



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

February 2, 2024

Paul Watson, President
Outdoor Living Products, Inc.
2155 S. Orange Blossom Trail
Apopka, Florida 32703
paul@outdoorlivingproducts.net

Re: Outdoor Industries
HW Facility ID #FLD032444085
OGC Case #24-0042

Dear Mr. Watson:

Enclosed is the executed Consent Order to resolve the above referenced case. This copy is for your records.

Should you have any questions or comments, please contact Michael Eckoff at 407-897-4308 or via e-mail at michael.eckoff@floridadep.gov.

Your cooperation in this matter will be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "AW 7L".

On behalf of:

Aaron Watkins
Director, Central District

Enclosure

cc: FDEP: Lea Crandall, Daun Festa, Anitra Spencer

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)
OF ENVIRONMENTAL PROTECTION)
)
v.)
)
OUTDOOR LIVING PRODUCTS INC)
_____)

IN THE OFFICE OF THE
CENTRAL DISTRICT

OGC FILE NO. 24-0042
EPA ID NO. FLD032444085

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Outdoor Living Products, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("F.S."), and the rules promulgated in Chapter 62-730, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(23), F.S.

3. Respondent is a Florida for-profit corporation which operates a wood treating facility on real property located at 5901 Beggs Road, Orlando, Florida 32810 ("Facility"). Respondent is the "owner" and "operator" of the Facility as defined in Rule 62-730.020, F.A.C.

4. Respondent's operations at the Facility are described in Exhibit I, which is attached and incorporated in this Order.

5. The Department finds that the following violation(s) occurred:

a) Respondent failed to label one container of hazardous waste with the words "Hazardous Waste" and mark that container with an indication of the

hazards of the contents in violation of Rule 62-730.160(1), F.A.C. (adopting Section 40 Code of Federal Regulations ("40 C.F.R.") 262.15(a)(5) (2021)).

b) Respondent allowed releases of hazardous waste from the cylinder secondary containment and the tank farm secondary containment in violation of Rule 62-730.160(1), F.A.C. (adopting Section 40 C.F.R. 262.16(b)(8)(i) (2021)).

c) Respondent failed to document attempts to make arrangements with local authorities in violation of Rule 62-730.160(1), F.A.C. (adopting Section 40 C.F.R. 262.16(b)(8)(vi)(B) (2021)).

d) Respondent failed to keep the written assessment of the tank system's integrity at the Facility in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.191(a) (2021)).

e) Respondent failed to have a curb or berm around the perimeter of the drip pad in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.443(a)(3) (2021)).

f) Respondent failed to maintain the hydraulic conductivity of the drip pad in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.443(a)(4)(i) (2021)).

g) Respondent failed to keep the written assessment of the drip pad at the Facility in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.443(a)(4)(ii) (2021)).

h) Respondent failed to maintain the drip pad free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.443(c) (2021)).

i) Respondent allowed a forklift to enter and exit the drip pad tracking hazardous waste off the drip pad in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.443(j) (2021)).

j) Respondent estimated drippage cease times in violation of Rule 62-730.180(2), F.A.C. (adopting Section 40 C.F.R. 265.443(k) (2021)).

k) Respondent failed to notify as a large quantity generator of hazardous waste due to a tank clean out in early 2023 in violation of Rule 62-730.150(2)(b), F.A.C.

6. On July 19, 2023, Respondent provided documentation via electronic mail to the Department that the times identified in Paragraph 5, subparagraph j) have been addressed.

7. On September 20, 2023, Respondent provided documentation via electronic mail to the Department that the curb or berm identified in Paragraph 5, subparagraph e) has been provided, the hydraulic conductivity identified in Paragraph 5, subparagraph f) has been provided, and the cracks, gaps, corrosion, or other deterioration identified in Paragraph 5, subparagraph h) have been addressed.

8. A meeting was held between the Department and the Respondent on September 21, 2023. During the meeting, Respondent stated the container identified in Paragraph 5, subparagraph a) has been properly labeled and marked, the releases identified in Paragraph 5, subparagraph b) have been addressed, and the forklift tracking identified in Paragraph 5, subparagraph i) has been addressed.

