



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: EQ Florida Inc

On-Site Inspection Start Date: 08/14/2015 **On-Site Inspection End Date:** 08/14/2015

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 Transfer Facility

Routine Inspection for Hazardous Waste Transfer Facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Generator facility

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

INSPECTION PARTICIPANTS:

Principal Inspector: Kelly M. Honey, Environmental Specialist III

Other Participants: Melissa Madden, Engineering Specialist III; Leslie Pedigo, Environmental Specialist III; Ken Dean, Operations Manager; Nancy Gaskin, Facility Specialist

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., (EQ) was inspected for compliance with state and federal hazardous waste and solid waste rules. The inspection was also to determine compliance with its operating permit, which was most recently renewed and effective on April 1, 2014. The single permit has two associated permit numbers and covers operation of a hazardous waste container storage facility, construction and operation of a hazardous waste treatment tank, and operation of a hazardous waste transfer facility under #34875-HO-11, operation of a solid waste materials processing facility under #34757-010/SO/30, and facility-wide corrective action under both numbers. After the permit was issued, EQ requested that they be allowed to modify their operations to allow staging of treated waste on site prior to receipt of analytical results. The Department issued a letter on May 29, 2015, with conditional approval of some alternate operating procedures, however a formal permit modification has not been issued. Solid waste operations were inspected on behalf of the Department by Melissa Madden, and the hazardous waste operations were inspected by Kelly Honey and Leslie Pedigo. The report detailing the results of the solid waste operations inspection will be issued separately.

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The facility has been inspected numerous times by the Department's Hazardous Waste Section, most recently on May 22, 2013. Additionally, the Department took enforcement against EQ for an incident that occurred in November of 2014 involving the improper characterization and transportation of hazardous waste and disposal of characteristically hazardous waste that did not meet universal treatment standards to a Subtitle D landfill. This incident was self-reported by EQ, and the enforcement case was closed by the Department on May 13, 2015. The inspectors were accompanied throughout the inspection by Ken Dean, Operations Manager, and Nancy Gaskin, Facility Specialist.

Process Description:

Hazardous waste is primarily stored in the facility's hazardous waste container storage building, which consists of a building and a covered loading dock. The building is totally enclosed with three bays. The center bay (#2) is permitted to store ignitable and reactive wastes not to exceed 10,000-gallons. Bays #1 and #3 are on opposite ends of the building and each has a permitted capacity of 20,000-gallons. The capacity of the storage building, all loading docks and basically the entirety of SWMUs #1 and #2. Incoming materials are checked in and counted against the manifest(s), entered into the facility's computerized tracking system and staged for QA/QC inspection under the facility's waste analysis plan. Once the identity of the material has been confirmed, wastes are moved to appropriate storage bays.

Inspection of the north property included the Waste Management (Container Storage) Building, the Covered Processing Area, the Staging Area and the universal waste lamp storage trailer. There were no violations observed during this portion of the inspection. Additionally, it appeared that there was less than 50,000-gallons of waste on the north property.

Outgoing materials that have been prepared for shipment off site are also staged for transport in the bays and then loaded into trailers as the shipping papers are being prepared. After loading, trailers may be moved to a parking area on contiguous property south of 9th Avenue and held for several days prior to pickup by the transporter. Any trailer holding hazardous waste either remains in the covered loading dock on the north property or is provided with "pop up" containment. It was unclear whether vehicles are also parked in the Solid Waste Operations Area (SWMU #10) adjacent to the main office building. If vehicles holding hazardous waste are being parked in SWMU #10, EQ should immediately cease this practice since this area is for storage of nonhazardous waste only.

There is some concern that waste on the south property awaiting transport may not always be provided with adequate containment since the referenced area on the south property does not have secondary containment. Vehicles with liquid wastes must be provided with secondary containment as specified in Part 264, and in many cases, the "pop up" containments, aside from being damaged, etc., may not have the required available volume. There is also the issue of the available waste capacity of SWMU #11, which by permit, is only 100-cubic yards, or 20,000-gallons.

