

From: [White, John](#)
To: [Kyle Little](#)
Cc: [Hall, Daniel K.](#)
Subject: RE: FLD984171850 Daniels Sharpsmart Warning Letter - FDEP Response
Date: Monday, January 4, 2021 2:23:00 PM
Attachments: [Daniels Sharpsmart Penalty Computation Worksheet 12-23-2020 Response Review Mods.xlsx](#)

Good Morning Kyle,

I am doing well. I hope you and your family are well and had a safe holiday.

I have reviewed your response below and have the following comments:

In response to Item 2, 40 CFR 262.20(a)(1) – the issue is the manifests were pre-printed manifests completed by Daniel’s Sharpsmart for the customer and failed to include the EPA ID number as required by “Item 1. Generator’s U.S. EPA Identification Number” for the manifest instructions. Based on information clearly available to Daniel’s Sharpsmart when reviewing pickup frequency and shipment weights the company should have been able to identify the issue (the facility was not a VSQG) and have it corrected without intervention. Consideration was initially given to the facility’s situation in the Department assessing this penalty at the low end of the penalty matrix. The penalty remains unchanged.

Based on the information provided in the response to the Warning Letter, Manifest 001059154WAS was signed for by Transporter #2, Freehold Cartage. While it is disturbing that no record of this manifest was made in the facility’s manifest log, I agree that it appears your facility did not lose the manifest in question. Removing this manifest from consideration in violations for 40 CFR 263.20(c), missing manifests, and 403.727(1)(e), F.S., changes to manifests, does not change the resultant penalty matrix associated with these violations. The penalty for 40 CFR 262.20(a)(a) has been reduced to the low-range of the category.

If this is acceptable, a Short Form Consent Order will be prepared to resolve the remaining violations that includes \$5,120.00 in civil penalties and \$500.00 in Department costs. A copy of the worksheet is included. Please let me know your decision.

Thank you,

John White
Environmental Consultant
Florida Department of Environmental Protection
John.White@floridadep.gov
(407)897-4305

From: Kyle Little <KLittle@danielshealth.com>
Sent: Monday, December 21, 2020 7:06 PM

To: White, John <John.White@dep.state.fl.us>

Subject: RE: FLD984171850 Daniels Sharpsmart Warning Letter - FDEP Response

Hi John,

I hope you are doing well.

Thank you for your comments below after review of the Daniels Sharpsmart, Inc. Response Letter to the Warning Letter received on 11/2/20.

For #2 below, I am looking for further clarification. The regulation that was referenced to be in violation of was (40 CFR 263.20(a)(1)), which in summary, a transporter shall not accept HW from a generator unless the transporter is provided with a manifest signed in accordance with 262.23. We were in fact provided a manifest that was signed in accordance with this regulation. The occurrence was that the generator failed to update their status with the Department and subsequently update the manifest with an applicable EPA ID. The generator signed Item 15 on the manifest Generator's/Offerors Certification declaring the contents are fully and accurately described, etc. Transporter 1 (Daniels) signed item 17 as acknowledgment of receipt of materials.

#3 & 5 below, the warning letter described manifest discrepancy report 001059154WAS, which in the response letter mentions/describes Daniels did not misplace this manifest or make modifications to it. Respectfully request this to be removed as a violation.

Please review at your convenience and would welcome a phone discussion if you feel is necessary.

Thank you John

Best regards,

Kyle Little

Compliance & Safety Manager

Daniels Health | USA

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From: White, John <John.White@dep.state.fl.us>

Sent: Monday, December 14, 2020 9:03 AM

To: Kyle Little <KLittle@danielshealth.com>

Cc: Hall, Daniel K. <Daniel.K.Hall@FloridaDEP.gov>

Subject: FLD984171850 Daniels Sharpsmart Warning Letter - FDEP Response

Kyle,

I have reviewed the response provided on November 30, 2020 and have the following comments:

1. 40 CFR 263.12 – Storage for greater than 10 days by a hazardous waste transfer facility.

The facility's response indicates an incorrect date was entered on the manifest making it appear the waste was stored for ten days longer than it was. Based on the new information, the waste was only stored for a period of 4 days and the violation will be eliminated.

2. 40 CFR 263.20(a)(1) – Incomplete or incorrect manifests

The facility response indicates prior to acceptance of manifests from AdventHealth Infusion Center Kissimmee, Daniels requested the generator status for this specific location. Based on the information provided, the customer advised, and continues to advise they are a Very Small Quantity Generator (VSQG), therefore, not requiring an EPA ID# on the shipping manifest.

Based on FDEP's review of hazardous waste shipping papers for November and December of 2019 and January through February of 2020, AdventHealth Infusion Center Kissimmee is at least a small quantity generator of hazardous waste pharmaceuticals subject to regulation under 40 CFR Part 266 Subpart P and should have notified the Department of its hazardous waste activities. While it is acknowledged that a transporter can initially be misled by a generator as to the generator's correct status, in this case the waste pickups clearly identified the volume of hazardous waste generated each calendar month was exceeding 220 pounds or 100 kilograms based on the nature of the operation in question. The facility did not appear to be storing hazardous waste on-site for any length of time based on multiple monthly shipments. There were five shipments in November 2019 totaling 600 kilograms of hazardous waste, four shipments in December 2019 totaling 586 kilograms of hazardous waste, six shipments in January 2020 totaling 621 kilograms of hazardous waste, and six shipments in February 2020 totaling 611 kilograms of hazardous waste.

