



FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
561-681-6600

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

January 24, 2022

Dean Beitler, AVP of Human Resources
Tropical Shipping USA, LLC
501 Avenue P,
Riviera Beach, FL 33404
dbeitler@tropical.com

Re: Warning Letter #WL22-0002HW50SED
Tropical Shipping USA, LLC
EPA ID No. FLR000095737
Palm Beach County

Dear Mr. Beitler:

A Compliance Evaluation Inspection (CEI) was conducted at your facility on November 04, 2021. During this inspection, possible violations of Chapter 403, Florida Statutes (F.S.), Chapters 62-710, 62-730, and 62-737, Florida Administrative Code (F.A.C.) and Title 40, Code of Federal Regulations (CFR) Parts 262, 273, and 279 were observed.

At the time of the inspection, Department personnel verbally notified the facility that potential violations existed at the facility and was encouraged to take corrective actions within 14 days. The potential violations were:

- Failure to make a proper determination of its generator category status
- Failure to notify the Department of the facility's adequate generator category status
- Failure to maintain universal waste lamps in a closed container
- Failure to label universal waste lamp containers
- Failure to label used oil containers and to provide a secondary containment
- Failure to label used oil filter containers
- Failure to document weekly inspections of the hazardous waste containers

On November 29, 2021, a review of additional information indicates possible violations may continue to exist.

The Department requests you review the items of concern noted and respond in writing within 15 days of this warning letter. Your written response should include the following:

1. Describe what has been done to resolve the non-compliance issues or provide a schedule describing how/when the issues will be addressed (*see page 6-10, and 12 for "Recommendations for Corrective Action" section of the report or any previous related correspondence*);
2. Describe what steps have been taken to prevent, to the extent practicable, a recurrence of the non-compliance; or
3. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to section 403.121, 403.141, and 403.161, Florida Statutes.

Please contact Romina Lancellotti at 561-681-6624, 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 you may have that will 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 the investigation and resolving this matter.

Sincerely,



Jason Andreotta
Director, Southeast District
Florida Department of Environmental Protection

Enclosure: Hazardous Waste Inspection Report Dated 11/04/2021

cc: Matthew King, Safety Manager, Tropical Shipping USA, LLC., mking@tropical.com
Jason Andreotta, Sirena Davila, Alannah Irwin, Romina Lancellotti - FDEP



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

FACILITY INFORMATION:

Facility Name: Tropical Shipping & Construction Co Ltd
On-Site Inspection Start Date: 11/04/2021 **On-Site Inspection End Date:** 11/04/2021
ME ID#: 50031 **EPA ID#:** FLR000095737
Facility Street Address: Port of Palm Beach - 5 E 11th, Riviera Beach, Florida 33404-6920
Contact Mailing Address: Port of Palm Beach - 5 E 11th, Riviera Beach, Florida 33404
County Name: Palm Beach **Contact Phone:** (800) 367-6200

NOTIFIED AS:

Transporter, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Other Status:** Vessel **Transporter:** Own Waste, Commercial Waste

INSPECTION TYPE:

Routine Inspection for Hazardous Waste Transporter Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Romina J Lancellotti, Inspector
Tarin Tischler, Environmental Specialist II; Matthew King; Chad Nelson, Director of
Other Participants: Security, Facility and Compliance

LATITUDE / LONGITUDE: Lat 26° 46' 16.8888" / Long 80° 3' 13.7124"

NAIC: 488111 - Air Traffic Control

TYPE OF OWNERSHIP: Private

Introduction:

On November 4, 2021 (11/04/2021), Romina Lancellotti with the Florida Department of Environmental Protection (FDEP) conducted a routine compliance evaluation inspection at Tropical Shipping & Construction Co Ltd. (hereinafter Tropical or facility), located at 5 E11th St, Riviera Beach, FL 33404-6920. Tropical's corporate office is located at 501 Avenue P, Riviera Beach, FL 33404. The facility was inspected to determine the facility's compliance with the state and Federal hazardous waste regulations described in Title 40, Code of Federal Regulations (CFR) Parts 260-268, 273, and 279 adopted and incorporated by reference in Rule 62-730, 62-737, and 62-710 Florida Administrative Code (F.A.C.). The inspector was accompanied by Tarin Tischler, environmental Specialist II, from the FDEP.