EQ received Department approval to begin operation of its hazardous waste treatment tank on November 5, 2014. The hazardous waste treatment tank is located in the Waste Processing Building, as is the solid waste solidification tank. The floor under the two units was not constructed or sloped to direct spillage to separate sumps. It also appears that the same loading and mixing equipment is being used in both systems, without decontamination between batch mixing, though the permit drawings indicate otherwise. As a result, EQ has determined that the wastewater and spillage collected on both sides of the treatment building will be treated as hazardous waste prior to treatment and disposal.

The Department has numerous concerns about compliance on the south property, most of which are associated with the management of hazardous waste after it has been treated, but before it is confirmed to meet TCLP and universal treatment standards as required by EQ's permit and by Rule. Based on the observations made during this inspection, and review of the associated paperwork subsequently provided by EQ, there are many permit violations occurring. Additionally, on May 29, 2015, the Department sent a letter to EQ after a teleconference that occurred on April 30, 2015, between EQ and the Department. The letter summarizes the teleconference and sets forth conditional approval requirements that must be met in

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order for the facility to store treated hazardous waste anywhere within SWMU #11.

It should be noted that this teleconference occurred after the treatment of batch 43, which is discussed in greater detail later in this report, and it appears that the Department may not have been provided with all relevant information related to the issues under discussion.

Review of records revealed many errors in recordkeeping, including inspection logging and manifest errors. Several areas where personnel training is lacking were also identified both during and after the inspection.

Since EQ is not in compliance with either its permit or the conditions set forth in the May 29, 2015, letter from the Department, regarding the treatment of hazardous waste and its subsequent storage on site until it is confirmed to meet treatment standards, it must request a formal permit modification in order to memorialize and establish operating conditions for this agreement within 90 days, or the Department intends to withdraw its conditional approval for staging this material outside the treatment building.

The unit that the new treatment tank replaced (i.e., the filter press) was located on the north property, and as such, was included in the maximum allowable storage limit for the container storage operations. The Department estimates the treatment tank capacity to be approximately 11,000-gallons or 54-cubic yards. The modification application should also address the volume of the treatment tank as it relates to the maximum permitted capacity of the facility, specifically, whether it is being applied to the 50,000-gallon limit permitted for container storage on the north property or whether this is additional capacity being requested.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.34(a)(1)(i)
Explanation:	At the time of the inspection, the container of hazardous wastewater collected from the sump in the north side of the treatment building was open.
Corrective Action:	262.34(a)(1)(i) - a generator may accumulate hazardous waste on-site for 90 days or less provided the waste is placed in containers, and the generator complies with the applicable requirements of Subparts I of 40 CFR part 265 —Use and Management of Containers. Among other things, this subpart requires containers holding hazardous waste to be closed except when it is necessary to add or remove waste (40 CFR 265.173(a)).
	EQ must ensure that it is complying with all rules applicable to generators for hazardous waste generated on site, including keeping containers closed.

Type:	Violation
Rule:	262.34(a)(2), 262.34(a)(3)
Explanation:	The facility collects all wastewater from the north side of the Treatment Building and treats it in the hazardous waste treatment tank. At the time of the inspection, the wastewater was being stored in an approximately 275-gallon tote container that was not labeled or marked with the date waste was first placed in the container. The container was estimated to contain at least 200-gallons.
Corrective Action:	40 CFR 262.34(a)(2) and (3) - a generator may accumulate hazardous waste on-site for 90 days or less provided the date upon which each period of accumulation begins is clearly marked and visible for inspection on each

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container and is labeled or marked clearly with the words, "Hazardous Waste."

EQ must comply with all applicable generator provisions for hazardous waste that is generated on site. Since the container is well over 55-gallons, it must the requirements for storage containers.