9. A site visit was conducted at the Facility by the Department on December 19, 2023. During the site visit, Department confirmed the written assessment of the drip pad identified in Paragraph 5, subparagraph g) was available at the Facility.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

10. Effective immediately, Respondent shall comply with all Department rules regarding hazardous waste management. Respondent shall correct and redress all violations within the time periods stated below and shall comply with all applicable sections in Chapter

62-730, F.A.C. and Title 40, Code of Federal Regulations ("C.F.R.") Parts 260 through 266 and Part 268. All time periods shall run from the effective date of this Order.

- a) Within 30 days, Respondent shall provide the Department with written documentation that the local authorities such as police, fire departments, emergency response teams, and local hospitals have been notified of the type of waste handled at the Facility and the potential need for the services of the authorities in the event of an emergency.
- b) Within 120 days, Respondent shall provide the Department a written assessment of the tank system's integrity at the Facility. The written assessment shall include all hazardous waste tanks utilized at the Facility.
- c) Within 30 days, Respondent shall submit to the Department an updated DEP Form 62-730.900(1)(b) (8700-12FL - Florida Notification of Regulated Waste Activities).

11. Within 30 days of the effective date of this Order, Respondent shall pay the Department \$ 9,980 in settlement of the matters addressed in this Order. This amount includes \$ 500 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order.

12. Respondent agrees to pay the Department stipulated penalties in the amount of \$1,000 per day for each and every day Respondent fails to timely comply with any of the requirements of Paragraph 10 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order, and the Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in Paragraph 13, below. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the civil penalties agreed to in Paragraph 11 of this Order. If the Department is required to file a lawsuit to recover stipulated penalties under this Paragraph, the Department will not be foreclosed from seeking civil penalties for

violations of this Order in an amount greater than the stipulated penalties due under this Paragraph.

13. 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 becomes final, effective and filed with the Clerk of the Department before ability to make online payment is available.

14. Except as otherwise provided, all submittals and payments required by this Order shall be sent to DEP_CD@FloridaDEP.gov, Department of Environmental Protection, Central District, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803.

15. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

16. Respondent shall use all reasonable efforts to obtain any necessary access to implement the terms of this Order. If necessary access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, Respondent shall notify the Department within five business days of such refusal or revocation. The Department may at any time seek to obtain access as is necessary to implement the terms of this Order. Respondent shall reimburse the Department for any damages, costs, or expenses, including expert and attorney fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access that is necessary to implement the terms of this Order. Respondent shall pay these sums to the Department or arrange a payment schedule with the Department within 30 days of written demand by the Department.

17. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines (unless the cause of the contractor's late performance was also beyond the contractor's control) shall be considered circumstances beyond the control of Respondent. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of the anticipated length and cause of the delay, the measures taken or to be taken to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must describe the provision or provisions extended, the new compliance date or dates, and the additional measures respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

18. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

19. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the rules administered by the Department that are not specifically resolved by this Order. Nothing herein shall be construed to limit the Department's authority to take any action against Respondent in response to or to recover the costs of responding to conditions at or from the Facility that require Department action to abate an imminent hazard to the public health, welfare, or the environment.

20. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

21. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$75,000.00 per day per violation, and criminal penalties.

22. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.

23. 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 shall be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

24. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order shall constitute a violation of Section 403.161(1)(b), F.S.

25. This Consent Order is a final order of the Department pursuant to Section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department

unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Order will not be effective until further order of the Department.

26. 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.

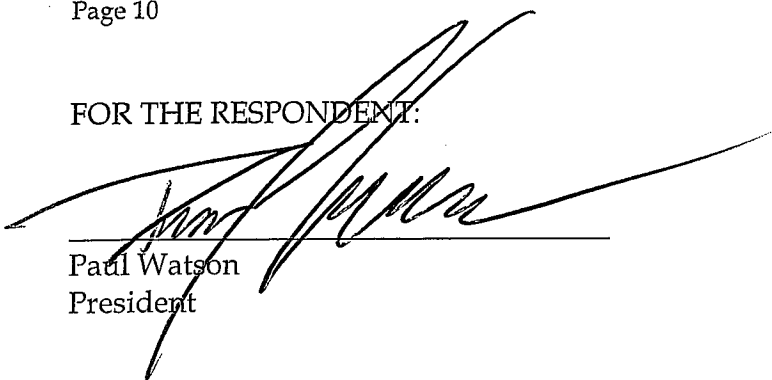
The petition for administrative hearing must contain all of the following information:

