NAME: EQ Florida

COUNTY: Hills

PROGRAM: Hazardous Waste

WL # WL10-0061HW29SWD

TYPE OF DOCUMENT: Draft Inspection Report; Warning Letter

REQUESTED ACTION: Review / Signature

DESCRIPTION OF VIOLATIONS: open HW containers, undated HW containers, parking vehicles w/HW on ground, storing ignitable HW w/in 50 ft of property line; improper storage of UW lamps; waste on tops of HW storage containers; storing HW in improper areas; failure to inspect safety/emergency equip; failure to segregate unknown HW containers; failure maintain truck log; improper placarding on HW containers on outbound truck; failure to label used oil/UOF containers (maintenance); no waste codes on HW storage containers.

STATUS OF CORRECTIVE ACTIONS: Pending

STATUS OF PENALTY ASSESSMENT: Pending

PENALTY: Not Applicable

Amount: \$ TBD

Costs & Expenses: \$

Total: \$

Secretary Approval Not required / Approved on _____

Attachments:



Florida Department of
Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

October 13, 2010

CERTIFIED MAIL 7009 1410 0001 0092 2257
RETURN RECEIPT REQUESTED

Mr. Bob Mulholland
EQ Florida, Inc.
7202 East 8th Ave.
Tampa, FL 33619

Re: EQ Florida, Inc.
FLD981932494
Warning Letter #WL10-0061HW29SWD
Hillsborough County

Dear Mr. Stapleton:

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 program field inspection conducted on August 25, 2010, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. The report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

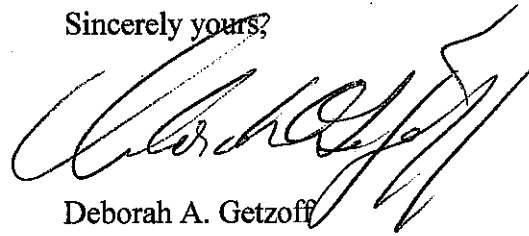
You are requested to contact Shannon Camp at (813)632-7600, extension 473, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have 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), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and

reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 2003, the penalties which could be assessed in hazardous waste cases are up to \$37,500 per day per violation.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/sdc

Attachment

cc: Parvez Mallick, USEPA Region IV (electronic)
Glen Perrigan, HWR Section (electronic)
Kelley Boatwright, Hills. Co. EPC
Compliance File



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: EQ Florida Inc

On-Site Inspection Start Date: 08/25/2010

On-Site Inspection End Date: 09/02/2010

ME ID#: 21659

EPA ID#: FLD981932494

Facility Street Address: 2002 N Orient Rd, Tampa, Florida 33619-3356

Contact Mailing Address: 7202 E 8th Ave, Tampa, Florida 33619-3380

County Name: Hillsborough

Contact Phone: (813) 319-3423

NOTIFIED AS:

LQG (>1000 kg/month)

Transporter

Transfer Facility

TSD Facility Unit Type(s)

Used Oil

INSPECTION TYPE:

Routine Inspection for TSD Facility Unit Type(s)

Routine Inspection for LQG (>1000 kg/month) facility

Routine Inspection for Hazardous Waste Transfer Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Shannon D. Camp, Inspector

Other Participants: Kelly Honey, ES III; Stuart Stapleton, Regulatory Specialist; Kathleen Downey, ES I

LATITUDE / LONGITUDE: Lat 27° 57' 44.8953" / Long 82° 22' 25.1455"

SIC CODE: 4953 - Trans. & utilities - refuse systems

TYPE OF OWNERSHIP: Private

Introduction:

EQ Florida, Inc. was inspected on August 25, 2010 to determine the facility's compliance with state and federal hazardous waste regulations. Mr. Stapleton assisted the inspectors throughout the inspection. The Department last inspected this facility in July 2009. A follow-up inspection inspection was conducted on September 2, 2010 to review paperwork, inspect the laboratory and the maintenance area.

Process Description:

EQ Florida is a permitted Treatment, Storage and Disposal facility as well as a registered Hazardous Waste and Used Oil Transporter and Transfer Facility. The facility is due for a permit renewal in January 2011. The facility submitted their permit renewal application in July 2010.