The inspectors were escorted around the facility by Matthew King, Safety Manager, and Chad Nelson, Director of Facilities and Compliance. Upon arrival at the facility the inspectors presented their credentials and explained the purpose of the inspection.

The facility occupies 50.1 acres and is connected to public water and sewer. Tropical has been operating at its current location since 06/23/1962 and employs more than 400 staff. The facility operates from 9 am to 5 pm.

Notification History:

Tropical initially notified with the Department as a Small Quantity Generator (SQG) of hazardous waste on 01/13/2003 and was assigned the EPA Identification (EPAID) Number FLR000095737. The facility most recently notified as a Very Small Quantity Generator (VSQG) of hazardous waste, and as a hazardous waste transporter on 09/03/2021.

Inspection History:

The facility was previously inspected by the Department on 02/12/2020 as a hazardous waste transporter,

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transfer facility, as VSQG and used oil generator and was found to be out of compliance at the time of inspection for failure to conduct a proper waste determination at the point of generation, failure to comply with HW storage time limit requirements, failure to notify as a transfer facility of hazardous waste, failure to adequately complete hazardous waste manifests, failure to conduct weekly inspections, failure to maintain a contingency plan, failure to make emergency arrangements with local authorities, failure to label universal waste lamp containers, failure to store universal waste lamps in a structurally sound container, failure to properly label used oil and used oil filter containers.

Steel-toed boots and safety vests were the only Personal Protective Equipment (PPE) required to enter the facility.

Process Description:

Tropical consists of indoor offices located at the main building, a storage/processing yard where all cargo containers are processed, a maintenance shop, a maintenance marina division, and a port maintenance shop.

Tropical transports hazardous waste over open ocean via cargo ship for disposal. Tropical transports hazardous waste and other cargo between Puerto Rico, Saint Thomas, Saint Croix, Bahamas, and Riviera Beach via decked barges and vessels. Upon arrival at their respective terminal destinations, the vessels are staged at the facility, pending transport to final destination. Facility representatives stated that Tropical has not transported hazardous waste since the last DEP inspection in 2020.

Additionally, Tropical operates Maintenance Shops that are located within the Port. The facility provides maintenance to vessels, conditioned containers, marine engineering, chassis, heavy equipment, straddle carriers, and forklifts. From these activities, the facility also generates its own waste that include used oil, used oil filters, used antifreeze, universal waste lamps, universal aerosol cans, spent lead acid batteries, oily rags. Also, the facility generates waste combustible liquid (petroleum naphtha) exhibiting characteristics of toxicity for Tetrachloroethylene (EPA Waste Code D039; and paint related waste exhibiting characteristics for ignitability (EPA waste code D001), toxicity for MEK (EPA waste code D035), and listed EPA waste codes F003 and F005; waste organic peroxide exhibiting characteristics for ignitability (EPA waste code D001), and for toxicity for MEK (EPA waste code D035); and nonhazardous spent sandblast media.

The inspection consisted in a brief introduction, walkthrough of electric charging station, potential points of waste, and records review.

Electric Vehicle Charging Station

The Electric Vehicle Charging Station is located in the parking lot at the corporate office complex. The inspector observed two dual head electric vehicle charging stations, and one electric vehicle use for security, according to the Pollution Prevention (P2) Project implemented on 04/22/2021. The charging stations are available for Tropical employees use at no cost.

Maintenance Shop

This maintenance shop is located at the west of the Port of Palm Beach, where Tropical rents 2 buildings: "Shop 1," for automotive maintenance, and "Shop 2," for refrigeration maintenance and repair.

Shop 1/Automotive Shop:

Shop 1 is comprised of 8 bays, each of which are designated to conduct maintenance and repair of chassis, trucks, forklifts, and small machinery. Used oil, used oil filters, aerosol cans, oily rags, and spent solvent are generated in this area.