- 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 in Paragraph 14, below. 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. Before the deadline for filing a petition, a person whose substantial interests are affected by this Order may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in Section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

27. Rules referenced in this Order are available at <http://www.dep.state.fl.us/legal/Rules/rulelist.htm>.

FOR THE RESPONDENT:



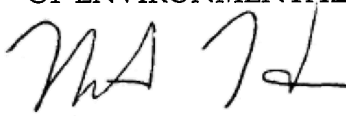
Paul Watson
President

1-29-2024
Date


----- FOR DEPARTMENT USE ONLY -----

DONE AND ORDERED this 2 day of February, 2024, in
Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

 on behalf of
Aaron Watkins
District Director
Central District

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


Clerk

February 2, 2024
Date

Final clerked copy furnished to:

Lea Crandall, Agency Clerk
Mail Station 35



FLORIDA DEPARTMENT OF Environmental Protection

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

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

August 7, 2023

Paul Watson, President
Outdoor Living Products, Inc.
2155 S. Orange Blossom Trail
Apopka, Florida 32703
paul@outdoorlivingproducts.net

Re: Warning Letter
Outdoor Industries
HW FLD032444085
Orange County

Dear Mr. Watson:

A compliance inspection was conducted at your facility on April 27, 2023. During this inspection, possible violations of Chapter 403, F.S., and Chapter 62-730, Florida Administrative Code (F.A.C.), were observed.

During the inspection Department personnel noted the following:

- Failure to label one container of hazardous waste in a satellite accumulation area with the words "Hazardous Waste" and mark that container with an indication of the hazards of the contents;
- Allowed releases of hazardous waste from the cylinder secondary containment and the tank farm secondary containment;
- Failure to attempt to make arrangements with local authorities;
- Failure to keep the written assessment of the tank system's integrity at the facility;
- Failure to have a curb or berm on the west and south ends of the drip pad;
- Failure to maintain the hydraulic conductivity of the drip pad;
- Failure to keep the written assessment of the drip pad at the facility;
- Failure to maintain the drip pad to be free of cracks, gaps, corrosion, or other deterioration;
- Allowed a forklift to enter and exit the drip pad tracking hazardous waste off the drip pad;
- Entered estimated drippage cease times in the logs; and
- Failure to notify as a large quantity generator of hazardous waste due to a tank clean out in early 2023.

Outdoor Living Products, Inc.; Facility ID No.: FLD032444085
Warning Letter
Page 2 of 2
August 7, 2023

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.

Sincerely,



Aaron Watkins, Director
Central District
Florida Department of Environmental Protection

AW/NH/VU/me

Enclosures: Inspection Report (with attachments)

cc: Helena Dacenay, Orange County Environmental Protection Division, helena.dacenay@ocfl.net



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

FACILITY INFORMATION:

Facility Name: Outdoor Industries

On-Site Inspection Start Date: 04/27/2023

On-Site Inspection End Date: 04/27/2023

ME ID#: 22480

EPA ID#: FLD032444085

Facility Street Address: 5901 Beggs Rd, Orlando, Florida 32810-2600

Contact Mailing Address: 5901 Beggs Rd, Orlando, Florida 32810-2600

County Name: Orange

Contact Phone: (407) 293-1811

NOTIFIED AS:

SQG (100-1000 kg/month)

WASTE ACTIVITIES:

Generator: SQG

INSPECTION TYPE:

Routine Inspection for SQG (100-1000 kg/month) Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Michael Eckoff, Inspector

Other Participants: Carly Cogburn, Environmental Specialist, Gina Laddick, Environmental Specialist, Marvin Watson, Plant Manager

LATITUDE / LONGITUDE: Lat 28° 37' 33.6895" / Long 81° 27' 2.9535"

NAIC: 321114 - Wood Preservation

TYPE OF OWNERSHIP: Private

Introduction:

On April 27, 2023, Michael Eckoff, Carly Cogburn, and Gina Laddick, Florida Department of Environmental Protection (FDEP or Department) accompanied by Marvin Watson, Outdoor Industries (OI or Facility), inspected OI for compliance with state and federal hazardous waste regulations. The facility most recently notified the department of its waste activities on 10/3/2018 and originally received EPA identification number FLD032444085 on 4/30/2008.

