



Florida Department of
Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Daniels Sharpsmart Inc
On-Site Inspection Start Date: 04/07/2020 **On-Site Inspection End Date:** 04/07/2020
ME ID#: 38737 **EPA ID#:** FLD984171850
Facility Street Address: 10705 Rocket Blvd Ste 111, Orlando, Florida 32824-8500
Contact Mailing Address: 111 West Jackson Blvd Ste 720, Chicago, Illinois 60604
County Name: Orange **Contact Phone:** (312) 285-9087

NOTIFIED AS:

Non-Handler, Transporter

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Commercial Waste, Transfer Facility **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Transfer Facility:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** 5000 kg or more; Large Quantity Handler (LQH)

INSPECTION TYPE:

File Review Inspection for Hazardous Waste Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: John E. White, Inspector
Other Participants: Kyle Little, Compliance & Safety Manager

LATITUDE / LONGITUDE: Lat 28° 24' 38.8187" / Long 81° 23' 24.045"

NAIC: 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

On April 7, 2020, the Department notified representatives of Daniel's Sharpsmart of a planned RCRA compliance evaluation inspection scheduled for Daniel's Sharpsmart, Inc. located at 10705 Rocket Blvd, Ste 111, Orlando, Florida. The advanced notice was provided to the facility due to potential health concerns related to the COVID-19 virus. Following the inspection notice, John White, Florida Department of Environmental Protection (FDEP or Department), was contacted by Alan Larosee, Director of Compliance for Daniel's Health, owner of the facility. Due to facility personnel health concerns and the inability to maintain social distancing during the inspection, Mr. Larosee asked if the physical inspection of the facility could be delayed to a future date and paperwork be reviewed now. Because the majority of the waste and associated paperwork managed by this facility originates at hospitals the Department agreed with the request.

Daniel's Sharpsmart initially notified the Department as a hazardous waste transporter on October 5, 2012 and completed the registration process on December 12, 2012. The facility last notified as a hazardous waste transporter and transfer facility on August 20, 2019. The facility's status was acknowledged by the Department on August 22, 2019. The facility has provided documentation that the transfer facility location meets the hazardous waste facility siting requirements of 403.7211, Florida Statutes per the requirements in Florida Administrative Code (F.A.C.) 62-730.171(3)(a)(1).

The inspection was prompted by the Department's receipt of three manifest discrepancy reports for hazardous waste managed by the facility, one in February and two in March 2020. Daniel's Sharpsmart was last inspected on September 13, 2018 as a hazardous waste transporter for compliance with state and federal hazardous waste regulations and no violations were cited at that time.

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Process Description:

Daniel's Sharpsmart is a hazardous waste transporter and 10-day transfer facility and a regulated medical waste transporter.

Information requested on April 7, 2020, was provided that same day by Kyle Little, Compliance & Safety Manager for Daniel's Health. The following information was requested:

1. A copy of the closure plan required by F.A.C. 62-730.171(3)(a)(5). The purpose of the plan is to document how the facility will verify no contamination is present, or remains, on-site following closure of the facility.
2. A copy of the contingency plan required by F.A.C. 62-730.171(3)(a)(6).
3. A map of the transfer facility meeting the requirements of F.A.C. 62-730.171(3)(a)(7).
4. A copy of the 10-day transfer facility log meeting the requirements of F.A.C. 62-730.171(6). The purpose of the log is to document when each waste shipment is received on-site and when the waste is removed from the property for continuation on to the destination facility.
5. Documentation of personnel training as required by F.A.C. 62-730.171(4)(a) for hazardous waste management activities.

In accordance with F.A.C. 62-730.171(3)(a)(5), a closure plan is required for the 10-day hazardous waste transfer facility demonstrating that the transfer facility will be closed in a manner which satisfies the closure performance, notification, and decontamination standards of 40 CFR 265.111, 265.112, 265.114 and 265.115. The closure plan provided on April 7, 2020 was determined to meet the requirements identified in F.A.C. 62-730.171(3)(a)(5).