During the inspection, the inspectors observed the following stored adjacent to Shop 1:

- >One 30-gallon drum with a puncturer system installed on top. The drum was labeled with the words "Hazardous Waste - Aerosol Can Disposal Satellite Accumulation Area." Aerosol cans are managed as universal waste under 40 CFR 273.
- >One 30-gallon drum labeled with the words "Punctured Aerosol Cans for Scrap."
- >One 55-gallon blue drum for used oil filters, labeled with the words "Filters"
- >One 250-gallon double wall tank, labeled with the words "Used Oil" [40 CFR part 279.22(c)(1), 62-710.401(6) F.A.C.].
- >One 500-gallon tank labeled "Hydraulic Oil" (product)
- >One 500-gallon tank labeled "Engine Oil"

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The inspectors observed the following in the shop:

- >One 55-gallon drum of used oil, labeled as "Used Oil," with a secondary containment.
- >One 55-gallon drum of oily rags.
- >One 300-gallon double wall tank of oil.
- >Four 55-gallon drum of used (product)
- >One 15-gallon parts washer serviced by Safety-Kleen.
- >14 spent lead acid batteries stored indoors over a tray. Spent batteries are managed under 40 CFR part 266, Subpart G. Battery cores are exchanged for charged batteries through the company Fleet Pride, Inc.

Next to the Shop 1, there is an area designated for pressure washing. Tropical trucks are wash from dirt over a sump. The sump collects rinsewater from this process and it is transferred to an oil/water separator unit located adjacent to the sump. This system was designed to prevent oily water from entering the storm water system. Cliff Berry, Inc.(CBI) services the oil/water separator and collects oily water and used oil in vacuum trucks.

Shop 2/Refrigeration

Shop 2 is comprised of 8 bays, each of which are designated to conduct maintenance and repair of conditioned refrigeration containers, compressors, and generators for buildings. Used oil, used oil filters, used antifreeze, used freon, oily rags are generated from these activities.

During the inspection, the inspectors observed the following:

- >One unlabeled 55-gallon drum of used oil filters, according to 62-710.850(5)(a) F.A.C.
- >One 250-gallon double wall, labeled with the words "Used Oil"
- >One 55-gallon drum of oily absorbents
- >One 55-gallon drum of used air filters
- >One 15-gallon parts washer serviced by Safety-Kleen.

Central Accumulation Area (CAA)/Hazardous Materials/Storage Area

The CAA is located adjacently to Shop 1 and 2. This area is fenced and is comprised of three open containers used for storage. This area is named "Hazardous Materials."

The inspector observed the following:

- >Four open and unlabeled boxes with spent mercury lamps (total 77 lamps). The facility failed to maintain universal waste lamps containers closed in accordance to 40 CFR 273.13(d)(e), and failed to label universal waste lamps in accordance to 40 CFR 273.14(e) & 62-737.400(5)(b) F.A.C.
- >One 27.5-fl oz container of West System 205 Fast Hardener, over a secondary containment, identified as hazardous waste.
- >Two 1-quart of Ashland Derakana 411-350, Vinyl Ester Resin, over a secondary containment, identified as hazardous waste.
- >One 55-gallon drum labeled with the words "Non-Hazardous Waste"

Gas/Diesel Station

Adjacent to the Shops 1 & 2, there is a Gas/Diesel Station available to provide fuel for Tropical vehicles. The inspectors observed one 500-gallon tank of Diesel and one 500-gallon tank of Gasoline.

Tropical representatives informed that these tanks are temporary. The facility ceased the use of one 20,000-gallon Underground Storage Tank (UST) of Diesel, and one 10,000-gallon UST of Gasoline that will be eventually replaced by one 15,000-gallon AST and one 5,000-gallon AST, respectively.

Marine Division & Purchasing Shop

The Marine Division & Purchasing Shop is located on the northern side of the facility. This area consists of one building with a maintenance area and storage area for inventory. Maintenance is performed by responding to corrective maintenance, marine engineering, fabrication, building repairs, and parts replacement of vessels, chassis, and heavy equipment. As result of the operation the following waste streams are generated: used grease, oily rags, universal waste aerosol cans, and spent sand blast media.

