Florida Department Of Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

December 28, 2020

Sent electronically to: cged@aellab.com

Mr. Charles Ged, President
Advanced Environmental Laboratories
6681 Southpoint Parkway
Jacksonville, FL 32216-0923

SUBJECT: **FDEP v. Advanced Environmental Laboratories, Inc.**
OGC File No. 20-1094
Facility ID: FLR 000 085 738
Duval County

Dear Mr. Ged:

Enclosed is a copy of the executed Consent Order to resolve Case Number 20-1094.

The effective date of this Order is December 28, 2020, and all time frames will be referenced from this date.

As a reminder, a Consent Order is a binding legal document and was voluntarily entered into by both parties.

Should you have any questions concerning the Consent Order, please contact Luke Lewis, at Luke.S.Lewis@FloridaDEP.gov, or by phone at (904) 256-1660. Your continued cooperation in the matter is appreciated.

Sincerely,

James R Maher

James R. Maher, PE
Assistant Director

Enclosure: Executed Consent Order

ec: FDEP-OGC: Lea Crandall, Agency Clerk
FDEP-NED: Arlene Wilkinson, DEP_NED

FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

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Secretary

December 23, 2020

Sent electronically to: cged@aellab.com

Mr. Charles Ged, President
Advanced Environmental Laboratories, Inc.
6681 Southpoint Parkway
Jacksonville, Florida 32216-0923

SUBJECT: **Department of Environmental Protection v. Advanced Environmental Laboratories, Inc.**
OGC File No.: 20-1094
EPA/DEP ID: FLR 000 085 738

Dear Mr. Ged:

The State of Florida Department of Environmental Protection ("Department") finds that Advanced Environmental Laboratories, Inc. ("Respondent") failed to make hazardous waste determinations on several wastestreams, failed to properly label hazardous waste containers, failed to date hazardous waste accumulation containers, failed to perform weekly inspections of hazardous waste accumulation containers, did not make sufficient emergency arrangements with local authorities, and failed to ensure that all its employees were trained on waste handling and emergency procedures. Additional violations are documented in the attached Warning Letter (WL20-170). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

The Department's Offer

Based on the violations described above, the Department is seeking $13,352.00 in civil penalties and $500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of $13,852.00. The civil penalty in this matter includes two violations of $2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256, by December 31, 2020. The Department will then countersign it and file it with a designated clerk of the Department.

Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), Florida Statutes (F.S.), and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S., and the attached Notice of Rights.

By accepting this offer you, Mr. Ged:

(1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
(2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final; and
(3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department,

(1) Respondent must pay $13,852.00 in full by March 1, 2021.

(2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order (OGC #20-1094) and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to the Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. Online payments by e-check can be made by going to the DEP Business Portal at: http://www.fldepportal.com/go/pay/. It will take a number of days after this order is final and effective, by filing with the Clerk of the Department, before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, contact Luke S. Lewis at (904) 256-1660, or via e-mail at Luke.S.Lewis@FloridaDEP.gov.

Sincerely,

James R. Maher

James R. Maher, PE
Assistant Director

FOR THE RESPONDENT:

I, Charles Ged, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____ Date: 12/28/2020
[Signature]

Title: President, Advanced Environmental Laboratories, Inc.
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 28th day of December 2020, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Gregory J. Strong
District Director

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Clerk

December 28, 2020
Date

Attachments: Notice of Rights
Warning Letter WL20-170

Final clerked copy furnished to:
Lea Crandall, Agency Clerk (lea.crandall@floridadep.gov)
Arlene Wilkinson, FDEP NED (arlene.wilkinson@floridadep.gov)

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

a) The OGC Number assigned to this Order;
b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
c) An explanation of how the petitioner's substantial interests will be affected by the Order;
d) A statement of when and how the petitioner received notice of the Order;
e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

July 15, 2020

Sent electronically to: jgebhardt@aellab.com

Mr. Jason Gebhardt, Laboratory Manager
Advanced Environmental Laboratories, Inc.
6681 Southpoint Parkway
Jacksonville, Florida 32216

RE: Warning Letter No. WL20-170 (Significant Non-Complier)
Advanced Environmental Laboratories, Inc. (AEL)
EPA/DEP ID: FLR 000 085 738
Duval County – Hazardous Waste

Dear Mr. Gebhardt:

A hazardous waste compliance inspection was conducted at your facility on January 28, 2020. During this inspection, possible violations of Chapters 376 and 403, Florida Statutes (Fla. Stat.), and Chapter 62-730, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

- The facility did not make adequate hazardous waste determinations on six (6) waste streams.
- The facility accumulated hazardous waste in one (1) container that was not in good condition.
- The facility did not keep one (1) hazardous waste satellite container closed.
- The facility did not properly label 18 hazardous waste satellite containers.
- The facility accumulated hazardous waste in one (1) container for longer than 180 days.
- The facility did not perform weekly inspections of the hazardous waste accumulation area (HWAA).
- The facility did not properly label ten (10) hazardous waste accumulation containers.

