



FLORIDA DEPARTMENT OF Environmental Protection

Southwest District Office
13051 North Telecom Parkway #101
Temple Terrace, Florida 33637-0926

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

December 16, 2022

Tom Adams, Chief Financial Officer
Align Precision - Clearwater, LLC
9000 68th Street North
Pinellas Park, FL 33782
Tony.Dehart@AlignPrecision.com

Re: Executed Consent Order OGC File No. 22-2451
Align Precision - Clearwater, LLC
9000 68th Street North, Pinellas Park, FL 33782
EPA ID #FLD982160723

Dear Mr. Tom Adams:

Enclosed please find the executed Consent Order OGC No. 22-2451 regarding the above referenced facility. The effective date of the Consent Order is the filing date entered by the designated Department Clerk on the signature page. Please be aware that your payment of **\$92,801.00** is due by **January 16, 2023**.

For inquiries, you may contact M. Brandon Miller at 813-470-5742 or by email at Michael.B.Miller@FloridaDEP.gov.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Kelley M. Boatwright".

For Kelley M. Boatwright
District Director
Southwest District
Florida Department of Environmental Protection

Enclosure: Consent Order OGC No. 22-2451

cc: David Petti, DEP-SWD, David.Petti@FloridaDEP.gov
Leslie Pedigo, DEP-SWD, Leslie.Pedigo@FloridaDEP.gov
Lea Crandall, DEP-OGC, Lea.Crandall@FloridaDEP.gov
SWD HW Mailbox, DEP-SWD, SWD_HW@FloridaDEP.gov



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December 5, 2022

Tom Adams, Chief Financial Officer
Align Precision - Clearwater, LLC
9000 68th Street North
Pinellas Park, FL 33782

SUBJECT: Department of Environmental Protection v. Align Precision - Clearwater, LLC
OGC File No.: 22-2451
EPA ID #FLD982160723

Mr. Tom Adams:

The State of Florida Department of Environmental Protection ("Department") finds that Align Precision - Clearwater, LLC, formerly H & S Swanson Tool Company, ("Respondent") failed to follow the regulatory rules required of large quantity generators of hazardous waste as outlined in the attached Hazardous Waste Inspection Report conducted on February 23, 2022 and in Warning Letter # WL22-38HW52SWD, dated March 25, 2022. 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 \$92,301.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$92,801.00. The civil penalty in this matter includes 11 violations of \$2,000.00 or more.

Respondent's Acceptance

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at the

Southwest District Office located at 13051 N. Telecom Parkway, Suite #101, Temple Terrace, FL 33637 by **December 15, 2022**. 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), 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, Tom Adams:

- (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;
- (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 \$92,801.00 in full by January 16, 2023.**
- (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." 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, effective and filed 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

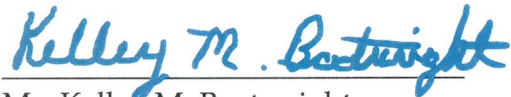
letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

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, please contact David Petti at (813) 470-5740 or at david.petti@floridadep.gov.

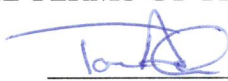
Sincerely,



Ms. Kelley M. Boatwright
District Director
Southwest District

FOR THE RESPONDENT:

I, Tom Adams [Type or Print Name], **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 
Tom Adams
Chief Financial Officer
Align Precision – Clearwater, LLC

Date: 12/12/22

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 16 day of December, 2022, in
Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Pamala Vazquez

Kelley M. Boatwright
District Director
Southwest District

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

Marcos Ruiz

Clerk

December 16, 2022

Date

Attachments: Notice of Rights
 Inspection Report
 Warning Letter #WL22-89HW29SWD

Final clerked copy furnished to:

Tom Adams, Align Precision - Clearwater, LLC;
Tom.Adams@alignprecision.com
Lea Crandall, Agency Clerk: (lea.crandall@dep.state.fl.us)
M. Brandon Miller, FDEP/SWD; Michael.B.Miller@FloridaDEP.gov
Leslie Pedigo, FDEP/SWD; Leslie.Pedigo@FloridaDEP.gov
David Petti; FDEP/SWD; David.Petti@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 name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; 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; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or received via electronic correspondence at Agency_Clerk@floridadep.gov, 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

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: H & S Swansons Tool Company
On-Site Inspection Start Date: 02/23/2022 **On-Site Inspection End Date:** 02/23/2022
ME ID#: 38748 **EPA ID#:** FLD982160723
Facility Street Address: 9000 68th St N, Pinellas Park, Florida 33782-4499
Contact Mailing Address: 9000 68th St N, Pinellas Park, Florida 33782
County Name: Pinellas **Contact Phone:** (727) 541-3575

NOTIFIED AS:

LQG (>1000 kg/month)

WASTE ACTIVITIES:

Generator: LQG **Other Status:** Mixed RCRA/Radioactive

INSPECTION TYPE:

Routine Inspection for LQG (>1000 kg/month) Facility
Complaint Inspection for LQG (>1000 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: David S Petti, Inspector
Leslie Pedigo, Environmental Consultant; Trevor Wavelet, Environmental Specialist II;
Alan Burgess, President; Matthew Hughes, Director of Manufacturing; Sean Boyle,
Other Participants: Director of Product Development; Andrew Amitrano, Maintenance Technician

LATITUDE / LONGITUDE: Lat 27° 51' 16.7342" / Long 82° 44' 0.4354"

NAIC: 332710 - Machine Shops

TYPE OF OWNERSHIP: Private

Introduction:

H & S Swansons' Tool Company (Swansons) was inspected by the Florida Department of Environmental Protection (Department) on February 23, 2022, to evaluate the facility's compliance with state and federal hazardous waste regulations and to investigate the discharge of plating wastewater from the facility on January 28, 2022. Swansons initially notified as a small quantity generator of hazardous waste (SQG) in March of 1988. The facility re-notified as a large quantity generator of hazardous waste (LQG) in September of 1997. Their most recent re-notification was submitted on February 13, 2020, along with their biennial report. Swansons has had a number of previous hazardous waste inspections, most recently on March 31, 2021 which was a joint inspection with the Department and the US Environmental Protection Agency. Alan Burgess, President; Matthew Hughes, Director of Manufacturing; Sean Boyle, Director of Product Development, and Andrew Amitrano, Maintenance Technician, accompanied the inspectors throughout the inspection. In addition, the following Pinellas County personnel were present during the inspection of the exterior of the facility: Sean VanDerGracht, Engineering Specialist II; Chip Heinz, Engineering Specialist I; Eric Vittoria, Environmental Specialist II; and Alexander Fugate, Environmental Specialist I.

