



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

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**FACILITY INFORMATION:**

**Facility Name:** Clean Harbors Florida LLC  
**On-Site Inspection Start Date:** 12/08/2015      **On-Site Inspection End Date:** 12/08/2015  
**ME ID#:** 50782      **EPA ID#:** FLD980729610  
**Facility Street Address:** 170 Bartow Municipal Arprt, Bartow, Florida 33830-9572  
**Contact Mailing Address:** 170 Bartow Municipal Airport, Bartow, Florida 33830  
**County Name:** Polk      **Contact Phone:** (423) 842-8308

**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)

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Elizabeth Knauss, Environmental Consultant  
**Other Participants:** Daryl Himes, Environmental Engineer; Wes McDuffie, Operations Manager

**LATITUDE / LONGITUDE:** Lat 27° 57' 20.2397" / Long 81° 46' 45.0001"

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

**TYPE OF OWNERSHIP:** Municipal

**Introduction:**

A joint hazardous waste compliance inspection was conducted at Clean Harbors Florida's ("CHF") hazardous waste storage facility. Daryl Himes represented USEPA Region IV during in the inspection, and Wes McDuffie represented Clean Harbors. The facility manager and the compliance manager were working off site the day of the inspection. The facility operates under hazardous waste permit #64247-HO01-011, which expires December 10, 2016. The facility was last inspected on May 14, 2015. This inspection included a review of the facility's NPDES No Exposure Certification ("NEX") under the NPDES Multi-Sector Generic Storm Water Permit Program. The NEX expires in February 2016, and Mr. McDuffie was provided a copy of the permit inspection form and a reminder that a renewal certification was due in February.

**Process Description:**

CHF is a permitted hazardous waste container and tank storage facility, and conducts hazardous waste fuel blending. CHF is also permitted to store PCB wastes through USEPA Region IV. The company also operates as a hazardous waste, used oil, used oil filter, and universal waste transfer facility. Hazardous waste operations have not changed significantly since the Department's previous inspections. CHF recently began solid waste processing operations under a combined hazardous waste and solid waste permit.

The facility includes a maintenance and storage area for equipment used by plant and field services personnel. One used oil container in the field services bay was not within secondary containment. The drum was moved to a containment pallet during the inspection. The facility laboratory also had three satellite containers for waste that is generated on site, one for broken vials, one for solid debris, and the third for flammable liquids.

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The volume of hazardous waste stored in the North and South container storage buildings was under the permitted capacity, and all containers were closed, in good condition, and properly marked and labeled. Aisle space was provided for inspections. No waste had been stored on site for more than a year. No issues were observed with the emergency equipment on site. The North building includes areas used as 10-day transfer facility storage. Containers in this area are stored in accordance with USDOT's segregation chart found in 49 CFR 177.848.

Roll off containers and a 10-day transfer trailer were staged on site for loading and/or unloading in accordance with the permit. One of the containers held non-hazardous diatomaceous earth and citrus waxes from a citrus plant. This material was intended for solidification in the solid waste mix tub, which had recently been returned to service after modifying the foundation and containment system to provide better access for equipment. The tub and containment are open to the air, but any precipitation or spillage that is collected is solidified on site. The paved areas of the plant have storm water collection sumps which discharge to holding tanks. The collected storm water is monitored for BOD prior to discharge under a pretreatment permit to the City of Bartow municipal sewer system. These management practices are allowable under the No Exposure NPDES storm water generic permit exemption.

The facility's waste tanks were in good condition, and were being inspected in accordance with the permit. All valves, pumps, pressure relief devices and connectors were tagged and monitored for leaks visually and with an MSA Sirius Multi-Gas Detector. Shell thickness is monitored once a year by Clean Harbors staff, and once every five years by an independent contractor.

Fuel blending activities are now limited to consolidation of liquid wastes. The facility's equipment to grind and mix wastes with higher solids content into fuel is out of service. Blended fuel is shipped either by cargo tanker or by rail car to cement kilns or hazardous waste incinerators located out of state. An issue was noted earlier this year with the management of residues remaining in rail cars after unloading at the designated facilities. In accordance with 40 CFR 264.72(f), if a rail car is not RCRA empty after unloading, a manifest must be used when transporting the partially rejected load back to the generator or alternate TSDF. Clean Harbors Deer Park generated a manifest (MDN 007059297 FLE) on March 30, 2015 for 2,597 gallons of residue remaining in a rail car (UTLX 41234) for return to Clean Harbors Bartow. The car arrived at the Tampa Transflo transfer facility (FLR000105338) on April 15, 2015 and it was moved to a rail yard at Hooker's Point in Tampa, where it was stored from April 15 to May 15, 2015 before it was returned to Transflo to be re-filled for shipment to another customer. The Hooker's Point rail yard, operated by CSX, has not filed a notification as a hazardous waste transfer or storage facility.

