

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Regal Marine Industries Inc.
2300 Jetport Dr
Orlando, FL 32809-7800

EPA ID#: FLD049758725
NAICS #: 336612 – Boat Building; 811490 –
Other Personal and Household Goods Repair
and Maintenance

3) Responsible Officials

Jon Chappell
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4) Inspection Participants

Jon Chappell, Regal Marine Industries
Inc.
Angel Rodriguez

Gina Laddick, FDEP
Mark Anthony Relon, USEPA
Parvez Mallick, USEPA

5) Date of Inspection

August 10, 2023 9:53am

6) Applicable Regulations¹

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Chapter 403 of the Florida Statutes, Fla. Stat. § 403.702 et seq., and rules 62.710.210 -.901, and 62-730 et seq. of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.).

Pursuant to Fla. Admin. Code Ann. r. 62-730.020(1) [40 C.F.R. § 260.10], a large quantity generator of hazardous waste (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17], an LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Regal Marine Industries Inc. (hereinafter, “Regal Marine” or the “Facility”) compliance with the applicable requirements of RCRA and the corresponding Florida regulations. This was an EPA lead inspection.

8) Facility Description

Regal Marine owns and operates a boat building facility in Orange County, Florida. The facility has an area of approximately 17 acres of land and has been at this location since 1971. Approximately 840 employees work at the facility. The facility’s days and hours of operation are from Monday to Friday, 10pm-4am and Saturday, 5am-10am. Access to the facility is controlled through a lobby desk clerk at the front entrance. Orlando Utilities Commission supplies potable water and domestic waste is managed in four on-site treatment and disposal systems (septic

tanks). Regal Marine is connected to the Orange County 911 system. The fire alarm system is connected directly to the Orange County fire and police departments.

The facility originally notified the Department of its hazardous waste activity on November 11, 1986, as a small quantity generator. The facility is a Large Quantity Generator (LQG) with their latest notification dated March 7, 2022. Hazardous wastes generated at the facility include, but are not limited to, the EPA waste codes D001, D035, F003, and F005.

Regal Marine designs and manufactures fiberglass luxury boats in the 19-foot to 53-foot range. Regal Marine's facility consists of multiple buildings. In general, boats are built in assembly-line fashion, moving from one area to the next with different buildings dedicated to producing a specific size range of boats. Fiberglass, resin, and wood are used to give the boats structure. MEKP (methyl ethyl ketone peroxide) is used as a catalyst and acetone is used to clean spray guns. Boat production is begun by spraying a mold with gelcoat, followed by fiberglass and activated styrene resin; this process is used to make not only decks and hulls but also small parts such as consoles. After the components have cured, they are removed from the mold and assembled into a final product along with wiring, pumps, motors, and accessories. This same process is followed in each building doing boat production on the Regal Marine facility. The facility also does mold repair in house. Regal Marine uses walkie talkies throughout the facility for contacting personnel in case of emergencies. The facility has over 200 fire extinguishers arranged so that no location should be more than thirty-five feet from one. Each 90-day accumulation area is equipped with a spill kit and a shower and eyewash nearby.

9) Previous Inspection History

Florida Department of Environmental Protection (FDEP) has conducted no RCRA CEIs at the subject facility between 2020 and 2023.

On August 3, 2018, FDEP conducted the most recent RCRA CEI at the subject facility and found 10 apparent violations of RCRA's requirements for standards applicable for generators of hazardous waste, land disposal restrictions, preparedness, prevention, and emergency procedures for LQGs, and standards for small quantity handlers of universal waste. As a result, FDEP issued a consent order to Regal Marine on June 6, 2019, and later verified that the facility had returned to compliance on August 9, 2019.

10) Opening Conference

On August 10, 2023, EPA inspectors Mark Anthony Relon and Parvez Mallick, accompanied by Florida inspector Gina Laddick, arrived at Regal Marine at approximately 9:53am. Jon Chappell, Fiber Reinforced Polymer (FRP) Quality & Training Manager, immediately received the inspectors. Jon Chappell and the inspectors held an opening conference. The inspectors introduced themselves, showed their credentials to Jon Chappell, and explained the purpose of the visit.

