



Florida Department Of Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 17, 2021

Sent electronically to: scumella@mobromarine.com

MOBRO Marine, Inc.
Mr. Stephen Cumella, Chief Financial Officer
606 Leonard C. Taylor Parkway
Green Cove Springs, Florida 32043

SUBJECT: Department of Environmental Protection v. MOBRO Marine, Inc.
OGC File No. 21-0597
EPA/DEP ID: FLD 081 946 105

Dear Mr. Cumella:


Enclosed is a copy of the executed Consent Order to resolve Case Number 21-0597.

The effective date of this Order is December 17, 2021, 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 Cheryl Mitchell via email at Cheryl.L.Mitchell@FloridaDEP.gov, or by phone at (904) 256-1620. Your continued cooperation in the matter is appreciated.

Sincerely,


James R. Maher, PE
Assistant Director

Enclosure: Executed Consent Order

cc: FDEP-OGC: Lea Crandall, Agency Clerk
FDEP-NED: Arlene Wilkinson, Luke Lewis, Bonnie Bradshaw, DEP_NED



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
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Shawn Hamilton
Secretary

December 2, 2021

Sent electronically to: scumella@mobromarine.com

MOBRO Marine, Inc.
Mr. Stephen Cumella, Chief Financial Officer
606 Leonard C. Taylor Parkway
Green Cove Springs, Florida 32043

SUBJECT: Department of Environmental Protection v. MOBRO Marine, Inc.
OGC File No. 21-0597
EPA/DEP ID: FLD 081 946 105

Dear Mr. Cumella:

The State of Florida Department of Environmental Protection ("Department") finds that MOBRO Marine, Inc. ("Respondent") did not make adequate hazardous waste determinations, did not keep one hazardous waste container closed and properly labeled, did not have all the required spill control and decontamination equipment in eight areas, did not properly label and date two universal waste containers and did not properly label one used oil container and used oil filter container. This is in violation of the rules and statutes cited in the attached Warning Letter (WL21-141). 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 \$12,538.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$13,038.00. The civil penalty in this matter includes one violation 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 27, 2021. 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. Cumella:

- (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 \$13,038.00, in full, within 60 days from the execution date of this Order.
- (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 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 Cheryl L. Mitchell at (904) 256-1620, or via e-mail at Cheryl.L.Mitchell@FloridaDEP.gov or Luke S. Lewis at (904) 256-1660, or via e-mail at Luke.S.Lewis@FloridaDEP.gov .

Sincerely,



James R. Maher, PE
Assistant Director

FOR THE RESPONDENT:

I, Stephen T. Comella, HEREBY ACCEPT THE TERMS OF THE
SETTLEMENT OFFER IDENTIFIED ABOVE.

By:  Date: 12/15/21
[Signature]


Title: Vice President, MOBRO Marine, Inc.
[Type or Print]

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 17th day of December 2021, 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 17, 2021

Date

Attachments: Notice of Rights
Warning Letter WL21-141

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

Shawn Hamilton
Interim Secretary

June 30, 2021

Sent electronically to: SMoody@mobromarine.com

Mr. Stephen Moody, Environmental Supervisor
MOBRO Marine, Inc.
606 Leonard C. Taylor Parkway
Green Cove Springs, Florida 32043

**RE: Warning Letter No. WL21-141
MOBRO Marine, Inc.
EPA/DEP ID: FLD 081 946 105
Clay County – Hazardous Waste**

Dear Mr. Moody:

A hazardous waste compliance inspection was conducted at your facility on August 6, 2020. During this inspection, possible violations of Chapters 403 and 376, Florida Statutes (Fla. Stat.), and Chapters 62-710, 62-730 and 62-737, Florida Administrative Code (Fla. Admin. Code), were observed.

During the inspection, Department personnel noted the following:

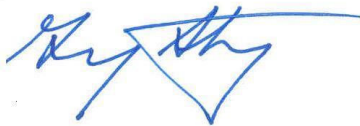
- The facility did not make adequate hazardous waste determinations on twelve (12) waste streams.
- The facility did not keep one (1) hazardous waste satellite container closed.
- The facility did not properly label one (1) hazardous waste satellite container.
- The facility did not have all the required spill control and decontamination equipment in seven (7) satellite accumulation areas where hazardous waste was generated.
- The facility did not have all the required spill control and decontamination equipment in the Hazardous Waste Accumulation Area.
- The facility did not properly label two (2) universal waste containers.
- The facility did not properly date two (2) universal waste containers.
- The facility did not properly label one (1) used oil container.
- The facility did not properly label one (1) used oil filter container.