- The facility did not mark nine (9) hazardous waste accumulation containers with the accumulation start date.

- The facility did not have all the required spill control and decontamination equipment in three (3) areas where hazardous waste was generated and accumulated.

- The facility did not maintain adequate aisle space in the HWAA.

- The facility did not make sufficient emergency arrangements with local authorities.

- The facility did not post emergency information next to a telephone or in areas directly involved in the generation and accumulation of hazardous waste.

- The facility did not ensure that all employees were thoroughly familiar with proper hazardous waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.

- The facility did not have documentation of weekly inspections of the HWAA.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 376.121 and 403.121, Florida Statutes.

Please contact Luke Lewis at (904) 256-1660, or by email at Luke.S.Lewis@FloridaDEP.gov, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,

Gregory J. Strong
District Director

Attachment: Final Inspection Report

ec: AEL: Chuck Ged - cged@aellab.com
City of Jacksonville: Jean Richards - jeanr@coj.net
FDEP-NED: Luke S. Lewis; Vince Clark; Heather Webber; Pam Cosgrove; Cheryl Mitchell; DEP_NED

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Advanced Environmental Labs

On-Site Inspection Start Date: 01/28/2020 **On-Site Inspection End Date:** 01/28/2020

ME ID#: 62104 **EPA ID#:** FLR000085738

Facility Street Address: 6601 Southpoint Pkwy, Jacksonville, Florida 32216-0923

Contact Mailing Address: 6601 Southpoint Pkwy, Jacksonville, Florida 32216-0923

County Name: Duval **Contact Phone:** (904) 363-9350

NOTIFIED AS:

SQG (100-1000 kg/month)

WASTE ACTIVITIES:

Generator: SQG **Used Oil:** Used Oil

INSPECTION TYPE:

Routine Inspection for SQG (100-1000 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Luke S Lewis, Inspector

Other Participants: Jason Gebhardt, Laboratory Manager

LATITUDE / LONGITUDE: Lat 30° 15' 33.4366" / Long 81° 35' 46.8191"

NAIC: 541380 - Testing Laboratories

TYPE OF OWNERSHIP: Private

Introduction:

Advanced Environmental Labs (AEL, the facility) was inspected on January 28, 2020, as an unannounced hazardous waste compliance inspection. The facility last notified the Department of Environmental Protection (DEP) as a Small Quantity Generator (SQG) of hazardous waste on March 6, 2002. The facility was last inspected by DEP's Hazardous Waste Program on March 22, 2006. The facility began operations in 2001. Jason Gebhardt (Laboratory Manager) was present throughout the inspection.

At the time of the current inspection, the facility appeared to be operating as a SQG of hazardous waste.

The facility has 35 employees. The facility operates 8:00 a.m. to 5:00 p.m., Monday through Friday. The facility is connected to city sewer and water.

AEL is a full service analytical laboratory that performs analysis on ground and surface water, drinking water, wastewater, sludge, soil, and a variety of other liquid and solid waste samples. The facility performs sample analysis by Gas Chromatography (GC), Mass Spectromotry (MS), and High Performance Liquid Chromatography (HPLC). The facility may also determine flash point and pH. The facility is a NELAP and DOH Certified Lab (E82574) and ISO 17025 certified.

In July 2002, AEL received authorization from Jacksonville Electric Authority (JEA), the operator of the city's sanitary sewer system, to discharge wastewater samples that had been pH neutralized to the sewer system. This authorization prohibited discharge of solvents, flammables or toxic pollutants and other Prohibited Discharges under JEA's Industrial Pretreatment Regulation.

The facility consists of two buildings, Building One – 6681 and Building Two – 6713. The following areas were inspected: Wet Chemistry Lab, Metals Lab, Semi-Volatiles Lab, Extractions Lab, Sample Receiving, Volatiles Lab, Low-Level Mercury Lab, Microbiology Lab and the 180-Day Hazardous Waste Accumulation Area (HWAA).