The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a request for records. The EPA inspector explained that the Small

Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the EPA's information sheet for small businesses can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim.

Jon Chappell provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols and required personal protective equipment before Facility representative led the inspectors on a tour of the Facility operations.

11) Inspection Observations

90-Day Storage Area/Central Accumulation Area (CAA)

Regal Marine manages a hazardous waste CAA in the 90-Day Storage Area. This CAA was located outside under an overhead roof fenced off and accessible only with a locked gate. The area was identified with a sign which read "danger, hazardous waste storage." Regal Marine manages ignitable waste in this CAA, and the inspectors observed "No Smoking" signs at the front of the entry gate.

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and it is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system.

The inspectors observed a total of thirty-three (33) 55-gallon containers of waste in this CAA. The drums were located in the middle of the CAA, adjacent to the Distill area (Figures 9 and 10). The containers were all equipped with a drum cover lid, closed, and labeled. However, inspectors observed one of the thirty-three 55-gallon containers labeled F005, F003, D001, and D005 hazardous waste solvent-based paint from maintenance with no accumulation start date. Inspectors asked facility personnel if this was a part of the 90-day storage area. Facility personnel stated that it was used as a container for the facility's distill/kick-off area. Inspectors recommended facility personnel to utilize the container as a SAA container and properly label it accordingly.

Located adjacent to the CAA, inspectors observed additional two (2) 55-gallon containers of gelcoat product stored for use in the boatmaking process area (Figure 4).

In addition, inspectors observed one 55-gallon container of hazardous waste adhesive generated from boatmaking processes (Figure 8) area. The container was equipped with a drum

funnel lid, which was closed, labeled “Hazardous Waste,” identified with an indication of the hazards of the contents but not marked with an accumulation start date. Inspectors asked facility personnel to provide a waste determination of the adhesive waste. Facility personnel provided a waste determination of the waste on a September 5, 2023, follow-up email.

Inspectors observed one 55-gallon container of used aerosol cans located adjacent to the CAA (Figure 7). The container was equipped with an aerosol puncturing device. The container was closed but was not marked “Hazardous Waste,” identified with an indication of the hazards of the contents and marked with an accumulation start date.

Since aerosol cans were being managed as hazardous wastes, inspectors notified the facility personnel that it is up to the facility to use their discretion on handling aerosol cans as universal waste.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Inspectors observed another 55-gallon container of green dye located adjacent to the CAA. Inspectors asked facility personnel to provide a waste determination. Facility personnel provided waste determination documents on September 5, 2023. The sample results of the green dye concluded it to be non-hazardous waste.

Inspectors observed one 35-gallon container of spray foam cans with spray foam that had been allowed to harden for treatment. The container was located adjacent to the CAA. The Facility's Waste Analysis Plan (WAP) does not cover treatment of foam precursors.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 268.7(a)(5)], which incorporates Fla. Admin. Code Ann. r. 62-730.183 [40 C.F.R. Part 268], and is a condition of the LQG Permit Exemption, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards.

To the west of the 90-day area, outside of the roofed area, were two 25-gallon cut polyethylene drum bottoms and four 5-gallon containers of gelcoat that had been kicked off for treatment; each container was one-third to one-half full. The containers were on pallets and under secondary containment. This process was stated in the Facility's WAP.

MEKP Collection

Regal Marine manages a MEKP collection area within the CAA. MEKP is an initiator for the molding process of boat building (Figures 1-3). The containers with residual MEKP are drained into one collection container before the emptied containers are disposed of. After the containers are fully drained, they are then sent to the dumpster near the site (Figure 29).