Process Description:

Swansons is a machine shop specializing in precision machined aluminum and steel parts. The facility is housed in a single 38,054 ft² building. The 3.5-acre property is owned by Arch Global Precision Properties LLC., which they bought from Swansons on December 23, 2020. The facility is connected to the City of Pinellas Park water and sewer systems. Additionally, the facility has an on-site wastewater pretreatment system and discharges treated wastewater under an industrial pretreatment permit (Pinellas County Utilities Permit #IE-1043-2020/2022). Swansons is in the midst of an ownership/name change to Align Precision.

H & S Swansons Tool Company Inspection Report

Inspection Date: 02/23/2022

Swansons has approximately 90 employees and operates primarily in two 10-hour shifts Monday to Friday, and alternating Saturdays with limited hours. However, the facility has personnel on site 24 hours per day, seven days per week, 365 days per year. The fire extinguishers are inspected annually and were located throughout the facility, along with spill control equipment and eye wash stations.

Swansons specializes in the production of precision machined aluminum parts for the federal government, through Department of Defense and other federal contracts. Swansons mainly fabricates aluminum parts (95%) however, steel (5%) and tungsten (0.3%) parts are occasionally manufactured as well. No alloys are used in the manufacturing process. Raw aluminum or steel is machined to create aerospace and military parts to meet end user specifications. Fabricated parts may then go through surface finishing or can be shipped out raw. Metal surface finishing operations include sulfuric acid anodizing, chromate conversion coating, passivation, painting and powder coating. Other alterations to the parts prior to shipping can include drilling, adding rust inhibitors, and assembly.

SHIPPING AND RECEIVING

The incoming raw product metal comes into the plant in various shapes and sizes depending on the end product. The raw metal goes through a quality assurance analysis to make sure it meets specifications required for the final products.

MACHINE SHOP

Swansons has a number of automated machines which use synthetic coolant or machining oil. The equipment in this area includes four lathes, thirteen horizontal & thirteen vertical milling machines. Some of the machine units are situated within dikes so that the coolant that drips from the machines is contained. Machines that are not surrounded by dikes use small bins to collect coolant drips. Used coolant is filtered through a Smart Skim Coolant Recycling System which separates oil from the coolant to allow the coolant to be reused. Next to this machine were one full 55-gallon drum of used oil, one partially full 55-gallon drum of used oil, and one drum of separated coolant; both used oil drums were labeled "used oil." Rust inhibitor is applied to the steel parts as needed. Soldering is not performed at this facility. The facility has a solvent parts washer in this area, which is serviced by Heritage Crystal Clean. Following machining, the parts go through a quality assurance analysis to ensure they meet specifications.

DEBURRING SHOP

Machined parts are then sent to the Deburring shop where extraneous pieces of metal are removed and edges smoothed. A number of methods are employed including using knives, grinding wheels, vibrators/tumblers, and sandblasting machines. The facility has two sandblasters: one that uses 80 grit media and the other which uses aluminum oxide media. These media are exchanged monthly. As the facility only machines aluminum, steel and tungsten, the spent media is not hazardous and is disposed of in the municipal trash stream.

MASKING AND SURFACING SHOP

There were two masking rooms in this area. The smaller surfacing room is used to ink mark and electro etch parts. Ink paint cups are disposed of in a 35-gallon satellite accumulation area (SAA) drum labeled "Hazardous Waste" and "Flammable" for the indication of hazard. Masking (tape) is applied to surfaces of parts that will not receive surface treatment in the larger room. Two SAA step cans labeled "Hazardous Waste" and "Flammable" for the indication of hazard are located in this area.

Parts can be painted with or without conversion coating and are painted in one of two paint booths, with most painting, mixing and paint gun cleaning occurring in the larger spray booth. In addition to the paint booths, there is one powder coat booth. Paint booth filters are bagged and disposed of as hazardous waste; powder coating booth filters are non-hazardous and are disposed of with the municipal trash from the facility. Solvents, such as toluene, methyl ethyl ketone, xylene, and a blend of methylene chloride, phenol, and formic acid (Cee-Bee A-202) are used when removing paint for refinishing. One SAA step can was located in the larger paint booth; the container was labeled "Hazardous Waste" and "Flammable" for the indication of the hazard.

A vacuum impregnation machine was located on the north end of the larger room. This machine pushes loctite resinol into the surface of the metal using a vacuum. Following treatment in the vacuum, the parts are placed into an oven to set the hard coat. Adjacent to the vacuum impregnation machine was one 55-gallon SAA drum labeled as "Hazardous Waste." This drum was missing the "Indication of Hazard" label but this label was affixed to the drum during the inspection. There was also one 55-gallon CAA drum that receives waste from the SAA's in the paint shop. This drum was equipped with a press/compactor and was properly labeled with an

H & S Swansons Tool Company Inspection Report

Inspection Date: 02/23/2022

accumulation start date of 2/17/2022.

The liquid waste from the vacuum impregnation machine is plumbed to a distillation unit (still) located outside adjacent to the onsite wastewater treatment system on the outside of the wall adjacent to the machine that burns off wastewater and collects solids at the bottom. The volume of the still is 150 gallons and went into service in mid-2018. The facility should consider this still a CAA and treat it accordingly with weekly inspections and proper labeling.

PLATING ROOM

Some of the aluminum parts undergo chromium conversion coating or are anodized in the Plating Room. There are 32 tanks in this area, including cleaners, dyes, etches, passivation, sealers, chromating and associated rinses. The rinses use deionized ("DI") water generated by the facility from city water. The facility does both Type I and Type II chromate conversion coating, Type I and Type II anodizing, and Type II and Type VII passivation.

The chromate conversion coating processes both begin by cleaning in a caustic tank, rinsing in a static rinse, followed by etching in a caustic bath, and another static rinse. The parts are then dipped in a nitric acid deoxidizer followed by a flow rinse and then a spray rinse with DI water. Finally, the pieces to be conversion coated are then dipped in the chromate tank followed by a static rinse and then a warm water rinse.

Pieces that are to be anodized are dipped into the sulfuric acid anodizing tank and then rinsed in a double fall rinse followed by a DI spray rinse. The pieces are then either dyed, rinsed, sealed with nickel acetate and rinsed, or if undyed, dipped into a dichromate seal. Pieces sealed with dichromate sealer are rinsed in the chromate rinse. There is a small cold etch tank for pieces that are heat sensitive, and there is also a small passivation tank, as well as a de-smut tank. All rinse water is plumbed to the on-site wastewater treatment unit and any waste from the other tanks is containerized, moved to the outside CAA and then shipped off-site as hazardous waste. The containment area under the process tanks is cleaned out using a shop-vac and the waste is managed with the drummed bath wastes. No SAA containers were located inside this room, however one is located just outside the door in the masking room. After parts are finished in this process, they may go to the paint shop to be painted depending on client specifications.