Process Description:

BUILDING ONE - 6681:

Wet Chemistry Lab – J2

In this lab, facility analysts perform high-performance liquid chromatography (HPLC), pH and titration tests on sludges and residues, typically from wastewater treatment plants. Facility analysts do not clean with or use solvents in this area. AEL's 2019 SOP for Waste Disposal and Pollution Prevention (SOP), discussed below in Records Review, indicates that acidic waste samples that have undergone testing, and other non-hazardous waste waters, are collected in a container, neutralized with baking soda and poured into the sink that discharges to the city sewer. This practice in this lab appears to be performed under the 40 CFR 270.1(c)(2)(v) and 40 CFR 264.1(g)(6) hazardous waste treatment permit exemptions by operating an elementary neutralization unit by neutralizing wastes that only exhibit the corrosivity characteristic, D002. The area had all the required equipment including an eyewash, a fire extinguisher and a spill kit.

Metals Lab – J3

In this lab, facility analysts perform digestion for heavy metals and mercury using acetic acid, hydrochloric acid, nitric acid and sulfuric acid during testing. AEL stated that spent acidic hazardous wastes are managed as Mercury Waste, but the facility had not made an accurate waste determination for this wastestream that may potentially be characteristic for corrosivity and other metals [40 CFR 262.11]. Facility analysts do not clean with or use solvents in this area. There were two hazardous waste satellite containers accumulating (Photo 1). Both containers were closed. One container was properly labeled with the words "Hazardous Waste" but did not include an indication of the hazards of the contents (See Photo 1) [40 CFR 262.15(a)(5)]. The other container was not in good condition [40 CFR 262.15(a)(1)] and was not properly labeled with the words "Hazardous Waste" or an indication of the hazards of the contents because the label was in poor condition (Photo 2) [40 CFR 262.15(a)(5)]. The area had all the required equipment including an eyewash, a fire extinguisher and a spill kit.

AEL's SOP indicates that acidic waste samples that have undergone testing, and other non-hazardous waste waters, are collected in a container, neutralized with baking soda and poured into the sink that discharges to the city sewer, but the facility had not made an accurate waste determination for this wastestream that may also be characteristic for metals [40 CFR 262.11]. As a result, this practice may not meet the elementary neutralization exemption, and/or the JEA Industrial Pretreatment Regulation.

Semi-Volatiles Lab – J7

In this lab, facility analysts perform gas chromatography (GC) and HPLC testing on samples from the Extractions Lab – J8, described below. There were eight GC machines and four GC mass spectrometry (MS) machines in the area. The machines use hexane, methylene chloride and methyl tert-butyl ether (MTBE) in sample vials during testing. The 12 machines generate glass vials that AEL's SOP indicates are managed as Solvent Vials and Waste Containers. There were six hazardous waste satellite containers accumulating. The containers were closed, but were not properly labeled with an indication of the hazards of the contents (Photos 3 and 4) [40 CFR 262.15(a)(5)]. The facility is reminded that abbreviations for the words "Hazardous Waste" should not be used when labeling containers.

In another section of the lab, there was one HPLC machine that uses acetonitrile during testing. The waste acetonitrile from the HPLC machine was being accumulated in a hazardous waste satellite container labeled "HPLC Waste Solvents" and was connected to the machine by plastic tubing. The container was not closed (Photo 5) [40 CFR 262.15(a)(4)], and it was not labeled with an indication of the hazards of the contents (Photo 6) [40 CFR 262.15(a)(5)]. The facility is reminded that abbreviations for the words "Hazardous Waste" should not be used when labeling containers. The area did not have any of the required equipment including an eyewash, a fire extinguisher and a spill kit [40 CFR 262.16(b)(8)(ii)(C)].

Extractions Lab – J8

In this lab, facility analysts prepare samples for testing in J7. Facility analysts use dichloromethane and sodium sulfate when testing samples for semi-volatile organic compounds. Facility analysts also use sulfuric acid, copper sulfate and a water solution in the sample and sodium sulfate during testing. AEL's SOP indicates that the spent sodium sulfate is managed as Hazardous Soils and Solids. There were seven hazardous waste satellite containers accumulating. The containers were closed. One satellite container (Photo 7) was opened by the lab analyst at the request of the inspector. None of the containers were properly labeled with an indication of the hazards of the contents [40 CFR 262.15(a)(5)].

