

Memorandum

Florida Department of Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: W Deborah Getzoff, District Director

THROUGH:

W William Kutash, Waste Program Administrator

D James Dregne, Hazardous Waste Program Manager (10/20)

E Elizabeth Knauss, HW Enforcement Coordinator

FROM:

RF Rebecca Foster, Environmental Specialist II

DATE: October 15, 2010

FILE NAME: Ring Power Corporation

COUNTY: Hillsborough

PROGRAM: Hazardous Waste

WL # WL10-0064HW29SWD

TYPE OF DOCUMENT: Warning Letter, Penalty Computation Worksheet, Inspection Report

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: Failure to label containers of used oil, failure to provide secondary containment for used oil storage. Failure to store spent mercury containing lamps in closed and labeled containers. Failure to make arrangements with local authorities, and failure to have a modified contingency plan posted.

STATUS OF CORRECTIVE ACTIONS: Pending

STATUS OF PENALTY ASSESSMENT: Penalty was prepared in accordance with United States EPA RCRA Civil Penalty Policy.

PENALTY: ☐ Not Applicable

Amount: \$3,199.00

Costs & Expenses: \$300.00

Total: \$3,499.00

Secretary Approval ☒ Not required / Approved on _____

Attachments: Warning Letter, Penalty Computation Worksheet, Inspection Report



Florida Department of
Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

October 20, 2010

CERTIFIED MAIL 7009 1680 0001 0454 9846
RETURN RECEIPT REQUESTED

Mr. Kevin Wurtenberg
Ring Power Corporation
10421 Fern Hill Drive
Riverview, FL 33578

Re: Ring Power Corporation
FLD 984 170 415
Warning Letter #WL10-0064HW29SWD
Hillsborough County

Dear Mr. Wurtenberg,

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on September 7 and 8, 2010 indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. The report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provide that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

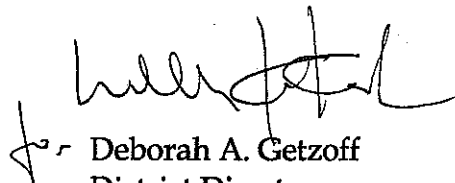
You are requested to contact Rebecca Foster at (813)632-7600, extension 372 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after

further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy, the penalties which would be assessed in this case are \$3,199.00. Costs and expenses in this case will be a minimum of \$300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,


for Deborah A. Getzoff
District Director
Southwest District

DAG/rlf

Attachment

cc: Glen Perrigan, HWR Section (Electronic)
Parvez Mallick, USEPA Region IV (Electronic)
Kelley Boatwright, Hillsborough County EPC (Electronic)
Compliance File

PENALTY COMPUTATION WORKSHEET

Identify Violator's Facility: Ring Power Corporation

Name of Department Staff Responsible for the Penalty Computations: Rebecca Foster

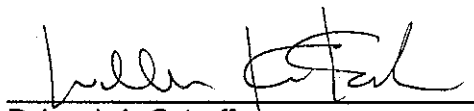
Warning Letter #: WL10-0064HW29SWD

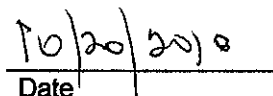
Date: October 15, 2010

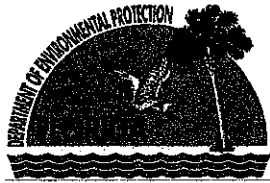
	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Total
1.	Failure to post a modified contingency plan or have a contingency plan available on site. 40 CFR 262.34(d)(5)(ii)	HW 86	Minor	Minor	\$710--\$150	\$500
2.	Failure to make arrangement with the local authorities. 40 CFR 265.37(a)	HW 92	Minor	Minor	\$710--\$150	\$500
3.	Failure to label all containers storing used oil with the words "Used Oil" 40 CFR 279.22(c)(1)	UO 146	Minor	Major	\$1,199--\$500	\$1,199
4.	Failure to provide secondary containment for used oil storage. 62-710.401(6) F.A.C.	UO 144	Minor	Major	\$1,199--\$500	\$500
5.	Failure to store universal waste lamps in closed labeled containers. 40 CFR 273.(d)(1)	UW 38	Minor	Moderate	\$500	\$500
6.	Failure to label universal waste lamps. 62-737.400(5)(b)	UW 38	Minor	Moderate	\$500	Combined with Item #5
SUB-TOTAL						\$3,199.00
DEPARTMENT COSTS						\$300.00

Total Penalties Including Department Costs:

\$3,499.00


 Deborah A. Getzoff
 District Director
 Southwest District


 Date 10/20/2010



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

FACILITY INFORMATION:

