



FLORIDA DEPARTMENT OF Environmental Protection

Central District Office
3319 Maguire Blvd., Suite 232
Orlando, Florida 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

August 30, 2022

Dan McPhee, Director
Daniels Sharpsmart, Inc.
1087 Park Place, Suite 150
Shakopee, Minnesota 55379
dmphee@danielshealth.com

Re: Warning Letter
Daniels Sharpsmart, Inc.
HW FLD984171850
Orange County

Dear Mr. McPhee:

A Routine inspection was conducted at your facility on June 30, 2022. During this inspection, possible violations of Chapter 403, F.S., Chapter 62-730, Florida Administrative Code (F.A.C.), were observed.

During the inspection Department personnel noted the following:

- The facility failed to maintain liability insurance for EPA identification number ILR000169029
- The facility failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) in the state of Florida to transport hazardous waste.

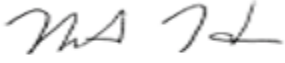
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, Florida Statutes.

Please contact Michael Eckoff, at (407) 897-4308, within **7 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.

Daniels Sharpmart, Inc.; Facility ID No.:FLD984171850
Warning Letter
Page 2 of 2
August 30, 2022

Sincerely,

A handwritten signature in black ink, appearing to read 'AW 7L', is positioned below the word 'Sincerely,'.

On behalf of:

Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/NH/VU/me

Enclosures: Inspection Report (with attachments)



Florida Department of
Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Daniels Sharpsmart Inc
On-Site Inspection Start Date: 06/30/2022 **On-Site Inspection End Date:** 06/30/2022
ME ID#: 38737 **EPA ID#:** FLD984171850
Facility Street Address: 10705 Rocket Blvd Ste 111 , Orlando, Florida 32824-8500
Contact Mailing Address: 111 W. Jackson Blvd. Suite 1900, Chicago, Illinois 60604
County Name: Orange **Contact Phone:** (312) 546-8916

NOTIFIED AS:

Non-Handler, Pharmaceuticals Healthcare, Transfer Facility, Transporter

WASTE ACTIVITIES:

Generator: Non-Handler **Transporter:** Commercial Waste, Transfer Facility **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps, Mercury Containing Devices **Transport:** Mercury Containing Lamps, Mercury Containing Devices **Transfer Facility:** Mercury Containing Lamps, Mercury Containing Devices **Maximum quantity of UW handled or transported at any time:** Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

Hazardous Waste Pharmaceuticals:

Pharmaceutical Activities: Healthcare Facility

INSPECTION TYPE:

Routine Inspection for Transporter Facility
Routine Inspection for Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Michael Eckoff, Inspector
Other Participants: Charles Rivera Jr., Director of Operations - USA

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

NAIC: 562111 - Solid Waste Collection

TYPE OF OWNERSHIP: Private

Introduction:

On June 30, 2022, Michael Eckoff, Florida Department of Environmental Protection (FDEP or Department), accompanied by Charles Rivera, Jr., Daniels Health, inspected Daniels Sharpsmart, Inc. (Daniels or Facility) for compliance with state and federal hazardous waste transporter and transfer facility regulations. The facility most recently notified the Department of its waste activities on January 17, 2022 and was originally issued EPA identification number FLD984171850 on November 30, 2012.

Daniels is currently registered as a transporter of universal waste lamps and devices, a transfer facility for universal waste lamps, and a transfer facility for universal waste devices. The registration expires on March 1, 2023. Daniels is also registered as a hazardous waste transporter. The registration expires on November 30, 2022. Liability insurance is current until September 30, 2022.

INSPECTION HISTORY (past five years)

The facility was inspected by the Department in April 2020 for compliance with state and federal hazardous waste transportation regulations. The facility was out of compliance for storing hazardous waste for greater than ten days, accepting hazardous waste without a complete manifest, transporting hazardous waste without a manifest, failure to maintain a complete contingency plan, changing information on manifests after the generator signed the manifest, and failure to maintain a complete 10-day transfer facility log. The case was resolved

Daniels Sharpsmart Inc Inspection Report

Inspection Date: 06/30/2022

through issuance of a short form consent order assessing \$5,120 in civil penalties and \$500 in Department costs.

The facility was inspected by the Department in September 2018 for compliance with state and federal hazardous waste transportation regulations. No potential violations were noted at that time.

Process Description:

Daniels is a hazardous waste transporter and 10-day transfer facility and a regulated medical waste transporter.

Ninety-nine containers of hazardous waste pharmaceuticals were located in the 10-day transfer facility. All containers were being properly managed and have been in the 10-day transfer facility for less than ten days.

Records

The contingency plan was dated August 2021. Charles Rivera, Jr. is listed as the emergency coordinator. The facility map was included in the contingency plan.

