



Florida Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926
Telephone: 813-632-7600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

May 6, 2011

Mr. Stuart Stapleton
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 Department of Environmental Protection (Department) has received and carefully reviewed your response to the Department's Warning Letter Counter-Response Letter dated March 24, 2011. The Department's position concerning the alleged violations and settlement offer has not changed. The following is the Department's detailed response to your letter dated April 28, 2011.

Penalty Computation Worksheet Item #1: At the time of the inspection, the inspectors observed over 100 55-gallon drums of ignitable hazardous waste aerosols located approximately six or seven feet from the property line. Subpart I of 40 CFR 264 applies to owners and operators of all hazardous waste facilities that store containers of hazardous waste, which your facility has a permit issued by the Department to do. 40 CFR 264.176 clearly states that "containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line," which was not the case at the time of the August 25, 2010 inspection.

The processing area that is noted on Figure 5-16 of the permit application states that the marked area is an "impervious contained area for solid waste management operations." In addition, the permit cannot allow EQ Florida to violate any rule or regulation. Allowing EQ Florida to hold or temporarily locate ignitable waste, even for "processing" purposes within 50 feet of the property line is a violation of 40 CFR 264.176.

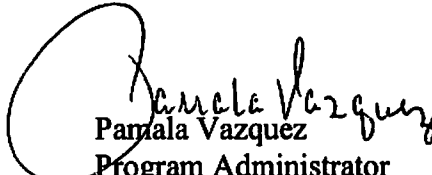
Penalty Computation Worksheet Item #4: – The Department disagrees that the Potential for Harm for Item #4 should be reduced to "Minor." At the time of the inspection, the inspectors observed multiple containers that were not marked with the date the containers were received at the facility. Several containers were identified by personnel during the inspection as having been at the facility in excess of 14 days. Failing to note the date of receipt on each container of hazardous waste is also a violation of permit condition S.C.II.22b. The penalty for this violation was calculated using the Penalty Guidelines that can be found in the Department's Enforcement Manual. The penalties for two other violations (#8 and #10 of the Penalty Computation Worksheet) were also combined with this penalty settlement amount. The inspectors observed

more than 25 containers that were not marked with acceptance dates, more than five unlabeled drums that were being loaded for outbound shipment (including one hazardous waste container that was open) and multiple containers that were not marked with all the applicable, and in several instances no, EPA waste codes. Please see the attached Ranking System for Potential for Harm Worksheet.

As previously stated in the Department's March 24, 2011, letter, the Department is willing to resolve this matter through the entry of a Short Form Consent Order that includes the payment of a civil penalty of \$28,985.00, plus \$500.00 in Department costs. Arrangements can be made with the Department to make payments in four quarterly installments if needed. The Department believes that this offer is a fair offer and a just resolution of this case. Please have the enclosed Short Form Consent Order signed and returned within 15 days of receipt of this letter. If EQ Florida is unwilling to settle this case on these terms, the Department will forward this case to USEPA Region IV for resolution.

If you have any questions, please contact Shannon Camp at (813)632-7600, extension 473.

Sincerely yours,


Pamala Vazquez
Program Administrator
Southwest District

PV/sdc

Enclosures

cc: Ron H. Noble, Fowler White
Merlin Russell, FDEP, Merlin.Russell@dep.state.fl.us



Florida Department of Environmental Protection

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May 6, 2011

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

SUBJECT: Proposed Settlement of EQ Florida, Inc.
EPA ID Number: FLD 981 932 494
OGC File No.: 11-0334

Dear Mr. Mulholland:

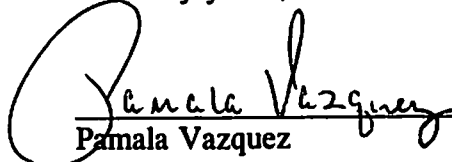
The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated October 13, 2010, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that 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 \$28,985.00, along with \$500.00 to reimburse Department costs, for a total of \$29,485.00. The civil penalty in this case includes four (4) violations of \$2,000.00 or more.