Distill/Kick-off Area

Regal Marine manages a distilling area in the CAA for recovering residual acetone generated by cleaning contaminated sprays. The inspectors observed one 10-gallon container in this area (Figures 5 and 6). The container was located adjacent to the stored containers, and it was equipped with no lid (Figure 6). Inspectors observed three (3) 5-gallon containers not labeled or dated (Figure 5). This process was stated in the Facility's WAP. However, inspectors asked facility personnel about the four (4) 5-gallon containers adjacent to the kick-off machine (Figures 32 and 33). Facility personnel stated these containers were accumulated temporarily before introducing them into the distilling process. Inspectors notified facility personnel that the containers awaiting the distillation process must be properly labeled.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words "Hazardous Waste"; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Yacht Building (Building G)

Regal Marine manages a hazardous waste CAA in Building G. The CAA was located between two main work areas for spray painting boat molds. Regal Marine manages ignitable waste in this CAA, and the inspectors observed "No Smoking" signs above the 90-day storage sign (Figure 12).

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and it is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system.

Regal Marine manages a CAA in the Building G for managing hazardous waste acetone mixture that is generated by the lamination area for coating the boats interior and exterior components. The inspectors observed two (2) 55-gallon containers in this CAA (Figure 12). The containers were equipped with drum cover lids. One of the 55-gallon containers was not closed (Figure 11). The drum was labeled D001, F003, F005 hazardous waste acetone/mixture, and identified with an indication of the hazards of the contents.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Inspectors recommended facility personnel to include a SAA adjacent to where the lamination takes place so as to have a designated area for accumulating closer to the process where points of generation occur.

Regal Marine manages two SAAs in Building G for excluded solvent contaminated wipes that is generated by the boatmaking process. The inspectors observed one 55-gallon container in each SAA. One container was equipped with a drum cover lid and the other container was under a compression machine (Figures 15-17). Both containers were labeled and identified with an indication of the hazards of the contents. However, both containers were not closed, and no accumulation start date was identified.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

Inspectors recommended facility personnel to close the SAA container each time they compress, add, or remove the wipes.

Small Parts Building (Building D)

Regal Marine manages a hazardous waste CAA in Building D. The area was located separately from the boatmaking process. Regal Marine manages ignitable waste in this CAA, and the inspectors observed “No Smoking” signs right below the 90-day storage sign (Figure 13).

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and it is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system.

Regal Marine manages a CAA in the Building D for managing hazardous waste acetone mixtures and excluded solvent contaminated wipes that is generated by the boatmaking process. The inspectors observed two (2) 55-gallon containers in this CAA. One container was equipped with a drum cover lid and the other container was equipped with a funnel lid. Both containers were

labeled, dated, and identified with an indication of the hazards of the contents. However, both containers were not closed (Figure 13 and 14). Inspectors recommended facility personnel to replace throughout the facility the 55-gallon solvent contaminated wipes container lids with flip top lids to have the container properly closed or secured whenever adding or removing waste.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

Regency Building (Building B)

Regal Marine manages several SAAs in Building B for managing hazardous waste acetone mixture and solvent contaminated wipes that is generated by the boatmaking process. The inspectors observed two (2) 55-gallon containers in one SAA. One of the containers was designated for excluded solvent contaminated wipes and the other container was for spent acetone from cleaning process equipment. Both waste containers were open and located adjacent to a spill kit (Figures 18-19). One container was equipped with a drum cover lid and the other container was equipped with a funnel lid. Both containers were labeled, dated, and identified with an indication of the hazards of the contents.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

Inspectors observed a 5-gallon container with an unidentified liquid (Figure 20). Inspectors asked facility personnel what the contents within the container was. Facility personnel stated that it was acetone left out due to the SAA container unable to be filled due to debris and

clogging (Figure 18). Facility personnel corrected the observation at the time of the inspection. Although Regal Marine may manage more than one container in the same SAA, please note that the SAA Permit Exemption limits the total volume of waste accumulated in this area at any given time to be no more than 55 gallons. Pursuant to [Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(6)]], a generator who accumulates hazardous waste in excess of 55 gallons must, with respect to that amount of excess waste, comply with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)] or remove the excess waste from the SAA within three consecutive calendar days.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