Review of the 10-day transfer facility log did not reveal any issues. All information required by Rule 62-730.171(6), Florida Administrative Code (F.A.C.), appeared to be documented in the log. The containers listed on the log were present in the 10-day transfer facility.

Review of the manifests for transportation services revealed Daniels is using EPA identification number ILR000169029. EPA identification number ILR000169029 is not registered in the state of Florida for transporting hazardous waste nor has Daniels demonstrated proof of liability insurance [62-730.170(2)(a) and (f), F.A.C.].

Review of personnel training documentation did not reveal any issues.

The closure plan was not dated.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-730.170(2)(a)
Explanation:	The transporter shall have and maintain financial responsibility for sudden accidental occurrences in a minimum amount of \$1,000,000.00 per occurrence for combined coverage of injury to persons and for damage to property and the environment from the spillage of hazardous waste while such wastes are being transported including the costs of cleaning up the spill. Such financial responsibility shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. Such financial responsibility shall be maintained at all times, be exclusive of legal defense costs, and be established by any one or a combination of the following: 1. Evidence of casualty/liability insurance on a claim or occurrence basis with or without a deductible. With the deductible the Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. Each insurance policy must be evidenced by a certificate of liability insurance or amended by attachment of an endorsement. 2. Surety bonds.
Corrective Action:	Specifically, Daniels Sharpsmart Inc failed to maintain liability insurance for EPA identification number ILR000169029. Daniels Sharpsmart Inc is required to have and maintain financial responsibility for sudden accidental occurrences in a minimum amount of \$1,000,000.00 per occurrence for combined coverage of injury to persons and for damage to property and the environment from the spillage of hazardous waste while such wastes are being transported including the costs of cleaning up the spill. Such financial responsibility shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. Such financial responsibility shall be maintained at all times, be exclusive of legal defense costs, and be established by any one or a combination of the following:

Daniels Sharpsmart Inc Inspection Report

Inspection Date: 06/30/2022

1. Evidence of casualty/liability insurance on a claim or occurrence basis with or without a deductible. With the deductible the Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. Each insurance policy must be evidenced by a certificate of liability insurance or amended by attachment of an endorsement. 2. Surety bonds.

Please provide documentation of proof of liability insurance for EPA identification number ILR000169029 to the Department within 30 days from the date of your receipt of this report.

Type: Violation

Rule: 62-730.170(2)(f)

Explanation: Transporters of hazardous waste that do not register as used oil handlers shall submit evidence of casualty/liability insurance in accordance with the requirements of paragraphs 62-730.170(2)(a) and (b), of this subsection, and a complete and accurate Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] by September 1 of each year. Upon receipt of complete and accurate documents required by this paragraph, the Department shall issue to each transporter authorization to transport hazardous waste which shall be valid until November 30 of the following year. If the authorization is not renewed by November 30 of the following year because the Department has not received complete and accurate documents for renewal, the transporter will no longer be authorized to transport hazardous waste in Florida.

Specifically, Daniels Sharpsmart Inc failed to register EPA identification number ILR000169029 using Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] in the state of Florida to transport hazardous waste.

Corrective Action: Daniels Sharpsmart Inc is required to submit evidence of casualty/liability insurance in accordance with the requirements of paragraphs 62-730.170(2)(a) and (b), of this subsection, and a complete and accurate Form 62-730.900(1)(b) [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.] by September 1 of each year if not registering as a used oil handler. Upon receipt of complete and accurate documents required by this paragraph, the Department shall issue to Daniels Sharpsmart Inc authorization to transport hazardous waste which shall be valid until November 30 of the following year. If the authorization is not renewed by November 30 of the following year because the Department has not received complete and accurate documents for renewal, Daniels Sharpsmart Inc will no longer be authorized to transport hazardous waste in Florida.

Please submit evidence of casualty/liability insurance and a complete and accurate Form 62-730.900(1)(b) for EPA identification number ILR000169029 to the Department within 30 days from the date of your receipt of this report.

Conclusion:

Daniels Sharpsmart, Inc. was inspected as a hazardous waste transporter and transfer facility and was not in compliance at that time.

Inspection Date: 06/30/2022

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: 06/30/2022

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>Michael Eckoff</u>	<u>Inspector</u>	
Principal Investigator Name	Principal Investigator Title	
<u>Michael Eckoff</u>	<u>DEP</u>	<u>08/22/2022</u>
Principal Investigator Signature	Organization	Date
<u>Charles Rivera Jr.</u>	<u>Director of Operations - USA</u>	
Representative Name	Representative Title	
	<u>Daniels Health</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>Viviana Useche</u>	Inspection Approval Date:	<u>08/23/2022</u>
------------------	-----------------------	----------------------------------	-------------------