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 403.121 and 376.121, Florida Statutes.

Please contact Luke Lewis, at (904) 256-1660, or via 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 matter.


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: FDEP-NED: Luke S. Lewis, Cheryl Mitchell, Bonnie Bradshaw, Vince Clark, DEP_NED
Mobro Marine, Inc.: Paul K. Westcott, pwestcott@mobromarine.com



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

FACILITY INFORMATION:

Facility Name: MOBRO Marine Inc
On-Site Inspection Start Date: 08/06/2020 **On-Site Inspection End Date:** 08/06/2020
ME ID#: 5996 **EPA ID#:** FLD081946105
Facility Street Address: 606 Leonard C Taylor Pkwy, Green Cove Springs, Florida 32043
Contact Mailing Address: 606 Leonard C Taylor Pkwy, Green Cove Springs, Florida 32043
County Name: Clay **Contact Phone:** (904) 284-9670

NOTIFIED AS:

LQG (>1000 kg/month)

WASTE ACTIVITIES:

Generator: LQG **Used Oil:** Used Oil, Oil Filters

INSPECTION TYPE:

Routine Inspection for LQG (>1000 kg/month) Facility
Routine Inspection for Used Oil Generator Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Luke S Lewis, Inspector
Other Participants: Stephen Moody, Environmental Supervisor

LATITUDE / LONGITUDE: Lat 29° 58' 46.6896" / Long 81° 38' 44.5277"

NAIC: 336611 - Ship Building and Repairing

TYPE OF OWNERSHIP: Private

Introduction:

MOBRO Marine, Inc. (MOBRO, the facility) was inspected on August 6, 2020, as an unannounced hazardous waste compliance inspection. The facility last re-notified the Department of Environmental Protection (DEP) as a Large Quantity Generator (LQG) of hazardous waste on February 6, 2019. The facility was last inspected by DEP's Hazardous Waste Program on July 23, 2008. Stephen Moody (Environmental Supervisor), Paul Westcott (Safety & Compliance Coordinator) and Tori Goodwin (DEP) were present throughout the inspection.

At the time of the current inspection, the facility was operating as an LQG of hazardous waste.

The facility currently has approximately 100 employees and operates Monday through Friday, 7:00 a.m. to 5:00 p.m. The facility is connected to well water and a septic system. The facility is approximately 17.5 acres and is waterfront on the St. Johns River. The facility has air, drinking water, state lands, industrial wastewater and stormwater permits from DEP.

MOBRO is a barge, crane, tugboat and heavy equipment sales and rentals company. MOBRO mostly sells and rents their equipment to the construction industry for inland and offshore projects. The facility consists of separate indoor-outdoor style buildings, which include: Dry-Dock Maintenance Area, Barge Landing Area, Paint Storage Area, Blast Pit, Small Barge Storage, Storage Sheds, Lawn Maintenance Shed, Drinking Water Plant, Tank Farm, Fuel Area, Small Boat Area, Engine Maintenance Shop, Crane Paint Shop, Track Shop, Boom Shop and Small Tug Shop, Wash Rack Area, Machine and Welding Shop, Hydraulic Shop and Automotive Maintenance, Crane Shop and 90-Day Hazardous Waste Accumulation Area (HWAA). The areas inspected are described below.