Type:	Violation
Rule:	264.16(a)(1)
Explanation:	<p>At the time of the inspection, facility personnel did not seem to be familiar with the conditions set forth in the Department's letter of May 29, 2015, for storage of treated hazardous waste in SWMU #11. When the "nonhazardous" labels on the roll-offs of treated waste were pointed out, the EQ representative inaccurately stated that the contents of the roll-offs were nonhazardous, and indicated that even a provisional hazardous waste designation "pending analysis" was unnecessary.</p> <p>In addition, there appeared to be a lack of understanding about basic generator requirements, specifically in reference to the wastewater being collected from the nonhazardous side of the building. EQ representatives required an explanation of why the contents were "hazardous waste" since the wastewater was from the nonhazardous side. Facility personnel inaccurately indicated the waste was treated in the hazardous waste tank solely because the permit required it. In fact, the permit requires only the waste from the south side of the building to be treated. It was explained that EQ is required to perform a hazardous waste determination on its solid waste, and that by treating it in the hazardous waste treatment tank, EQ was in effect declaring the wastewater to be hazardous.</p> <p>Review of manifests indicates that the persons responsible for receiving hazardous waste at the facility and/or completing the associated manifests are not sufficiently trained in this activity. Management Method Codes on reviewed manifests for waste treated on site were generally incorrect. The manifest review also seemed to indicate that some EQ personnel consider the line numbers to change when waste is not shipped, even though they are preprinted on the form. For example, if waste described for line Item 9.b.1. is not shipped, some EQ personnel appear to consider Item 9.b.2. as "line 1."</p>
Corrective Action:	<p>40 CFR 265.16(a)(1) - Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part.</p> <p>EQ needs to ensure that all applicable personnel understand the conditions under which storage of treated hazardous waste in SWMU #11 was authorized.</p> <p>EQ needs to ensure that all applicable personnel have refresher training on requirements for generators. Note that if EQ is claiming that the wastewater collected from the north (nonhazardous) side is nonhazardous, it must be able to substantiate that claim with analytical results for each batch.</p> <p>EQ needs to ensure that all employees responsible for receiving hazardous waste and / or completing the associated manifests are retrained.</p>

Type:	Violation
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Rule: 264.175(b)(3)

Explanation: The operations as described in the permit application and during the inspection raise concerns that secondary containment requirements for containers are not always met. Specifically, bulk hazardous waste received on the south property and waste to be transported off site (excluding 10-day waste) that contain free liquids appear to be routinely parked in SWMU #11 on the south property. EQ's stated operations indicate outbound loads will be parked in this area solely for the purpose of completing transportation paperwork, but until the transporter accepts the waste, it is still in EQ's possession.

Corrective Action: 40 CFR 264.175(a) - Containment systems for containers holding free liquids must have sufficient capacity to contain 10% of the volume of containers or the volume of the largest container, whichever is greater.

EQ needs to provide documentation that containers with free liquids, including portable tanks and vac trucks, are provided with adequate secondary containment at all times while on site, including when waste is received and while parked on the south property. The Department would also like EQ to provide information about how long "completing transportation paperwork" usually takes.

Type: Violation

Rule: 264.71(a)(2)

Explanation: On April 23, 2014, EQ picked up a hazardous waste from a CSX facility on manifest #004159594JJK. EQ was also the designated facility. The waste on the manifest was said to weigh 2,200-lbs. The manifest copy returned from EQ to the facility had no discrepancies noted, but the certificate of destruction received later by CSX indicated only 301-lbs were disposed of. EQ did not issue a discrepancy notice to CSX until after CSX contacted them about it on January 24, 2015.

Additionally, manifest #013981180JJK indicates that the generator shipped approximately 4,280-gallons of hazardous waste liquid that was subsequently treated on site in EQ's hazardous waste treatment tank. The batch sheet associated with the treatment of this waste indicates only 2,100-gallons was treated, but the manifest signed by EQ has no discrepancies noted.

Corrective Action: 40 CFR 264.71(a)(2)(ii) - If the facility receives a hazardous waste shipment accompanied by a manifest, the owner, operator, or his agent must note any discrepancies (as defined in §264.72(a)) on each copy of the manifest.

EQ needs to ensure that facility personnel responsible for receiving hazardous waste note all significant discrepancies on the associated manifests as required.

Type: Violation

Rule: 403.727(1)(a)

Explanation: Based on the records provided at the time of the inspection, EQ personnel are not inspecting the hazardous waste treatment tank daily. The log used to record the inspections required by Subpart J and EQ's permit does not include any documentation of inspections of the treatment tank and associated equipment (e.g., secondary containment, treatment building berms, loading / unloading areas, etc.). The log included with the permit application does

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contain a line for "On Ground Hazardous Waste Solidification Unit/Tank," but the facility is not using it. Moreover, the log they are supposed to be using doesn't include a line to mark "Unsatisfactory," and does not include separate line items for each of the two inspection ports into the interstice of the double walled hazardous waste tank.