A wood treater has been at this location since the 1950's. OI purchased the business around 2005. The facility employs six people. The facility is on well water and has a septic system. The property is owned by GGWC LLC, c/o James V. Hartlage, 400 Ring Rd., Elizabethtown, KY 42701-8799.

This inspection was conducted at the request of Orange County's Environmental Protection Division (OCEPD). OCEPD personnel inspected OI on January 18, 2023 and identified potential violations of state and federal hazardous waste regulations.

The facility has not been inspected by the department within the past five years for compliance with state and federal hazardous waste regulations.

Process Description:

The site is approximately six acres and maintains offices, product storage structures, a tank farm, a drip pad, and a treatment cylinder. Treatment occurs approximately five to six days a week. Chromated copper arsenate (CCA) accounts for 90% of treated wood. Copper azole is used for 10% of wood treatment.

Raw wood is placed on a raised conveyer system which moves the wood into the cylinder to be treated with CCA or copper azole (Photo 1). Once treated, the conveyer system removes the wood from the cylinder and the treated wood is placed on the drip pad by a forklift to dry. A sump at the cylinder door is used to collect

Inspection Date: 04/27/2023

hazardous waste when the door is opened (Photos 2 and 3). Hazardous waste in the sump either overflows into the cylinder containment area or is pumped to the tank farm sump (Photos 4 and 5). The treatment cylinder is provided with secondary containment. A sump located in the containment area is used to collect hazardous waste from leaks from cylinder ancillary equipment and any overflow from the cylinder door sump (Photos 6, 7, and 4, respectively). It appears there have been seeps of hazardous waste through seams or cracks on the outside of the east wall of the cylinder containment structure (Photo 8) [40 CFR 262.16(b)(8)(i)].

The drip pad is a large concrete pad with a roof (Photos 9 to 11). The treatment cylinder and conveyor system are located in the same area as the drip pad (Photo 1). The pad had several visible cracks and gaps in the concrete and did not appear to be sealed (Photos 12 to 19) [40 CFR 265.443(c) and 40 CFR 265.443(a)(4)(i)]. The pad slopes to a sump on the north/northwest end of the drip pad (Photo 20). Hazardous waste in the sump is pumped to the tank farm sump (Photo 5). A curb or berm was not in place on the west and south ends of the drip pad (Photos 21 and 1, respectively) [40 CFR 265.443(a)(3)]. A forklift was observed entering and leaving the drip pad potentially tracking hazardous waste off the pad [40 CFR 265.443(j)].

The central accumulation area (CAA) was located on the east end of the drip pad (Photo 22). In the CAA was one 55-gallon drum of hazardous waste (Photo 23). The drum was properly labeled "Hazardous Waste," marked with an accumulation start date of 3/14/2023, and was closed. The drum was marked with a DOT 9 label, which does not provide an indication of the hazards of the contents. Please determine the hazards of the contents and provide an indication on the drum.

Adjacent to the CAA was one rolling container with a hinged lid that is used to accumulate hazardous waste removed from the drip pad (Photo 22). The container was located in a satellite accumulation area and was improperly labeled "Haz Waste" and was not marked with the hazards of the contents [40 CFR 262.15(a)(5)].

The tank farm, located next to the drip pad, has eight tanks, seven of which are approximately 14,000 gallons in capacity. One tank is approximately 10,000 gallons in capacity. The system has two water tanks, one CCA concentrate tank, one copper azole concentrate tank, two CCA working solution tanks (60% CCA), and two copper azole working solution tanks. None of the tanks are registered with the state. The facility must determine if registration is required per Rule 62-762.301(1)(b), Florida Administrative Code (F.A.C.). The inspectors could not determine if the secondary containment around the tanks was applied with a sealant as the entire area was stained from CCA/copper azole (Photos 5, 24, and 25). A sump in the containment structure is used to collect hazardous waste from the containment area, the cylinder sump, the cylinder door sump, and the drip pad sump (Photo 5). The hazardous waste is then pumped to one of the water tanks for reuse in the treatment process. It appears there have been seeps of hazardous waste through seams or cracks on the outside of the east wall of the tanks containment structure (Photos 26 to 28) [40 CFR 262.16(b)(8)(i)].