JANUARY 27 to 28, 2022 PLATING ROOM RELEASE

Pinellas County was notified on the morning of January 28, 2022, that Swansons had a hazardous waste discharge into a privately owned storm drain inlet which then partially discharged into a private storm drain pond on site. Below is a detailed summary of the discharge based on Pinellas County's initial site meeting with Swansons representatives the day the spill was reported:

"The night of the 27th and morning of the 28th of January 2022, a DI water tap was left on that refreshed/replaced the water within a nickel acetate seal bath. The then diluted nickel acetate seal overflowed the bath, eventually inundating the secondary containment built in to the floor of the building, where it collected other chemicals such as dyes, chromates, and other residual trace chemicals that may have been in the secondary containment area. Eventually finding a hole in the wall, the mostly nickel acetate seal (which was believed to be at 15% concentrate at this point) escaped into the parking lot. Once the chemical made its way into the parking lot it drained to a private storm drain inlet in the middle of the parking lot. The storm drain runs underneath the building into the private dry retention pond between the building and 90th Ave N. Fortunately the outfall pipe is partially buried and bermed, so the chemical did not fully drain into the pond and was isolated at the outfall. This gave Swanson's a chance to react and they are currently pumping the approximately 2000+ gallons of chemical into containers and having them properly hauled away by their contracted hauler. Representatives of Swanson's on site stated that it will take approximately two days and 12 containers to contain the entire spill."

By the time of the Departments inspection on February 23, 2022 the spill was completely cleaned up and containerized into eight totes. Samples of the spill waste were collected on February 2, 2022, received at the testing laboratory on February 3, 2022 and analyzed on February 8, 2022. Based on the analysis, Heritage Crystal Clean, LLC, produced the waste profile on or about February 22, 2022. Six were transported for disposal prior to the inspection and two were transported for disposal during the inspection as summarized below:

Manifest 003221504GBF dated February 22, 2022: Three totes (750 gal.); F019, D007
Manifest 003221502GBF dated February 22, 2022 : Three totes (750 gal.); F019, D009

H & S Swansons Tool Company Inspection Report

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Manifest 003221501GBF dated February 23, 2022: Two totes (500 gal.); F019, D009

Transporter: Heritage Crystal Clean LLC [EPA ID# ILR000130062]

Designated Receiving Facility: Allworth LLC [EPA ID# ALDO84476793]

CENTRAL ACCUMULATION AREA ("CAA")

A partially roofed, open air, concrete containment area is located on the northwest corner of the property. The concrete pad has two sumps. Scrap metal roll offs for the collection of scrap aluminum and steel are staged next to one sump. This sump is plumbed to allow the cutting fluid drained from the scrap metal roll offs to be routed back to the system inside the building. At the time of the inspection, one scrap metal roll off was located in this area. The second sump is a blind sump which collects fluids from the portion of the storage pad where containerized waste is stored. This other sump is manually pumped into totes for disposal. Any solids (dirt and debris) collected during this process are shipped out as non-hazardous, absorbent material. The designated CAA, located in the southwest corner of the containment area, contained seven 275-gallon totes. Of these, four were labeled "Hazardous Waste" but accumulation start dates and "Indication of Hazard" labels were missing. One tote was labeled "Non-Hazardous" and two totes were associated with the spill and were labeled "pending analysis." However, the analysis were completed on February 8, 2022, and these totes should have been properly labeled at that time as containing hazardous waste that is toxic. All of these totes were in good condition and properly closed. On the north side of the containment area were seven 275-gallon totes, two blue drums and a roll top container all containing non-regulated waste. Seven 55-gallon closed drums labeled "Used Oil" were also located in this area. The used oil drums are provided secondary containment by the two sumps noted above. The facility was instructed to maintain proper labeling on all hazardous waste containers in the CAA.

WASTEWATER PRETREATMENT SYSTEM

Outside, along the west side of the East Manufacturing Floor, there is a wastewater pretreatment system for the wastewater from the plating room. Non-chrome rinse water and chrome rinse water enter separate open topped containment dikes. The chrome rinse water is then plumbed to a 500-gallon batch tank where the water is pH adjusted and treated with sodium metabisulfite to reduce the chromate from hexavalent to trivalent chromium. The treated chromate wastewater then enters one of two 1,200-gallon holding tanks; non-chromate wastewater is plumbed directly to one of these two holding tanks. From the holding tanks, the wastewater is plumbed to one of two neutralization tanks (one is used to adjust the pH up, the other adjust the pH down). Next the wastewater is sent to a clarifier where polymer is added to aid in the precipitation of the solids. Once the solids settle out, the pretreated wastewater is then discharged to the Pinellas County POTW. Drums containing C5 coagulant, polymer, and nitric acid and a small tank containing sodium hydroxide for the pretreatment system are stored between the second neutralization tank and the clarifier.

Hazardous solids from the clarifier are placed into a filter press. Liquids from the filter press are returned to the non-chrome open topped containment dike to pass back through the pretreatment process. The solids from the filter press are collected in the hopper; once full, the waste is transferred to a cubic yard container located below the hopper. The cubic yard container was closed and labeled with a hazardous waste label which identified the waste as D007 and F019, and accumulation start date of 2/11/2022. However, it did not contain a label with the indication of the hazard. Facility personnel were instructed to maintain proper labeling on all containers containing hazardous waste.

RECORDS REVIEW

Records were reviewed from the previous inspection on March 31, 2021 to the present.

· Hazardous Waste Manifests

These were not available for review during the inspection but were provided to the Department via email on March 8, 2022. Based on the facility's hazardous waste manifests they are shipping out hazardous wastes approximately every three months. Their last shipment for which we have records was December 27, 2021 and quantified at 12,000 pounds and was comprised of these waste codes: F003, F005, F019, D001, D002, D007, D008, D018 and D035. The transporters used during the review period are Heritage-Crystal Clean [EPA ID #ILR000130062], Neier [EPA ID #IND984868406], and Maumee Express [EPA ID #NJ986607380]. The designated facilities are Giant Resource Recovery-Sumter. Inc [EPA ID #SCD036275626], Petro-Chem Processing Group, LLC [EPA ID #MID980615298], and Heritage Environmental Services, LLC [EPA ID #IND093219012]. One of the reviewed manifests did not include returned copies signed by the designated

H & S Swansons Tool Company Inspection Report

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facility. Additionally, this manifest was shipped more than 45-days previously and no exception reports were filed with the Department and no documentation was provided that showed that Swansons requested the signed receipts 35-days post shipment. The manifest missing return receipts is listed below:

Manifest # Date Shipped
006173989 06/22/2021

- Parts Washer Records

The solvent parts washer records were not available during the inspection. Moving forward the facility must maintain these records on-site for three years.