MOBRO Marine Inc Inspection Report

Inspection Date: 08/06/2020

Process Description:**Dry-Dock Maintenance Area**

This area is a building located east of the central section of the property. Abrasive blasting, painting, and general cleaning equipment and products are stored in this area. Facility technicians working on barges and other equipment on the dry-dock and the Barge Landing Area, described below, store items and manage hazardous waste here. Work includes abrasive blasting, painting, welding and general cleaning of barges and other equipment, which takes place under the "cocoon" rail system near the dry dock. Big Z Heavy Duty Tractor Trailer Wash (Wash) by Zep (10-30% sodium hydroxide; 1-5% 4-Nonylphenol branched, ethoxylated; 1-5% sodium xylenesulphonate; 1-5% D-Glucopyranose, oligomers, decyl octyl glycoside; and 1-5% sulfonic acids, C14-16-alkane hydroxy and C14-16-alkene, sodium salts; pH: 13.0-13.5) is used with pressurized water to clean barges and other equipment. Wastewater generated by this process is managed as non-hazardous industrial wastewater, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11]. Seaguard Void Coat (Void Coat) by The Sherwin-Williams Company (25-50% asphalt [petroleum]; 10% titanium dioxide; 10% talc; 10% calcium carbonate; and 1% crystalline silica, respirable powder; flash point: 201.2°F) is used to coat voids inside of barges for corrosion control purposes. When spent, Void Coat is a non-hazardous waste. Facility technicians also use various cleaner and paint aerosol cans and containers, which are not punctured and are all managed as hazardous waste at MOBRO. This Satellite Accumulation Area (SAA) had one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed, but was not properly labeled with the words "Hazardous Waste" or an indication of the hazards of the contents (Photo 1) [40 CFR 262.15(a)(5)]. Waste paint-contaminated brushes, buckets, cups, liners, Personal Protective Equipment (PPE), rollers, tape and unused paint may be generated by facility painting operations and are managed as D001/D006/D007/D008/D035/D039 hazardous waste. This waste was not accumulating at the time of inspection. Facility technicians use abrasive blasting equipment to remove coatings and oxidation from work pieces. The spent blast media is taken to the Blast Pit, described below, for accumulation prior to disposal. Spent blasting media is managed as non-hazardous waste, but the facility did not perform a hazardous waste determination at the point of generation and before mixing to support this action [40 CFR 262.11].

Welding rods and cuttings/grinding scraps generated in this area are managed as non-hazardous waste and are added to the spent blasting media waste stream in the Blast Pit, described below. The facility did not perform a hazardous waste determination to support this action [40 CFR 262.11].

The area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash [40 CFR 262.15(a)(8)].

Barge Landing Area

This area is located on the northeastern section of the property adjacent to the Dry-Dock Maintenance Area, described above. This outdoor area is waterfront on the St. Johns River. Facility technicians operate a "synchro-lift" to lift and lower barges into and out of the water. This lift system is connected to the rail system, which moves barges for work into and out of the "cocoon," described above. No hazardous waste or used oil is generated in this area.

Paint Storage Area

This area is a building located directly southwest of the Dry-Dock Maintenance Area, described above. Facility painters and technicians store paints and painting supplies in this area, as well as manage paint hazardous waste here. There was one parts washer that is used for cleaning paint guns. The parts washer uses Zep Dyna 143 (Dyna) by Zep (90-100% distillates [petroleum], hydrotreated light; flash point: 143 °F). This parts washer's spent solvent is managed as non-hazardous waste, according to facility representatives, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11].

In another section of the area, there was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. The area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash [40 CFR 262.15(a)(8)].

MOBRO Marine Inc Inspection Report

Inspection Date: 08/06/2020

Blast Pit

This area is outdoors and is located southeast of the Paint Storage Area, described above. Facility technicians use abrasive blasting equipment to remove coatings and oxidation from work pieces. When the Blast Pit is not in use, it is used as a storage or lay down area. Spent blasting media accumulated in this area includes media generated by both the Dry Dock Maintenance Area, described above, and the Blast Pit. This spent blasting media mixture is managed as non-hazardous waste, when the area is cleaned out as needed, according to facility representatives. Results of the most recent Toxicity Characteristic Leaching Procedure (TCLP) analysis for RCRA Metals dated January 28, 2020, indicated the spent blasting media is non-hazardous waste. However, a hazardous waste determination was not performed at the point of generation and before mixing to support this action [40 CFR 262.11].

Small Barge Storage

This area is outdoors and is located in the central section of the eastern side of the property. Facility technicians store small barges in this area and may occasionally perform minor painting and welding on small barges. Any hazardous waste generated would be taken to the SAA in the Paint Storage Area, described above. Welding rods are managed as scrap metal for recycling.