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 assigned above and the notation "Ecosystems Management and Restoration Trust Fund". Payment shall be sent to the Department of Environmental Protection, 13051 North Telecom Parkway, Temple Terrace, FL, 33637-0926, within 21 days of your signing this letter. Alternatively, the payment can be made in four equal quarterly installment payment of \$7,371.25 commencing within 21 days of your signing this letter. Final payment is due no later than March 20, 2012. Failure to timely make any installment payment will allow the Department, at its discretion, to accelerate the balance which will become immediately due.

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 (including its attachments) 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.

If you do not sign and return this letter to the Department at the District address by May 27, 2011, 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 yours,


Pamala Vazquez
Program Administrator
Southwest District

FOR THE RESPONDENT:

I, Robert Mulholland on behalf of EQ Florida, Inc., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____
Robert Mulholland, General Manager

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2011.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Pamala Vazquez
Program Administrator

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

Date

Copies furnished to: Lea Crandall (OGC)

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.



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

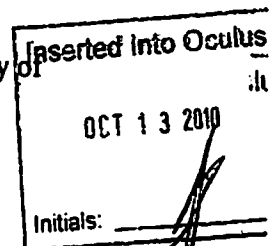
Dear Mr. Stapleton:

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.

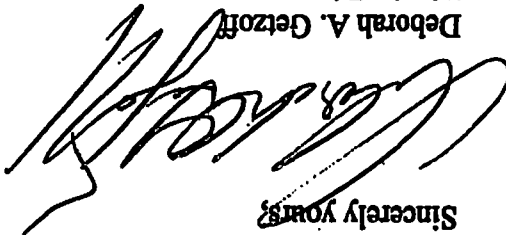
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which 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,

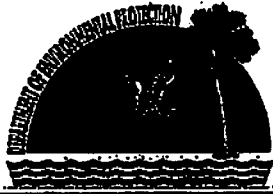


Deborah A. Getzoff
District Director
Southwest District

DAG/sdc

Attachment

cc: Parvez Mallik, 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 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

Inspection Date: 08/25/2010

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 |
|--------------------|-------------|-------------------|---|
| | | | <p>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)</p> |
| 264.31 | | 08/25/2010 | <p>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.</p> |
| 403.727(1)(c) | | 08/25/2010 | <p>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.</p> |
| 268.50(a)(2)(I) | | 08/25/2010 | <p>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.</p> |
| 264.15(b)(1) | | 08/25/2010 | <p>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.</p> |
| 264.173(a) | | 08/25/2010 | <p>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)</p> |

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.11.22.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.

PENALTY COMPUTATION WORKSHEET

Violator's Name: EQ Florida, Inc.

Identify Violator's Facility: 7202 East 8th Ave., Tampa, FL 33619 FLD981932494

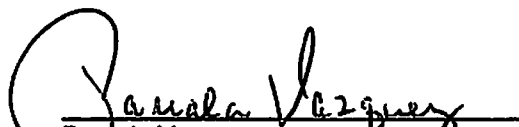
Name of Department Staff Responsible for the Penalty Computations: J. Dregne

Warning Letter #: WL10-0061HW29SWD Date: 3/21/2011

| | Violation Type | Manual Guide | Potential for Harm | Extent of Deviation | Matrix Range | Other Adjustments | Total |
|------------------|---|--------------|--------------------|---------------------|---------------------|-------------------|----------------|
| 1.* | 264.176 – storing ignitable HW w/in 50 ft of property line (also permit violation) | HW 5 | Moderate | Major | \$15,580 - \$11,330 | | \$13,455 |
| 2* | 273.33(d)(1) - storage of UW lamps outside and in structurally unsound containers | UW 15 | Minor | Moderate | \$4,250 - \$2,130 | | \$3,190 |
| 3. | 264.31 – waste observed on HW storage containers | HW 201 | Minor | Major | \$4,250 - \$2,130 | | \$2,130 |
| 4.* | 268.50(a)(2)(i) failure to mark HW storage containers of acceptance date | HW 164 | Moderate | Moderate | \$11,330 - \$7,090 | | \$9,210 |
| 5. | 264.15(b)(i) - (permit violation also) failure to insp. Emergency/safety equipment daily | HW 166 | Minor | Minor | \$644 – \$500 | | \$500 |
| 6.* | 264.173(a) –open HW storage containers | HW 166 | Minor | Major | \$15,580 - \$11,330 | | Combined w/ #3 |
| 7. | 403.727(1)(c) – (permit violation) staging HW in dedicated HW storage areas | HW 5 | Moderate | Major | \$15,580 - \$11,330 | | Combined w/ #1 |
| 8. | 262.33 – unlabeled outbound HW containers | HW 22 | Moderate | Moderate | \$11,330 - \$7,090 | | Combined w/ #4 |
| 9. | 62-710.401(6) – unlabeled UO containers/UO stored w/in sec. cont. pallet | UO 101 | Minor | Major | \$1,199 - \$500 | | \$500 |
| 10. | 403.727(1)(c) – (permit violation) failure to ensure all containers are marked w/all applicable EPA waste codes | HW 164 | Moderate | Minor | \$7,090 - \$4,250 | | Combined w/ #4 |
| SUB-TOTAL | | | | | | | \$28,985 |
| DEPARTMENT COSTS | | | | | | | \$500 |