- Hazardous Waste Training Records

Hazardous waste training records were not available during the inspection. The Department was notified in an email dated March 7, 2022 that "Because of the amount of turnover we have had in personnel, current hazardous waste training records are not up to date. Week starting March 14, 2022 we will call upon a 3rd party training consulting group to give proper training followed by training record update. Please see attached QAF-018.1B."

- Position Descriptions

Position descriptions for all personnel that handle hazardous waste were provided via email on March 7, 2022.

- Contingency Plan

A Hazardous Waste Contingency Plan (HWCP) was not available at the time of the inspection. This plan was submitted to the Department via email dated March 7, 2022 and needs to be updated with the following items:

- Update Emergency Coordinators as two out of the three listed in the plan are no longer employed by the company.

- Make arrangements with local authorities including local police, local fire department, local hospitals, State emergency response teams, emergency response contractors, and equipment suppliers regarding the nature of hazardous wastes stored at the facility and provide documentation to the Department that this has occurred.

- Weekly CAA Inspection Logs

According to facility personnel, the former Facilities Manager left in December of 2021. The facility was unable to locate weekly inspections of the facility's CAA areas and have not been performing them since December of 2021. The facility addressed this in an email dated March 7, 2022, stating "We are not currently keeping weekly logs for the accumulation areas and will do so week starting March 14, 2022."

FACILITY STATUS

Based on the facility's hazardous waste manifests, the facility is generating greater than 2,200 pounds of hazardous waste per month and has been confirmed to be a LQG.

New Potential Violations and Areas of Concern:**Violations**

Type:	Violation
Rule:	262.15(a)(5)
Question Number:	4.54

H & S Swansons Tool Company Inspection Report

Inspection Date: 02/23/2022

- Question: Has the generator marked satellite containers with the words "Hazardous Waste" AND an indication of the hazards of the contents? 262.15(a)(5)(i), 262.15(a)(5)(ii)
- Explanation: Not all satellite accumulation area (SAA) containers were marked with an "Indication of Hazard" label such as corrosive, toxic, flammable or reactive.
- Corrective Action: Moving forward all SAA containers must be labeled with an indication of the hazardous contents. Within 15 days, provide photographic documentation that all SAA containers have been properly labeled.

Photo Attachments:

SAA Container missing the "Indication of Hazard" label



- Type: Violation
- Rule: **262.17(a)(1)(v)**
- Question Number: 4.62
- Question: Does the generator conduct weekly inspections of areas where hazardous waste containers are stored? (Sometime during calendar week) 262.17(a)(1)(v)
- Explanation: The facility has not been conducting weekly inspections of their CAA's.
- Corrective Action: Moving forward the facility must conduct weekly inspections of their CAA's and provide the first month of inspection logs to the Department within 30 days.

- Type: Violation
- Rule: **262.17(a)(5)(i)(A)**
- Question Number: 4.47
- Question: Has the generator ensured each hazardous waste container and tank is labeled or marked clearly with the words "Hazardous Waste"? 262.17(a)(5)(i)(A)
- Explanation: The facility failed to clearly mark or label all hazardous waste containers with the words "Hazardous Waste."
- Corrective Action: Moving forward the facility must clearly mark all hazardous waste containers with the words "Hazardous Waste."

- Type: Violation
- Rule: **262.17(a)(5)(i)(B)**
- Question Number: 4.46

H & S Swansons Tool Company Inspection Report

Inspection Date: 02/23/2022

Question: Has the generator ensured an indication of the hazards of the content is visible for inspection on each hazardous waste container? 262.17(a)(5)(i)(B)

Explanation: "Indication of Hazard" label was not affixed to all central accumulation area (CAA) containers of hazardous waste.

Corrective Action: Moving forward make sure to label or mark each LQG container with an indication of the hazards of the contents. Within 15 days, provide photographic documentation that all LQG containers have been properly labeled.

Photo Attachments:

LQG container in CAA missing an "Indication of Hazard" label



Type: Violation

Rule: 262.17(a)(5)(i)(C)

Question Number: 4.45

Question: Has the generator clearly marked the accumulation start date on each hazardous waste container? 262.17(a)(5)(i)(C)

Explanation: Accumulation start dates were not noted on all containers in the facility's various central accumulation areas (CAAs).

Corrective Action: Moving forward make sure date each period of accumulation begins is marked and visible on each container in a CAA. Within 15 days, provide photographic documentation that all LQG containers have been properly labeled.

Photo Attachments:

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Hazardous waste label missing the accumulation start date



Type:	Violation
Rule:	262.17(a)(7)(i)(A)
Question Number:	4.69
Question:	Does the generator ensure facility personnel complete hazardous waste training, either on-the-job or classroom instruction? 262.17(a)(7)(i)(A)
Explanation:	Documentation of hazardous waste training was not available and according to facility personnel, has not been provided since the training provided during the 2021 facility inspection.
Corrective Action:	Moving forward facility personnel must complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The LQG must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section. Provide documentation to the Department that training has been scheduled within 15 days and provide documentation of training within 30 days.

Type:	Violation
Rule:	262.251
Question Number:	4.82
Question:	Is the facility maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden, or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water? 262.251
Explanation:	On the morning of January 28, 2022 Swansons Tool Company had a hazardous waste discharge into a privately owned storm drain inlet which then partially discharged into a private storm drain pond on site. Notification of this spill was not provided to the State Watch Office or to the Department.
Corrective Action:	By the time of the Departments inspection on February 23, 2022 the spill was completely cleaned up and containerized into eight totes. Samples of the spill waste were collected on February 2, 2022, received at the testing laboratory on February 3, 2022 and analyzed on February 8, 2022. Based on the analysis, Heritage Crystal Clean, LLC, produced the waste profile on or about February 22, 2022. Six were transported for disposal prior to the inspection and two were transported for disposal during the inspection. Within 15 days, Swansons should revisit its procedures and update their hazardous waste contingency

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plan to ensure notification of discharges is properly conducted. Moving forward Swansons should ensure that the facility is maintained and operated to minimize fire, explosion, or unplanned release or hazardous waste.

Type: Violation
 Rule: 262.256(a)(2)
 Question Number: 4.91
 Question: Has the facility attempted to make arrangements to familiarize police, fire departments, and emergency response teams with the facility's operations? 262.256(a)(2)
 Explanation: The facility has not provided documentation that arrangements have been made with local police, fire departments, and emergency response teams to familiarize them with the nature of the hazardous wastes at the facility.
 Corrective Action: Please provide documentation to the Department that the required arrangements with local authorities have been made within 15 days.