Storage Sheds

This area consists of three buildings and is located directly south of the Small Barge Storage, described above. Facility personnel and technicians use the three sheds to store various items, such as product abrasive blasting media and empty drums and containers for waste management. No hazardous waste is generated in this area.

Lawn Maintenance Shed

This area is a building and is located on the southwestern section of the property. Facility personnel and technicians store lawn chemicals and equipment in this shed. No hazardous waste, used oil or universal waste is generated in this area.

Drinking Water Plant

This area is a building and is located directly adjacent to the Lawn Maintenance Shed, described above. Facility operators run the drinking water system in this area. The plant has one well which services the facility's drinking water. The system's DEP Potable Water System (PWS) permit number is 2104430. No hazardous waste is generated in this area.

Tank Farm

This area is a tank farm covered by a roof and is located north of the Drinking Water Plant, described above. Facility technicians manage and store industrial wastewater and product diesel fuel in this area. There were two 12,000-gallon aboveground storage tanks (AST) in the farm: one for industrial wastewater and one for product diesel. The diesel AST is plumbed underground to the pumps in the Fuel Area, described below. Oily shop rags are generated in this area from wiping down and maintaining oily equipment. There was one garbage can-style container of oily shop rags accumulating. No hazardous waste or used oil is generated in this area.

Fuel Area

This area is outdoors and is located directly north of the Tank Farm, described above. This area is waterfront on the St. Johns River. Facility technicians fuel up tugboats and other diesel-powered equipment in this area. No hazardous waste or used oil is generated in this area.

Small Boat Area

This area is outdoors and is located directly east of the Fuel Area, described above. This area is waterfront on the St. Johns River. Facility technicians store small boats for rental and some customer boats. Facility technicians occasionally perform painting and welding in the area. There was one 55-gallon satellite drum of D001/D006/D007/D008/D035/D039 paint hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. The area had all

MOBRO Marine Inc Inspection Report

Inspection Date: 08/06/2020

the required equipment including an eyewash, a fire extinguisher and a spill kit. Welding rods are managed as scrap metal for recycling.

Engine Maintenance Shop

This area is an indoor section of a building located directly east of the Small Boat Area, described above. Facility mechanics and technicians repair and rebuild crane and tugboat engines in this area. Engines are torn-down, cleaned and painted, and oil and anti-freeze fluid changes are also performed. There was one parts washer that used Dyna. This parts washer's spent solvent is managed as non-hazardous waste, according to facility representatives, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11].

In another section of the area, there was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. There was also one 55-gallon drum of used oil and one 55-gallon drum of used oil filters. The drums were closed and located on adequate secondary containment, but were not properly labeled with the words "Used Oil" (Photo 2) [40 CFR 279.22(c)(1)] and "Used Oil Filters" (Photo 3) [62-710.850(5)(a), FS]. Oily shop rags are also generated from wiping down oily equipment. There were two 55-gallon drums of oily shop rags accumulating. The area had all the required equipment including an eyewash, a fire extinguisher and a spill kit.

Crane Paint Shop

This area is an indoor section of a building located adjacent to the Engine Maintenance Shop, described above. Facility painters perform painting on crane engines, booms, cabs and other crane parts. There was one 55-gallon satellite drum of D001/D006/D007/D008/D035/D039 paint hazardous waste accumulating. The drum was properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents, but was not sealed closed (Photo 4) [40 CFR 262.15(a)(4)]. The area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash [40 CFR 262.15(a)(8)].

In another section of the area was a paint storage room. This room was locked at the time of the inspection and was not inspected. Outside of the room, there was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. The area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash [40 CFR 262.15(a)(8)].

Track Shop

This area is an indoor section of a building located adjacent to the Crane Paint Shop, described above. Facility technicians repair and rebuild crane tracks in this area. Cleaning oil and grease is typically done with aerosol can cleaners, de-greasers and solvents. There was one parts washer that used Dyna. This parts washer's spent solvent is managed as non-hazardous waste, according to facility representatives, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11]. There was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents, but was not sealed closed (Photo 5) [40 CFR 262.15(a)(4)]. The area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash [40 CFR 262.15(a)(8)].

