



Florida Department of Environmental Protection

Northeast District
7825 Baymeadows Way, Suite B200
Jacksonville, Florida 32256

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 26, 2011

SENT VIA EMAIL
c.owens@ersfl.com

Mr. Charles Owens, President
Environmental Remediation Services
760 Talleyrand Ave
Jacksonville, Florida 32202

**Re: Environmental Remediation Services
Non-Compliance Letter NCL11-2658HW16NED
EPA/DEP ID: FLD 984 261 412
Duval County - Hazardous Waste**

Dear Mr. Owens:

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 conducted on February 8, 2011, indicates that violations of Florida Statutes and Rules may exist at your facility. Florida Department of Environmental Protection (DEP) personnel made observations described in the attached Hazardous Waste Inspection Report. The "Summary of Potential Violations" section of the report lists the alleged violations.

Section 403.727, Florida Statutes, provides that it is a violation to fail to comply with rules adopted by the DEP. The activities observed during the DEP's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Rules should be ceased.

PLEASE BE ADVISED that this Non-Compliance Letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), Florida Statutes. It is the DEP's intention to allow you to document compliance or corrective actions, so that this matter can be closed promptly without further enforcement. Your failure to respond in writing within 30 days of receipt of this Non-Compliance Letter may result in the initiation of formal enforcement proceedings. **Your written response should either describe what you have done to comply with the requests made in the attached Hazardous Waste Inspection Report or provide evidence to support a claim that the violations did not occur.**


Environmental Remediation Services
Non-Compliance Letter NCL11-2658HW16NED

Please address your response to me, Jenna Perry, at Jenna.D.Perry@dep.state.fl.us or at the letterhead address. If you have any questions, you may contact me at 904.256.1674. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Jenna Perry
Environmental Specialist III
Hazardous Waste Section

 Enclosure(s)

cc: John Anderson, Vice President/Operations [j.anderson@ersfl.com]



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Environmental Remediation Services
On-Site Inspection Start Date: 02/08/2011 **On-Site Inspection End Date:** 02/08/2011
ME ID#: 37410 **EPA ID#:** FLD984261412
Facility Street Address: 760 Talleyrand Ave, Jacksonville, Florida 32202-1031
Contact Mailing Address: 760 Talleyrand Ave, Jacksonville, Florida 32202-1031
County Name: Duval **Contact Phone:** (904) 791-9992

NOTIFIED AS:

Non-Handler
Transporter
Used Oil

INSPECTION TYPE:

Routine Inspection for Hazardous Waste Transporter facility
Routine Inspection for Used Oil Transporter facility
Routine Inspection for Universal Waste Transporter facility
Routine Inspection for Non-Handler facility

INSPECTION PARTICIPANTS:

Principal Inspector: Jenna Perry, Inspector
Other Participants: John Anderson, Vice President/Operations; Charles Owens, President

LATITUDE / LONGITUDE: Lat 30° 19' 47.5826" / Long 81° 37' 55.1331"

SIC CODE: 4959 - Trans. & utilities - sanitary services, nec

TYPE OF OWNERSHIP: Private

Introduction:

Environmental Remediation Services (ERS) was inspected on February 8, 2011, as an unannounced hazardous waste compliance evaluation inspection. The facility was last inspected on March 31, 2005, when it was in operation as a hazardous waste transporter, used oil transporter, used oil filter transporter, and a PCW transporter. ERS is still performing those activities, as well as transporting universal waste fluorescent tubes, and is also appropriately registered for those activities. Mr. Charles Owens, President, and Mr. John Anderson, Vice President/Operations, were both present during the inspection.

ERS has been in operation at this location for 10 years and has 13 employees. ERS is an environmental contractor that offers emergency spill response, site remediation, aggressive fluid vapor recovery, industrial cleaning, transportation, and waste management services. The facility has four vacuum trucks, one bed truck for drums, and three bed trucks for use at job sites. The facility consists of a storage area, containment area, and offices. The facility is connected to the city sewer.

Process Description:

Hazardous Waste Transportation

According to Mr. Owens, the facility rarely transports hazardous waste, but maintains its registration in case the opportunity arises. The facility mainly brokers out hazardous waste transportation jobs to other

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companies. Mr. Owens stated that, when ERS does transport hazardous waste, it is never brought back to the facility, but it is taken straight to the receiving facility.

In 2010, the facility transported hazardous waste on only four occasions and all were pickups from CSX Transportation (FLD006921340 and FLT100081371). Each shipment was delivered to Perma-Fix in Gainesville (FLD980711071). No discrepancies were observed with the manifests.

Used Oil and Used Oil Filter Transportation

Mr. Owens stated that the facility mainly transports oily wastewater generated from tank cleanings, but that ERS does transport some used oil as well. Any oily wastewater or used oil that ERS transports is taken directly to Liquid Environmental Solutions (LES) (FLD981928484) or another receiving facility for processing.

Numerous used oil acceptance and delivery records were inspected and the following records did not list the EPA ID number of the receiving facility, Texpar, on the record: #10272 from 6/28/10, #10280 from 6/28/10, and #10271 from 6/23/10 [[40 CFR 279.46\(b\)\(2\)](#) and [Rule 62-710.510\(1\)\(f\), FAC](#)]. In addition, record #10271 from 6/23/10 did not list the EPA ID number for ERS on the record [[Rule 62-710.510\(1\)\(a\), FAC](#)]. ERS also maintains a used oil tracking log on DEP Form 62-710.901(2), which was submitted for review after the inspection.