Type: Violation
 Rule: 262.261(c)
 Question Number: 4.103
 Question: Does the plan describe arrangements agreed to by local police, fire departments, hospitals, contractors, and emergency response teams? 262.261(c)
 Explanation: The facility's contingency plan does not describe arrangements agreed to by police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services
 Corrective Action: Within 15 days, the facility shall revise the hazardous waste contingency plan to include notification to the local authorities, and provide documentation to the Department.

Type: Violation
 Rule: 262.261(d)
 Question Number: 4.104
 Question: Does the plan list names and emergency phone numbers of emergency coordinator(s)? 262.261(d)
 Explanation: The contingency plan lists the names of emergency coordinators however, two out of three of them are no longer employed by the facility.
 Corrective Action: Within 15 days, the facility shall update the contingency plan with names of emergency coordinators who are currently on staff and provide the updated contingency plan to the Department.

Type: Violation
 Rule: 262.40(a)
 Question Number: 4.32
 Question: Did the generator maintain manifests for 3 years? 262.40(a)
 Explanation: Signed hazardous waste manifests must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. At the time of the inspection, hazardous waste manifests from March 31, 2021 (date of previous inspection) were not available for review.
 Corrective Action: PARTIALLY CORRECTED: Hazardous waste manifests were provided to the Department via email on March 8, 2022. However, disposal manifests and servicing records for parts washer waste were not provided. Within 15 days, the facility shall

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provide hazardous waste disposal receipts for parts washer waste.

Type: Violation

Rule: 262.42(a)(1)

Question Number: 4.28

Question: If the generator did not receive a signed return copy of the manifest from the designated facility within 35 days of shipment, did the generator contact the transporter and/or designated facility? 262.42(a)(1)

Explanation: A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in § 261.31 or § 261.33(e) in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste. Swansons provided no documentation regarding unsigned manifests.

Corrective Action: Within 15 days, the facility shall provide the signed manifest or documentation to the Department that the signed manifest was requested at the 35 day deadline for the following manifest number: 006173989.

Type: Violation

Rule: 262.42(a)(2)

Question Number: 4.29

Question: If the generator did not receive a signed return copy of the manifest from the designated facility within 45 days of shipment, did the generator file an exception report? 262.42(a)(2)

Explanation: An exception report has not been filed with the Department for one manifest that did not contain the signature from the designated facility.

Corrective Action: Within 15 days, the facility shall provide documentation to the Department that an exception report was filed, or provide a return manifest with the correct signature for the designated facility for the following manifest number: 006173989.

PHOTO ATTACHMENTS:

Hole in the wall where January spill left the building



Overview shot showing main Central Accumulation Area



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150 gallon distillation unit



Conclusion:

At the time of the inspection, H&S Swansons was not operating in compliance with state and federal hazardous waste rules and regulations applicable to large quantity generators.

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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	✓		

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4.0: Large Quantity Generator 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.	40 CFR 262 Subpart A - General Standards	Yes	No	N/A
4.1	Has the facility properly identified all hazardous waste streams? 262.11	✓		
4.2	Did the facility obtain an EPA ID Number prior to treating, storing, disposing, or transporting hazardous waste? 262.18(a)	✓		
4.3	Are any hazardous wastes treated or disposed of on site? 268.7(a)(5), 62-730.240(1)			
4.4	If YES, did the facility meet an exclusion or exemption from hazardous waste permit requirements? 268.7(a)(5)			✓
Item No.	Land Disposal Restrictions	Yes	No	N/A
4.5	Does the facility ensure restricted waste streams are not diluted as a substitute for treatment? 268.3(a)			✓
4.6	Is the generator managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings to meet applicable LDR treatment standards found at 268.40? 268.7(a)(5)			
4.7	Has the generator developed a waste analysis plan (WAP) describing procedures they will carry out to comply with the treatment standards? 268.7(a)(5)			✓
4.8	If the generator has a WAP, is it based on a detailed chemical and physical analysis of the prohibited waste(s) being treated? 268.7(a)(5)(i)			✓
4.9	If the generator has a WAP, does it include all the information necessary to treat the waste(s), including selected testing frequency? 268.7(a)(5)(i)			✓
4.10	Is the waste analysis plan in the facility's on-site files and available to inspectors? 268.7(a)(5)(ii)			✓
4.11	Did the generator comply with the notification requirements of 268.7(a)(3) for treated wastes shipped off-site? 268.7(a)(5)(iii)	✓		
4.12	Has the generator determined all applicable hazardous waste codes associated with hazardous waste generated? 268.9(a)	✓		
4.13	If the waste is characteristic hazardous waste (and not D001 nonwastewater treated by CMBST, RORGS, or POLYM of 268.42 Table 1) did the generator identify reasonably expected underlying hazardous constituents? 268.9(a)	✓		
4.14	If the hazardous waste is land disposed, did it meet the treatment standard requirements of 268.40? 268.40(a)			✓
4.15	If the waste or contaminated soil does not meet the treatment standards did the generator send a one-time written notice to the TSD containing all required information? 268.7(a)(2)			✓
4.16	If the generator chooses not to determine if the waste meets the treatment standards did the generator send a one-time written notice to the TSD containing all required information? 268.7(a)(2)			✓
4.17	If the waste or contaminated soil met the treatment standards did the generator send a one-time written notice to the TSD containing all required information? 268.7(a)(3)			✓
4.18	Did the generator retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced for at least 3 years from the date the waste was last shipped? 268.7(a)(8)	✓		