Total Penalties Including Department Costs:

\$29,485.00


 Pamela Vazquez
 Program Administrator
 Southwest District

3-22
 Date 3/25 2011
 Reported Into OCULUS
 Initials: _____

**WORKSHEET
RANKING SYSTEM FOR POTENTIAL FOR HARM**

FACILITY NAME: EQ FLORIDA INC

EPA ID No.: FLD 981932494

OGC CASE #: 11-0334

DATE: MAY 2, 2011

| VIOLATION | DESCRIPTION | NATURE OF WASTE | AMOUNT OF WASTE | RELEASE | PEOPLE | TOTAL POINTS |
|---------------------|---|-----------------|-----------------|-----------|--------|--------------|
| 40 CFR 268.50(a)(2) | UNDATED CONTAINERS | 4 | 8 | 1 | 2 | 15 |
| 40 CFR 262.33 | UNLABELED CONTAINERS LOADED FOR TRANSPORT | 4 | 5 | 4 OPEN | 2 | 15 |
| | | | | | | |
| | | | | | | |
| | | | | | | |

SCORING SYSTEM

| NATURE OF WASTE | AMOUNT OF WASTE | RECEPTORS | |
|-----------------------------|---------------------------|-----------------------------------|---------------------|
| | | RELEASES | AFFECTED POPULATION |
| 8 - HIGH HAZARD WASTES | 8 - > 5,000 KG (25 DRUMS) | 6 - 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

Coogle, Deon

From: Microsoft Exchange
To: 'moble@fowlerwhite.com'
Sent: Friday, May 06, 2011 1:58 PM
Subject: Relayed: EQ Florida, Inc. - SFCO, Response to Warning Letter

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

'rnoble@fowlerwhite.com'

Subject: EQ Florida, Inc. - SFCO, Response to Warning Letter

Sent by Microsoft Exchange Server 2007

From: Microsoft Exchange
To: Russell, Merlin
Sent: Friday, May 06, 2011 1:57 PM
Subject: Delivered: EQ Florida, Inc. - SFCO, Response to Warning Letter

Your message has been delivered to the following recipients:

Russell, Merlin

Subject: EQ Florida, Inc. - SFCO, Response to Warning Letter

sent by Microsoft Exchange server

Memorandum

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: PLV 5-4-11 Pamala Vazquez, Program Administrator

THROUGH: [Signature] William Kutash, Waste Program Administrator
[Signature] James Dregne, Hazardous Waste Program Manager *SK*
[Signature] Elizabeth Knauss, HW Enforcement Coordinator

FROM: [Signature] Shannon Camp, Environmental Specialist II

DATE: May 2, 2011

FILE NAME: EQ Florida COUNTY: Hills
PROGRAM: Hazardous Waste WL # WL10-0061HW29SWD

TYPE OF DOCUMENT: SFCO, response to Warning Letter counter response, Ranking System for Potential for Harm wkst

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: Corrected

STATUS OF PENALTY ASSESSMENT: THE PENALTY was prepared in accordance with United States EPA RCRA Civil Penalty Policy.

PENALTY: Not Applicable Amount: \$ 28,985.00
Costs & Expenses: \$ 500.00
Total: \$ 29,485.00
Secretary Approval Not required / Approved on _____

Attachments: