



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

September 20, 2024

Sent electronically to: gregory.pawelski@xpo.com

Mr. Gregory Pawelski, Vice President Health and Safety
XPO Logistics Freight, Inc.
2211 Old Earhart Road
Ann Arbor, Michigan 48105

SUBJECT: Department of Environmental Protection v. XPO Logistics Freight, Inc.
OGC File No. 24-0069
EPA/DEP ID: FLR000073296

Dear Mr. Pawelski:

The State of Florida Department of Environmental Protection (“Department”) finds that XPO Logistics Freight, Inc (“Respondent”) did not conduct and document hazardous waste determinations on two (2) waste streams, accumulated hazardous waste for more than 180 days, did not properly label one (1) 50-gallon container of hazardous waste, did not mark (1) 50-gallon container of hazardous waste with the accumulation start date, did not post the required emergency information, did not properly train employees, did not properly dispose of three (3) 5-gallon containers and one (1) 1-gallon container of hazardous waste, did not properly label one (1) 55-gallon container of universal waste, did not maintain a Contingency Plan or Quick Reference Guide that included all required elements during the period it operated as a Large Quantity Generator (LQG) of hazardous waste and did not properly notify as an LQG for the period it operated as an LQG. This is in violation of the rules and statutes cited in the attached Warning Letter (WL24-011). 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 \$17,960.00 in civil penalties and \$750.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$18,710.00. The civil penalty in this matter includes two 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 8800 Baymeadows Way

West, Suite 100, Jacksonville, Florida, 32256, by October 4, 2024. The Department will then countersign it and file it with a designated clerk of the Department.

Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), Florida Statutes (F.S.), and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S., and the attached Notice of Rights.

By accepting this offer you, Mr. Pawelski:

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final; and
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

Respondent's Performance

After signing and returning this document to the Department:

- (1) Respondent must pay \$18,710.00, in full, within 60 days from the execution date of this Order.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Payment shall be sent to the Department of Environmental Protection, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256. Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>. It will take a number of days after this order is final and effective, by filing with the Clerk of the Department, before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, contact Bonnie Bradshaw at (904) 256-1638, or via email at bonnie.bradshaw@FloridaDEP.gov.

Sincerely,

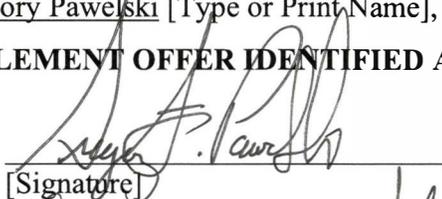


Thomas G. Kallemeyn
Assistant District Director

FOR THE RESPONDENT:

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

By:


[Signature]

Date:

September 24, 2024

Title:

Vice President Health & Safety

FOR DEPARTMENT USE ONLY

DONE AND ORDERED this 25th day of September 2024, in Duval County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Gregory J. Strong
District Director

TGK

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



Clerk

September 25, 2024

Date

Attachments: Notice of Rights
 Warning Letter WL24-011

Final clerked copy furnished to:

Lea Crandall, Agency Clerk (lea.crandall@floridadep.gov)

Sarah Harris, FDEP NED (sarah.b.harris@floridadep.gov)

NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

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

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



FLORIDA DEPARTMENT OF Environmental Protection

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

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

January 18, 2024

Sent via email: william.wise@xpo.com

Mr. William Wise, Service Center Manager
XPO Logistics Freight, Inc.
500 Ellis Road
Jacksonville, FL 32254

**RE: Warning Letter No. WL24-011 (Significant Non-Complier)
XPO Logistics Freight, Inc.
EPA/DEP ID: FLR000073296
Duval County – Hazardous Waste**

Dear Mr. Wise:

A Hazardous Waste Compliance Inspection was conducted at your facility on October 27, 2023. During this inspection, possible violations of Chapters 376 and 403, Florida Statutes (Fla. Stat.), and Chapter 62-730, Florida Administrative Code (Fla. Admin. Code), were observed.