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4.19	Is the generator managing lab packs using the alternative treatment standard for lab packs in 268.42(c)? 268.7(a)(9)			
4.20	Did the generator meet the requirements identified in 268.7(a)(9) for use of the alternative treatment standards for lab packs? 268.7(a)(9)			✓
Item No.	The Manifest	Yes	No	N/A
4.21	<p>Did the facility use a properly completed manifest for all its hazardous waste shipments? (Check items below that are not in compliance) 262.20(a)(1)</p> <p><input type="checkbox"/> Item 1. Generator's U.S. EPA Identification Number</p> <p><input type="checkbox"/> Item 2. Page 1 of "X" (total number of pages used to complete the manifest)</p> <p><input type="checkbox"/> Item 3. Emergency Response Phone Number</p> <p><input type="checkbox"/> Item 4. Manifest Tracking Number</p> <p><input type="checkbox"/> Item 5. Generator's Mailing Address, Phone Number and Site Address</p> <p><input type="checkbox"/> Item 6. Transporter 1 Company Name & U.S. EPA ID Number</p> <p><input type="checkbox"/> Item 7. Transporter 2 Company Name & U.S. EPA ID Number</p> <p><input type="checkbox"/> Item 8. Designated Facility Name, Site Address, Phone Number, and U.S. EPA ID Number</p> <p><input type="checkbox"/> Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number and Packing Group.</p> <p><input type="checkbox"/> Item 10. Containers (Number and Type)</p> <p><input type="checkbox"/> Item 11. Total Quantity (Round to nearest whole unit; container capacities are not acceptable as estimates)</p> <p><input type="checkbox"/> Item 12. Units of Measure (Weight/Volume)</p> <p><input type="checkbox"/> Item 13. Waste Codes. Enter up to 6 of the most representative waste codes.</p> <p><input type="checkbox"/> Item 14. Special Handling Instructions and Additional Information</p> <p><input type="checkbox"/> Item 15. Generator's / Offeror's Certifications</p> <p><input type="checkbox"/> Item 16. International Shipments (Import or Export must be noted)</p> <p><input type="checkbox"/> Item 17. Transporter's Acknowledgment of Receipt (printed name, signature, date of receipt)</p> <p><input type="checkbox"/> Item 18. Discrepancy (Discrepancies between waste described on manifest and waste received by facility)</p> <p><input type="checkbox"/> Item 19. Hazardous Waste Report Management Codes (On returned copies only)</p> <p><input type="checkbox"/> Item 20. Designated Facility Owner or Operator Certification of Receipt (printed name, signature, date of receipt)</p>	✓		
4.22	Did the facility designate on the manifest one facility which is permitted to handle the waste described on the manifest? 262.20(b)	✓		
4.23	Did the generator sign the manifest certification by hand? 262.23(a)(1)	✓		
4.24	Did the generator obtain the handwritten signature of the initial transporter and date of acceptance on the manifest? 262.23(a)(2)	✓		
4.25	Did the generator retain one copy of the manifest for 3 years or until a copy of the signed manifest was received from the Designated Facility (TSD)? 262.23(a)(3)	✓		
4.26	For any bulk shipments within the U.S. solely by water did the generator provide 3 copies of the signed and dated manifest to the Designated Facility? 262.23(c)			✓
4.27	<p>For rail shipments originating at the site of generation did the generator provide at least 3 signed and dated manifests to one of the entities below: (Check items below that are not in compliance) 262.23(d)</p> <p><input type="checkbox"/> The next non-rail transporter?</p> <p><input type="checkbox"/> The Designated Facility if transported solely by rail?</p>			✓

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	<input type="checkbox"/> The last rail transporter to handle the waste in the U.S. if exported by rail?			
4.28	If the generator did not receive a signed return copy of the manifest from the designated facility within 35 days of shipment, did the generator contact the transporter and/or designated facility? 262.42(a)(1)		✓	
4.29	If the generator did not receive a signed return copy of the manifest from the designated facility within 45 days of shipment, did the generator file an exception report? 262.42(a)(2)		✓	
4.30	If an exception report was submitted did it include a legible copy of manifest? 262.42(a)(2)(i)			✓
4.31	If an exception report was submitted did it include a cover letter signed by the generator explaining efforts taken to locate the waste and the results of those efforts? 262.42(a)(2)(ii)			✓
4.32	Did the generator maintain manifests for 3 years? 262.40(a)		✓	
4.33	Did the facility have any rejected shipments of hazardous waste or container residues returned by the Designated Facility?			
4.34	If YES, did the generator meet the requirements of 262.23(f)			✓
Item No.	Pre Transport Requirements	Yes	No	N/A
4.35	Before transporting or offering hazardous waste for transport off-site, did the generator package the waste in accordance with 49 CFR parts 173, 178, and 179? 262.30			✓
4.36	Before transporting or offering hazardous waste for transport off-site, did the generator label each package in accordance with 49 CFR part 172? 262.31			✓
4.37	Before transporting or offering hazardous waste for transport off-site, did the generator mark each package in accordance with 49 CFR part 172? 262.32(a)			✓
4.38	Before transporting or offering hazardous waste for transport off-site, did the generator mark each container of 119 gallons or less with the following? (Check items below that are not in compliance) 262.32(b) <input type="checkbox"/> Generator's Name and Address? <input type="checkbox"/> Generator's EPA ID Number? <input type="checkbox"/> Manifest Tracking Number?			✓
4.39	Before transporting or offering hazardous waste for transport off-site, did the generator offer the initial Transporter the appropriate DOT Placards? 262.33			✓
Item No.	Accumulation Requirements	Yes	No	N/A
4.40	Does the facility accumulate hazardous waste on-site prior to treatment or disposal?			
4.41	If YES identify applicable accumulation units: <input checked="" type="checkbox"/> Containers - Complete Container Checklist also CC as applicable <input type="checkbox"/> Tanks - Complete Tanks Checklist also AA, BB, and CC, as applicable <input type="checkbox"/> Drip Pads - Complete Drip Pad Checklist <input type="checkbox"/> Containment Buildings - Complete Containment Buildings Checklist			
4.42	Did the generator comply with the 90 day accumulation time limit or was granted an extension of up to 30 days? 262.17(b)	✓		
4.43	If a 90-day accumulation area was closed, did the generator meet the closure performance standards of 40 CFR 262.17(b)			✓
4.44	If a 90-day accumulation area was closed, did the generator meet the disposal and decontamination standards of 40 CFR 262.17(a)(8)(iii)? 262.17(a)(8)(iii)			✓
4.45	Has the generator clearly marked the accumulation start date on each hazardous waste container? 262.17(a)(5)(i)(C)		✓	
4.46	Has the generator ensured an indication of the hazards of the content is visible for inspection on each hazardous waste container? 262.17(a)(5)(i)(B)		✓	
4.47	Has the generator ensured each hazardous waste container and tank is labeled or marked		✓	