In a second SAA, inspectors observed one 35-gallon container and one 55-gallon container of hazardous waste in the Regency Building area. The 35-gallon container was equipped with a metal cover top lid, which was not secure, not marked “Hazardous Waste,” and not identified with an indication of the hazards of the contents (Figure 21). The 55-gallon container of excluded solvent contaminated wipes was equipped with a drum cover lid, which was not closed (Figure 22).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(ii)], which is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the LQG Permit Exemption.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Upholstery (Building A)

Inspectors asked facility personnel if there were any SAAs or CAAs within Building A. Facility personnel stated they no longer have any SAAs within Building A.

Commodore Building Lamination (Building E)

Regal Marine manages a hazardous waste CAA in Building E. This area was located near a flammable cabinet. Regal Marine manages ignitable waste in this CAA, and the inspectors did not observe “No Smoking” signs during the inspection.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(vi)(B)], which is a condition of the LQG Permit Exemption, “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and it is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system.

Inspectors observed two (2) CAA 55-gallon containers of hazardous waste within this area. The containers were located adjacent to a flammable cabinet (Figure 23). One of the containers was equipped with a funnel lid, which was not secure, but identified with an indication of the hazards of the contents and marked with an accumulation start date (Figure 24). The excluded solvent contaminated wipes container was not closed and did not have an accumulation start date.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

Inspectors observed one 35-gallon container in the Commodore Building area adjacent to the CAA. The container was equipped with a metal top cover lid, which was not closed (Figure 25). The container also did not have an accumulation start date (Figure 26).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A

container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the date upon which each period of accumulation begins clearly visible for inspection on each container.

Inspectors observed one 5-gallon container in the paint booth (Figure 27). Inspectors asked facility personnel what the container was used for. Facility personnel stated that it is used for purging and cleaning any residual paint on the sprays. The container was not closed or identified as a SAA container. Inspectors asked facility personnel to label the container properly since waste was being generated in the container.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

Inspectors asked facility personnel if a waste determination has been made on the waste booth filters. Facility personnel stated that filters are replaced as needed and provided a waste determination on a September 5, 2023, follow up email. The test results showed that filters are hazardous waste.

Inspectors observed one SAA 45-gallon container opened with contaminated debris and gelcoat located adjacent to the paint booth entrance (Figure 28). Inspectors asked facility personnel if this container was waste. Facility personnel stated that it was accumulated waste originating from the spray booth. Inspectors recommended facility personnel to properly manage their containers and to label purge containers within the paint booth as SAA containers. The container was open, not marked with the words “Hazardous Waste” and with an indication of the hazards of the contents.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers

(i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

Ambassador Assembly (Building D)

Regal Marine manages a hazardous waste CAA in Building D. The area was identified with a sign which read “Hazardous Waste Area.” Regal Marine manages ignitable waste in this CAA, and the inspectors observed “No Smoking” signs above the containers (Figure 30).

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and it is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system.

Inspectors observed two (2) 55-gallon containers in this area. One solvent contaminated wipes container was equipped with a drum cover lid, which was closed. However, the container did not have an accumulation start date. The other container was equipped with a funnel lid, which was not closed (Figure 31). Both containers were properly labeled and identified with an indication of the hazards of the contents.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

12) Records Review

Contingency Plan and Quick Reference Guide (QRG):

The actions that facility personnel should take in response to an emergency are described in the facility’s Contingency Plan, which was last updated on May 24, 2023.

The plan describes actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

The plan describes arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee.

The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. Johnny Elvir is listed as the primary emergency coordinator, and the other individuals are listed in the order in which they will assume responsibility as alternates.

The plan includes a list of all emergency equipment at the facility. The list includes fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment. The list appears to be up to date. The plan includes the location and a physical description of each item on the list, and a brief outline of its capabilities.