Review of the document identified as a Contingency Plan, dated January 2020, found the document did not meet any of the requirements for a hazardous waste contingency plan identified in 40 CFR Part 265 Subpart D. The plan provided appeared to be a contingency plan related to business operations, not emergency operations. This information was relayed to Daniel's Sharpsmart in an email dated April 29, 2020. On May 14, 2020, the facility provided a copy of the actual contingency plan, dated August 10, 2019. During review of the contingency plan it was noted the facility identified a fire department that was not in the same County as the facility [40 CFR 265.52(c)]. The facility was notified of this issue in an email dated June 1, 2020. The facility updated the contingency plan with the correct information for the Orange County fire department and forwarded a copy of the plan to the appropriate fire department on June 2, 2020. No issues were identified during review of the updated contingency plan provided on June 2, 2020. The updated contingency plan appears to meet the requirements of 40 CFR Part 265 Subpart D.

Review of the facility map provided found it meets the requirements identified in F.A.C. 62-730.171(3)(a)(7).

Review of personnel training documentation provided, as required by F.A.C. 62-730.171(4)(a), found no issues.

Review of the 10-day transfer facility log provided found the log did not meet the requirements of F.A.C. 62-730.171(6). The rule specifically requires the log document the following information:

- Manifest number for each shipment that enters and leaves the facility, or, for a shipment from a very small quantity generator (VSQG) without a manifest, an identifying number from the shipping document.
- The date when all hazardous waste enters and leaves the facility.
- The generator's name and the EPA/DEP identification number. For VSQGs without an EPA/DEP identification number, the record shall include the name and address of the generator.
- Amounts of hazardous waste and hazardous waste codes associated with each shipment into and out of the facility.

The 10-day log provided on April 7, 2020 did not include the following information:

- The date the waste left the facility
- The generator's name and EPA/DEP ID number
- The hazardous waste code(s) associated with each shipment

On May 14, 2020, an updated 10-day log was provided that included all information required by F.A.C. 62-730.171(6).

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During review of the updated log, it was noted that manifest 000973892WAS, received on 12/9/2019, from AdventHealth Kissimmee, was shipped off-site from Daniel's Sharpsmart on 12/16/2019. Review of the actual manifest found transporter #2, Freehold Cartage, did not sign for the waste shipment until 12/23/2019. This indicates the log entry is not accurate and Daniel's Sharpsmart held the waste on-site for a period of 14 days. This is a violation of 40 CFR 263.12 and F.A.C. 62-730.171(1). A transfer facility that stores hazardous waste on-site for greater than 10 days is subject to the permitting requirements for a hazardous waste storage facility.

As of June 1, 2020, three manifest discrepancy reports have been received by the Department from AdventHealth facilities located in Central Florida. One discrepancy report was received on February 21, 2020 and two additional reports were received on March 30, 2020.

Manifest Discrepancy Report – Manifest 000973721WAS:

On 2/21/2020, a discrepancy report was received for manifest number 000973721WAS. On 12/6/2019 three 55-gallon drums (recorded as, "165 gallons") of waste alcohols (D001, F003) were shipped from AdventHealth Orlando, EPA identification number FLD101872190. AdventHealth Orlando never received a return copy of manifest number 000973721WAS with a designated facility owner/operator signature. According to the discrepancy report filed by AdventHealth, when contacted, Daniel's Sharpsmart informed AdventHealth this manifest had been recorded as "cancelled" in their files [40 CFR 263.20(c)]. There is no record of this manifest/shipment in the 10-day transfer facility log provided by Daniel's Sharpsmart.

On 12/6/19, two containers holding a total of ten gallons of waste alcohols (D001, F003) were shipped from AdventHealth Altamonte, EPA identification number FLD984242156, on hazardous waste manifest 000973725WAS. On 1/3/20, Heritage Environmental Services, EPA identification number IND093219012, the designated facility (TSD) signed their copy of manifest 000973725WAS. On the signed manifest, the number of waste alcohol containers had been changed from 2 to 3, and the total volume of waste shipped on manifest 000973725WAS was changed from 10 gallons to 165 gallons. The generator certified the contents (10 gallons in 2 containers) of manifest 000973725WAS as accurate in Box 15 of the manifest with their signature on 12/6/2019. Changes were made to the manifest by Daniel's Sharpsmart personnel without the approval of the generator. The modified manifest contains the initial "A" followed by an unreadable character and no date of when the change was made. It is a violation of 403.727(1)(e), Florida Statutes to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act.

As stated in the 2/21/2020 manifest discrepancy report, AdventHealth personnel believe the entire combined volume of waste alcohols from both AdventHealth Orlando and AdventHealth Altamonte may have been erroneously documented as having been shipped from AdventHealth Altamonte on manifest 000973725WAS.