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	clearly with the words "Hazardous Waste"? 262.17(a)(5)(i)(A)			
4.48	Are Satellite Accumulation points used? (If No, mark all items below as N/A.)			
4.49	Are satellite containers at, or near, the point of generation where wastes initially accumulate? 262.15(a)	✓		
4.50	Are satellite containers under the control of the operator of the process generating the waste? 262.15(a)	✓		
4.51	Are satellite containers in good condition? (Check for leaks, corrosion, dents, bulges, etc.) 262.15(a)(1)	✓		
4.52	Are satellite containers in use made of, or lined with, materials that are compatible with the hazardous waste to be stored? 262.15(a)(2)	✓		
4.53	Does the generator keep satellite containers closed during storage, except when adding or removing waste? 262.15(a)(4)	✓		
4.54	Has the generator marked satellite containers with the words "Hazardous Waste" AND an indication of the hazards of the contents? 262.15(a)(5)(i), 262.15(a)(5)(ii)		✓	
4.55	Is greater than 55 gallons of hazardous waste or 1 quart of acutely hazardous waste accumulated in the Satellite point? (If No, mark all items below as N/A.)			
4.57	If YES, within 3 days did the generator label the excess waste container with the words "Hazardous Waste"? 262.17(a)(5)(i)(A)			✓
Item No.	Use and Management of Containers	Yes	No	N/A
4.58	Does the generator use hazardous waste containers that are in good condition? (Check for leaks, corrosion, dents, bulges, etc.) 262.17(a)(1)(ii)	✓		
4.59	Does the generator use hazardous waste containers that are made of, or lined with, materials compatible with the hazardous waste to be stored? 262.17(a)(1)(iii)	✓		
4.60	Does the generator keep hazardous waste containers closed during storage, except when adding or removing waste? 262.17(a)(1)(iv)(A)	✓		
4.61	Does the generator ensure hazardous waste containers are not opened, handled, or stored in a manner that may rupture the container or cause it to leak? 262.17(a)(1)(iv)(B)	✓		
4.62	Does the generator conduct weekly inspections of areas where hazardous waste containers are stored? (Sometime during calendar week) 262.17(a)(1)(v)		✓	
4.63	Does the generator properly document the weekly inspections? 62-730.160(3)			✓
4.64	This should include at a minimum: (Check items below that are not in compliance) <input type="checkbox"/> Date and Time of inspection <input type="checkbox"/> Legibly printed name of inspector <input type="checkbox"/> Number of hazardous waste containers <input type="checkbox"/> Condition of containers <input type="checkbox"/> Notation of observations made <input type="checkbox"/> Date and nature of any repairs or remedial actions			
4.65	Does the generator ensure ignitable and/or reactive wastes are not stored closer than 50 feet to the facility's property line? 262.17(a)(1)(vi)(A)	✓		
4.66	If the facility places incompatible wastes, or incompatible waste and materials in the same container, is it done in compliance with 40 CFR 265.17(b)? 262.17(a)(1)(vii)(A)			✓
4.67	If the facility places hazardous waste in an unwashed container that previously held incomplatible wastes or materials, is it done in compliance with 40 CFR 265.17(b)? 262.17(a)(1)(vii)(B)			✓
4.68	Are containers holding a hazardous waste that are stored near incompatible waste or other materials protected from that waste or material (kept apart)? 262.17(a)(1)(vii)(C)			✓
Item No.	Personnel Training	Yes	No	N/A

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4.69	Does the generator ensure facility personnel complete hazardous waste training, either on-the-job or classroom instruction? 262.17(a)(7)(i)(A)		✓	
4.70	Is the trainer adequately trained in hazardous waste management procedures? 262.17(a)(7)			✓
4.71	Does the generator include instruction on hazardous waste management procedures, including contingency plan implementation, relevant to employee position? 262.17(a)(7)			✓
4.72	Is the training program designed to ensure facility personnel respond effectively to emergencies and did not fail to cover emergency procedures and equipment? 262.17(a)(7)			✓
4.73	Does the generator conduct training within 6 months of hire or within 6 months of an employee moving to a new position that requires training? 262.17(a)(7)			✓
4.74	Does the facility ensure employees do not work unsupervised prior to receiving training? 262.17(a)(7)			✓
4.75	Does the generator review training annually, at least once each calendar year? 262.17(a)(7)			✓
4.76	Does the generator maintain documentation of job titles and name of person filling the job for positions related to hazardous waste management? 262.17(a)(7)	✓		
4.77	Does the generator maintain written job descriptions for personnel in positions involving hazardous waste management? 262.17(a)(7)	✓		
4.78	Does the generator maintain a written description of the type and amount of both introductory and continuing training provided to each employee? 262.17(a)(7)			✓
4.79	Does the generator maintain documentation that the training or job experience required has been given to, and completed by, facility personnel? 262.17(a)(7)			✓
4.80	Does the generator maintain personnel training records for current employees until closure of facility? 262.17(a)(7)			✓
4.81	Does the generator maintain personnel training records for former employees for 3 years after their resignation or reassignment? 262.17(a)(7)			✓
Item No.	Preparedness and Prevention	Yes	No	N/A
4.82	Is the facility maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden, or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water? 262.251		✓	
4.83	Does the facility provide or maintain an internal communications or alarm system capable of providing immediate emergency instruction to personnel? 262.252(a)	✓		
4.84	Does the facility provide a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance? 262.252(b)	✓		
4.85	Does the facility provide and maintain portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment? 262.252(c)	✓		
4.86	Does the facility provide and maintain water at adequate volume and pressure available to supply waterhose streams, foam producing equipment, automatic sprinklers, or water spray systems? 262.252(d)	✓		
4.87	Does the facility test and maintain, as necessary, communications, alarm systems, fire protection equipment, spill control equipment, and decontamination equipment? 262.253	✓		
4.88	When hazardous waste is being handled, does the facility ensure all personnel involved have immediate access to an internal alarm or communication device? 262.254(a)	✓		
4.89	If only one employee is on premises while the facility is operating, does the facility ensure the employee has immediate access to a telephone or 2-way radio to summon external assistance? 262.254(b)	✓		
4.90	Does the facility maintain adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility in an emergency? 262.255	✓		
4.91	Has the facility attempted to make arrangements to familiarize police, fire departments, and emergency response teams with the facility's operations? 262.256(a)(2)		✓	
4.92	Where more than one police or fire department may respond, has the facility designated a	✓		