The inspectors observed the following:

- >One closed 55-gallon steel drum for spent sandblast media, labeled as non-hazardous waste, the name of the facility, and the address.
- >One sandblaster.

There is one sandblaster machine that is used to sandblast worn parts of machinery that are maintained and

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repaired in the Marine Shop. Spent sandblast media is collected in 55-gallon drums labeled, managed and disposed of as nonhazardous waste. The Safety Data Sheet (SDS) of the blast media indicates that it is based in Silica, Aluminum Oxide, and Iron Oxide, considered nonhazardous. Also, the facility maintains a Toxic Characteristic Leaching Procedure (TCLP) analytical result for metals, conducted on 02/27/2020, to spent sand blast media, demonstrating that it does not exhibit characteristics for toxicity.

- >One 15-gallon parts washer serviced by Safety-Kleen.
- >One 30-gallon drum with a puncturer system installed on top. The drum was labeled with the words "Hazardous Waste - Aerosol Can Disposal Satellite Accumulation Area."
- >One 30-gallon drum labeled with the words "Punctured Aerosol Cans for Scrap."

Marine Division Parking Lot

The inspectors were driving by the Marine Division Parking Lot and observed an area designated to store 55-gallon drums and containers. Specifically, the inspector observed the following:

- >Three 55-gallon drums labeled with the words "Used Oil," without secondary containment.
- >Thirteen 55-gallon drums of used oil missing the label "Used Oil," without secondary containment.
- >Eight 55-gallon drums with non-hazardous waste
- >One 55-gallon drum of oily debris.

The drums were stored near to a stormwater drain and without a secondary containment. Additionally, these were rusty and dent. No visible leaks were detected.

Based on this information, the facility failed to label thirteen 55-gallon drums of used oil, and failed to provide a secondary containment for sixteen 55-gallon drums, in accordance with 40 CFR 279.22(c)(1) and 62-710.401(6) F.A.C.

Port Maintenance Shop/E-House

The Port Maintenance Shop is located on the northeast side of the facility, adjacent to the port deck. This area consists of two bays used for maintenance practices and an outdoor storage area. The facility performs maintenance and repair of different types of cranes/straddle carriers. As result of the activities, used grease, used oil, used antifreeze, used oil filters, and oily rags are generated in this area.

At the outdoors storage area, the inspectors observed the following:

- >One 275-gallon tote Grimer Cutter Soap
- >One 55-drum Quick Dry
- >One labeled 55-gallon labeled as Used Oil
- >Three 55-gallon drum of oily absorbents
- >One labeled 55-gallon of Used Oil Filters
- >Twenty empty 55-gallon drums
- >One 300-gallon double-walled tank for used oil, labeled with the words "Used Oil," within a secondary containment, in accordance to 40 CFR 279.22(c)(1), and 62-710.401(6) F.A.C.

Records Review

Hazardous Waste Manifests

Waste profiles were available on-site for review [40 CFR 262.11(f)]. Land Disposal Restriction (LDR) notification forms are up to date for each waste profile [40 CFR 268.9].

Hazardous waste disposal records are maintained on-site and readily available for review. Records for 2019, 2020, and 2021 were available for review during the inspection. The facility prepares the Uniform Hazardous Waste Manifest (OMB Control number 2050-0039) on EPA Form 8700-22 for each hazardous waste shipment. - At the time of inspection, the most recent pickup had occurred on 10/25/2021; transported by Safety Kleen Systems Inc. (EPAID TXR000081205); the designated facility is Safety-Kleen Systems Inc. (EPAID FLD984167791). The facility uses one uniform hazardous waste manifest for each shop within the facility.

The manifest tracking number 007924521SKS demonstrates that the facility transported two containers type DM (30 gallons) of waste combustible liquid (petroleum naphtha) exhibiting characteristics of toxicity for Tetrachloroethylene (EPA Waste Code D039).