The plan includes an evacuation plan for personnel. This plan describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

A copy of the Contingency Plan (and its quick reference guide) was most recently submitted to the police department, State and local emergency response teams and the Local Emergency Planning Committee on September 12, 2023. The specific authorities were re-notified due to no prior proof of notifications. The following entities were re-notified: Orange County Fire Department - Office of Emergency Management, Belle Isle Police Department, Orange County Sheriff's Office, Orange County Emergency Management, Orlando Health Emergency Room and Medical Pavilion – Osceola, Florida Highway Patrol, Florida Department of Environmental Protection - Office of the Secretary, Florida Department of Environmental Protection - Central District Office, Orange County Environmental Protection, State Emergency Response Commission, Apex Environmental, SWS Environmental Services (Emergency Spill Response).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.256], and is a condition of the LQG Permit Exemption, a generator must: (a) attempt to make arrangements with the local authorities identified, as appropriate for the type of waste handled at the Facility and the potential need for the services of these authorities, and (b) maintain records documenting the arrangements made.

The quick reference guide includes the types/names of hazardous waste in layman's terms and the associated hazard associated with each hazardous waste present at any one time; the estimated maximum amount of each hazardous waste that may be present at any one time; the identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; a street map of the facility in relation to surrounding businesses, schools and residential areas; the locations of water supply; the identification of on-site notification systems; and the name of the emergency coordinator(s) and emergency telephone number(s). Inspectors asked facility personnel to provide documentation of the QRG, but to this date the inspectors have not received notification or updates from their working document checklist.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)] and is a condition of the LQG Permit Exemption, a an LQG that is amending its contingency plan to submit a quick reference guide of the contingency plan to the local emergency responders. The required contents of the contingency plan are specified in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.261], and the required contents of the quick reference guide are specified in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)].

Training Records:

The inspectors reviewed facility job descriptions and employee names that were provided for Environmental Manager, Health and Safety & Emergency Coordinator, Environmental Coordinator, Environmental Specialist, Manufacturing Leadership, Safety Representative, etc. Each description included the requisite skill, education, or other qualifications, and duties of facility personnel assigned to that position.

Regal Marine provided a written description of the type and amount of both introductory and continuing training to be given to each person filling the positions listed above. The inspectors did not observe reviewed records of employee hazardous waste training completed in 2020 and 2021. However, facility personnel provided through a follow up email on August 23, 2023, moving forward, they will start to document RCRA training that satisfies LQG requirements. The facility started their training program annually in 2022.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 CFR 262.17(a)(7)(iv)(D)], which is a condition of the LQG Permit Exemption, a LQG must provide and maintain records that document that the training or job experience, required under paragraphs (a)(7)(i), (ii), and (iii) of this section, has been given to, and completed by, facility personnel.

Waste Manifest and Land Disposal Restriction (LDR) Records:

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent since calendar year 2020. Hazardous waste manifest records show that D001, F003, F005 hazardous waste acetone/toluene, D001, D018 hazardous waste diesel fuel/gasoline, and D001, F003 hazardous waste resin solution, are routinely shipped to Giant Resource Recovery Sumter Inc (SCD036275626), and the most recent shipment was made on June 15, 2023.

Weekly Inspection Records:

The inspectors reviewed Regal Marine's available records of inspections of the hazardous waste central accumulation area (CAA) since calendar year 2020. The inspection log includes a checklist to record observations about leaking containers and for deterioration of containers caused by corrosion or other factors. The inspection log includes a checklist to record observations about aisle space, legible container labels, closed lids and bungs, condition of containers, container stacking, container storage time, housekeeping, emergency communication, fire extinguisher, spill response kit, etc. The records include the date and time

of the inspection and the name, signature and initials of the employee conducting the inspection. Employees do routinely record inspection observations and subsequent follow-up actions on the inspection log. The only inspection records provided were from May 2022 through August 2023.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) and 62-730.160(3) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Facility personnel stated that there was a fire in the Ambassador Lamination Building in January 2023. Inspectors asked facility personnel if they have ever notified respective authorities or report that there was a fire at the facility. Facility personnel stated that they did not report the fire to respective authorities.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.265(d)], if the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator must report the findings as follows:

(1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

(2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of the generator;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

Biennial Report

Inspectors observed late biennial reporting from the Facility. The Facility failed to submit the required biennial report by the due date of March 1, 2022. The facility's biennial report was received by the FDEP on March 7, 2023.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.18(d)(2)], a LQG must re-notify EPA by March 1 of each even-numbered year thereafter.