Facility analysts also use acetone, hexane, methylene chloride and MTBE during testing. AEL's SOP indicates that waste liquid solvents are managed as Hazardous Waters and Solvents.

In another section of the lab, there was one hazardous waste satellite container labeled "HAA Satellite" that was accumulating. The container was closed and properly labeled with the words "Hazardous Waste," but was not properly labeled with an indication of the hazards of the contents (Photo 8) [40 CFR 262.15(a)(5)]. AEL's SOP indicates that liquid acidic wastes are managed as Corrosive Liquids/Acidic Liquids. The area had all the required equipment including an eyewash, a fire extinguisher and a spill kit.

Sample Receiving – J9

In this area, facility personnel receive samples from couriers and customers. No analyses or testing is performed in this area. No hazardous waste is generated in this area.

BUILDING TWO - 6713:

Volatiles Lab – J1

In this lab, facility analysts perform GC and GC-MS testing on samples that come directly from J9, described above. Facility analysts also use methanol when conducting tests. There were two GC machines and two GC-MS machines in this area. The machines generate spent vials after testing. AEL's SOP indicates that waste autosampler vials from equipment are managed as Solvent Vials and Waste Containers. There was no hazardous waste accumulating in this lab at the time of the inspection.

Low-Level Mercury Lab

In this lab, facility analysts perform low-level mercury detection tests on samples. Facility analysts use a QuickTrace M-8000 machine to detect mercury in parts per trillion. The machine adds a minor amount of hydrochloric acid (HCL) to a sample, then analyzes it. AEL indicated that spent HCL-contaminated sample waste is managed as Mercury Waste. There was one hazardous waste satellite container accumulating. The container was closed, but was not properly labeled with the words "Hazardous Waste" or an indication of the hazards of the contents (Photo 9) [40 CFR 262.15(a)(5)]. The area did not have all the required equipment including a fire extinguisher and a spill kit [40 CFR 262.16(b)(8)(ii)(C)].

Microbiology Lab

In this lab, facility analysts perform total coliform tests on sludges, wastewater, and water samples. Analyses in this area generate biohazardous waste, which is autoclaved. Facility analysts do not clean with solvents in this area. No hazardous waste is generated in this lab.

All Labs

Facility analysts generate spent Personal Protective Equipment (PPE), such as gloves and wipes, throughout the facility that are thrown in the trash. PPE is used to handle waste samples throughout the sampling process including containerizing wastes. Wipes are used to clean the countertops with Windex. AEL stated that lab coats are laundered as needed, and that spent PPE and wipes involved in a spill cleanup are managed as Hazardous Soils and Solids, described below in the Records Review. The facility had not made an accurate waste determination for this wastestream that may include hazardous wastes generated in each lab and/or during spill cleanup [40 CFR 262.11]. Facility analysts clean glassware with Liquinox soap and discharge the rinsewater to the sink.

HWAA

The HWAA is located in an enclosed shed behind Building One – 6681. In this area, facility personnel manage AEL's hazardous and non-hazardous wastes. There were 10 containers of hazardous waste accumulating: One 5-gallon poly container labeled "TCE," one 55-gallon metal drum labeled "Soil Waste," one 55-gallon poly drum labeled "Mercury Waste," one 55-gallon poly drum labeled "HAA WASTE," and six 7-gallon buckets of what AEL stated was Hazardous Soils and Solids. All the containers were closed and properly labeled with the words "Hazardous Waste," but none of the containers were properly labeled with an indication of the hazards of the contents (Photos 10 through 15) [40 CFR 262.16(b)(6)(i)(B)]. Nine of the containers were not marked with the date of accumulation but were marked "01-2020" or "01/2020" (See Photos 10 through 13) [40 CFR 262.16(b)(6)(i)(C)]. The one 55-gallon poly drum labeled "Mercury Waste" was dated March 15, 2019, and had been accumulating for 319 days (See Photos 14 and 15) [40 CFR 262.16(b)]. The area did not have any of the required equipment including an eyewash, a fire extinguisher and a spill kit [40 CFR 262.16(b)(8)(ii)(C)].

The HWAA did not have adequate aisle space between containers of hazardous waste to allow for inspection of the condition of and labels on the individual containers, and to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency (See Photos 11 through 14) [40 CFR 262.16(b)(8)(v), 62-730.160(4), FAC].