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>>The manifest tracking number 007924522SKS demonstrates that the facility transported one containers type DM (15 gallons) of waste combustible liquid (petroleum naphtha) exhibiting characteristics of toxicity for Tetrachloroethylene (EPA Waste Code D039).

The following uniform hazardous waste manifests correspond to shipments occurred in October 2021: manifests tracking number 007937410SKS dated 10/01/2021 (15 gallons of hazardous waste); 007931957SKS dated 10/08/2021 (15 gallons of hazardous waste); 007931955SKS dated 10/08/2021 (15 gallons of hazardous waste); 007937411SKS dated 10/01/2021 (15 gallons of hazardous waste); 007937409SKS dated 10/01/2021 (30 gallons of hazardous waste).

Tropical generated and disposed of 135 gallons of hazardous waste during October 2021.

Based on records review, Tropical delivers hazardous waste every month and exceeds the limit of 100 kilograms (220 lbs) of non-acute hazardous waste corresponding to VSQG's, according to the definition described in 40 CFR 260.10.

Furthermore, the inspector discovered that Tropical exceeded Large Quantity Generator (LQG) amount of hazardous waste in a calendar month. Specifically, Tropical had a pickup that occurred on 11/06/2020; transported by Chem Klean Corporation (EPAID FLR000231258); second transporter Stericycle Specialty Waste Solutions, Inc. (EPAID FL0000702985); the designated facility is Allworth, LLC. (EPAID ALD094476793).

The manifest tracking number 014672515FLE demonstrates that Tropical shipped the following:

>>Six containers type CY (3,000 pounds) of waste paint related material exhibiting hazardous waste characteristics for ignitability (EPA waste code D001), for toxicity for MEK (EPA waste code D035), and it is also listed EPA waste code F003 and F006.

>>Seven containers type DM (1,500 pounds) of waste paint related material exhibiting hazardous waste characteristics for ignitability (EPA waste code D001), for toxicity for MEK (EPA waste code D035), and it is also listed EPA waste code F003 and F006.

The following uniform hazardous waste manifests also correspond to shipments occurred in November 2020: Manifest tracking number 007726132 dated 11/17/2020 (15 gallons of hazardous waste); 007726133SKS dated 11/17/2021 (15 gallons of hazardous waste); 007726131SKS dated 11/17/2020 (15 gallons of hazardous waste); 007726134SKS dated 11/17/2020 (15 gallons of hazardous waste); 007726130SKS dated 11/17/2020 (30 gallons of hazardous waste).

Based on this information, the facility generated and disposed of 4,500 pounds plus 90 gallons of hazardous waste in November 2020, exceeding the maximum amount of hazardous waste generated in one month for VSQG's and Small Quantity Generator (SQG) in one calendar month.

The facility failed to make a proper determination of its generator category in accordance to 40 CFR 262.13, and failed to notify the Department of its proper generator category status in accordance to 40 CFR 262.18(a), and 62-730.150(2)(b) F.A.C.

According to Tropical representatives, Tropical has not transported hazardous waste since the last DEP inspection in February 2020.

Used Oil Shipping Records

Tropical does maintain used oil, used oil filters, petroleum contact water shipping records available for review. All records are in order and are maintained at least for the last three years. Records show that these waste streams are disposed of through Cliff Berry, Incorporated (EPA ID FLR000083071).

Also, the facility maintains shipping records for petroleum contaminated solids, disposed through JAM Environmental & Vacuum Services, LLC. (EPA ID FLR000176842), and the designated facility is Waste Management, Central Disposal (EPA ID FLD981019581), located at 2700 NW 48 Street, Pompano Beach, FL 33073.

Employee Training

The facility conducts annual hazardous waste training to all staff in contact with hazardous materials and hazardous wastes. This training includes hazardous materials safety and security awareness, RCRA hazardous

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waste generator training. The training also includes site-specific PowerPoint presentation covering International Maritime Dangerous Goods (IMDG) Code, and 49 CFR, proctored by Currie Associates, Inc. [62-730.171 (4)(a) F.A.C. & 40 CFR part 265.16]. The most recent training was conducted in November 2021.