13) Closing Conference

The inspectors conducted the exit meeting at 2:35pm with Jon Chappel and Angel Rodriguez. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Regal Marine agreed to provide requested records by August 23, 2023. On September 5, 2023, Jon Chappell provided contingency plan updates, local authority notifications, waste analysis plan for hardening spray, annual RCRA training for employees, weekly inspections, manifests, waste determination for paint booth filters and green dye, and job descriptions in an email to Mark Anthony Relon, Parvez Mallick, and Gina Laddick.

14) Summary of Observations

During the inspection, observations were made concerning the following RCRA requirements:

- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 268.7(a)(5)], which incorporates [Fla. Admin. Code Ann. r. 62-730.183] [40 C.F.R. Part 268], and is a condition of the LQG Permit Exemption, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the

point of generation, provided that the conditions listed in Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(ii)], which is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the LQG Permit Exemption.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.256], and is a condition of the LQG Permit Exemption, a generator must: (a) attempt to make arrangements with the local authorities identified, as appropriate for the type of waste handled at the Facility and the potential need for the services of these authorities, and (b) maintain records documenting the arrangements made.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 CFR 262.17(a)(7)(iv)(D)], which is a condition of the LQG Permit Exemption, a LQG must provide and maintain records that document that the training or job experience, required under paragraphs (a)(7)(i), (ii), and (iii) of this section, has been given to, and completed by, facility personnel.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) and 62-730.160(3) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)] and is a condition of the LQG Permit Exemption, a an LQG that is amending its contingency plan to submit a quick reference guide of the contingency plan to the local emergency responders. The required contents of the contingency plan are specified in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.261], and the required contents of the quick reference guide are specified in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)].
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.265(d)], if the emergency coordinator determines that the facility has had a release, fire, or

explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator must report the findings as follows:

- (1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and
- (2) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that geographical area, or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:
 - (i) Name and telephone number of reporter;
 - (ii) Name and address of the generator;
 - (iii) Time and type of incident (e.g., release, fire);
 - (iv) Name and quantity of material(s) involved, to the extent known;
 - (v) The extent of injuries, if any; and
 - (vi) The possible hazards to human health, or the environment, outside the facility.
- Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.18(d)(2)], a LQG must re-notify EPA by March 1 of each even-numbered year thereafter.

15) **List of Attachments**

Attachment 1 – Photo Log:

16) **Signed**

MARK ANTHONY RELON

Digitally signed by MARK ANTHONY

RELON

Date: 2023.12.14 08:28:18 -08'00'

Mark Anthony Relon
Environmental Engineer

PARVEZ MALLICK

Digitally signed by PARVEZ MALLICK

Date: 2023.12.14 14:55:54 -05'00'

Parvez Mallick
Environmental Engineer

17) **Concurrence**

ARACELI CHAVEZ

Digitally signed by ARACELI
CHAVEZ

Date: 2023.12.14 15:43:21 -05'00'

Araceli B. Chavez
RCRA Enforcement Section

Attachment 1 – Photo Log

33 Photos taken on: August 10, 2023

Photos taken by: Mark Anthony Relon

Photos taken with: Kodak PixPro Digital Camera

EPA Property Tag: SX9088

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 1: 11:19 AM MEKP Collection
Containers with residual MEKP are observed.



Figure 2: 11:19 AM MEKP Collection
Containers with residual MEKP are observed.



Figure 3: 11:19 AM MEKP Collection
Containers with residual MEKP are observed.