During this inspection, Department personnel noted the following:

- The facility did not complete hazardous waste determinations on two (2) waste streams.
- The facility had accumulated one (1) 95-gallon overpack of hazardous waste for more than 180 days.
- The facility did not properly label one (1) 50-gallon overpack of hazardous waste.
- The facility did not mark one (1) 50-gallon overpack of hazardous waste with the accumulation start date.
- The facility did not post the required emergency information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste.
- All employees were not thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal operations and emergencies.
- The facility did not properly dispose of three (3) 5-gallon containers and one (1) 1-gallon container of hazardous waste.

- The facility's Contingency Plan and Quick Reference Guide did not include all required elements for a Large Quantity Generator of hazardous waste.
- The facility did not properly label one (1) 55-gallon drum of universal waste aerosol cans.
- The facility did not properly notify as a Large Quantity Generator of hazardous waste for the month of June 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 376.121 and 403.121, Florida Statutes.

Please contact Bonnie Bradshaw at (904) 256-1638, or via email at Bonnie.Bradshaw@FloridaDEP.gov, within 15 days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts that you may have which might assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing our investigation and resolving this as soon as possible.

Sincerely,



Gregory J. Strong
District Director

Attachment: Final Inspection Report

ec: FDEP-NED: Bonnie Bradshaw, Matt Kershner, Cheryl Mitchell, Joni Petry,
 Thomas Kallemeyn, DEP_NED
XPO: Matthew Zellen, matthew.zellen@xpo.com
Tom Petho. thomas.petho@xpo.com



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

FACILITY INFORMATION:

Facility Name: XPO Logistics Freight Inc

On-Site Inspection Start Date: 10/27/2023

On-Site Inspection End Date: 10/27/2023

ME ID#: 10233

EPA ID#: FLR000073296

Facility Street Address: 500 Ellis Rd S, Jacksonville, Florida 32254-3555

Contact Mailing Address: 2211 Old Earhart Rd Ste 100, Ann Arbor, Michigan 48105

County Name: Duval

Contact Phone: (734) 757-1657

NOTIFIED AS:

SQG (100-1000 kg/month)

WASTE ACTIVITIES:

Generator: SQG Used Oil: Used Oil, Oil Filters

INSPECTION TYPE:

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

Complaint Inspection for Used Oil Generator Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Bonnie M Bradshaw, Inspector

Other Participants: Lourdes Torres, Customer Service Supervisor

LATITUDE / LONGITUDE: Lat 30° 19' 8.6813" / Long 81° 44' 40.7946"

NAIC: 484122 - General Freight Trucking, Long-Distance, Less Than Truckload

TYPE OF OWNERSHIP: Private

Introduction:

XPO Logistics Freight Inc. (XPO, the facility) was inspected October 27, 2023, as an unannounced hazardous waste compliance evaluation. The inspection was conducted as a follow-up to the routine inspection conducted on February 9, 2023. A site visit was made to the facility to review the original copy of hazardous waste manifest 025209966JJK which had been used to demonstrate compliance during the previous inspection in February. Because the inspector noted compliance issues during this site visit, a compliance inspection was conducted. For a full description of the facility's processes, please refer to the February 9, 2023 inspection.

The facility last notified as a Small Quantity Generator (SQG) of hazardous waste in 2021. The facility typically operates as an SQG of hazardous waste due to sporadic generation rates, but appears to have operated as a Large Quantity Generator (LQG) of hazardous waste during one month of the review period. Lourdes Torres (XPO) was present throughout a majority of the inspection. Sonya Shanks (XPO) was present for a portion of the inspection.

XPO provides transportation and logistics services in "Less-Than-Truckload" quantities to a variety of customers. The facility also conducts minor maintenance on a fleet of 27-29 tractor-trailers on site. The facility has been in operation as XPO at this location for five years, has 68 employees, and is connected to city water and a septic system. The areas evaluated during this inspection included the Loading/Unloading Dock, Shop, Outdoor Area and Hazardous Waste Accumulation Area (HWAA).

Process Description:

Loading/Unloading Dock

Semi-truck shipments of product are loaded and unloaded in this area. Products may also be sorted based on shipping destination on the Dock. Hazardous waste may be generated from products damaged or spilled during transit or in the loading/unloading process.