Records Review

The facility appears to be operating as a SQG of hazardous waste. There was no universal waste or used oil accumulating.

AEL provided its SOP for Waste Disposal and Pollution Prevention (SOP) dated 06/28/2019, and five waste profiles that describe waste management at the facility. The wastes are grouped as follows:

- Non-Hazardous Waters: drinking water vials or samples, waste water treatment plant samples, and other waste waters not identified as hazardous. AEL's SOP indicates that these wastes are managed by neutralizing and disposing in the sink under JEA's Pretreatment Discharge Program.

- Non-Hazardous Soils: soil from vials and sample jars. AEL appears to manage these wastes as non-hazardous wastes under profile #1189060 - Dirt, Sand, Soil and Oil from Spill Cleanup and Soil Testing. The facility had not made an accurate waste determination for this wastestream that may potentially contain characteristic and/or listed wastes [40 CFR 262.11]. Disposal records indicate approximately two drums of this wastestream are generated every month.

- Hazardous Soils and Solids: hazardous soils determined to be hazardous by testing; extraction waste which consists of anything that contacts solvents such as sodium sulfate silica gel, florisil, and the extracted soil; used paint filters; oily gaskets; and contaminated glassware. AEL appears to manage these wastes under profile #1189068 - Solid Lab Waste from Soil Samples Analysis with waste codes D007/D008/F002. The facility had not made an accurate waste determination for this wastestream that may potentially contain other characteristic and/or listed wastes [40 CFR 262.11]. Disposal records indicate approximately one to two drums of this wastestream are generated every month.

- Solvent Vials and Waste Containers: containers ≤5 gallons as "Lab Pack," autosampler vials from instruments, and expired chemicals and standards. AEL appears to manage these wastes under profile #1189116 - Flammable Solvent in Vials from Lab Waste with waste codes D001/D007/D008/F002/F003/F005. Disposal records indicate approximately 55 gallons of this wastestream are generated every two to four months.

- Hazardous Waters and Solvents: hazardous water, liquid solvent, paint waste, and oils. AEL appears to manage these wastes under profile #1189116 - Flammable Solvent in Vials from Lab Waste with waste codes 001/D007/ D008/F002/F003/F005. The facility had not made an accurate waste determination for this wastestream that may potentially contain other characteristic metals [40 CFR 262.11]. Quantities of waste generated are included with the solvent vials wastestream described above.

- Corrosive Liquids/Acidic Liquids: acids, and HAA vial extractions. AEL appears to manage these wastes under profile #1189086 - Haloacetic Acid Extraction Waste from Lab Testing Preparation with waste codes D001/D002. Disposal records indicate approximately 55 gallons of this wastestream are generated every 10 to 12 months.

- Mercury Waste. AEL appears to manage these wastes under profile #1276028 – Mercury Waste with <260 PPM Mercury from Lab Analysis with waste codes D007/D009/D011. Disposal records indicate approximately 55 gallons of this wastestream are generated every 10 to 12 months.

Safety-Kleen Systems, Inc. (TXR 000 081 2015) is the facility's primary transporter for hazardous waste. The facility's last shipment of hazardous waste was managed by Safety-Kleen on January 10, 2020.

A review of the facility records revealed:

1) The facility has not been performing weekly inspections of the HWAA [40 CFR 262.16(b)(2)(iv)] and did not maintain documentation of weekly inspections of the HWAA [62-730.160(3), FAC].

2) The facility provided copies of its emergency arrangements letter sent to local authorities that was dated December 20, 2001. The letters did not include a facility layout and the types of hazardous wastes or hazards that may be encountered at the facility; and the emergency coordinator listed on the 2001 letter was no longer at the facility. This is not sufficient information for emergency arrangements [40 CFR 262.16(b)(8)(vi)(A)].

3) The facility did not post emergency information next to a telephone or in areas directly involved in the generation and accumulation of hazardous waste [40 CFR 262.16(b)(9)(ii)].

4) AEL's SOP describes waste management procedures. However, training records provided by AEL did not document training on this SOP. Additionally, the quantity and severity of non-compliance issues identified, and the facility personnel's unfamiliarity with the basic SQG hazardous waste requirements, seemed to indicate that AEL did not ensure that all its employees were thoroughly familiar with proper hazardous waste handling procedures relevant to their responsibilities during normal facility operations [40 CFR 262.16(b)(9)(iii)].