This discrepancy in volume of waste shipped versus the facility's declared generator status should have been identified by Daniel's Sharpsmart personnel either prior to transport or upon receipt at the transfer facility.

With regards to the inaccurate EPA identification number included on pre-printed manifests, please continue to ensure the accuracy of all data entered into your tracking system(s). The failure to use the correct name and EPA identification number means the manifest could not be included in the national electronic manifest tracking system and tied to the appropriate generator location. The response indicates the data issue has been corrected.

3. 40 CFR 263.20(c) – Manifest must accompany waste during transport

The manifests in question were signed by both the facility representative and the transporter indicating the manifest accompanied the waste to the transfer facility. The manifests did not accompany the waste when the shipments left the transfer facility. When the manifests in question were lost, waste from the missing manifests were transferred to another manifest by the same Organization, but not the same facility. The generator was not notified of this at the time of the transfer

Daniel's SharpSmart has modified its driver training program and will ensure contact with the generator of the waste prior to any changes or modifications to manifests in the future.

4. 40 CFR 265.52(c) – Content of Contingency Plan

The contingency plan initially referenced a fire department in an adjacent county that may not be able to respond to the facility in the event of a fire due to constraints on how municipalities deal with adjacent county/city service requests.

The contingency plan was modified and no further action is required.

5. 403.727(1)(e), F.S. – Modifications to required documents without generator knowledge or approval

Based on information contained in the response, changes have been made to the transporter's processes to ensure manifest changes are not made without consulting the generator. No further action is required.

6. 62-730.171(6), F.A.C. – 10 Day Transfer Facility Log

Based on information provided in the response, the initial transfer facility log provided to the Department was not the log in use by the transfer facility. The subsequent log provided to the Department contained all required information and no further action is required.

Based on the information provided, two violations have been eliminated. Based on information provided, the actions that led to the violations have been modified to prevent future issues. A Short Form Consent Order will be prepared to resolve the remaining violations that includes \$5,120.00 in civil penalties and \$500.00 in Department costs. A copy of the worksheet is included.

If you would like to have a teleconference to discuss this matter further please let me know and I will arrange a teleconference with District Management.

Thank you,

John White
Environmental Consultant
Compliance Assurance Program



Central District
john.white@floridadep.gov
Office: 407.897.4305

From: Kyle Little <KLittle@danielshealth.com>
Sent: Monday, November 30, 2020 10:55 AM
To: White, John <John.White@dep.state.fl.us>
Subject: RE: FLD984171850 Daniels Sharpsmart Warning Letter
Importance: High

Hello John,

I hope you are doing great and had a very nice Thanksgiving. As discussed, please see attached Daniels Sharpsmart, Inc. Response Letter to the Warning Letter received on 11/2/20.

Should you have any questions or require anything further, please let me know.

Thank you

Best regards,

Kyle Little

Compliance & Safety Manager

Daniels Health | USA

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From: Carr, Zoey <Zoey.Carr@FloridaDEP.gov> **On Behalf Of** DEP_CD
Sent: Monday, November 2, 2020 10:28 AM
To: Alan Larosee <ALarosee@danielshealth.com>
Cc: Ammon, Pamela <Pamela.Ammon@dep.state.fl.us>; White, John <John.White@dep.state.fl.us>
Subject: FLD984171850 Daniels Sharpsmart Warning Letter

Greetings,

The Department of Environmental Protection is using electronic correspondence rather than paper mail to deliver documents faster while reducing costs and waste. Please click on the link below to access the above referenced document in OCULUS, the Department of Environmental Protection's electronic document management system.

[https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=2.456858.1\]&\[profile=Enforcement_Legal](https://depedms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=2.456858.1]&[profile=Enforcement_Legal)

To access the documents in OCULUS:

1. Click on the link to open OCULUS at the Login screen.
2. Click on PUBLIC OCULUS login to view the search results screen.
3. Click the arrow button next to *view* in the Operations drop-down menu to open and view the document in its native format. Most OCULUS documents are in .pdf format. Acrobat Reader is required to read the document. The free reader can be downloaded from <http://www.adobe.com/products/reader.html>.

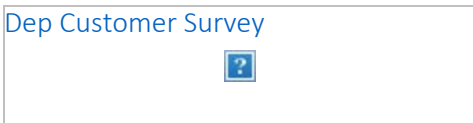
If you are interested in reviewing documents from the Department's Information Portal, you can access the portal at <http://prodenv.dep.state.fl.us/DepNexus/public/searchPortal..>

Thank you for your attention to this matter.

Sincerely,

Florida Department of Environmental Protection
Central District Office

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