Corrective Action: Permit Conditions II.C.8. and II.E.4.– The Permittee shall inspect the treatment tank system in accordance with the procedures stipulated in the permit application. Section 5.2 of the permit application indicates that the hazardous waste treatment tank is to be inspected daily.

40 CFR 264.195(c) – At least once each operating day, the owner or operator must inspect above ground portions of the tank system, if any, to detect corrosion or releases of waste, and the construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation).

Permit Condition II.A.14.c. – The Permittee must keep a written operating record at the facility that includes the results of inspections.

40 CFR 264.195(h) – The owner or operator must document in the operating record of the facility an inspection of those items in paragraphs (a) through (c) of this section.

EQ must immediately begin inspecting the hazardous waste treatment tank and all associated components daily as required by Rule and by its permit. Additionally, as indicated previously, the facility's inspection log needs to be revised to include separate line items for each component, including the interstitial ports, and the treatment building trench. The revised log will need to be submitted to the Department for approval and insertion into the permit.

Type: Violation

Rule: 403.727(1)(a)

Explanation: At the time of the inspection, nearly every "pop up" containment structure observed was damaged. Some appeared to have been repaired, but the repairs were inadequate (e.g., taped). There were numerous scrapes, gouges, and holes observed in "pop ups" throughout SWMU #11.

Corrective Action: Permit Condition II.B.14. - All service vehicle trucks, roll-offs and tractor trailers shall be situated over a manmade surface having emergency liquid containment or at one of the unloading areas when the vehicle contains hazardous waste.

Permit Application Section 8.2 / SWMU #11 (Transfer Facility) – Vehicles/trailers located in this area are parked on a man-made impervious surface. Secondary containment is provided if vehicles/trailers are going to be parked in this area for more than 24-hours.

Section 2.A.a. of the Department's May 29, 2015, letter to EQ – roll-offs containing treated (stabilized) waste may be staged anywhere within the currently permitted Transfer and Staging Area only if they are within secondary containment.

EQ needs to address the condition of all its "pop up" containment structures and discard the ones that are in poor condition and cannot be adequately repaired.

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Type:	Violation
Rule:	403.727(1)(a)
Explanation:	<p>At the time of the inspection, nearly every "pop up" containment provided to satisfy secondary containment conditions was damaged, yet the inspection log for the day of the inspection indicated that the Transfer Facility Vehicle and Wastes were "satisfactory."</p> <p>In accordance with the conditions set forth in the Department's letter of May 29, 2015, for storage of treated waste outside the treatment building, the contents of the roll-offs are regulated as hazardous waste until they meet universal treatment standards.</p> <p>The Department has concerns that the roll-off containers being stored in SWMU #11 after treatment are not being inspected at least weekly as required by Rule 40 CFR 264.174, or daily as required by EQ's permit. Also, based on the records provided at the time of the inspection, it does not appear that all the locations and quantities of hazardous waste within the facility are being recorded, specifically with regard to treated hazardous waste stored in SWMU #11.</p> <p>If the containers in SWMU #11 are being inspected as required, the person(s) responsible for conducting the inspections and filling out the log needs extensive retraining on what constitutes "satisfactory condition" for secondary containment. Moreover, if these containment structures were inspected, and their poor condition noted somewhere other than the daily inspection log required by permit, then EQ has failed to remedy the deficiencies, as required by Rule 40 CFR 264.15(c).</p>
Corrective Action:	<p>Permit Condition II.B.5. – Inspections of containers shall be conducted in accordance with Section 10.4 of the application. Section 10.4 of the permit application states that container storage areas are inspected daily (each operating day) by EQ personnel. The inspector will check for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors as described in Section 5. Section 5.2 of the permit application states that the waste inventory for each hazard class and bay, to include transfer facility waste, is to be noted daily on the inspection log.</p> <p>40 CFR 264.73(b)(2) - The location of each hazardous waste within the facility and the quantity at each location must be recorded, as it becomes available, and maintained in the operating record.</p> <p>40 CFR 264.174 - At least weekly, the owner or operator must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors.</p> <p>40 CFR 264.15(c) –The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.</p> <p>In accordance with the conditions set forth in the Department's letter of May 29, 2015, for storage of treated waste outside the treatment building, the contents of the roll-offs are regulated as hazardous waste until it is documented that they meet universal treatment standards. EQ must immediately begin</p>

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inspecting these containers, recording accurate observations, and correcting all deficiencies noted. Additionally, the locations and quantities of waste in SWMU #11 must be recorded as part of the written operating record.