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Copies of Northeast District's Hazardous Waste Generator Workshop PowerPoint training documents and other workshop files that may be useful can be found here:ftp://ftp.dep.state.fl.us/pub/outgoing/NED%20-%20HazWaste/SQG%20WORKSHOP/

Please note that the 40 CFR 262.18 requires re-notification for LQGs every other year effective immediately and every four years for SQGs starting in 2021.

For Outstanding Items of Potential Non-Compliance

Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the Corrective Action has been completed, please send documentation to the DEP NED inspector listed as the Principal Inspector on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation 1
Rule:	262.11
Explanation:	The facility had not made an accurate hazardous waste determination for the following wastestreams: - Metals Lab J3 - wastes managed as Mercury Waste could potentially be characteristic for corrosivity and/or characteristic for other metals. - Metals Lab J3 - acidic waste waters that are being neutralized and disposed in the sink may also be characteristic for metals. - All Labs - PPE and wipes that are used throughout the facility and during spill cleanup could potentially be characteristic and/or listed waste. - Non-Hazardous Soils - that may potentially contain characteristic and listed wastes. - Hazardous Soils and Solids - that may potentially contain other characteristic and listed wastes. - Hazardous Waters and Solvents - that may potentially contain other characteristic metals.
Corrective Action:	In order to return to compliance, within 45 days of receipt of this report, the facility should make a waste determination for each wastestream above that may include sample tracking and inventories, waste analysis, and wastestream management procedures. Documentation of the waste determination should be provided to DEP for review. These wastestreams should not be disposed of until written approval has been provided by DEP.

Type:	Violation 2
Rule:	262.15(a)(1)
Explanation:	One hazardous waste satellite container in the Metals Lab J3 was not in was not in good condition.
Corrective Action:	No further action is required. The facility returned to compliance per an email dated March 24, 2020.

Type:	Violation 3
Rule:	262.15(a)(4)
Explanation:	In the Semi-Volatiles Lab J7, one hazardous waste satellite container labeled "HPLC Waste Solvents" was not closed.
Corrective Action:	In order to return to compliance, within one day of receipt of this report, the facility should close the container and keep it closed except when adding or removing waste.

Type:	Violation 4
Rule:	262.15(a)(5)
Explanation:	The following hazardous waste satellite containers were not properly labeled: Metals Lab J3: One hazardous waste satellite container was not labeled with an indication of the hazards of the contents. A second hazardous waste satellite container was not legibly labeled as "Hazardous Waste," and it was not labeled with an indication of the hazards of the contents Semi-Volatiles Lab J7: Six hazardous waste satellite containers were not labeled with an indication of the hazards of the contents. One hazardous waste satellite container labeled "HPLC Waste Solvents" was not labeled with an indication of the hazards of the contents.

	Extractions Lab J8: Seven hazardous waste satellite containers were not labeled with an indication of the hazards of the contents. One hazardous waste satellite container labeled "HAA Satellite" was not labeled with an indication of the hazards of the contents. Low-Level Mercury Lab: One hazardous waste satellite container was not labeled with the words "Hazardous Waste" or an indication of the hazards of the contents.
Corrective Action:	Metals Lab J3: The facility provided pictures of the satellite containers in an email dated March 24, 2020. All containers are now marked "Hazardous Waste," however, the hazards of the contents listed on the three containers do not match the waste profile that the facility stated it uses for this wastestream. In order to return to compliance, within one day of receipt of this report, the facility should label the containers with a correct indication of the hazards of the contents. Semi-Volatiles Lab J7: The facility provided pictures of the satellite containers that were labeled with an indication of the hazards of the contents in an email dated March 24, 2020. However, in order to return to compliance, within one day of receipt of this report, the facility should label the one satellite container labeled as "HPLC Waste Solvents" with the correct indication of the hazards of the contents. Extractions Lab J8: No further action is required. The facility returned to compliance per an email dated March 24, 2020. Low-Level Mercury Lab: No further action is required. The facility returned to compliance per an email dated March 24, 2020.

Type:	Violation 5
Rule:	262.16(b)
Explanation:	In the HWAA, one 55-gallon poly drum of hazardous waste that was labeled "Mercury Waste" had been accumulating longer than 180 days. The container was dated March 15, 2019, and been accumulating for 319 days.
Corrective Action:	No further action is required. The facility manifested the hazardous waste off-site on February 11, 2020, per an email dated March 24, 2020.