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If a product is determined to be a waste, the facility contacts their contractor, ERTS, to assist with performing the hazardous waste determination. The facility provides ERTS with the products' Safety Data Sheets (SDSs) which are used by ERTS during the process of conducting the hazardous waste determination. ERTS then provides the facility with the appropriate labels. In the event of a spill, ERTS reviews the information provided by the facility on the quantity spilled, along with the SDS, to determine if the facility can complete the cleanup. If the facility cannot respond to the spill, ERTS personnel or sub-contractors are sent to the facility to clean up the spill. Waste generated during spill cleanup may either remain at the facility or be taken by the contractor for proper disposal. The facility is reminded that hazardous waste must be transported by a hazardous waste transporter registered in Florida. Waste not managed by the contractor is taken to the HWAA, described below.

Shop

The Shop is located at the west end of the Loading/Unloading Dock, described above. Minor repairs, inspections and occasional fluid changes are conducted on the facility's fleet of trucks and forklifts in the Shop. A majority of maintenance is conducted at the larger Orlando facility. The Shop was not in operation during the period from 2007-March 2022.

Used oil and used oil filters may occasionally be generated during truck or forklift maintenance. Used oil is drained into portable drain containers and transferred into drums. Used oil filters are accumulated in drums.

Spills of hydraulic fluid or oil are either cleaned up with oil dry absorbent, which is disposed of in the trash, or with launderable wipes. Launderable wipes may also be used for wiping of hands of oil/grease and are laundered weekly by Cintas.

Used antifreeze removed from the trucks is recycled in a Gray AH-15 Antifreeze Handler. The filter pad is changed approximately one time per year and managed as non-hazardous waste based on Toxicity Characteristic Leaching Procedure (TCLP) analysis for RCRA metals and volatiles conducted in April 2023.

There is one Safety-Kleen Model 30, 30-gallon drum-top parts washer used for cleaning parts. Safety-Kleen Premium Solvent (flashpoint 142°F) is used in the unit. Spent solvent is transported by Safety-Kleen approximately every three months and managed as D039 hazardous waste. Ignitability and TCLP RCRA metals and volatiles analysis conducted in April 2023 indicated the spent solvent was non-hazardous waste.

Tuff Dog Flexible Sealant and OTR Seal Flexible Sealant may be used in a caulk gun to patch roofs. Safety Data Sheets were not available for these products, but were requested by the facility from the manufacturer subsequent to the previous inspection. The facility is reminded to conduct a hazardous waste determination, in accordance with 40 CFR 262.11, of non-empty containers or excess product prior to disposal.

Seymour Big Rig Fleet White (barium sulfate 5-10%; flashpoint -2.2°F) and Ecosafe Enamel Gloss Black (flashpoint -20.2°F) spray paint may be used to touch up trailers or bumpers. Non-empty cans of these products generate a D001 hazardous waste when disposed of. Non-empty cans of Seymour Big Rig may also generate a D005 hazardous waste if disposed of.

Sprayon Red Insulating Varnish (methyl ethyl ketone 10-25%; flashpoint -20.2°F) may be sprayed directly onto battery cables or terminals and Brakleen Brake Parts Cleaner Strongest Formula (tetrachloroethylene 90-100%) or Brakleen Brake Parts Cleaner High-Strength Formula (flashpoint 15.8°F) may be sprayed directly onto brake parts. Non-empty cans of Sprayon Red Insulating Varnish generate a D001 and possibly a D035 hazardous waste when disposed of. Non-empty cans of Brakleen Brake Parts Cleaner High-Strength Formula generate a D001 hazardous waste if disposed of. Non-empty cans of Brakleen Brake Parts Cleaner Strongest Formula generate a U210 hazardous waste. Although the facility representative stated that none of the above products are used on a wipe, wipes used with Sprayon Red Insulating Varnish or Brakleen Brake Parts Cleaner Strongest Formula generate a hazardous waste and should either be managed as such, or in accordance with

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the excluded solvent contaminated wipes provisions under 40 CFR 261.4(a)(26) or 261.4(b)(18).

There was one 55-gallon satellite drum of waste aerosol cans accumulating at the time of inspection. Although the facility indicated that it would be managing non-empty aerosol cans as D001/D005/D035/D040/U210 hazardous waste following the previous inspection, records indicate the waste aerosol cans are currently managed as universal waste. The container was not properly labeled as "Universal Waste Aerosol Cans" (Photo 1) [40 CFR 273.14(f)]. There was a "Spent Aerosol Spray Cans Satellite Accumulation Hazardous Waste" label that included an accumulation start date sitting on top of an adjacent empty drum. The facility representative stated it belonged on the drum of waste aerosol cans and relocated it to the correct drum (Photo 2). The facility is reminded that labeling requirements differ when waste aerosol cans are managed as a hazardous waste versus a universal waste.