Boom Shop and Small Tug Shop

This area is an indoor section of a building located across the yard from the Crane Paint Shop, described above. Facility fabricators and welders with specialized welding certifications cut, grind and weld crane booms. Facility technicians use aerosol can cleaners, de-greasers and solvents to clean work pieces and surfaces. There was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and indication of the hazards of the contents. Welding rods and cuttings/grindings are managed as scrap metal for recycling. The area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash [40 CFR 262.15(a)(8)].

MOBRO Marine Inc Inspection Report

Inspection Date: 08/06/2020

Wash Rack Area

This area is outdoors and is located on the central section of the property, east of the Boom Shop and Small Tug Shop, described above. This area is permitted through DEP by Industrial Wastewater permit number FLA677205. In this area, facility technicians use steam and other pressurized water systems to wash cranes in the wash rack system. Carbontuf-504 by Hydrus Detergents (Carbontuf) (1-10% ethylene monobutyl ether; 1-10% sodium xylene sulfonate; 1-5% D-Limonene; 1-10% disodium metasilicate; 1-10% pentasodium triphosphate; 1-10 sodium dodecylbenzenesulfonate; and 1-10% synthetic alcohol, ethoxylated; pH: 11.1; flash point: 212 °F) is the detergent that is mixed with water to clean equipment. Wastewater generated by this process is managed as non-hazardous industrial wastewater, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11]. The wash rack system is self-contained and the wash water flows into a trench. In the trench, there was an oil mop that collects free oils that accumulate in a nearby tank. There was one 469-gallon used oil tank accumulating. The tank was closed, properly labeled as "Used Oil" and located on adequate secondary containment. The wash water is pumped from the trench into one 1,500-gallon conical settling tank that overflows into a second 1,500-gallon conical settling tank. Then, the wash water is pumped from the conical settling tanks into one 5,000-gallon industrial wastewater holding tank prior to disposal. The trench sludge is cleaned out by Atlantic Marine Cleaning, LLC as needed, which is typically once per year. The sludge is managed as non-hazardous waste, but the facility did not perform a complete hazardous waste determination to support this action [40 CFR 262.11].

Machine and Welding Shop

This area is a building located adjacent to the Wash Rack Area, described above. Facility machinists and welders fabricate, repair and rebuild crane and various equipment pieces and parts by using drills, lathes and mills in this area. Work pieces are made of brass, cold or hot-rolled steel or stainless steel. Scrap cuttings, grindings and shavings are managed as scrap metal for recycling. There was one parts washer that used Dyna. This parts washer's spent solvent is managed as non-hazardous waste, according to facility representatives, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11]. Ultra-Cut Synthetic Cutting Fluid by Kimball Midwest (Ultra-Cut) (3-7% triethanolamine; 1-5% MEA borate; and 1-5% boric acid granular; pH: 10.25) is the cutting fluid used by the machines in the area. Spent cutting fluid typically does not need to be disposed of, but the facility is reminded to conduct a hazardous waste determination should spent cutting fluid be disposed of off-site. Spent cutting fluid should be analyzed for RCRA metals.

In another section of the area, facility machinists and welders use aerosol can cleaners, de-greasers and solvents to clean work pieces and surfaces. There was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. The area had all of the required equipment including an eyewash, a fire extinguisher and a spill kit.

Hydraulic Shop and Automotive Maintenance

This area is a building located on the central section of the property, adjacent to the Machine and Welding Shop, described above. Facility mechanics and technicians repair and rebuild various types of hydraulic equipment and perform automotive maintenance on MOBRO vehicles. There was one parts washer that used Dyna. This parts washer's spent solvent is managed as non-hazardous waste, according to facility representatives, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11].

In another section of the area, there was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The container was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. There was also one 55-gallon drum of "Used Oil Old Diesel Fuel" accumulating (Photo 6). This drum contained waste diesel fuel, according to facility representatives. This is an Area of Concern. This waste diesel fuel may be a D001 hazardous waste that is not being properly managed. There was also one 55-gallon drum of used oil filters and one 500-gallon tank of used oil. The drum and tank were both closed, properly labeled with the words "Used Oil Filters" and "Used Oil," respectively, and located on adequate secondary containment. The facility is reminded that all containers that are used to collect and/or transfer used oil should be labeled with the words "Used Oil." The area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash [40 CFR 262.15(a)(8)].