Type:	Violation 6
Rule:	262.16(b)(2)(iv)
Explanation:	The facility did not perform weekly inspections of the HWAA.
Corrective Action:	No further action is required. The facility returned to compliance per emails dated March 24, 2020, and April 29, 2020.

Type:	Violation 7
Rule:	262.16(b)(6)(i)(B)
Explanation:	In the HWAA, the following 10 hazardous waste accumulation containers were not marked with an indication of the hazards of the contents: - One 5-gallon poly container labeled "TCE"; - One 55-gallon metal drum labeled "Soil Waste"; - One 55-gallon poly drum labeled "Mercury Waste"; - One 55-gallon poly drum labeled “HAA WASTE”; and - Six 7-gallon buckets of what AEL stated was Hazardous Soils and Solids.
Corrective Action:	In order to return to compliance, within one day of receipt of this report, facility personnel should properly label the containers of hazardous waste with an indication of the hazards of the contents.

Type:	Violation 8
Rule:	262.16(b)(6)(i)(C)
Explanation:	In the HWAA, nine hazardous waste accumulation containers were not marked with the start date of accumulation.
Corrective Action:	In order to return to compliance, within one day of receipt of this report, facility personnel should mark each container used to accumulate hazardous waste with the date that the hazardous waste first began accumulating in the container.

Type:	Violation 9
Rule:	262.16(b)(8)(ii)(C)
Explanation:	The following areas did not have the required equipment: - Semi-Volatiles Lab J7: The satellite accumulation area did not have an eyewash, a fire extinguisher and a spill kit. - Low-Level Mercury Lab: The satellite accumulation area did not have a fire extinguisher and a spill kit. - HWAA: This area did not have an eyewash, a fire extinguisher and a spill kit.
Corrective Action:	No further action is necessary. The facility returned to compliance per emails dated March 24, 2020, April 16, 2020, and April 29, 2020.

Type:	Violation 10
Rule:	262.16(b)(8)(v), 62-730.160(4) FAC
Explanation:	In the HWAA, the facility failed to maintain adequate aisle space between containers of hazardous waste to allow for inspection of the condition and labels of the individual containers, and to allow for the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency.
Corrective Action:	No further action is required. The facility returned to compliance per emails dated April 16, 2020, and April 29, 2020.

Type:	Violation 11
Rule:	262.16(b)(8)(vi)(A)
Explanation:	The facility did not make sufficient emergency arrangements with local authorities.
Corrective Action:	In order to return to compliance, within 15 days of receipt of this report the facility should make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. The emergency arrangements coordination is to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility. The facility should submit documentation to DEP that emergency arrangements have been made with these organizations and that the required information described above has been provided to these organizations.

Type:	Violation 12
Rule:	262.16(b)(9)(ii)
Explanation:	The facility did not post emergency information next to a telephone or in areas directly involved in the generation and accumulation of hazardous waste.
Corrective Action:	In order to return to compliance, within 15 days of receipt of this report, the facility should post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: 1. The name and telephone number of the emergency coordinator; 2. The location of fire extinguishers, spill control materials and, if present, fire alarm; and 3. The telephone number of the fire department, unless the facility has a direct alarm. The facility should submit a copy of the emergency information described above to DEP. The emergency information should be updated on a regular basis and if there are any changes to the information.

Type:	Violation 13
Rule:	262.16(b)(9)(iii)
Explanation:	The facility did not ensure that all its employees were thoroughly familiar with waste management procedures described in its SOP or with proper hazardous waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies.
Corrective Action:	In order to return to compliance, within 45 days of receipt of this report, the facility should provide a copy of its hazardous waste training program to DEP for review. After DEP reviews the training, the facility should ensure that all its employees are trained on proper hazardous waste handling procedures relevant to their work responsibilities during normal facility operations and emergencies. Documentation of the personnel receiving this training should be submitted to DEP upon completion of the training.

Type:	Violation 14
Rule:	62-730.160(3) FAC
Explanation:	The facility did not have documentation of weekly inspections of the HWAA.
Corrective Action:	No further action is required. The facility returned to compliance per emails dated March 24, 2020, and April 29, 2020.