The treatment plant is a building behind the cylinder which contains the pumps for the treatment system.

The facility will need to determine its generator status as required by 40 CFR 262.13. Hazardous waste is generated from the drip pad that flows to the sump that is pumped to the tank farm sump, cylinder door sump that is either pumped to the tank farm sump or overflows into the cylinder secondary containment, cylinder secondary containment sump that is pumped to the tank farm sump, and the tank farm sump that pumps into a tank for reuse. Once in the tank the hazardous waste has been reclaimed and will no longer be classified as hazardous waste per 40 CFR 261.4(a)(9), as long as all the conditions of the exclusion are met.

Records

Manifests from 2020 to 2023 were available to review. A review of the manifests revealed 4,500 pounds of liquid hazardous waste and 10,500 pounds of solid hazardous waste were disposed in March 2023. The facility failed to renotify as a large quantity generator [62-730.150(2)(b), F.A.C.].

A review of the contingency plan, storage yard contingency plan, weekly hazardous waste containers inspections, and daily tank inspections did not reveal any issues.

Inspection Date: 04/27/2023

Professional Engineer (PE) certifications for the drip pad and hazardous waste tanks were not available to review [40 CFR 265.443(a)(4)(ii) and 40 CFR 265.191(a)].

A review of the weekly drip pad inspections revealed inspections were not documented for 2023.

NOTE: On May 12, 2023, Wayne Ripley, Operations Manager, emailed a copy of the inspections for 2023.

Mr. Watson indicated the times noted in the drippage cease log were estimates [40 CFR 265.443(k)].

Local authority notifications were not available to review [40 CFR 262.16(b)(8)(vi)(B)].

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.15(a)(5)
Explanation:	A generator must mark or label its containers with the following: (i) The words "Hazardous Waste" and (ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).
Corrective Action:	Specifically, Outdoor Industries failed to label one container with the words "Hazardous Waste" and mark that container with an indication of the hazards of the contents. Outdoor Industries is required to mark or label its containers with the following: the words "Hazardous Waste" and an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704). Please provide documentation of the container properly labeled and marked to the Department within 30 days of the date of your receipt of this report.

Inspection Date: 04/27/2023

Type: Violation
Rule: **262.16(b)(8)(i)**
Explanation: A small quantity generator must maintain and operate its facility 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 which could threaten human health or the environment.

Specifically, Outdoor Industries allowed releases of hazardous waste from the cylinder secondary containment and the tank farm secondary containment.
Corrective Action: Outdoor Industries is required to maintain and operate its facility 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 which could threaten human health or the environment.

Please provide documentation of clean up actions and repairs made to the secondary containment structures to the Department within 30 days of your receipt of this report.

Type: Violation
Rule: **262.16(b)(8)(vi)(B)**
Explanation: A small quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

Specifically, Outdoor Industries failed to document attempts to make arrangements with local authorities.
Corrective Action: Outdoor Industries is required to maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

Please provide documentation of attempts to make arrangements with local authorities to the Department within 30 days of your receipt of this report.

Inspection Date: 04/27/2023

Type: Violation
Rule: 265.191(a)
Explanation: For each existing tank system that does not have secondary containment meeting the requirements of 40 CFR 265.193, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in paragraph (c) of this section, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 CFR 270.11(d), that attests to the tank system's integrity by January 12, 1988.

Specifically, Outdoor Industries failed to keep the written assessment of the tank system's integrity at the facility.

Corrective Action: Outdoor Industries must determine that the tank system is not leaking or is unfit for use, for each existing tank system that does not have secondary containment meeting the requirements of 40 CFR 265.193. Except as provided in 40 CFR 265.191(c), Outdoor Industries must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified Professional Engineer in accordance with 40 CFR 270.11(d), that attests to the tank system's integrity by January 12, 1988.

Please provide a copy of the written assessment of the tank system's integrity to the Department within 30 days of the date of your receipt of this report and maintain a copy at the facility.