Contingency Plan

The facility maintains a contingency plan that was issued on 08/20/2005, by the Port of Palm Beach. Tropical and the Port of Palm Beach coordinate operations and activities at the port that include activities related to accidents or spills. The plan includes emergency contact numbers, the port emergency coordinator positions and their job duties. Last update 03/30/2009. Additionally, the facility maintains an Emergency Response Procedures for Hazardous Materials Plan pertaining to leaks and/or spills. This plan includes training information emergency response team responsibilities, contact information of medical care and reporting, and disposal information of hazardous/non-hazardous waste.

The facility maintains an SPCC plan, last revised on March 2020. The SPCC plan includes a Facility Emergency Response and Risk Management Procedures Plan (Appendix H), last revised 02/18/2020. This plan describes guidelines to follow in case of an emergency, spill or leaks, emergency contact information, and map of the facility.

Financial Responsibility

Based on record review, the facility has submitted evidence of liability insurance to the Department, every year, since 2009.

Records of the facility's Certification of Liability Insurance forms from the last three years were available for review. The Certification of Liability Insurance forms appeared to be complete and in order, at the time of inspection. The facility provided proof of pollution liability insurance issued by Everest National Insurance Company in the amount of \$2 million, policy #RM5CA00055-211, expiration date 11/01/2022.

Universal Waste

The facility maintains recycling records of spent mercury lamps and spent lead acid batteries, for three years. Spent mercury lamps are recycled through Envirolight and Disposal, Inc. (EPA ID FLR000089185), located at 3200 44th Avenue North, St. Petersburg, FL 33714.

Last shipment occurred on 10/26/2020, where a total amount of 520 lamps were shipped out by Tropical.

Spent lead acid battery cores are recycled through FleetPride, Truck & Trailer Parts, located at 2250 Australian Ave, Riviera Beach, FL 33404.

The facility maintains recycling records of spent mercury lamps and spent lead acid batteries, for three years.

Preparedness and Prevention:

Spill kits, eye wash and shower stations, fire alarms, and fire extinguishers are available on-site [40 CFR part 265.32]. The facility conducts routine inspections, testing, and maintenance of all communications systems, fire protection equipment, spill control equipment, and decontamination equipment [40 CFR part 265.33]. The facility utilizes a two-way radio system for internal communications.

Emergency Procedures:

The facility conducts weekly inspections of hazardous waste containers [40 CFR part 262.16(b)(2)(iv) & 62-730.160(3), F.A.C.]. However, the facility failed to document these inspections in accordance with Rule 62-730.160(3), F.A.C.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.13 , 403.727(1)(a)
Explanation:	The facility failed to make a proper determination of its generator category in accordance to 40 CFR 262.13.

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Specifically, Tropical delivers hazardous waste every month and exceeds the limit of 100 kilograms (220 lbs) of non-acute hazardous waste corresponding to VSQG's, according to the definition described in 40 CFR 260.10. For example, Tropical generated and disposed of 135 gallons of hazardous waste during October 2021.

Additionally, the facility generated and disposed of 4,500 pounds plus 90 gallons of hazardous waste in November 2020, exceeding the maximum amount of hazardous waste generated in one month for VSQG's, and SQG's in one calendar month.

Corrective Action: Tropical shall identify the amount of hazardous waste generated each month and determine the adequate generator's category.

Comments:

Pending Resolution

Type: Violation

Rule: **262.18(a) , 62-730.150(2)(b)**

Explanation: The facility failed to make a proper determination of its generator category and failed to notify the Department of a change in generator status.

Corrective Action: Tropical shall identify the amount of hazardous waste generated monthly, shall notify the Department of all changes in status, and shall use the 8700-12FL - Florida Notification of Regulated Waste Activity, Form 62-730.900(1)(b).

Comments:

Pending Resolution

This is a Repeat Violation from DEP inspection conducted on 02/12/2020.

Type: Violation

Rule: **273.13(d)(1)**

Explanation: The facility failed to maintain universal waste lamps containers closed and structurally sound container. Specifically, the inspector observed four open cardboard containers with a total of 77 spent mercury lamps.