Imperial General Anti-Seize may be applied with the brush attached to the can to loosen bolts. Non-empty containers of this product generate a non-hazardous waste if disposed of.

Lead acid batteries generated during maintenance activities are picked up by Interstate Battery for core exchange.

No wheel weights or airbag waste is generated by facility operations. The facility is reminded that scrap metal managed for recycling is exempt from regulation as hazardous waste.

Outdoor Area

The Outdoor Area includes paved areas to both the south and north of the Loading/Unloading Dock which are used for truck parking and staging. There is also a diesel fueling station north of the Loading/Unloading Dock. No hazardous waste is generated in this area.

Hazardous Waste Accumulation Area (HWAA)

Waste generated in the Loading/Unloading Dock is taken to the HWAA for accumulation prior to shipment off-site. There were three pallets of waste accumulating at the time of inspection (Photo 3). Waste accumulating on each pallet is described below.

First Pallet (Photo 4):

- One approximately 50-gallon poly-overpack that was labeled only as "Pro #242924706, CP# 1515-826642, BXS, 6 Pails." The drum was not properly labeled as "Hazardous Waste" [40 CFR 262.16(b)(6)(i)(A)] or with an indication of the hazards of the contents [40 CFR 262.16(b)(6)(i)(B)] and was not marked with the accumulation start date (Photo 5) [40 CFR 262.16(b)(6)(i)(C)]. The drum was properly labeled during the inspection (Photo 6).
- One 65-gallon poly-overpack containing Maxim PSP non-hazardous waste.

Second Pallet (Photo 7):

- One 95-gallon poly-overpack that was properly labeled as "Hazardous Waste" and with an indication of the hazards of the contents. The container was marked with an accumulation start date of April 7, 2023, and had accumulated for 203 days (Photo 8) [40 CFR 262.16(b)].
- One approximately 50-gallon poly-overpack that was labeled only as "Pro # 397-708-356" (see Photo 7) According to the facility representative, the facility was awaiting a label to be provided by the contractor. The facility had not conducted and documented a hazardous waste determination on the waste in a timely manner [40 CFR 262.11].
- One box containing non-hazardous waste.
- Two boxes containing a hand truck and a hand truck wheel.

Third Pallet (Photo 9):

- One 20-gallon poly-overpack that was properly labeled as "Hazardous Waste" and with an indication of the

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hazards of the contents. The container was marked with an accumulation start date of September 11, 2023, and had accumulated for less than 180/90 days.

- One approximately 50-gallon poly-overpack that had no labels or markings (Photo 10). The facility representative was not aware of what this waste was or where it came from. The facility had not conducted and documented a hazardous waste determination on the waste [40 CFR 262.11].

The required emergency information was not posted in the area, nor anywhere in the vicinity [40 CFR 262.16(b) (9)(ii)]. The required emergency equipment was available in the area.

Records

The original purpose of the site visit was to review an original (vs. electronic) generator copy of the of hazardous waste manifest 025209966JJK which was used to demonstrate compliance with the 40 CFR 262.16(b) potential violation regarding accumulation time limits following the February inspection. On October 5, 2023, an electronic copy of the initial generator's manifest was provided to resolve the violation regarding exceedance of the 180-day accumulation time frame cited during the February 9, 2023, inspection. The manifest was not a clear copy, but appeared to demonstrate that the waste had been shipped off site. The facility, however, was unable to provide the final copy signed by the designated facility at that time and reached out to their contractor to request a copy. According to Mr. Matthew Zellen, Environmental, Health and Safety Director, the transporter denied removing the waste from the facility. Although Ms. Sonya Shanks stated that she was certain that the transporter took possession of the waste, upon review of the original manifest, it did not appear that the transporter had signed the generator's copy of the manifest, acknowledging receipt of the materials. Upon inspecting the facility, the waste was not located and, to-date, the facility has not provided information indicating the location of the waste has been identified. Therefore, the facility did not properly dispose of three 5-gallon containers of D002 hazardous waste ethanolamine, as well as one 1-gallon container of D002 hazardous waste paint waste [40 CFR 262.20(a)]. The facility is reminded that a generator who does not receive a copy of the manifest with the signature of the designated facility within 60 days of the date the waste was accepted by the initial transporter, must file an exception report. Although this requirement did not apply since the waste did not appear to be accepted by the initial transporter, the facility should ensure that all hazardous waste is properly tracked.