Manifest Discrepancy Report - Manifest 001059213WAS:

On 3/20/2020, a discrepancy report was received for manifest number 001059213WAS. On 2/3/2020 manifest 001059213WAS was signed by AdventHealth Orlando and Daniel's Sharpsmart. The manifest documented transport of 7 containers of PHARMS waste. When contacted by AdventHealth, Daniel's Sharpsmart reported it had no record of the manifest in their records [40 CFR 263.20(c)]. There is no record of this manifest/shipment in the 10-day transfer facility log provided by Daniel's Sharpsmart.

On 2/12/2020 manifest 001059283WAS was signed by AdventHealth Orlando documenting a shipment of 5 containers of PHARMS waste. On 2/29/2020, manifest 001059283WAS was signed by the designated receiving facility, Heritage Thermal Services, OHD980613541, as received with 12 containers of PHARMS waste, not 5. This may account for the missing waste from manifest 001059213WAS.

On signed manifest 001059283WAS, the number of containers of Waste Medicine had been changed from 5 to 12, and the total volume of waste shipped was changed to 217 pounds. The generator certified the shipment of 5 containers on manifest 001059283WAS as accurate in Box 15 of the manifest with their signature on 2/12/2020. Changes were made to the manifest by Daniel's Sharpsmart personnel without the approval of the generator. The modified manifest contains the initial "A" followed by an unreadable character and no date of when the change was made. It is a violation of 403.727(1)(e), Florida Statutes to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act.

Manifest Discrepancy Report - Manifest 001059154WAS:

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On 3/20/2020, a discrepancy report was received for manifest number 001059154WAS. On 1/24/2020, manifest 001059154WAS was signed by AdventHealth Orlando and Daniel's Sharpsmart. The manifest documented transport of 2 containers of PHARMS waste. When contacted by AdventHealth, Daniel's Sharpsmart reported it had an unsigned copy of the manifest on file but could find no record of manifest number 001059154WAS having been forwarded on to the destination facility [40 CFR 263.20(c)]. There is no record of this manifest/shipment in the 10-day transfer facility log provided by Daniel's Sharpsmart.

Also, on 1/24/2020 manifest 001059156WAS was signed by AdventHealth Orlando documenting the off-site shipment of 12 containers of PHARMS waste. Manifest 001059156WAS arrived at Heritage Environmental Services 10-day transfer facility in Charlotte, North Carolina accompanied by 2 containers, not the 12 that were shipped by AdventHealth Orlando. Manifest 001059156WAS was received and signed for by the destination facility as containing only 2 containers of PHARMS hazardous waste.

On signed manifest 001059156WAS, the number of containers of Waste Medicine" had been changed from 12 to 2. The generator certified the shipment of 12 containers on manifest 001059156WAS as accurate in Box 15 of the manifest with their signature on 1/24/2020. Changes were made to the manifest by Daniel's Sharpsmart personnel without the approval of the generator. The modified manifest contains the note "Change OK per Charles Rivera" the initials "BP" and what appears to be a date "2/3." Charles Rivera is an employee of Daniel's Sharpsmart. It is a violation of 403.727(1)(e), Florida Statutes to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act.

On 1/31/2020 manifest 001059200WAS was signed by AdventHealth Orlando documenting off-site shipment of 2 containers of PHARMS waste. Manifest 001059200WAS arrived at Heritage Environmental Services 10-day transfer facility in Charlotte, North Carolina accompanied by 14 containers, not the 2 that were shipped by AdventHealth Orlando. Manifest 001059200WAS was received and signed for by the destination facility as containing 14 containers of PHARMS hazardous waste.

On signed manifest 001059200WAS, the number of containers of Waste Medicine" had been changed from 2 to 14. The generator certified the shipment of 2 containers on manifest 001059200WAS as accurate in Box 15 of the manifest. This change to the document was carried out by Daniel's Sharpsmart personnel without the approval of the generator. The modified manifest contains the note "Change OK per Charles Rivera" the initials "BP" and what appears to be a date "2/7." Charles Rivera is an employee of Daniel's Sharpsmart. It is a violation of 403.727(1)(e), Florida Statutes to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act.

The information above appears to indicate the waste missing from manifest 001059154WAS and manifest 001059156WAS was added to manifest 001059200WAS without Daniel's Sharpsmart contacting the generator of the waste.

In each of the cases documented above the number of hazardous waste containers or the volume of hazardous waste shipped off-site appears to be accounted for in subsequent shipments. Regardless, hazardous waste manifests documenting off-site shipments from hazardous waste generators have disappeared during transport and the transporter did not ensure the manifest accompanied the hazardous waste [40 CFR 263.20(c)]. Also, changes were made to the manifests without the approval of the generator of the waste.