Type: Violation

Rule: 403.727(1)(a)

Explanation: At the time of the inspection, the facility was using an inspection log dated 12-3-12.

Corrective Action: Permit Condition II.B.5. – Inspections will be conducted as described in Section 5 of the permit application. Section 5.4 states that inspections will be recorded on the included log, which is on page 42 of the permit application. The included form is dated November 2013 / revision 01. Correspondence from EQ dated August 4, 2014, indicates the log was to be revised again to reflect modifications to the design of the treatment tank and building.

At a minimum, EQ needs to start using the inspection log approved in the permit, and must submit a revised log to the Department for approval and insertion into the permit.

Type: Violation

Rule: 403.727(1)(a)

Explanation: At the time of the inspection, the Department requested paperwork associated with just 8 batch treatments. The records provided by EQ for these eight batches indicate that EQ improperly treated thirteen unpermitted waste codes on at least three separate occasions.

Specifically, hazardous waste that was batch treated on June 11, 2015, (Box 72) included waste with the codes D016, U279, D001 and D003, as well as a drum of fire extinguishers with no associated waste code. Hazardous waste that was originally batch treated on or around July 8, 2015, (Box 81) included wastes with the codes F005, F003, D001 and D035. Finally, hazardous waste that was batch treated on or around August 11, 2015, (Box 93) included waste with the codes U002, U154, U159, D001, D018 and D035.

It is unclear if the records provided by EQ constitutes the written operating record with respect to batch treatments. If not, then EQ must provide those relevant portions of the written operating record related to the treatment activities noted above.

Corrective Action: Permit Conditions II.C.2. and II.E.1 – The Permittee is only allowed to treat those hazardous wastes specified in the permit application, specifically, D002 and D004 through D011.

40 CFR 264.73(b)(1) – The owner or operator must keep a written operating record at his facility, that includes a description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility.

EQ either needs to provide the Department with the written operating record or needs to provide the Department with an explanation of why it treated unpermitted hazardous waste.

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Type: Violation

Rule: 403.727(1)(a)

Explanation: As indicated previously, the records provided by EQ indicate that hazardous waste that was both reactive and ignitable was treated in the hazardous waste tank on June 11, 2015, and that ignitable waste was placed in the treatment tank on or around July 8, 2015 and again on August 11, 2015.

Corrective Action: Permit Condition II.C.5. – The Permittee shall ensure that ignitable or reactive waste is not placed into the treatment tank.

40 CFR 264.73(b)(1) – The owner or operator must keep a written operating record at his facility, that includes a description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility.

It is unclear if the records provided by EQ constitutes the written operating record with respect to batch treatments. If not, then EQ must either provide those relevant portions of the written operating record related to the treatment activities noted above or provide the Department with an explanation of why it treated unpermitted waste.

Type: Violation

Rule: 403.727(1)(a)

Explanation: At the time of the inspection, there were fourteen roll-offs of treated hazardous waste in SWMU #11, and all of them were labeled "nonhazardous waste." Additionally, the Operations Manager did not appear to be aware of the conditions set forth in the Department's letter to EQ dated May 29, 2015.

Corrective Action: Section 2.A.c. and f. of the Department's May 29, 2015, letter to EQ – roll-offs containing treated (stabilized) waste staged anywhere within the currently permitted Transfer and Staging Area will remain classified as hazardous waste until laboratory analytical confirmation proves otherwise. In addition, all containers shall be clearly labeled and dated with respect to the material that is being treated so that inspectors can clearly determine the status of each container (e.g., treated material pending analysis, etc.).

Since EQ is not in compliance with either its permit or the conditions set forth in the Department's May 29, 2015, letter regarding the treatment of hazardous waste and its subsequent storage on site until it is confirmed to meet treatment standards, it must request a formal permit modification in order to memorialize and establish operating conditions for this agreement within 90 days, or the Department intends to withdraw its conditional approval for staging/storing this material outside the treatment building.

Type: Violation

Rule: 403.727(1)(a)

Explanation: At the time of the inspection there were at least fourteen 20-cubic yard roll-off containers in the Transfer and Staging Area that is identified in Attachment D and identified as SWMU #11 in the permit. The language in the above

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Authorization, as well as the list of SWMUs in Appendix A of the permit specifies that EQ is only permitted to have 100-cubic yards of waste in the area designated as SWMU #11. Review of paperwork provided by EQ indicates that the roll-off containers they have been shipping contain approx. 18-cubic yards, which equates to approximately five full roll-offs, plus one half-full roll-off, in SWMU #11 at any given time. The amount of hazardous waste in SWMU #11 at the time of the inspection is estimated to be approximately 252-cubic yards, more than double the permitted quantity.

Corrective Action: Authorization of Specifically Described RCRA-regulated Permitted Unit #4: To operate a Hazardous Waste Transfer Facility:

The Permittee shall be authorized to operate a transfer facility on site in accordance with Rule 62-730.171, F.A.C., and shall be authorized to store manifested hazardous waste on site not to exceed ten (10) days as allowed for transfer facilities. EQ shall not utilize the transfer facility for any waste where EQ is the designated facility on the manifest or originated at the facility with EQ listed as the generator. The storage of transfer facility waste must be located on the paved lot within the 8th Ave. property as identified on Attachment D. Vehicles and trailers parked in this area must be marked as a 10-day vehicle or trailer. The maximum storage shall not exceed 20,000 gallons or 100 cubic yards.

Appendix A of the permit provides a list of all identified Solid Waste Management Units (SWMUs), and identifies the entire paved parking lot on the South Property as SWMU #11 – Hazardous Waste Transfer Facility. Additionally, the Closure Plan in the associated permit application states that the maximum storage inventory in the 10-Day Transfer Facility (SWMU #11) is 20,000-gallons or 100-cubic yards.

The Department's May 29, 2015, letter summarizing the teleconference between the Department and EQ, states that "the Department agrees that temporary staging of post-treatment roll-offs is allowed within the Hazardous Waste Treatment and Staging Area defined by the referenced permit" (SWMU #11), even though the waste is not in transport, and EQ is the Designated Facility on the associated hazardous waste manifests. The letter sets forth conditional approval requirements that must be met in order for the facility to store treated hazardous waste anywhere within SWMU #11.

Since EQ is not in compliance with either its permit or the conditions set forth in the May 29, 2015, letter from the Department, regarding the treatment of hazardous waste and its subsequent storage on site until it is confirmed to meet treatment standards, it must request a formal permit modification in order to memorialize and establish operating conditions for this agreement within 90 days, or the Department intends to withdraw its conditional approval for staging/storing this material outside the treatment building.

Type:	Violation
Rule:	403.727(1)(a)
Explanation:	Waste collected from the south sump in the Treatment Building is treated in the treatment tank, as required by permit, which also requires it to be characterized. The Department believes that generator knowledge is an acceptable method of characterization given the fact that the waste from the sump will likely be very similar to the waste normally treated in the tank.

Waste collected in the north sump, on the nonhazardous side, is also treated in

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the hazardous waste treatment tank. Based on discussions with the Operations Manager, this collected waste is declared hazardous, but is not analyzed. Due to the fact that the waste on this side of the building is not required to be initially characterized by the generators, especially regarding characterization of underlying hazardous constituents, and since it is located very near the used oil transfer area, which was full at the time of the inspection, this waste must be analyzed in order to be properly characterized.

In addition, based on review of the documentation submitted by EQ related to waste characterizations, waste profiles and land disposal restrictions, the Department has concerns that EQ does not always have all the information which must be known to treat, store, or dispose of the waste in accordance with 40 CFR, Parts 264 and 268.

Corrective Action: Permit Condition II.A.5. – Sampling and analysis of permitted and new hazardous wastes shall be conducted in accordance with the Waste Analysis Plan (WAP) of the permit application. Section 4.13 of the WAP states that the Site-generated wastes are characterized and managed according to all applicable requirements and regulations. The WAP also states, "At a minimum, the generator supplies all the information needed to treat, store, or dispose of the waste as required by 40 CFR Part 264.13(a)(1)."