Additional information was requested regarding other movements of rail cars holding manifested residue, however it was not received prior to this inspection. During this inspection, manifests for shipments by rail were reviewed. Four rail cars were noted as having been loaded by CHF at the Tampa Transflo facility during 2015. These cars, GATX 57968, GATX 56607, UTLX 41234 and UTLX 41241, are leased by Clean Harbors, and the company is responsible for their operation. Based on the dates of shipment and receipt, storage at an unpermitted transfer facility has happened on more than one occasion this year.

Rail carriers may hold shipments that have been "constructively placed" for some time prior to when their customer calls for the car to be actually placed ("actual placement"). However, storage of hazardous waste for more than 10 days in one location would require a hazardous waste storage permit. The record is not clear that CSX was aware that the car shipped under MDN 007059297 FLE held manifested hazardous waste. The rail shipping information for the load described the car as "empty." CSX was not the initial rail transporter, and Clean Harbors Bartow was listed as the designated facility, without an intervening non-rail transporter. USDOT regulations regarding the shipping descriptions of residue or empty cars are not the same as USEPA regulations. However, in accordance with 40 CFR 262.42(a) Clean Harbors Deer Park should have contacted Bartow when a signed manifest was not received within 35 days of the shipment, on or before May 7, 2015. In addition, Bartow should have known the car had been shipped and was on its way, as Deer Park was required to forward a copy of the manifest to Bartow in accordance with 40 CFR 262.23(d)(2) after it was accepted by the initial rail transporter. Clean Harbors did not call the rail car to be placed for

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re-filling until May 13, 2015, according to CSX.

In a second incident, Car UTLX 41241 carried a load of 4,155 lb. of residue from Geocycle/Holcim under manifest 007621320 FLE, that was received by CSX on February 4, 2015. The car arrived in Tampa, and the manifest was signed as "received" by Clean Harbors at the Tampa Transflo facility on March 2, 2015. However, Transflo does not have the ability to clean out rail cars, and the manifest does not show another transporter receiving the waste after it arrived at Transflo. The car movement report supplied after the inspection indicates that "actual placement" occurred on April 4, and reloading began April 6, 2015. Based on information provided by UTLX, it appears that the car containing hazardous waste was stored at Hooker's Point prior to reloading. Further, Clean Harbors knew it contained more than 0.3% of the car capacity in residue as of March 2, and allowed the waste to be shipped to an unpermitted location for storage without generating a new manifest.

CHF has addressed this issue by limiting the kinds of waste shipped by rail to those with minimal or no settleable solids. In addition, the company has revised its rail car tracking process, and has worked with CSX to better communicate when residue cars have been constructively placed awaiting direction from Clean Harbors as to final placement. Additional information was been requested from Clean Harbors as to the success of these measures. Based on the submittals, hazardous waste has not been stored for more than 10 days at a non-notified location since the Department began inquiries into this issue. However cars containing hazardous waste residues have been held more than 24 hours at Hooker's Point, a location that is not an authorized transfer facility. The rail sidings at that location do not meet the siting criteria for hazardous waste transfer facilities in Florida Statute 403.7211.

### New Potential Violations and Areas of Concern:

#### Violations

Type:	Violation
Rule:	403.727(1)(a)
Explanation:	Clean Harbors caused rail cars containing hazardous waste to be stored over 10 days at a facility that does not have a hazardous waste storage permit.
Corrective Action:	Clean Harbors must ensure that hazardous waste is not stored at locations that do not have hazardous waste permits.

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Type:	Violation
Rule:	403.727(3)(b)5.
Explanation:	Clean Harbors caused a rail car (UTLX 41241) containing 4,155 lb. of hazardous waste to be transported without a manifest, beginning March 2, 2015, to a location that does not have a hazardous waste storage permit. The car was stored until it was reloaded, beginning April 6, 2015.
Corrective Action:	Hazardous waste may never be transported unless a hazardous waste manifest is generated for the load in accordance with 40 CFR 262.20 and it has been signed by the transporter receiving the shipment in accordance with 40 CFR 262.23.

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Type:	Violation
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Rule: 62-710.401(6)

Explanation: A 55 gallon drum containing used oil was not stored within secondary containment.  
(Corrected)

Corrective Action: Ensure that used oil containers are located within secondary containment.

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**Conclusion:**

On at least two occasions in 2015, Clean Harbors was storing tank cars containing hazardous waste at a rail yard in Tampa, a facility without a hazardous waste storage permit or interim status. In one of these incidents, no hazardous waste manifest was generated for the waste movement between the rail yard and the Tampa Transflo terminal.

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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.

Elizabeth Knauss <hr/> <b>PRINCIPAL INSPECTOR NAME</b>	Environmental Consultant <hr/> <b>PRINCIPAL INSPECTOR TITLE</b>
 <hr/> <i>E. Knauss</i> <hr/> <b>PRINCIPAL INSPECTOR SIGNATURE</b>	FDEP - SWD <hr/> <b>ORGANIZATION</b>
	<hr/> 1/15/2016 <hr/> <b>DATE</b>

**Supervisor:**     Beth Knauss    

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.