MOBRO Marine Inc Inspection Report

Inspection Date: 08/06/2020

Crane Shop

This area is an indoor section of a building located adjacent to the Hydraulic Shop and Automotive Maintenance, described above. Facility technicians perform general crane maintenance in this area. There was one parts washer that used Dyna. This parts washer's spent solvent is managed as non-hazardous waste, according to facility representatives, but the facility did not perform a hazardous waste determination to support this action [40 CFR 262.11].

In another section of the area, there was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste accumulating. The drum was closed and properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents. The area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash [40 CFR 262.15(a)(8)].

HWAA

The HWAA is located in an indoor section of a building on the southwestern corner of the central section of the property, adjacent to the Crane Shop, described above. Facility technicians and representatives with hazardous materials/waste training manage the facility's hazardous waste, universal waste and non-hazardous waste in this area. The following hazardous waste containers were accumulating:

- One 55-gallon drum of D001/F003/F005 aerosol can hazardous waste dated 07/29/2020
- One 55-gallon drum of D001/D006/D007/D008/D035/D039 paint hazardous waste dated 08/04/2020
- Six 55-gallon drums of D001/D006/D007/D008/D035/D039 paint hazardous waste all dated 08/05/2020

All the drums were closed, properly labeled with the words "Hazardous Waste" and an indication of the hazards of the contents, dated with the date accumulation began and none had accumulated longer than 90 days. There was also adequate aisle space between the drums for the inspection of each container.

There were also two containers of universal waste lamps. Both containers were closed, but the containers were not properly labeled with the words "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)" [40 CFR 273.14(e)] and were not dated with date accumulation began (Photos 7 and 8) [40 CFR 273.15(c)(1)].

There were also four 55-gallon drums of "Electronic Waste" that appeared to have been accumulating for a long time (Photos 9 through 12). This is an Area of Concern due to the fact that there may be hazardous waste metals contained in the electronics. The facility should make a determination of whether the materials will be recycled.

There were also four 55-gallon drums of used oil filters. All the drums were closed, properly labeled with the words "Used Oil Filters" and located on adequate secondary containment.

The area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash [40 CFR 262.252(c)]. There was a "No Smoking" sign posted in the area.

Records Review

The facility is currently operating as a Large Quantity Generator (LQG) of hazardous waste.

Approximately eight drums of D001/D006/D007/D008/D035/D039 paint hazardous waste and one drum of D001/F003/F005 aerosol can hazardous waste appears to be managed every month by AERC Recycling Solutions A Clean Earth Company (FLD 984 262 782) or Freehold Cartage, Inc. (NJD 054 126 164). The last hazardous waste shipment was on July 13, 2020.

Water Recovery, LLC (FLR 000 069 062) manages the facility's used oil and industrial wastewater.

According to the facility, the parts washers' spent solvent is mixed with the used oil. This is an Area of Concern. The facility may be mixing hazardous waste with used oil. Although the facility provided a TCLP analysis for RCRA metals for a single sample, a complete hazardous waste determination was not conducted for each of the parts washers.

Atlantic Marine Cleaning, LLC (FLD 032 383 945) manages the facility's used oil filters. ERS Corp (FLD 984 261 412) manages the facility's oily shop rags after they are emptied into lined oily waste dumpster on-site by

MOBRO Marine Inc Inspection Report

Inspection Date: 08/06/2020

facility technicians.

Records are maintained on-site for three years, and were reviewed at the time of the inspection. The facility's Contingency Plan, manifests, job descriptions and titles, hazardous waste training and weekly container inspection logs appeared adequate.

Copies of Northeast District's PowerPoints and other workshop files that may be useful can be found here:

<ftp://ftp.dep.state.fl.us/pub/outgoing/NED%20-%20HazWaste/LQG%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.