According to Mr. Anderson, ERS does not perform halogen screenings; however, Mr. Anderson stated that samples of the used oil are taken from the generator and taken to LES for approval prior to pickup of the load by ERS. Mr. Anderson stated that LES will run the halogen screening test, then tell ERS if the used oil can be brought to LES for processing. This process is also reflected in the facility's SOP for halogen screening, which was submitted to the DEP on 3/7/11. The inspector asked for copies of the sample approvals from the facility; however, in an email dated 3/10/11, Mr. Anderson wrote that ERS could not provide proof of halogen screening with the exception of an approval from LES on 12/22/10 for used oil from CSX Transportation. The approval was provided on 4/8/11. ERS failed to conduct halogen screening on each load of used oil accepted for transport [[40 CFR 279.44\(d\)](#) and [Rule 62-710.510\(1\)\(g\), FAC](#)].

According to Mr. Owens, used oil filter transportation is rare. No transportation records for used oil filters were observed in the facility's file for 2010.

Used oil training appeared to be adequate and complete. The required insurance was being maintained by the facility, and the current policy expires on 8/1/11. ERS had the used oil transporter registration displayed in a prominent place at the facility, and the facility submits the required used oil annual report by March 1 of each year.

Storage Area

This area is used mainly for storing equipment inside the facility. At the time of the inspection, ERS was also using a portion of this area as a universal waste fluorescent tube storage area. There were three boxes of spent bulbs, as well as two taped bundles of bulbs leaning against the wall (Photo 1). According to Mr. Owens, these bulbs all came from one customer. The three boxes were not properly labeled or closed, and the two taped bundles were not properly placed in a labeled, closed container [[Rule 62-737.400\(5\), FAC](#)]. Mr. Owens stated that spent bulbs are shipped via Fedex to AERC for recycling.

Containment Area

This area is located outside the facility adjacent to the parking lot. Non-hazardous wastes are sometimes placed in this area short term until they can be taken to a disposal facility. At the time of the inspection, there was one drum of PCW in the containment, as well as two drums of petroleum impacted soils. The drum of

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PCW was properly labeled and closed, and it was dated 12/27/10. According to Mr. Anderson, PCW is sometimes stored at the facility, but it is not stored for more than 30 days. The PCW drum on-site was older than 30 days. *The facility is reminded that PCW transporters who are not producers or who do not engage in the ultimate recovery of product from PCW cannot store PCW at their facility for more than 35 days.* ERS was not conducting weekly inspections on this drum of PCW in accordance with Rule 62-740.200(4), FAC. [This is an area of concern.](#)

The two drums of petroleum impacted soils were generated by ERS when it cleaned out a vacuum truck. According to Mr. Anderson, the facility typically cleans out its trucks at LES after every load to remove sediments from the bottom of the tankers. These two drums were generated when the facility cleaned out a truck at ERS. Petroleum impacted soils are disposed of with LES.

Environmental Remediation Services is currently operating as a transporter of hazardous waste, used oil, used oil filters, PCW, and universal waste fluorescent tubes. The facility has been assigned the EPA ID number FLD 984 261 412. Please use this number on all hazardous waste manifests and on used oil transportation records, as well as on all correspondence with the DEP.

Areas of Concern:

1. ERS was not conducting weekly inspections on the 55-gallon drum of PCW located in the containment area outside. If PCW is stored at the facility for a length of time greater than one week and less than 35 days, the facility must conduct weekly inspections of that container in accordance with Rule 62-740.200(4), FAC.

New Potential Violations:

CFR = Code of Federal Regulation; FAC = Florida Administrative Code

Type: Violation 1
Rule: Rule 62-710.510(1), FAC and 40 CFR 279.44(d)
Explanation: The facility did not perform a halogen screening for each load of used oil accepted for transport.
Corrective Action: In order to return to compliance, the facility should determine if the total halogen count of all future shipments of used oil is less than 1,000 ppm.

Type: Violation 2
Rule: Rule 62-710.510(1)(f), FAC and 40 CFR 279.46(b)(2)
Explanation: The facility failed to put the EPA ID number of the receiving facility on three used oil records.
Corrective Action: No further action is required. The facility returned to compliance on 2/10/11.

Type: Violation 3
Rule: Rule 62-710.510(1), FAC
Explanation: The facility failed to put its EPA ID number on one used oil record.
Corrective Action: No further action is required. The facility returned to compliance on 2/10/11.

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Type: Violation 4
 Rule: Rule 62-737.400(5), FAC
 Explanation: Three boxes of universal waste fluorescent bulbs were not properly labeled or closed, and two taped bundles were not properly placed in a labeled, closed container.
 Corrective Action: No further action is required. The facility returned to compliance on 2/10/11.

Summary of Potential Violations:

Potential Violations

Rule Number	Area	Date Cited	Explanation
62-710.510(1), 279.44(d)		02/08/2011	The facility did not perform a halogen screening for each load of used oil accepted for transport.
62-710.510(1)(f), 279.46(b)(2)		02/08/2011	The facility failed to put the EPA ID number of the receiving facility on three used oil records.
62-710.510(1)		02/08/2011	The facility failed to put it's EPA ID number on one used oil record.
62-737.400(5)		02/08/2011	Three boxes of universal waste fluorescent bulbs were not properly labeled or closed, and two taped bundles were not properly placed in a labeled, closed container.

PHOTO:

Photo 1




Inspection Date: 02/08/2011

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.

Jenna Perry _____ PRINCIPAL INSPECTOR NAME	Inspector _____ PRINCIPAL INSPECTOR TITLE
 _____ PRINCIPAL INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
	4/26/2011 _____ DATE

John Anderson _____ REPRESENTATIVE NAME	Vice President/Operations _____ REPRESENTATIVE TITLE
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NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	ERS _____ ORGANIZATION
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Charles Owens _____ REPRESENTATIVE NAME	President _____ REPRESENTATIVE TITLE
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NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	ERS _____ ORGANIZATION
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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.