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	primary emergency police and/or fire authority? 262.256(a)(3)			
4.93	Has the facility attempted to make arrangements with State emergency response teams, emergency response contractors, and equipment suppliers? 262.256(a)	✓		
4.94	Has the facility attempted to familiarize local hospitals with the properties of hazardous waste handled and the types of injuries that could result? 262.256(a)	✓		
4.95	If State or local authorities have declined to enter into arrangements, has the facility document this refusal in the operation record? 262.256(b)			✓
Item No.	Contingency Plan and Emergency Procedures	Yes	No	N/A
4.96	Does the facility have a contingency plan? 262.260(a)	✓		
4.97	In the event of a fire, explosion, or release of hazardous waste or hazardous waste constituents did the facility implement the contingency plan implemented immediately? 262.260(b)	✓		
4.98	Does the contingency plan describe actions to be taken in response to the following:262.261(a)			
4.99	Fires? 262.261(a)	✓		
4.100	Explosions? 262.261(a)	✓		
4.101	Unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility? 262.261(a)	✓		
4.102	Is the contingency plan part of a modified Spill Prevention, Control, and Countermeasure (SPCC) Plan? 262.261(b)			✓
4.103	Does the plan describe arrangements agreed to by local police, fire departments, hospitals, contractors, and emergency response teams? 262.261(c)		✓	
4.104	Does the plan list names and emergency phone numbers of emergency coordinator(s)? 262.261(d)		✓	
4.105	Does the plan identify the primary emergency coordinator and list alternates in order the they will assume responsibility? 262.261(d)			✓
4.106	Does the plan include a list of all emergency equipment at the facility, its location, a physical description of each item and an outline of its capabilities? 262.261(e)	✓		
4.107	Does the plan include an evacuation plan and describe signals to begin evacuation, evacuation routes, and alternate evacuation routes? 262.261(f)	✓		
4.108	Does the facility maintain a copy of the contingency plan and any revisions at the facility? 262.262	✓		
4.109	Has the facility submitted the contingency plan to local police departments, fire departments, hospitals, and State and local emergency response teams? 262.262(a)	✓		
4.110	Has the facility updated the contingency plan with changes in emergency coordinators, facility design, construction, or operations, emergency equipment, plan failure in an emergency, or applicable regulations? 262.263	✓		
4.111	Has the facility designated an emergency coordinator either on premises or on call who is able to reach the facility in a short period of time and able to commit funds for incident response? 262.264	✓		
4.112	In the event of an imminent or actual emergency situation, did the emergency coordinator follow the emergency procedures outlined in 40 CFR 262.265? 262.265	✓		
Item No.	Record Keeping and Reporting	Yes	No	N/A
4.113	If the contingency plan has been implemented, did the owner or operator submit a written report to the Department within 15 days documenting the incident? 262.265(c)	✓		
4.114	Does the generator keep records of any test results, waste analyses, or other determinations made in accordance with 40 CFR 262.11 for 3 years from the date the waste was last shipped off-site? 262.11(f)			✓
4.115	Has the generator submitted a biennial report by March 1 of each even numbered year covering activities during the previous year? 262.41(a)	✓		

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4.116	Does the generator maintain a copy of the biennial report for at least 3 years from the due date of the report? 262.40(b)	✓		
4.117	Has the generator exported any waste outside the U.S.? (If No, mark item below as N/A.)			
4.118	If YES, did the generator provide EPA with notification of the intended export 60 days before the initial shipment was intended to be shipped off-site? 262.83(b)			✓
4.119	Has the generator imported any hazardous waste into the U.S.? (If No, mark item below as N/A.)			
4.120	If YES, did the generator meet all of the requirements of 40 CFR 262.83? 262.83			✓

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Inspection Date: 02/23/2022

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.

David S Petti	Environmental Specialist II	
Principal Investigator Name	Principal Investigator Title	
	FDEP	03/24/2022
Principal Investigator Signature	Organization	Date
Leslie Pedigo	Environmental Consultant	
Inspector Name	Inspector Title	
	FDEP	
	Organization	
Trevor Wavelet	Environmental Specialist II	
Inspector Name	Inspector Title	
	FDEP	
	Organization	
Alan Burgess	President	
Representative Name	Representative Title	
	Align Precision	
	Organization	
Matthew Hughes	Director of Manufacturing	
Representative Name	Representative Title	
	Align Precision	
	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.

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H & S Swansons Tool Company Inspection Report

Inspection Date: 02/23/2022

Sean Boyle _____

Representative Name

Director of Product Development _____

Representative Title

Align Precision _____

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.

Andrew Amitrano _____

Representative Name

Maintenance Technician _____

Representative Title

Align Precision _____

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: Shannon Lenhart _____

Inspection Approval Date: 03/24/2022 _____



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Southwest District Office
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637

March 25, 2022

Alan Burgess, President
H&S Swansons Tool Company
9000 68th St N
Pinellas Park, FL. 33782-4499
alan.burgess@alignprecision.com

Re: Warning Letter # WL22-38HW52SWD
H&S Swansons Tool Company
Facility ID No. FLD982160723
Pinellas County

Dear Mr. Burgess:

A Hazardous Waste compliance inspection was conducted at your facility on February 23, 2022. During this inspection, possible violations of Title 40 Code of Federal Regulations (CFR), Part 262, Chapter 403, Florida Statutes (F.S.) and Chapters 62-710, 62-730, and 62-762, Florida Administrative Code (F.A.C.) were observed. A copy of the inspection report is attached for your records.

During the inspection, Florida Department of Environmental Protection (Department) personnel noted the following:

- Failure to mark all Satellite Accumulation Area (SAA) hazardous waste containers with the words "Hazardous Waste" AND an "Indication of Hazard" label, as required by 40 CFR 262.15(a)(5).
- Failure to conduct weekly inspections of areas where hazardous waste containers are stored, as required by 40 CFR 262.17(a)(1)(v).
- Failure to clearly mark or label all hazardous waste containers with the words "Hazardous Waste," as required by 40 CFR 262.17(a)(5)(i)(A).
- Failure to mark all Central Accumulation Area (CAA) hazardous waste containers with an "Indication of Hazard" label, as required by 40 CFR 262.17(a)(5)(i)(B).
- Failure to clearly mark all hazardous waste containers in the CAA's with an accumulation start date, as required by 40 CFR 262.17(a)(5)(i)(C).
- Failure to ensure facility personnel complete hazardous waste training, as required by 40 CFR 262.17(a)(7)(i)(A).
- Failure to ensure the facility is maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden, or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, as required by 40 CFR 262.251.
- Failure to attempt to familiarize police, fire departments, and emergency response teams with the facility's operations as required by 40 CFR 262.256(a)(2).

- Failure to describe in the contingency plan arrangements agreed to by local police, fire departments, hospitals, contractors, and emergency response teams, as required by 40 CFR 262.261(c).
- Failure to list current names and emergency phone numbers of emergency coordinator(s), as required by 40 CFR 262.261(d).
- Failure to maintain hazardous waste manifests documenting proper disposal of hazardous waste for the review period (since date of last inspection), as required by 40 CFR 262.40(a).
- Failure to contact the transporter or its designated facility after not receiving a signed manifest from said facility within 35 days of the date the waste was accepted by the initial transporter, as required by 40 CFR 262.42(a)(1).
- Failure to file an exception report after not receiving a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter, as required by 40 CFR 262.42(a)(2).

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 403.141, 403.161 and 403.727, Florida Statutes.

Please contact David Petti at David.Petti@FloridaDEP.gov or by phone at 813-470-5748, 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.

Sincerely,



Kelley M. Boatwright
Southwest District Director
Florida Department of Environmental Protection

Attachment: 02/23/2022 Inspection Report

ec: Leslie Pedigo, DEP; Leslie.Pedigo@FloridaDEP.gov
Shannon Lenhart, FDEP; Shannon.Lenhart@FloridaDEP.gov
Eric Vittoria, Pinellas County; Evittoria@Pinellascounty.org
Catherine Eichner, Pinellas County; Ceichner@co.pinellas.fl.us
Pamala Vazquez, FDEP; Pamala.Vazquez@FloridaDEP.gov
David.Petti, FDEP; David.Petti@FloridaDEP.gov