40 CFR 264.13(a)(1) – Before an owner or operator treats, stores, or disposes of any hazardous wastes, a detailed chemical and physical analysis of a representative sample of the wastes must be obtained. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter.

EQ must begin collecting samples from each batch of wastewater from the nonhazardous (north) side of the Treatment Building. Analysis of the waste must meet the requirements for characterization in 40 265.13(a). Parameters for used oil constituents and likely associated contaminants (e.g. solvents) must be included. The WAP should also be revised to reflect this procedure. EQ will have to make other arrangements for disposal of the wastewater if the characterization indicates that the waste or its underlying hazardous constituents cannot be treated in the hazardous waste treatment tank.

Some of the waste profiles submitted were several years old, some appear to be for more than one wastestream, some appear to be unsigned, and it appears that in some cases, EQ must reconcile more than one document to properly characterize waste it receives. EPA considers disposal facilities to be liable for improper disposal of hazardous waste even if it does so in the good-faith belief that a treatment standard does not apply. (RCRA Online Document #13630)

Type: Violation

Rule: 403.727(1)(a)

Explanation: Hazardous waste treated in the hazardous waste treatment tank is not being treated or subsequently managed in accordance with either the facility's permit or with the conditions for authorization to store treated waste in SWMU #11 as set forth in the Department's letter to EQ dated May 29, 2015. This is especially concerning since some of the records reviewed were for wastes that did not pass TCLP after treatment. Specifically, EQ is not relocating the treated waste back into the Treatment Building immediately upon notification of a "failed" analysis.

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On March 20, 2015, approximately 6,000-gallons of hazardous waste containing free liquid were received from Envirofocus in two gopher vac trucks. The material was destined for treatment in the hazardous waste treatment tank. Records show that the material was placed into the treatment tank as batch 43 on March 26, 2015, and placed into three roll-offs the same day at noon. The sample for confirmatory treatment was then obtained on March 27, 2015.

The initial results indicating the waste was still characteristically hazardous were received by EQ on March 31, 2015. The waste was then returned to the treatment tank on April 1, 2015. Records originally provided by EQ indicated that the only waste placed into the treatment tank was from Envirofocus, however, the batch process sheet subsequently provided by EQ indicate that on April 1, 2015, liquid waste from Keymark was also added to the tank. The waste was treated and placed again into roll-offs on April 2, 2015.

According to the batch records, it was retreated again on April 6 and 7, 2015. Half the batch was then retreated again on April 18, 2015, with the second half being retreated on April 20, 2105. A sample was collected on April 21, 2105, and confirmation that it finally met all treatment requirements was received on April 22, 2015.

Records for batch 25, which also initially failed TCLP, indicate that the analytical report was received on February 6, 2015, but the waste was not retreated until February 10, 2015.

The Department also requested records from EQ for any waste treated after the inspection that failed TCLP. Batch 101, which appeared to be primarily containerized waste, was treated on August 27, 2015, and the initial results received on September 1. The batch was retreated on September 2, again on September 5, and again on September 14. It was removed from the tank at 2:00pm. The final, passing sample was collected on September 15 at noon.

Corrective Action: Permit Condition II.A.5. - Sampling and analysis of permitted and new hazardous wastes shall be conducted in accordance with the Waste Analysis Plan (WAP) of the permit application. Section 4.8 of the WAP indicates that treated waste will not be loaded into roll-offs until treated materials pass TCLP, meet LDRs and contain no free liquids.

Permit Condition II.B.15. - Vehicles with incoming shipments of hazardous waste shall be unloaded into the appropriate storage area within five (5) calendar days of the vehicle's arrival at the facility.

Section 2.A.e. of the Department's May 29, 2015, letter to EQ – roll-offs containing treated (stabilized) waste may be staged anywhere within the currently permitted Transfer and Staging Area provided any treated waste yielding confirmatory results which 'failed' will, upon notification of this result, be immediately transferred back to the treatment area for re-processing.

It took six days for EQ to unload the two vac trucks into the treatment tank. Additionally, although EQ has 5 days to unload waste, it didn't start unloading the first truck until the 26th, and the total amount of time it took for both trucks to unload into the tank was approx. 5.5-hours. The condition for unloading is meant to allow EQ time to gradually remove waste from vehicles, and the intent is that waste is generally unloaded over the five days, not after five days, over a few hours. Additionally, the Department would like EQ to provide information on the location of these two vac trucks from the 20th, when they arrived, to the 26th, when they were finally unloaded.

The Department believes that EQ should be collecting the sample from treated

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batches immediately. It is unclear why the first sample for batch 43 was collected the following day, considering the batch was removed from the tank at noon. This is especially concerning since the waste was still hazardous at this time.

There were no records to indicate why batch 43 was retreated three times. Additionally, there were no records provided to the Department that hazardous waste from Keymark was also included (eventually) in the batch. According to the documents provided by EQ, there were only two samples collected: the initial one showing the batch failed, and the final one showing it passed.

The Department would like EQ to explain why the provided records of waste treated in batch 43 do not include any manifests from Keymark. The Department would also like an explanation of why this waste was retreated three times. Specifically, were any other samples collected, and if so when. If there were other analyses of this batch performed between March 31 and April 22, 2015, EQ must provide copies. If the decision to retreat this waste on April 6-7 and April 18/20 was made based another reason, EQ needs to provide an explanation. Finally, the Department would like to know why the second half of the batch was treated on April 20, 2015, and not on the 19th.

It is also worth noting that this batch of waste began as three roll-offs and ended up as six roll-offs. The treated waste from this batch alone exceeded the maximum allowable storage capacity of SWMU #11.

Batch 25 was not immediately returned to the Treatment Building after the initial sampling results showed it failed TCLP.

Regarding batch 101, refer to the comments above for batch 43. The Department has the same concerns for this waste, including why the sample was not collected the day the batch was removed, why it had to be retreated so many times, and why the decisions were made to retreat it.

The issues outlined are specifically about batches that failed TCLP. During the inspection, EQ indicated that waste fails for UTS approximately 20% of the time. Considering that each batch generally consists of at least two roll-offs, there is a high probability that a significant amount of waste in SWMU #11 at any given moment has not been adequately treated.

Type:	Violation
Rule:	264.71
Explanation:	The Department reviewed manifests associated with eight batches of hazardous waste treated on site. Numerous errors associated with the assigned management method codes (manifest line items 19 and 36) were identified.

There were forty-four manifests for batch 72; thirty-seven were incorrect. Another three had treatment codes assigned to waste that was not included in batch 72, but it is possible that these wastes were treated in another batch. Of the nine manifests for batch 81, only one was correct. Batch 93 had thirty-six manifests, and twenty-six of those were clearly incorrect. Another five had treatment codes assigned to waste that was not included in batch 93, but it is possible that these wastes were also treated in another batch. Batch 94 had eight manifests, five of which were incorrectly completed, and one of which may or may not have been correct depending on whether the identified waste was treated in another batch.

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It should be noted that while the majority manifests had incorrect codes assigned to the waste, some manifests had no management codes at all, and others had codes assigned to blank lines.

Corrective Action: 40 CFR 264.71 - Use of Manifest System / Appendix to Part 262 - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)

Owners and operators of TSD facilities are required to complete hazardous waste manifests in accordance with Section IV of the Appendix to Part 262. Specifically, the first TSD facility that receives manifested hazardous waste is required to fill in Items 19 and 36 with the most appropriate Hazardous Waste Report Management Method code for each waste listed.

EQ needs to review the manifests associated with all its batch treatments of hazardous waste and assign the correct management method codes as required. Copies of the corrected manifests should be provided to all associated generators, especially those who need this information to accurately complete their Biennial Reports.

Additionally EQ needs to retrain all employees responsible for receiving hazardous waste to ensure that the manifests are accurate.

Conclusion:

Based on the observations made during this inspection, EQ was not operating in compliance with rules applicable to generators or TSD facilities, it was not in compliance with its permit, nor was it in compliance with the Department's letter of May 29, 2015, setting forth conditional approval requirements that must be met in order for the facility to store treated hazardous waste anywhere within SWMU #11.

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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.

Kelly M. Honey

PRINCIPAL INSPECTOR NAME

Environmental Specialist III

PRINCIPAL INSPECTOR TITLE

PRINCIPAL INSPECTOR SIGNATURE

FDEP / SWD / HW CAP

ORGANIZATION

9/30/2015

DATESupervisor: Richard VaughnInspection Approval Date: 09/30/2015

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.