Facility Name: Ring Power Corporation
On-Site Inspection Start Date: 09/07/2010 **On-Site Inspection End Date:** 09/08/2010
ME ID#: 60688 **EPA ID#:** FLD984170415
Facility Street Address: 10421 Fern Hill Dr, Riverview, Florida 33569
Contact Mailing Address: 500 World Commerce Pkwy, St Augustine, Florida 32092
County Name: Hillsborough **Contact Phone:** (904) 494-1417

NOTIFIED AS:

SQG (100-1000 kg/month)
Used Oil

INSPECTION TYPE:

Routine Inspection for SQG (100-1000 kg/month) facility
Routine Inspection for Used Oil facility
Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Rebecca Foster, Environmental Specialist II
Other Participants: Todd Colegrove, Service Manager; Bob Soich, Environmental Specialist II; Mark Carter, Facilities Foreman

LATITUDE / LONGITUDE: Lat 27° 50' 50.8989" / Long 82° 20' 40.2859"

SIC CODE: 3531 - Manufacturing - construction machinery

TYPE OF OWNERSHIP: Private

Introduction:

Ring Power Corporation (Ring Power) was inspected by the Department of Environmental Protection on September 7 and 8, 2010 to determine the facility's compliance with state and federal hazardous waste regulations. Todd Colegrove, Service Manager, and Mark Carter, Facilities Foreman, accompanied the inspectors throughout the inspection. Ring Power is a small quantity generator of hazardous waste and a used oil transporter. Ring Power was last inspected in April 2007.

Process Description:

Ring Power is an authorized dealer for Caterpillar Equipment that sells and services heavy earth moving equipment, engines and generators. Since the last inspection a new building has been built which houses the heavy equipment service and repair area, heavy equipment rental fleet, oil lab and the engine rebuild center. Ring Lift, formerly located on Highway 301 in Tampa has also been relocated to this location. The building across the street is now the security and facilities office. There are a total of 49 parts washers, 24 of which are System One recycling parts washers. The remaining parts washers are in Safety Kleen's Continued Use Program. There is also one Clam parts washer and one Mart Tornado aqueous parts washer. The Clam generates sludge that is managed as a hazardous waste, and any waste water and sludge generated by the Mart Tornado has been tested and found to be non hazardous and is disposed of with the waste from the wash rack.

Collection tanks, drums and containers for used oil, used oil filters and antifreeze are located throughout the service area. In the north wing of the new building there was one used oil dolly that was not labeled at the time of the inspection. Additionally in the Ring Lift and Tow Motor Department the used oil tank and the used oil drain tables were not labeled "Used Oil". The drain

Inspection Date: 09/07/2010

tables located under the used oil storage tank in the Ring Lift shop did not have secondary containment. Following the inspection Ring Power agreed to pump out the drain tables at the end of the work day. In the Undercarriage Shop the blue used oil hand trucks were not labeled used oil. There was one hand truck that was dented and had been labeled "Leaks." This hand truck was in use at the time of the inspection and there was a sizable puddle of used oil on the shop floor around the truck. Ring Power immediately addressed the problem with the leaking used oil hand truck by cleaning up the spill and placing this piece of equipment out of service. In the Truck Shop used oil filters are placed on a containment pallet to drain excess used oil prior to placing in drums for recycling. The used oil is allowed to accumulate and is pumped out weekly into the used oil storage tank. This pallet is located near the bay doors, was not labeled used oil and did not have secondary containment. In addition the area around the used oil storage and the used oil filter drain pallet there was a significant amount of used oil from minor spills that had not been cleaned up. Following the inspection Ring Power submitted documentation indicating that the area had been cleaned up and that a new filter draining device with secondary containment was being constructed and will be installed when it is completed. All used oil labeling violation were corrected immediately following the inspection. Used oil, antifreeze and used oil filters are disposed of through Synergy Recycling. Between 500 and 1,000 gallons of used oil is generated and disposed of twice a week.

There are two paint booths and one blasting booth at the facility. Spent blasting media is disposed of as a solid waste. The spent media was tested in 2003 and determined to be non hazardous. Waste paint is disposed of by Safety Kleen each month. It was stated that they have the drum of paint waste disposed of regardless of how much waste is generated. Waste thinner is sent to a solvent still and is recycled for reuse. Approximately ten gallons of waste thinner are recycled every day, recovering on average eight gallons of usable thinner. Still bottom are disposed of with the waste paint. Weekly container inspection logs are conducted of the hazardous waste in storage in the paint area. The container inspection logs were up-to-date and complete at the time of the inspection.