Corrective Action: The facility shall close and secure the cardboard containers of universal waste lamps to prevent breakage and leakage. Please provide a photographic evidence to the Department.

Comments:

Resolved Violation On 11/29/2021, the facility provided pictures demonstrating that the universal waste lamps are stored in a closed structurally sound container.

This is a Repeat Violation from DEP inspection conducted on 02/12/2020.

Photo Attachments:

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Before - Open Boxes of UW Lamps



After - Closed and Secured Boxes for UW Lamps



Type: Violation

Rule: 273.14(e) , 62-737.400(5)(b)

Explanation: The facility failed to label the spent mercury lamps containers. Specifically, the inspectors observed four unlabeled cardboard containers of spent mercury lamps (total 77 lamps).

Corrective Action: /the facility shall label the boxes with the words "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)"., and accumulation start date. Provide photographic evidence to the Department.

Comments:

****Resolved Violation**** On 11/29/2021, the facility provided pictures demonstrating that the universal waste lamps containers were properly labeled with the words "Universal Waste Lamps," and start accumulation date 05/19/2021.

This is a Repeat Violation from DEP inspection conducted on 02/12/2020.

Photo Attachments:

Before - Unlabeled Boxes of UW Lamps



After - Properly Labeled Container with UW Lamps



Type: Violation

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Rule: **279.22(c)(1) , 62-710.401(6)**

Explanation: The facility failed to label thirteen 55-gallon drums of used oil and to provide a secondary containment for sixteen 55-gallon drums of used oil that were stored adjacent to the Marine & Purchasing Shop.

Corrective Action: The facility shall label the thirteen 55-gallon drums with words "Used Oil" and provide a secondary containment for the sixteen 55-gallon drums of used oil that it is capable of holding at least 110 percent of the volume of the container.

Comments:

****Resolved Violation**** On 11/29/2021, the facility provided documentation demonstrating that the drums were properly identified and shipped out.

This is a Repeat Violation from DEP inspection conducted on 02/12/2020.

Photo Attachments:

Unlabeled 55-gallon Drums of Used Oil, no Secondary Containment After - Used Oil Shipment Receipt



A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

Type: Violation

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

Explanation: The facility failed to label one 55-gallon drum of used oil filters in Shop 2 and failed to properly label one 55-gallon blue drum for used oil filters, labeled with the words "Filters," in Shop 1.

Corrective Action: The facility shall label these containers with the words "Used Oil Filters" and provide a photographic evidence to the Department.

Comments:

****Resolved Violation**** On 11/29/2021, the facility provided pictures demonstrating that the drums were properly labeled.

This is a Repeat Violation from DEP inspection conducted on 02/12/2020.

Photo Attachments:

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Before- Unlabeled 55-gallon Drum of Used Oil Filters



After - Properly Labeled Drum with Used Oil Filters



Type: Violation

Rule: **62-730.160(3)**

Explanation: The facility conducts weekly inspections of hazardous waste containers [40 CFR part 262.16(b)(2)(iv) & 62-730.160(3), F.A.C.]. However, the facility failed to document these inspections in accordance with Rule 62-730.160(3), F.A.C.

Corrective Action: Tropical shall begin documenting weekly inspections for the hazardous waste containers according to Rule 62-730.160(3) F.A.C. and provide at least 2 weeks of documented weekly inspections of hazardous waste containers. Also, please ensure to continue to implement this weekly inspections from now on and do not have a lapse of conducting these inspections. Include number "zero" under number of containers when there is no hazardous waste stored onsite.