Type: Violation
Rule: 265.443(a)(3)
Explanation: Drip pads must: (3) Have a curb or berm around the perimeter.

Specifically, Outdoor Industries failed to have a curb or berm on the west and south ends of the drip pad.

Corrective Action: Outdoor Industries is required to have a curb or berm around the perimeter of the drip pad.

Please provide documentation of a curb or berm installed on the west and south ends of the drip pad to the Department within 30 days of the date of your receipt of this report.

Inspection Date: 04/27/2023

Type: Violation
Rule: 265.443(a)(4)(i)
Explanation: Drip pads must: (4)(i) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad.

Specifically, Outdoor Industries failed to maintain the hydraulic conductivity of the drip pad.

Corrective Action: Outdoor Industries is required to maintain the drip pad to have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad.

Please provide documentation of the repairs made to the drip pad to meet the requirements of this rule to the Department within 30 days of the date of your receipt of this report.

Type: Violation
Rule: 265.443(a)(4)(ii)
Explanation: Drip pads must: (4)(ii) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets design and operating standards of this section, except for paragraph (b) of this section.

Specifically, Outdoor Industries failed to keep the written assessment of the drip pad at the facility.

Corrective Action: Outdoor Industries is required to obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by a qualified Professional Engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets design and operating standards of 40 CFR 265.443, except for 40 CFR 265.443 (b).

Please provide a copy of the written assessment of the drip pad to the Department within 30 days of the date of your receipt of this report and maintain a copy at the facility.

Inspection Date: 04/27/2023

Type: Violation
Rule: 265.443(c)
Explanation: Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

Specifically, Outdoor Industries failed to maintain the drip pad to be free of cracks, gaps, corrosion, or other deterioration.
Corrective Action: Outdoor Industries is required to maintain its drip pad to be free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

Please provide documentation of repairs to the drip pad to the Department within 30 days of your receipt of this report.

Type: Violation
Rule: 265.443(j)
Explanation: Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

Specifically, Outdoor Industries allowed a forklift to enter and exit the drip pad tracking hazardous waste off the drip pad.
Corrective Action: Outdoor Industries is required to operate and maintain the drip pad in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

Please provide documentation of operational changes to minimize the tracking of hazardous waste off the drip pad to the Department within 30 days of the date of your receipt of this report.

Type: Violation
Rule: 265.443(k)
Explanation: After being removed from the treatment vessel, treated wood from pressure and non-pressure processes must be held on the drip pad until drippage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the pad following treatment in accordance with this requirement.

Specifically, Outdoor Industries estimated drippage cease times.
Corrective Action: Outdoor Industries is required to hold treated wood from pressure and non-pressure processes on the drip pad until drippage has ceased, after being removed from the treatment vessel. Outdoor Industries is required to maintain records sufficient to document that all treated wood is held on the pad following treatment in accordance with 40 CFR 265.443(k).

Please provide documentation of actual drippage cease times entered into the logs to the Department within 30 days of your receipt of this report.

Inspection Date: 04/27/2023

Type: Violation

Rule: 62-730.150(2)(b)

Explanation: All generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste, and everyone required to notify under Rule 62 730.181, F.A.C., 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), [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], to do so. Changes in status include, but are not limited to: changes in the facility name, location, mailing address, business form, ownership or management control of the facility or its operations; ownership of the real property where the facility is located; facility contact person; type of regulated waste activity; changes in the amount of hazardous waste generated per month that put the facility in a different generator category, going out of business; tax default; or petition for bankruptcy protection.

Specifically, Outdoor Industries failed to notify as a large quantity generator of hazardous waste due to a tank clean out in early 2023.

Corrective Action: Outdoor Industries is a generator and is required to 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), [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], to do so. Changes in status include, but are not limited to: changes in the facility name, location, mailing address, business form, ownership or management control of the facility or its operations; ownership of the real property where the facility is located; facility contact person; type of regulated waste activity; changes in the amount of hazardous waste generated per month that put the facility in a different generator category, going out of business; tax default; or petition for bankruptcy protection.

Please provide documentation of notification as a large quantity generator to the Department within 30 days from the date of your receipt of this report.