Operations at EQ Florida have not changed significantly since the previous inspection. The facility was not exceeding their permitted waste capacity at the time of the inspection. All five sumps within the storage building were dry and clean. The facility's transfer facility logs and manifests, operating permit, training records, daily logs, contingency plan, closure plan and incoming/outgoing manifests were all reviewed. EQ is currently managing spent parts washer solvent generated from their Heritage Crystal Clean parts washer as hazardous waste.

Inspection Date: 08/25/2010

New Potential Violations and Areas of Concern:**TSD Containers Checklist**

Type: Violation
Rule: 264.176
Question Number: 12.90
Question: Are containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from the facility property line?
Explanation: At the time of the inspection, EQ was storing over 100 55-gallon drums of ignitable hazardous waste aerosols approximately 6-7 feet from the property line. In addition, the facility was storing numerous containers of ignitable hazardous waste within Bays 1 and 3 which are both located within 50 feet of the property line.
Corrective Action: Effective immediately, EQ must store ignitable wastes only within Bay 2 as specified in Section 3 of the Permit Application.

Checklist Independent Potential Violations and Areas of Concern

Type: Violation
Rule: 273.33(d)(1)
Explanation: At the time of the inspection, universal waste lamps were being stored in boxes within an open box truck. The boxes within the truck had become wet due to exposure to the weather and multiple lamps were observed to be spilling out of a box. A number of the cardboard boxes appeared to be no longer structurally sound due to the water damage. In addition, several cardboard boxes of the lamps were observed being stored on a pallet outside. The boxes were also damaged due to the exposure to the weather and numerous lamps were observed on the ground. (Corrected)
Corrective Action: Immediately following the inspection, personnel placed the lamps within new boxes. The lamps were later shipped off for recycling.

Type: Violation
Rule: 264.31
Explanation: At the time of the inspection, multiple hazardous waste containers were observed being stored at the facility with waste pooled on tops of the containers.
Corrective Action: Most of the containers were cleaned during the inspection. EQ must ensure that containers storing hazardous waste are clean and waste is not allowed to accumulate or be stored on top of the containers.

Type: Violation
Rule: 403.727(1)(c)
Explanation: At the time of the inspection, cyanide bearing hazardous waste was observed being stored in the southwest end of Bay 3 (3B) in violation of permit condition S.C.II.8.
Corrective Action: EQ is only permitted to store cyanide bearing wastes in storage area 2A located

Inspection Date: 08/25/2010

within Bay 2.

Type: Violation

Rule: 268.50(a)(2)(i)

Explanation: At the time of the inspection, multiple storage containers at the facility were not marked with the date the containers were received at the facility. The containers were observed in all three bays, within at least two outbound trucks and outside. Failure to clearly mark upon receipt each container of hazardous waste with the date the waste was received at the facility is a violation of permit condition S.C.II.22b.

Corrective Action: Effective immediately, EQ must mark all containers of hazardous waste with the receipt date upon acceptance of the waste.

Type: Violation

Rule: 264.15(b)(1)

Explanation: During the inspection, the facility's emergency/safety equipment storage cabinet located within Bay 1, was examined. EQ personnel had not inspected the contents or the condition of the contents in at least 18 months prior to the inspection. A piece of paper was taped to the front of the cabinet that was dated with the last inspection date of January 7, 2009. The paper was placed over the opening so as to rip if the cabinet was opened. In accordance with Section 5 of the permit application, EQ is to inspect the facility's emergency and safety equipment daily.

Corrective Action: Effective immediately, EQ must visually inspect and document inspection of all of the facility's safety and emergency equipment daily.

Type: Violation

Rule: 264.173(a)

Explanation: At the time of the inspection, there was one open drum storing hazardous waste located within one of the outbound trucks. The bung had been removed and was located on top of the drum. In addition, there were at least two open cubic yard boxes storing hazardous waste aerosols located outside in the unloading area. Personnel indicated that they were "In Process", however there was no waste being added to or being removed from the containers. (Corrected)

Corrective Action: The facility closed the drum during the inspection. The cubic yard boxes were later shipped off-site for disposal.