Review of manifests found Daniel's Sharpsmart has accepted incomplete manifests from AdventHealth Infusion Center Kissimmee in violation of 40 CFR 263.20(a)(1). The facility, located at 1300 West Oak Street, Suite A, Kissimmee, Florida has not notified the Department of its status as a healthcare facility as required by 40 CFR 265.502(a)(1) and received an EPA identification number. Based on a review of 25 manifests for November 2019 to March 2020, the facility would otherwise be a small quantity generator of hazardous waste and is required to use a manifest that includes the facility's EPA identification number. Because of the frequency of shipments and the volume of hazardous waste transported Daniel's Sharpsmart personnel should have identified this issue and ceased transport of hazardous waste from the site until it was resolved.

Review of manifests found Daniel's Sharpsmart has accepted incomplete manifests from AdventHealth Apopka. An incorrect EPA identification number is being accepted by Daniel's Sharpsmart on pre-printed manifests for a site identified on the manifests as "Apopka Inpatient" with EPA identification number FLD000229377. The correct name of the facility is Adventhealth Apopka. The correct EPA identification number is FLR000229377.

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Twenty manifests with the incorrect EPA identification number have been accepted by Daniel's Sharpsmart between November 2019 and March 2020 in violation of 40 CFR 263.20(a)(1).

New Potential Violations and Areas of Concern:

Violations

| | |
|--------------------|--|
| Type: | Violation |
| Rule: | 263.12 |
| Explanation: | A transfer facility that stores hazardous waste on-site for greater than 10 days is subject to the permitting requirements for a hazardous waste storage facility. |
| Corrective Action: | Review of hazardous waste manifests found the facility stored hazardous waste transported on manifest 000973892WAS for a period of 14 days without a RCRA storage permit. This exceedance was not documented in the facility's 10-day transfer facility log. Daniel's Sharpsmart must provide documentation of changes to waste management practices to prevent this violation in the future. The facility must also ensure information contained in the 10-day transfer facility log is accurate. |
| Type: | Violation |
| Rule: | 263.20(a)(1) |
| Explanation: | A transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest form (EPA Form 8700–22, and if necessary, EPA Form 8700–22A) signed in accordance with the requirement of §262.23, or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with §262.20(a)(3) of this chapter, and signed with a valid and enforceable electronic signature as described in 40 CFR 262.25. |
| Corrective Action: | Review of hazardous waste manifests found 25 incomplete manifests were accepted by Daniel's Sharpsmart between November 2019 and March 2020. Also, an additional 20 manifests with an incorrect EPA identification number were accepted by Daniels Sharpsmart during this same time period. Daniel's Sharpsmart must provide written assurances that the facility will only accept manifests for hazardous waste shipments that have been completed in accordance with the manifest instructions. Pre-printed manifests prepared by the facility provided to generators must be accurate. |
| Type: | Violation |
| Rule: | 263.20(c) |
| Explanation: | The transporter must ensure that the manifest accompanies the hazardous waste. |
| Corrective Action: | Specifically, based on exception reports provided to the Department, hazardous waste manifests have disappeared during transport or failed to accompany the hazardous waste during shipment. Missing manifests include 000973721WAS signed by the generator on 12/6/2019, manifest 001059213WAS signed by the generator on 2/3/2020, and manifest 001059154WAS signed by the generator on 1/24/2020. Daniel's Sharpsmart must provide reports regarding each of the manifest discrepancies identified in this report and provide documentation of changes to management practices to prevent this violation in the future. |
| Type: | Violation |
| Rule: | 265.52(c) |
| Explanation: | The contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams |

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to coordinate emergency services, pursuant to §265.37.

Specifically, Daniel's Sharpsmart referenced a fire station in the contingency plan that was not in the same county as the transfer facility.

Corrective Action: The contingency plan has been updated with a correct fire station/department and no further action is required in response to this violation.

Type: Violation

Rule: 403.727(1)(e)

Explanation: It is unlawful for any hazardous waste generator, transporter, or facility owner or operator to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act;

Three exception reports provided to the Department by hazardous waste generators indicate changes have been made to manifests, after the manifests were signed and certified by the generator as accurate. The changes were made by Daniel's Sharpsmart personnel without the knowledge or approval of the generator(s).