PHOTO ATTACHMENTS:

Photo 1 - South end of drip pad



Photo 2 - Cylinder door and sump



Photo 3 - Hazardous waste accumulating in the cylinder door sump



Photo 4 - Overflow from door sump into cylinder 2nd containment



Photo 5 - Tank farm sump (near pump and piping)



Photo 6 - Cylinder secondary containment sump



Photo 7 - Leaking cylinder ancillary equipment



Photo 8 - Hazardous waste release from cylinder 2nd containment



Photo 9 - Drip pad



Photo 10 - Drip pad



Photo 11 - Drip pad



Photo 12 - Damaged drip pad surface and no sealant



Photo 13 - Damaged drip pad surface and no sealant



Photo 14 - Damaged drip pad surface and no sealant



Photo 15 - Damaged drip pad surface and no sealant



Photo 16 - Damaged drip pad surface and no sealant



Photo 17 - Damaged drip pad surface and no sealant



Photo 18 - Damaged drip pad surface



Photo 19 - Damaged drip pad surface and no sealant



Photo 20 - Drip pad sump

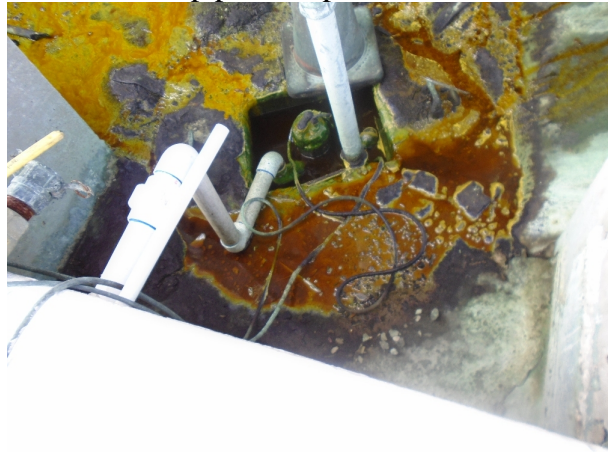


Photo 21 - West end of drip pad



Photo 22 - Central accumulation area



Photo 23 - Hazardous waste drum



Photo 24 - Tank farm secondary containment surface

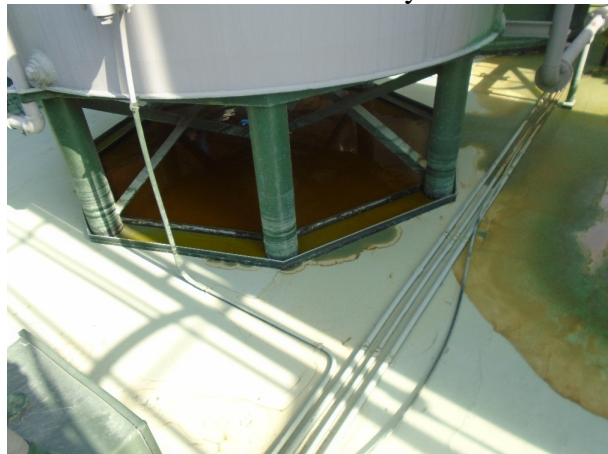


Photo 25 - Tank farm secondary containment surface



Photo 26 - Hazardous waste release from tank farm 2nd containment



Inspection Date: 04/27/2023

Photo 27-Hazardous waste release from tank farm
2nd containment



Photo 28-Hazardous waste release from tank farm
2nd containment



Conclusion:

Outdoor Industries was inspected as a small quantity generator of hazardous waste and was not in compliance at that time.

Inspection Date: 04/27/2023

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: 04/27/2023

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

Michael Eckoff
Principal Investigator Name

Inspector
Principal Investigator Title

Michael Eckoff

Principal Investigator Signature

DEP
Organization

07/28/2023
Date

Carly Cogburn
Inspector Name

Environmental Specialist
Inspector Title

FDEP - Central District
Organization

Gina Laddick
Inspector Name

Environmental Specialist
Inspector Title

FDEP - Central District
Organization

Marvin Watson
Representative Name

Plant Manager
Representative Title

Outdoor Industries
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: Viviana Useche

Inspection Approval Date: 08/03/2023