The facility typically operates as an SQG of hazardous waste due to waste generation above the SQG quantity limits during some months. The facility appeared to operate as an LQG of hazardous waste during the month of June 2023, when it shipped 600 pounds of D001/P075 hazardous waste (nicotine compounds). The facility did not notify as an LQG of hazardous waste for this calendar month [62-730.150(2)(b), FAC]. The facility is reminded that a biennial report will be due by March 1, 2024.

Clean Earth Specialty Waste Solutions (MNS000110924) and Freehold Cartage, Inc. (NJD054126164) transport waste approximately once per month to Allworth, LLC (ALD094476793) or Ross Incineration Services (OHD048415665) from the facility. The last shipment of hazardous waste occurred on August 17, 2023.

Used oil is transported by Safety-Kleen Systems, Inc. (TXR000081205) as needed and was last transported on August 18, 2023. Used oil filters are transported by Safety-Kleen Systems, Inc. and were last transported on August 9, 2023.

Universal waste aerosol cans are transported by Safety-Kleen Systems, Inc. and were last transported on September 28, 2023.

Parts washer spent solvent is transported as hazardous waste by Safety-Kleen Systems, Inc. and was last transported on September 6, 2023.

Weekly inspections of the hazardous waste central accumulation area were available.

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Attempts to make emergency arrangements with the local authorities and a copy of the facility's Contingency Plan were submitted to local authorities during the previous inspection. However, the LQG contingency plan requirements differ from those for SQGs. The facility did not prepare and maintain a Contingency Plan [40 CFR 262.261(e) and (f)] and Quick Reference Guide [40 CFR 262.262(b)] that contained all the required elements for an LQG.

Due to repeat non-compliance observations throughout the facility, it appears that all employees are not thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal operations and emergencies [40 CFR 262.16(b)(9)(iii)].

Please note that as of 2021, 40 CFR 262.18 required SQGs to re-notify every four years by September 1 and LQGs to re-notify by March 1 of each even-numbered year.

For Outstanding Items of Potential Non-Compliance

Please review the following section – New Potential Violations and Areas of Concern. This section includes potential violations observed at your facility during this inspection. For any potential violations below that have not been corrected, please refer to the Corrective Action for each item that is suggested to bring your facility into compliance. Once the corrective action has been completed, please send documentation to the Principal Inspector listed on page 1 of this Inspection Report. This documentation includes, but is not limited to, photos of corrected items, manifests, SDSs or other documents that will show that each potential violation has been fully addressed.

New Potential Violations and Areas of Concern:

Violations

Type: Violation 1
 Rule: **262.11**
 Explanation: HWAA: There was one approximately 50-gallon poly-overpack of waste for which the facility was awaiting a label to be provided by the contractor and for which a hazardous waste determination had not been conducted and documented. There was one approximately 50-gallon poly-overpack of waste for which the facility representative had no knowledge of and for which a hazardous waste determination had not been conducted and documented.
 Corrective Action: HWAA: In order to return to compliance, the facility should conduct and document hazardous waste determinations on the containers of waste and manage the waste accordingly. The facility should conduct the hazardous waste determinations in a timely manner.

Type: Violation 2
 Rule: **262.16(b)**
 Explanation: HWAA: There was one 95-gallon poly-overpack of hazardous waste that had accumulated for 203 days.
 Corrective Action: HWAA: In order to return to compliance, the facility should provide documentation that the hazardous waste has been shipped off-site to a facility permitted to accept the waste. In the future, the facility should ensure hazardous waste is not accumulated for more than 180 days (or 90 days while operating as an LQG).

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Type: Violation 3
Rule: **262.16(b)(6)(i)(A)**
Explanation: HWAA: There was one 50-gallon poly-overpack of hazardous waste paint that was not properly labeled as "Hazardous Waste."
Corrective Action: HWAA: No further action is required. The facility returned to compliance at the time of inspection by properly labeling the container.