PHOTO ATTACHMENTS:

Photo 1 - Metals Lab J3

Photo 2 - Metals Lab J3

Photo 3- Semi-Volatiles Lab J7

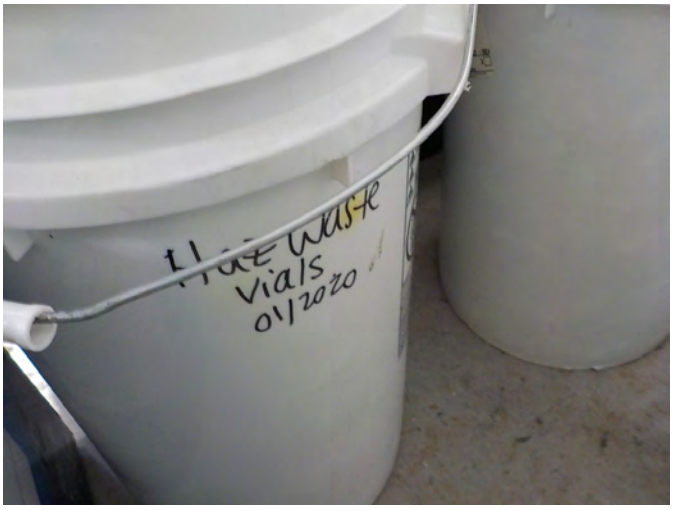


Photo 4 -Semi-Volatiles Lab J7

Photo 5 - Semi-Volatiles Lab J7

Photo 6 - Semi-Volatiles Lab J7

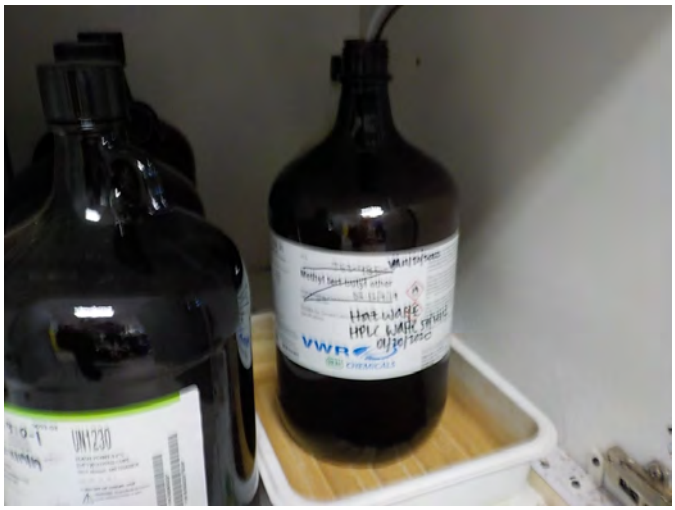


Photo 7 - Extractions Lab J8

Photo 8 - Extractions Lab J8

Photo 9 - Low-Level Mercury Lab

Photo 10 - HWAA

Inspection Date: 01/28/2020

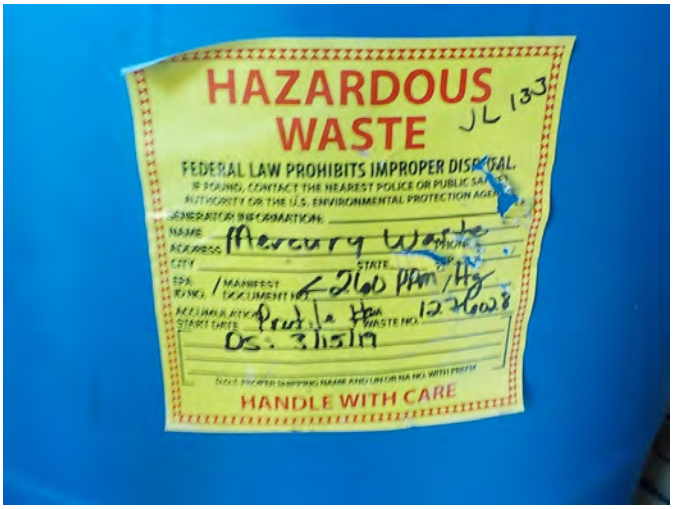
Photo 11 - HWAA

Photo 12 - HWAA

Photo 13 - HWAA

Photo 14 - HWAA

Photo 15 - HWAA



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			✓

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

Luke S Lewis	Inspector	
Principal Investigator Name	**Principal Investigator Title**	
Luke S Lewis	DEP	05/10/2020
Principal Investigator Signature	**Organization**	**Date**

Jason Gebhardt	Laboratory Manager
Representative Name	**Representative Title**
	Advanced Environmental Labs, Inc.
	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:	Luke S Lewis	**Inspection Approval Date:**	05/10/2020