Comments:

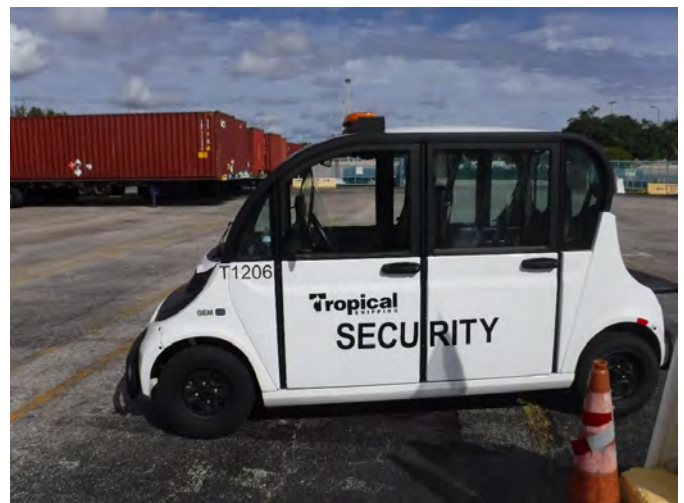
Pending Resolution

PHOTO ATTACHMENTS:

Electric Vehicle Charging Station (P2 Project)



Electric Vehicle (P2 Project)



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Gas/Diesel Station



Fire Extinguisher



Used Oil Filters



Labeled Tank Used Oil



Aerosol Can Puncturer System



55-gallon of Non Hazardous Waste



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Hazardous Waste in the CAA



55-gallon of Non Hazardous Waste (Spent Sandblast Media)

**Conclusion:**

Tropical was inspected as a Transporter of Hazardous Waste, as a VSQG of hazardous waste, a generator of used oil, and a handler of universal waste and was found to be out of compliance for failure to adequately determine its hazardous waste generator category, failure to notify the Department of the proper generator category, failure to maintain universal waste lamps closed, failure to label universal lamps, failure to label used oil containers and to provide a secondary containment, failure to label used oil filter containers, and failure to document weekly inspection containers. Compliance assistance was provided during the inspection and in the exit interview dated 11/16/2021. The facility was provided with a deadline of 11/30/2021 to complete the corrective actions.

On 11/29/2021, the facility submitted photos and documentation demonstrating that the corrective actions have been completed for the following violations:

- >40 CFR 273.13(d)(1) – UW lamp containers
- >40 CFR 273.14(e), 62-737.400(5)(b) F.A.C. – UW Lamps labeling
- >40 CFR 279.22(c)(1), 62-710.401(6) F.A.C. – Used oil drums labeling and secondary containment
- >62-710.850(5)(a) F.A.C. – Used oil filters labeling

To date, the following violations are pending resolution:

- >40 CFR 262.13 & 403.727(1)(a) F.S.– Generator category determination
- >40 CFR 262.18(a) & 62-730.150(2)(b) F.A.C. – Notification
- >62-730.150(2)(b) F.A.C.- Weekly Inspections

The following violations are repeat from the last DEP inspection conducted on 02/12/2021:

- 40 CFR 273.13(d)(1); 40 CFR 273.14(e) & 62-737.400(5)(b) F.A.C.; 40 CFR 279.22(c)(1) & 62-710.401(6) F.A.C.; and 62-710.850(5)(a) F.A.C.

The inspector offered compliance assistance and recommended Tropical to use one uniform hazardous waste manifest when shipping hazardous waste instead of using one manifest for each shop. This would facilitate the facility to track the amount of hazardous waste being delivered.

Finally, facility representatives informed that Tropical is in the process of cleaning and closing the USTs. Compliance assistance by informing the facility that the still bottoms or residues in the USTs may contain hazardous constituents, such as Benzene or Lead, therefore, the facility shall conduct a hazardous waste determination for the rinsewaters and residues generated when closing the tanks. If the facility generates more than 2,200 pounds of hazardous waste, should apply for a planned Episodic Event 30 days prior to the event.

A Warning Letter will be issued to address the pending noncompliance issues described in this report.

Inspection Date: 11/04/2021

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: 11/04/2021

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

Romina J Lancellotti

Inspector

Principal Investigator Name

Principal Investigator Title



DEP

12/22/2021

Principal Investigator Signature

Organization

Date

Tarin Tischler

Environmental Specialist II

Inspector Name

Inspector Title

DEP

Organization

Matthew King

Representative Name

Tropical

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.

Chad Nelson

Director of Security, Facility and Compliance

Representative Name

Representative Title

Tropical

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: Alannah B Irwin

Inspection Approval Date: 12/22/2021