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RCRA Enforcement: U.S. Environmental Protection Agency and Orlando, Florida Hazardous Waste Treatment/Storage Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Triumvirate Environmental (Florida), Inc. (“TEI”) entered into a July 27th Consent Agreement (“CA”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) regulations. See Docket No.: RCRA-04-2017-4010(b).

TEI is described as an owner and operator of a permitted hazardous waste treatment, storage, and disposal facility (“TSD”) located in Orlando, Florida.

The Florida Department of Environmental Protection is stated to have issued a RCRA Hazardous Waste Permit to TEI for the storage and treatment of hazardous waste.

The CA provides that EPA conducted a records review of export activities at the TEI TSD facility on September 28, 2016. The records review allegedly identified the following deficiencies:

1. The Respondent failed to report the export of 86 pounds of UN1849, a characteristic hazardous waste. The export is listed on manifest 005176036FLE, but it was not reported on the TEI’s Annual Report due to the EPA by March 1, 2014 (2013 Annual Report).
2. TEI failed to accurately report exports for nine (9) characteristic and listed hazardous waste streams in the Annual Reports due to the EPA by March 1, 2013 (2012 Annual Report), March 1, 2014 (2015 Annual Report), and March 1, 2015 (2014 Annual report). The amount of hazardous waste for these nine (9) waste streams on individual manifests in 2012, 2013, and 2014 did not match the total amount of those same waste streams reported in the corresponding Annual Reports.
3. TEI failed to properly prepare manifests in accordance with the instructions required on 12 manifests in 2013 and 2014. TEI failed to complete Block 16 on nine (9) manifests in 2013 and 2014. TEI failed to complete additional information required on three (3) additional manifests in 2013 and 2014.

EPA alleged that TEI violated 40 C.F.R. § 252.56(a)(4), which requires primary exporters of hazardous waste to file a yearly report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports are required to include for each hazardous waste, among other things, a description of the hazardous waste, the total amount of

waste shipped, and the number of shipments. The CA further states that the agency alleges that TEI violated Condition II.A.2 of the previously referenced hazardous waste permit and certain federal and Florida regulations requiring a generator who transports, or offers for transport, a hazardous waste for off-site treatment, storage, or disposal, to prepare a manifest on EPA Form 8700-22 in accordance with the instructions.

TEI neither admits nor denies the factual allegations and determinations in the CA.

The CA assesses a civil penalty of \$5,100.

[A copy of the CA can be downloaded here.](#)