Corrective Action: Daniel's Sharpsmart must provide written assurances that management practices have been changed and any changes to hazardous waste manifests will be completed with the documented approval of the generator.

Type: Violation

Rule: 62-730.171(6)

Explanation: The transfer facility shall maintain a written record of the items listed below. This recordkeeping requirement applies to all hazardous waste that enters and leaves the transfer facility, including hazardous waste generated by very small quantity generators (VSQGs). The record needs to include the manifest number or shipping paper number, the date when waste enters and leaves the facility, generator's name and EPA/DEP identification (ID) number, for VSQGs without an EPA ID number, the name and address of the generator, amounts of hazardous waste and EPA waste codes.

The 10-day transfer log provided by Daniel's Sharpsmart failed to include the following information; the date the waste left the facility, the generator's name and EPA/DEP ID number, and the hazardous waste code(s) associated with each shipment.

Corrective Action: An updated 10-day transfer facility log was provided on May 14, 2020 and now includes all the required information. No further action is required in response to this issue.

Conclusion:

Daniel's Sharpsmart, Inc. was reviewed as a hazardous waste transporter and 10-day transfer facility and was not in compliance at the time of this file review. The following issues were identified:

- Review of the original contingency plan, dated August 10, 2019, provided on May 14, 2020, found the contingency plan did not correctly identify the local fire department responsible for responding to any emergencies at the facility in violation of 40 CFR 265.52(c). The issue has since been corrected and no further action is required in response to this issue.
- Review of the 10-day transfer facility log provided on April 7, 2020, found the log did not meet the requirements of F.A.C. 62-730.171(6). The log failed to include the following information; the date the waste left the facility, the generator's name and EPA/DEP ID number, and the hazardous waste code(s) associated with each shipment. An updated 10-day transfer facility log was provided on May 14, 2020 and now includes all the required information. No further action is required in response to this issue.
- Review of hazardous waste manifests found the facility stored hazardous waste transported on manifest 000973892WAS for a period of 14 days in violation of 40 CFR 263.12 and F.A.C. 62-730.171(1). A transfer facility that stores hazardous waste on-site for greater than 10 days is subject to the permitting requirements for

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a hazardous waste storage facility. The facility must provide documentation of changes to management practices to prevent this violation in the future.

- Exception reports have been provided to the Department by hazardous waste generators that document issues with off-site shipments of hazardous waste. Based on the reports, hazardous waste manifests have disappeared during transport or failed to accompany the hazardous waste. Daniel's Sharpsmart, Inc. did not ensure the manifest accompanied the hazardous waste [40 CFR 263.20(c)]. The facility must provide reports regarding each of the manifest discrepancies identified in this report and provide documentation of changes to management practices to prevent this violation in the future.
- Exception reports provided to the Department by hazardous waste generators indicate changes have been made to manifests, after the manifests were signed and certified by the generator as accurate. The changes were made by Daniel's Sharpsmart personnel without the approval of the generator(s). It is a violation of 403.727(1)(e), Florida Statutes to knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the provisions of this act.
- Review of hazardous waste manifests found twenty-five incomplete manifests were accepted by Daniel's Sharpsmart between November 2019 and March 2020. Also, twenty manifests with an incorrect EPA identification number were accepted by Daniels Sharpsmart during this same time period. Acceptance of incorrect or incomplete manifests is a violation of 40 CFR 263.20(a)(1).

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1.0: Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

| Item No. | Pre-Inspection Review | Yes | No | N/A |
|----------|--|-----|----|-----|
| 1.1 | Has the facility notified with correct status? 262.18(a) | ✓ | | |
| 1.2 | Has the facility notified of change of status? 62-730.150(2)(b) | | | ✓ |
| 1.3 | Did the facility conduct a waste determination on all wastes generated? 262.11 | | | ✓ |

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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

| | | |
|---|-------------------------------------|-------------|
| John E. White | Inspector | |
| Principal Investigator Name | Principal Investigator Title | |
| Jw | DEP | 06/11/2020 |
| Principal Investigator Signature | Organization | Date |
| | | |
| Kyle Little | Compliance & Safety Manager | |
| Representative Name | Representative Title | |
| | Daniels Health | |
| | Organization | |

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.

Report Approvers:

| | | | |
|------------------|----------------|----------------------------------|------------|
| Approver: | Daniel K. Hall | Inspection Approval Date: | 06/11/2020 |
|------------------|----------------|----------------------------------|------------|