Areas of Concern:

1. Hydraulic Shop and Automotive Maintenance - There was one 55-gallon drum of "Used Oil Old Diesel Fuel" accumulating. This drum contained waste diesel fuel, according to facility representatives. The facility should decide how they will manage this waste and notify DEP for review prior to disposal.
2. HWAA - There were four 55-gallon drums of "Electronic Waste" that appeared to have been accumulating for a long time. The facility should decide how they will manage this waste and notify DEP for review prior to disposal.
3. Records Review - Subsequent to the inspection, facility representatives stated the parts washers' waste streams are mixed with used oil for disposal. The facility should cease mixing potentially hazardous waste streams with used oil until adequate hazardous waste determinations in accordance with 40 CFR 262.11 are conducted.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation 1
Rule:	262.11
Explanation:	<p>The facility did not make an accurate hazardous waste determination on the following waste streams:</p> <ol style="list-style-type: none"> 1. Dry Dock Maintenance Area – Barge and equipment cleaning wastewater 2. Dry Dock Maintenance Area – Spent blasting media 3. Dry Dock Maintenance Area – Welding rods and cutting/grinding scraps 4. Blast Pit – Spent blasting media 5. Wash Rack Area – Wash rack wastewater 6. Wash Rack Area – Wash rack trench sludge 7. Paint Storage Area – Parts washer spent solvent 8. Engine Maintenance Shop – Parts washer spent solvent 9. Track Shop – Parts washer spent solvent 10. Machine and Welding Shop – Parts washer spent solvent 11. Hydraulic Shop and Automotive Maintenance – Parts washer solvent 12. Crane Shop – Parts washer spent solvent
Corrective Action:	In order to return to compliance, the facility should perform and fully document hazardous waste determinations on each of the listed waste streams prior to disposal by having a

Inspection Date: 08/06/2020

representative sample of each waste stream analyzed separately by a certified laboratory for the following:

1. Dry Dock Maintenance Area – Barge and equipment cleaning wastewater
Toxicity Characteristic Leaching Procedure (TCLP) for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
RCRA volatiles, pursuant to 40 CFR 261.24, via method 8260
RCRA semi-volatiles, pursuant to 40 CFR 261.24, via method 8270
 2. Dry Dock Maintenance Area – Spent blasting media
TCLP for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
 3. Dry Dock Maintenance Area – Welding rods and cutting/grinding scraps
TCLP for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
 4. Blast Pit – Spent blasting media
TCLP for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
 5. Wash Rack Area – Wash rack wastewater
TCLP for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
RCRA volatiles, pursuant to 40 CFR 261.24, via method 8260
RCRA semi-volatiles, pursuant to 40 CFR 261.24, via method 8270
 6. Wash Rack Area – Wash rack trench sludge
TCLP for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
RCRA volatiles, pursuant to 40 CFR 261.24, via method 8260
RCRA semi-volatiles, pursuant to 40 CFR 261.24, via method 8270
- Items 7.-12. -Parts washer spent solvent (each of the six parts washer spent solvent should be analyzed separately)
TCLP for:
RCRA metals, pursuant to 40 CFR 261.24, via method 6010
RCRA volatiles, pursuant to 40 CFR 261.24, via method 8260
RCRA semi-volatiles, pursuant to 40 CFR 261.24, via method 8270
Flashpoint, pursuant to 40 CRF 261.21, via methods 1010 or 1020

A copy of the results of these waste determinations should be submitted to the NED office. None of these wastes are to be disposed of until written approval has been given by the DEP. The waste should be disposed of in a proper manner once written approval has been given by the DEP. Hazardous waste should be sent off-site to a permitted treatment, storage, or disposal facility. NOTE: None of the samples are to be composites. The samples are to be collected and analyzed in accordance with EPA publication SW# 846 "Test Methods for Evaluating Solid Waste" 3rd Edition. All sampling and analysis shall be conducted in accordance with Rule 62-160, FAC. A National Environmental Laboratory Accreditation Program (NELAP) certified laboratory should analyze the samples.

Alternative methods for hazardous waste determinations should be approved by DEP. Further enforcement action may be taken based on the analytical results.

Type:	Violation 2
Rule:	262.15(a)(4)
Explanation:	Crane Paint Shop: There was one 55-gallon satellite drum of D001/D006/D007/D008/D035/D039 paint hazardous waste not sealed closed.
	Track Shop: There was one 55-gallon satellite drum of D001/F003/F005 aerosol can hazardous waste not sealed closed.
Corrective Action:	Crane Paint Shop and Track Shop: No further action is needed. The facility returned to compliance per an email dated August 13, 2020.