Type: Violation 4
Rule: **262.16(b)(6)(i)(B)**
Explanation: HWAA: There was one 50-gallon poly-overpack of hazardous waste paint that was not properly labeled with an indication of the hazards of the contents.
Corrective Action: HWAA: No further action is required. The facility returned to compliance at the time of inspection by properly labeling the container.

Type: Violation 5
Rule: **262.16(b)(6)(i)(C)**
Explanation: HWAA: There was one 50-gallon poly-overpack of hazardous waste paint that was not marked with an accumulation start date.
Corrective Action: HWAA: No further action is required. The facility returned to compliance at the time of inspection by properly marking the container.

Type: Violation 6
Rule: **262.16(b)(9)(ii)**
Explanation: The required emergency information was not posted next to telephones or in areas directly involved in the generation and accumulation of hazardous waste.
Corrective Action: In order to return to compliance, the facility should post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste:

- The name and emergency telephone number of the emergency coordinator;
- Location of fire extinguishers and spill control material, and, if present, fire alarm; and
- The telephone number of the fire department, unless the facility has a direct alarm.

Type: Violation 7
Rule: **262.16(b)(9)(iii)**
Explanation: All employees are not thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal operations and emergencies.
Corrective Action: In order to return to compliance, the facility should train its employees on proper waste handling and emergency procedures relevant to their work responsibilities and provide documentation of this training to the Department for review.

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Type: Violation 8
Rule: **262.20(a)**
Explanation: The facility did not properly dispose of three 5-gallon containers of D002 hazardous waste ethanolamine, as well as one 1-gallon container of D002 hazardous waste paint waste.
Corrective Action: In order to return to compliance, the facility should make every effort to locate the hazardous waste and ensure it is properly disposed of. The facility should provide documentation of its efforts to locate the waste and the results of such efforts. The facility should provide information regarding how this issue will be prevented in the future.

Type: Violation 9
Rule: **262.261(e), 262.261(f)**
Explanation: The facility's Contingency Plan did not include all required elements for an LQG of hazardous waste. The Contingency Plan was lacking a brief outline of emergency equipment capabilities and an evacuation plan that included the signal used to begin evacuation, evacuation routes and alternate evacuation routes.
Corrective Action: No further action is required. The facility has returned to SQG status. However, the facility is reminded that a Contingency Plan that includes all of the required elements must be prepared and submitted to local emergency authorities prior to operating as an LQG in the future.

Type: Violation 10
Rule: **262.262(b)**
Explanation: The facility's Quick Reference Guide to the Contingency Plan did not include all required elements for an LQG of hazardous waste. The Quick Reference Guide was lacking the required street map and the location of the water supply (e.g. fire hydrant and its flow rate).
Corrective Action: No further action is required. The facility has returned to SQG status. However, the facility is reminded that a Quick Reference Guide that includes all of the required elements must be prepared and submitted to local emergency authorities prior to operating as an LQG in the future.

Type: Violation 11
Rule: **273.14(f)**
Explanation: Shop: There was one 55-gallon drum of universal waste aerosol cans that was not properly labeled.
Corrective Action: Shop: In order to return to compliance, the facility should properly label the drum as "Universal Waste - Aerosol Cans" or "Waste Aerosol Cans" or "Used Aerosol Cans."

Type: Violation 12
Rule: **62-730.150(2)(b)**
Explanation: The facility did not properly notify as an LQG of hazardous waste for the month of June 2023.
Corrective Action: No further action is required. The facility has returned to SQG status. However, the facility is reminded that it is required to submit a biennial report by March 1, 2024. In addition, the facility should properly notify of all future changes in status as required.

PHOTO ATTACHMENTS:

Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Inspection Date: 10/27/2023

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: 10/27/2023

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

Bonnie M Bradshaw
Principal Investigator Name

Inspector
Principal Investigator Title

YB. Bradshaw

Principal Investigator Signature

DEP 01/10/2024
Organization **Date**

Lourdes Torres
Representative Name

Customer Service Supervisor
Representative Title

XPO Logistics Freight, Inc.
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: Bonnie M Bradshaw

Inspection Approval Date: 01/10/2024