



Florida Department of Environmental Protection

Southwest District
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Rick Scott
 Governor

Jennifer Carroll
 Lt. Governor

Herschel T. Vinyard Jr.
 Secretary

DATE: August 11, 2011

TIME: 10:00 am

LOCATION/CONFERENCE ROOM: SWD Office Admin. Conference Room

MEETING SUBJECT: Enforcement meeting with EQ Florida

ATTENDEES

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AGENDA
EQ FLORIDA ENFORCEMENT MEETING
AUGUST 11, 2011

- I. INTRODUCTIONS
- II. BACKGROUND
- III. STATUS OF 2010 ENFORCEMENT CASE
- IV. REVIEW AND STATUS OF 2011 INSPECTION VIOLATIONS
- V. EQ'S PATH FORWARD
- VI. STATUS OF PENALTY
- VII. ROLE OF EPA REGION IV
- VIII. NEXT STEP AND DELIVERABLES

1. 263.10(d) At least three manifests were observed in which EQ as the hazardous waste transporter failed to ensure that the manifests included the transporter name and EPA identification number. In all three instances, the EQ facility noted the discrepancies after accepting the wastes. The noted manifest numbers are 007799732 JJK, 007799801 JJK and 007799791 JJK.
2. 264.15(d) EQ is failing to record the date and nature of corrective actions or repairs in the daily inspection logs.
3. 403.727(1)(c) EQ failed to accurately document the inventory of wastes on the daily inventory log. In addition, the inventories were not being conducted at the opening of each business day as required by S.C.II.17 of the permit. For instance, the facility's daily counts on the date of the inspection did not appear to reflect the waste on site. The facility's waste count was conducted after the inspectors finished the facility portion of the inspection. The inspectors did not observe any trucks with inbound waste, only four being loaded for outbound and one storing hazardous waste. However, the facility documented 20,865 gallons of inbound waste.
4. 264.31 At the time of the inspection, multiple containers that were located on a pallet within Bay 1 were observed with hazardous waste pooled on the tops. At least three of the containers appeared to have improper lids secured with tape. All the containers had arrived at EQ on April 14, 2011. No attempt had been made to repackage the material prior to the inspection.
5. 264.173(a), 264.173(b) At the time of the inspection, at least two cubic yard boxes storing hazardous waste were observed to be open. One of the boxes was observed in the processing area. That container was storing spent aerosol cans. No workers were observed adding or removing waste from the container. At the time, the workers were processing aerosols from the hoppers only. The second container was observed in Bay 3. That container was marked as Hazardous Waste, without waste

codes, and had DOT shipping description of corrosive solids.

Also, one cubic yard box was observed in the processing area with damage to the bottom corner. The container was storing ignitable hazardous waste aerosol cans. An additional drum was observed in an outbound truck that had a bad bung seal. Hazardous waste was observed to be bubbling out of the bung during the inspection in the truck.

6. 403.727(1)(c) At the time of the inspection, several containers located in Bays 2 and 3 and within a trailer being loaded for outbound shipment, were not marked with applicable EPA waste identification codes in violation of permit condition S.C.II.22.a. Some containers did not have the generator's information marked on the container, either.
7. 268.50(a)(2)(i) At the time of the inspection, several containers at the facility were not marked with the date the containers were received at the facility. The containers were located within all three bays and outside in the processing area and a trailer located in the yard. 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.
At the time of the inspection, one cubic yard box storing hazardous waste aerosols was observed without being labeled with the words "Hazardous Waste" or being dated.
(Corrected)
8. 264.177(c) At the time of the inspection, multiple containers storing unknown wastes were being stored on carts in Bay 2. Personnel indicated that the wastes were placed on the cart because they were unknown or had caused an unanticipated reaction during consolidation. Most of the containers were labeled only as hazardous waste. In addition, a sign was observed on the second cart stating it was a "Unknown Holding Area." Failure to segregate unknown wastes is also a violation of permit condition S.C.II.6.
9. 403.727(1)(c) At the time of the inspection, over thirty 55-gallon drums and over twenty 5-gallon

containers of hazardous waste were observed being stored in a trailer. Most of the waste had been received at the facility at least 14 days prior to the inspection. Some of the containers had been stored over two months. It was explained by Mr. Mullholland that the materials had been received but were pending an internal approval. The materials were not being loaded for outbound shipment. Storage of hazardous waste outside the permitted storage building is a violation of permit condition S.C.II.1. (corrected)

10. 264.1080(a) EQ routinely processes hazardous waste aerosol cans in a unit that has a "carbon absorption device". In a letter from the Department dated September 24, 2002, it was explained to the facility that they would either need to demonstrate that the filter is at least 95% efficient (by weight) in reducing the total organic content of the inlet vapor unless the control device is exempt. EQ responded in a letter dated October 14, 2002 that they would not be able to demonstrate compliance with 40 CFR 264 Subpart CC, and would therefore only use the device on containers smaller than 26 gallons to exempt the unit. At the time of the inspection, the facility was using two of the devices, which were mounted onto 55-gallon drums. EQ could not demonstrate during the inspection how often the filters were replaced. In addition, the filter on one of the units appeared "full" and in need of replacement, and the filter on the other unit that was in use during the inspection, had a filter that was visibly damaged.
11. 273.14(a) At the time of the inspection, EQ was storing multiple 55-gallon drums containing universal waste batteries that were improperly marked as "Non-regulated Waste."
12. 62-737.400(7) At the time of the inspection, EQ was storing universal waste lamps in an open box truck. The facility was not actively loading or unloading spent lamps into the truck at the time of the inspection.
13. 62-737.400(5)(a) At the time of the inspection, at least two boxes storing universal waste lamps within

the box truck did not appear to be structurally sound.

14. 279.22(c)(1)

The facility failed to label one used oil dolly and one used oil drum that were located within the vehicle maintenance shop with the words "Used Oil." (corrected)

15. 403.727(1)(c)

The Department is concerned that EQ may be exceeding the maximum quantity of receipted waste that remains unloaded. Records indicate that the amount often exceeds 10,000 gallons at any one time. It is unclear, however, if the documented inbound quantities are receipted or not.

1st meeting date? 6/7 or 6/8

GC → Waste Task force → Weekly meetings to address Compliance - permit compliance/facility operations → Created.
3 months. more frequent facility insp. review issues observed with Staff.
include drivers, Chemists, Sales.

Violation review.

Violation - 1 - Computer glitch.
noted. & addressed.

Violation - 2 - Correction typically done
same day - now dating correction date

Violation - 3 - previously discussed in
teleconference in June. were errors in
reporting. Going to tag vehicles
Inbound / Outbound for better reporting
will be marked w/ start date & other
important info. Destruction. # of Containers

Violation #4 - addressing w/ Staff. and
with transporters.

Violation #5 - addressing w/ Staff

Violation #6 - addressed w/ Staff

Violation #7 - addressed w/ Staff

reviewing dates as Containers unloaded

Violation #8 - no more cart - materials

requiring special handling or doesn't see
draft w/ immediacy - repair items now
Violation #9 - found a work-around
in the QA system - Faculty is now

"revised" in the facility - corrected.

Violation #10 - not processing assets

at this time - evaluating at corp level
may relocate process to another EB
Faculty w/ appropriate equipment if
feasible

Violation #11 - addressed - will

label as UV.

Violation #12 - will keep box door closed

Violation #13 - addressed w/ shift.

Violation #14 - was corrected during inspection

AOC #15 → previously discussed.

REP w/ review facts & determine appropriate
priority.