Inspection Date: 08/06/2020

Type: Violation 3
Rule: 262.15(a)(5)
Explanation: Dry-Dock Maintenance Area: There was one 55-gallon drum of D001/F003/F005 aerosol can hazardous waste that was not properly labeled with the words "Hazardous Waste" or an indication of the hazards of the contents.
Corrective Action: Dry-Dock Maintenance Area: No further action is required. The facility returned to compliance per an email dated August 7, 2020.

Type: Violation 4
Rule: 262.15(a)(8)
Explanation: Dry-Dock Maintenance Area: The hazardous waste satellite area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash.

Paint Storage Area: The area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash.

Crane Paint Shop: Two hazardous waste satellite areas had some of the required equipment including fire extinguishers and spill kits, but did not have eyewashes.

Track Shop: The hazardous waste satellite area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash.

Boom Shop and Small Tug Shop: The hazardous waste satellite area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash.

Hydraulic Shop and Automotive Maintenance: The hazardous waste satellite area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash.

Crane Shop: The hazardous waste satellite area had some of the required equipment including a fire extinguisher and a spill kit, but did not have an eyewash.
Corrective Action: Dry-Dock Maintenance Area: In order to return to compliance, the facility should install an eyewash in the hazardous waste satellite area.

Paint Storage Area: In order to return to compliance, the facility should install an eyewash in the hazardous waste satellite area.

Crane Paint Shop: No further action is required. The facility returned to compliance per an email dated August 25, 2020.

Track Shop: No further action is required. The facility returned to compliance per an email dated August 25, 2020.

Boom Shop and Small Tug Shop: No further action is required. The facility returned to compliance per an email dated August 25, 2020.

Hydraulic Shop and Automotive Maintenance Shop: In order to return to compliance, the facility should install an eyewash in the hazardous waste satellite area.

Crane Shop: In order to return to compliance, the facility should install an eyewash in the hazardous waste satellite area.

Type: Violation 5
Rule: 262.252(c)

Inspection Date: 08/06/2020

Explanation: HWAA: The hazardous waste accumulation area had some of the required equipment including a fire extinguisher and a spill kit, but there was no eyewash.

Corrective Action: HWAA: No further action is required. The facility returned to compliance per an email dated September 1, 2020.

Type: Violation 6

Rule: **273.14(e)**

Explanation: HWAA: There were two containers of universal waste lamps not properly labeled with the words "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Corrective Action: HWAA: No further action is required. The facility returned to compliance per emails dated September 1, 2020, and September 2, 2020.

Type: Violation 7

Rule: **273.15(c)(1)**

Explanation: HWAA: There were two containers of universal waste lamps that were not dated with the date accumulation began.

Corrective Action: HWAA: No further action is required. The facility returned to compliance per an email dated September 1, 2020.

Type: Violation 8

Rule: **279.22(c)(1)**

Explanation: Engine Maintenance Shop: There was one 55-gallon drum of used oil that was not properly labeled with the words "Used Oil."

Corrective Action: Engine Maintenance Shop: No further action is required. The facility returned to compliance per an email dated August 7, 2020.

Type: Violation 9

Rule: **62-710.850(5)(a)**

Explanation: Engine Maintenance Shop: There was one 55-gallon drum of used oil filters that was not properly labeled as "Used Oil Filters."

Corrective Action: Engine Maintenance Shop: No further action is required. The facility returned to compliance per an email dated August 7, 2020.

PHOTO ATTACHMENTS:

Photo 1



Photo 2



Inspection Date: 08/06/2020

Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Inspection Date: 08/06/2020

Photo 9



Photo 10



Photo 11



Photo 12



Inspection Date: 08/06/2020

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			✓

Inspection Date: 08/06/2020

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

<u>Luke S Lewis</u>	<u>Inspector</u>	
Principal Investigator Name	Principal Investigator Title	
<u></u>	<u>DEP</u>	<u>10/21/2020</u>
Principal Investigator Signature	Organization	Date
<u>Stephen Moody</u>	<u>Environmental Supervisor</u>	
Representative Name	Representative Title	
	<u>MOBRO Marine, Inc.</u>	
	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:	<u>Luke S Lewis</u>	Inspection Approval Date:	<u>10/21/2020</u>
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