Type: Violation

Rule: 264.177(c)

Explanation: At the time of the inspection, multiple containers storing unknown wastes were being stored on a cart in Bay 2. Personnel indicated that wastes were placed on the cart because they were unknown or had a reaction during consolidation. Some of the containers appeared to be leaking waste and most of them were not labeled as containing hazardous waste. At least one of the containers was marked with the D003 waste code. This is also a violation of permit condition S.C.II.6.

Inspection Date: 08/25/2010

Corrective Action: Effective immediately, EQ must ensure that all unknown wastes are properly contained, segregated and labeled with the words "Hazardous Waste."

Type: Violation

Rule: 403.727(1)(c)

Explanation: At the time of the inspection, EQ was staging hazardous waste in areas designated for storage by the permit. In addition, the facility was taking longer than three days to unload hazardous waste into the appropriate storage area and longer than five days to load an outbound truck. EQ was not documenting when trucks had entered, been unloaded or loaded, or had left the facility. These are all violations of permit condition S.C.II.15.

Corrective Action: Effective immediately, EQ must ensure that: all incoming shipments of hazardous waste are unloaded into the appropriate storage area within three consecutive working days of the shipment's arrival; all vehicles being loaded for outgoing shipments leave the facility within five consecutive working days of the first container of hazardous waste being placed on the vehicle; and documentation of the above is maintained in the facility's operating log.

Type: Violation

Rule: 403.727(1)(c)

Explanation: At the time of the inspection, EQ had multiple trucks on-site that were storing hazardous waste. A number of the trucks, which were open, were being parked on the ground and not on a man-made surface having emergency liquid containment, in violation of permit condition S.C.II.14.

Corrective Action: Effective immediately, EQ must ensure that all service vehicles, roll-offs, and tractor trailers that contain hazardous waste are parked over a man-made surface having emergency secondary containment or are parked at one of the unloading areas.

Type: Violation

Rule: 262.33

Explanation: At the time of the inspection, multiple containers storing hazardous waste that were loaded onto an outbound truck were observed without any labels. The containers were not placarded for transport, were not labeled as to their contents, and were not dated with the date received at the facility.

Corrective Action: Effective immediately, EQ must ensure all containers storing hazardous waste are properly placarded prior to loading onto an outbound truck.

Type: Violation

Rule: 62-710.401(6)

Explanation: At the time of the inspection of the facility's vehicle maintenance area, one five gallon bucket located inside and one approximately 20 gallon used oil dolly located outside were observed without being labeled with the words "Used Oil." Inside the building was a secondary containment pallet storing two 55-gallon drums. At the time of the inspection, the containment pallet was storing several inches of used oil. As the capacity of the containment pallet is over 55

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gallons and as the pallet was located near a overhead door, the pallet would also require secondary containment if used to store used oil.

Corrective Action: Effective immediately, EQ must ensure that all containers used to collect or store used oil are labeled with the words "Used Oil." In addition, EQ must clean out the used oil located within the secondary containment pallet as secondary containment must not be used as a primary storage container.

Type: Violation

Rule: 62-710.850(5)(a)

Explanation: At the time of the inspection, the facility was storing used oil filters within a 5 gallon bucket in the maintenance area, The bucket was only labeled as "Biohazard."

Corrective Action: Effective immediately, EQ must ensure that all containers storing used oil filters are labeled with the words "Used Oil Filters."

Type: Violation

Rule: 403.727(1)(c)

Explanation: At the time of the inspection, multiple containers being stored at the facility were not marked with applicable EPA waste identification codes in violation of permit condition S.C.II.22.a.

In addition, several hazardous waste containers being stored at the facility did not have the generator information marked on the container. Personnel indicated that the containers had arrived at the facility in that condition.

Corrective Action: Effective immediately, EQ must ensure that all containers storing hazardous waste are clearly marked with the contents of each container, including all applicable EPA waste identification codes. EQ should also inspect all incoming waste containers to ensure they are properly placarded and marked prior to acceptance.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
TSD Containers Checklist 264.176		08/25/2010	At the time of the inspection, EQ was storing over 100 55-gallon drums of ignitable hazardous waste aerosols approximately 6-7 feet from the property line. In addition, the facility was storing numerous containers of ignitable hazardous waste within Bays 1 and 3 which are both located within 50 feet of the property line.
Checklist Independent Violations 273.33(d)(1)		08/25/2010	At the time of the inspection, universal waste lamps were being stored in boxes within an open box truck. The boxes within the truck had become wet due to exposure to the weather and multiple

Inspection Date: 08/25/2010

Rule Number	Area	Date Cited	Explanation
			lamps were observed to be spilling out of a box. A number of the cardboard boxes appeared to be no longer structurally sound due to the water damage. In addition, several cardboard boxes of the lamps were observed being stored on a pallet outside. The boxes were also damaged due to the exposure to the weather and numerous lamps were observed on the ground. (Corrected)
264.31		08/25/2010	At the time of the inspection, multiple hazardous waste containers were observed being stored at the facility with waste pooled on tops of the containers.
403.727(1)(c)		08/25/2010	At the time of the inspection, cyanide bearing hazardous waste was observed being stored in the southwest end of Bay 3 (3B) in violation of permit condition S.C.II.8.
268.50(a)(2)(i)		08/25/2010	At the time of the inspection, multiple storage containers at the facility were not marked with the date the containers were received at the facility. The containers were observed in all three bays, within at least two outbound trucks and outside. Failure to clearly mark upon receipt each container of hazardous waste with the date the waste was received at the facility is a violation of permit condition S.C.II.22b.
264.15(b)(1)		08/25/2010	During the inspection, the facility's emergency/safety equipment storage cabinet located within Bay 1, was examined. EQ personnel had not inspected the contents or the condition of the contents in at least 18 months prior to the inspection. A piece of paper was taped to the front of the cabinet that was dated with the last inspection date of January 7, 2009. The paper was placed over the opening so as to rip if the cabinet was opened. In accordance with Section 5 of the permit application, EQ is to inspect the facility's emergency and safety equipment daily.
264.173(a)		08/25/2010	At the time of the inspection, there was one open drum storing hazardous waste located within one of the outbound trucks. The bung had been removed and was located on top of the drum. In addition, there were at least two open cubic yard boxes storing hazardous waste aerosols located outside in the unloading area. Personnel indicated that they were "In Process", however there was no waste being added to or being removed from the containers. (Corrected)

Inspection Date: 08/25/2010

Rule Number	Area	Date Cited	Explanation
264.177(c)		08/25/2010	At the time of the inspection, multiple containers storing unknown wastes were being stored on a cart in Bay 2. Personnel indicated that wastes were placed on the cart because they were unknown or had a reaction during consolidation. Some of the containers appeared to be leaking waste and most of them were not labeled as containing hazardous waste. At least one of the containers was marked with the D003 waste code. This is also a violation of permit condition S.C.II.6.
403.727(1)(c)		08/25/2010	At the time of the inspection, EQ was staging hazardous waste in areas designated for storage by the permit. In addition, the facility was taking longer than three days to unload hazardous waste into the appropriate storage area and longer than five days to load an outbound truck. EQ was not documenting when trucks had entered, been unloaded or loaded, or had left the facility. These are all violations of permit condition S.C.II.15.
403.727(1)(c)		08/25/2010	At the time of the inspection, EQ had multiple trucks on-site that were storing hazardous waste. A number of the trucks, which were open, were being parked on the ground and not on a man-made surface having emergency liquid containment, in violation of permit condition S.C.II.14.
262.33		08/25/2010	At the time of the inspection, multiple containers storing hazardous waste that were loaded onto an outbound truck were observed without any labels. The containers were not placarded for transport, were not labeled as to their contents, and were not dated with the date received at the facility.
62-710.401(6)		08/25/2010	At the time of the inspection of the facility's vehicle maintenance area, one five gallon bucket located inside and one approximately 20 gallon used oil dolly located outside were observed without being labeled with the words "Used Oil." Inside the building was a secondary containment pallet storing two 55-gallon drums. At the time of the inspection, the containment pallet was storing several inches of used oil. As the capacity of the containment pallet is over 55 gallons and as the pallet was located near a overhead door, the pallet would also require secondary containment if used to store

Inspection Date: 08/25/2010

Rule Number	Area	Date Cited	Explanation
62-710.850(5)(a)		08/25/2010	used oil. At the time of the inspection, the facility was storing used oil filters within a 5 gallon bucket in the maintenance area, The bucket was only labeled as "Biohazard."
403.727(1)(c)		08/25/2010	At the time of the inspection, multiple containers being stored at the facility were not marked with applicable EPA waste identification codes in violation of permit condition S.C.II.22.a. In addition, several hazardous waste containers being stored at the facility did not have the generator information marked on the container. Personnel indicated that the containers had arrived at the facility in that condition.

Areas of Concern

No Areas of Concern

Conclusion:

At the time of the inspection, EQ Florida was not operating in compliance with state and federal hazardous waste regulations governing Treatment, Storage and Disposal Facilities.

Inspection Date: 08/25/2010

Signed:

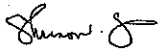
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection 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.

Shannon D. Camp

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

PRINCIPAL INSPECTOR SIGNATURE

9/27/2010

DATE

Kelly Honey

INSPECTOR NAME

ES III

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

Kathleen Downey

INSPECTOR NAME

ES I

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

Stuart Stapleton

REPRESENTATIVE NAME

Regulatory Specialist

REPRESENTATIVE TITLE

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.

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SOUTHWEST DISTRICT
TEMPLE TERRACE

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

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SOUTHWEST DISTRICT
TEMPLE TERRACE

Total Po Mr. Bob Mulholland

Sent To EQ Florida, Inc.
Street, Ap 7202 East 8th Avenue
or PO Box
City, State Tampa, FL 33619

PS Form 3800, August 2006

See Reverse for Instructions

7009 1410 0001 0092 2257

Stewart, Patricia

From: Stewart, Patricia
Sent: Wednesday, October 13, 2010 1:15 PM
To: 'Mallick.Parvez@epamail.epa.gov'; Perrigan, Glen; 'boatwright@epchc.org'
Subject: EQ Florida FLD 981 932 494 Warning Letter
Attachments: EQ Florida.pdf; image003.jpg

Attached please find a copy of a warning letter. This is the only copy you will receive.

NOTE: If you have any questions concerning the contents of this document, please contact the DEP Environmental Specialist II Shannon.D.Camp@dep.state.fl.us

Acrobat Reader 6.0 or greater is required to read this document. It is available for downloading at:
<http://www.adobe.com/products/acrobat/readstep.html>



Thank you,
Patricia Stewart
Senior Clerk
Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637
813-632-7600, X 356
FAX: 813-632-7664
Patricia.Stewart@dep.state.fl.us

Stewart, Patricia

From: Mail Delivery System [MAILER-DAEMON@mseive02.rtp.epa.gov]
To: Mallick.Parvez@epamail.epa.gov
Sent: Wednesday, October 13, 2010 1:15 PM
Subject: Relayed: EQ Florida FLD 981 932 494 Warning Letter

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

Mallick.Parvez@epamail.epa.gov

Subject: EQ Florida FLD 981 932 494 Warning Letter

Stewart, Patricia

From: Microsoft Exchange
To: 'boatwright@epchc.org'
Sent: Wednesday, October 13, 2010 1:15 PM
Subject: Relayed: EQ Florida FLD 981 932 494 Warning Letter

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

'boatwright@epchc.org'

Subject: EQ Florida FLD 981 932 494 Warning Letter

Sent by Microsoft Exchange Server 2007

Stewart, Patricia

From: Microsoft Exchange
To: Perrigan, Glen
Sent: Wednesday, October 13, 2010 1:15 PM
Subject: Delivered: EQ Florida FLD 981 932 494 Warning Letter

Your message has been delivered to the following recipients:

Perrigan, Glen

Subject: EQ Florida FLD 981 932 494 Warning Letter

Sent by Microsoft Exchange Server 2007