Figure 4: 11:22 AM 90-Day Storage Area
Two (2) 55-gallon containers of gelcoat product.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 5: 11:22 AM Distill/Kick-off Area
Inspectors observed three (3) 5-gallon containers
not labeled or dated.



Figure 6: 11:23 AM Distill/Kick-off Area
One 10-gallon container observed.



Figure 7: 11:32 AM 90-Day Storage Area
One 55-gallon container of used aerosol cans
observed.



Figure 8: 11:39 AM 90-Day Storage Area
One 55-gallon container of hazardous waste
adhesive observed.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 9: 11:46 AM 90-Day Storage Area
Thirty-three (33) 55-gallon containers observed.



Figure 10: 11:46 AM 90-Day Storage Area
Thirty-three (33) 55-gallon containers observed.



Figure 11: 11:59 AM Building G CAA
One of two (2) opened 55-gallon containers observed.

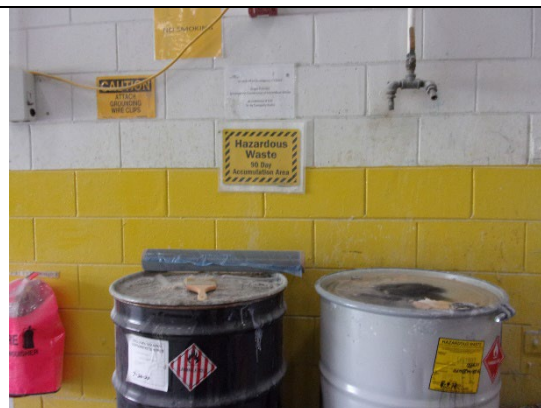


Figure 12: 11:59 AM Building G CAA
Two (2) 55-gallon containers observed.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 13: 12:19 PM Building D CAA
Two (2) 55-gallon containers observed.



Figure 14: 12:19 PM Building D CAA
One of the two (2) 55-gallon container with unsecured funnel observed.



Figure 15: 12:23 PM Building G
One opened 55-gallon SAA containers observed.



Figure 16: 12:26 PM Building G
Picture one of two opened 55-gallon SAA containers observed.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 17: 12:26 PM Building G
Picture two of two opened 55-gallon SAA containers
observed.



Figure 18: 12:36 PM Regency Building
Two (2) 55-gal containers observed.



Figure 19: 12:36 PM Regency Building
One 55-gal container located adjacent to a spill kit
observed.



Figure 20: 12:37 PM Regency Building
5-gallon container with unidentified liquid
observed.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 21: 12:55 PM Upholstery
One unlabeled 35-gallon container observed.



Figure 22: 12:55 PM Upholstery
One open 55-gallon container observed.



Figure 23: 12:58 PM Commodore Building Lamination
Two (2) 55-gallon containers observed.



Figure 24: 12:58 PM Commodore Building Lamination
One of two 55-gallon containers observed with
funnel unsecured.



Figure 25: 1:00 PM Commodore Building Lamination One opened 35-gallon container observed.



Figure 26: 1:00 PM Commodore Building Lamination One opened 35-gallon container observed.



Figure 27: 1:03 PM Commodore Building Lamination One 5-gallon container from spray booth observed.



Figure 28: 1:07 PM Commodore Building Lamination One 45-gallon container observed opened with accumulated material.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 29: 1:15 PM Outside 90-Day Storage Area
Container used for storing emptied MEKP containers
and solvent contaminated wipes before disposal.



Figure 30: 1:17 PM Ambassador Lamination
Two (2) 55-gallon containers observed.



Figure 31: 1:17 PM Ambassador Lamination
One of two 55-gallions observed with funnel
unsecure.



Figure 32: 10:49 AM Distill/Kick-off Area
Kick-off machine observed. Photo provided by FDEP.

Attachment 1- Regal Marine Industries Inc.
RCRA CEI Photographs



Figure 33: 10:56 AM Distill/Kick-off Area
Four (4) 5-gallon containers adjacent to the kick-off machine with no label or indication of the hazards of the contents. Photo provided by FDEP.