Universal waste lamps are stored across the street at the security office. At the time of the inspection universal waste lamps were not being stored in containers and were not labeled. All Universal waste lamps have been placed in closed labeled containers. Ring Power indicated that they bring lamps from their other facilities to this location for consolidation prior to disposal with Lamp Tracker. The Department reminds Ring Power that all lamps must be stored in closed and labeled containers once they have been removed from their fixtures, and must be placed in the proper containers at the facility of origin prior to transporting the lamps to the Riverview facility.

Paperwork review indicated inconsistencies with the facility address on some of the manifests. Manifests from waste generated at the oil lab when it was located across the street had the address 10110 Fern Hill Dr. and the EPA ID # CESQG. Ring Power is reminded that now that the oil lab has moved to this property it must contain this address and EPA ID #. Additionally it was noted on several manifests the address of the facility was listed at 97967 Gibsonton Dr. This address was associated with the facility in the past but has since changed. Ring Power contacted Safety Kleen to ensure that the correct address is listed in their system. The Department reminds Ring Power that they should always check each manifest and make corrections to any information that is not correct, including the address, prior to signing the manifest at the time of pick up. The facility's contingency plan was not up to date and was not available at the facility at the time of the inspection. Since the construction of the new building and relocation of the oil lab and Ring Lift, the contingency plan has not been updated. In addition the contingency plan was not located at the facility in Riverview. Letters verifying arrangements with the local authorities were not available at the facility. In an email dated September 27, 2010 Mr. Dave Strickland stated that the contingency plan is currently being updated and that the plan will be sent to the local Fire Department, Police Department, and hospital as soon as it is complete. The contingency plan will also be kept of file at the facility manager's office on site at the Riverview Facility.

New Potential Violations and Areas of Concern:

Small Quantity Generator Checklist

Inspection Date: 09/07/2010

Type: Violation
Rule: 262.34(d)(5)(ii)
Question Number: 4.520
Question: Is the following information posted near the telephone:
Explanation: Ring Power had not posted a modified contingency plan. Ring Power chooses to comply with the requirements of a full contingency plan in lieu of a modified contingency plan. At the time of the inspection the contingency plan had been removed from the facility and was not available for inspection.
Corrective Action: Update the contingency plan and ensure that it is kept on site. Alternatively Ring Power may create a modified contingency plan and post this information near the phones.

Universal Waste Lamps

Type: Violation
Rule: 273.13(d)(1)
Question Number: 39.10
Question: Are lamps managed in a manner to prevent breakage or the release of universal waste or components of universal waste and are the packages or containers structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps?
Explanation: Universal Waste lamps were not stored in structurally sound closed containers. (Corrected)
Corrective Action: Complete.

Type: Violation
Rule: 62-737.400(5)(b)
Question Number: 39.40
Question: Is each lamp or container labeled or marked clearly with either "Spent Mercury Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps"?
Explanation: Universal waste lamps were not properly labeled. (Corrected)
Corrective Action: Complete

Used Oil Generator Checklist

Type: Violation
Rule: 279.22(c)(1)
Question Number: 5.40
Question: Are containers/tanks storing used oil marked with the words "Used Oil"?
Explanation: Multiple used oil dollies and hand trucks in several different departments, one used oil drain table and one used oil storage tank were not properly labeled with the words "Used Oil." (Corrected)

Inspection Date: 09/07/2010

Corrective Action: Complete.

Type: Violation

Rule: 62-710.401(6)

Question Number: 5.100

Question: Either double-walled or stored on an oil-impermeable surface with engineered secondary containment that has the capacity to hold 110% of the volume of the largest container within the secondary containment (regardless of size)? Note: Inside containers that are 55 gallons or less are assumed to meet the secondary containment requirement if they are stored on an oil-impervious surface. Inside containers/tanks that are larger than 55 gallons and are portable/wheeled are assumed to meet the secondary containment if they are stored on an oil-impervious surface and if they are typically emptied every 24 hours.

Explanation: A containment pallet located near the bay doors, exceeding 55 gallon capacity, was being used to collect used oil drained from used oil filters, did not have secondary containment.

Corrective Action: Provide secondary containment for the containment pallet storing used oil. Alternatively replace the pallet with a container with a 55 gallon or smaller container to drain the used oil filters, and move it away from the bay doors.

Checklist Independent Potential Violations and Areas of Concern

Type: Violation

Rule: 265.37(a)

Explanation: Ring Power was unable to provide documentation that emergency arrangements have been made with the local police, fire department and hospitals.

Corrective Action: Send emergency arrangement letters to the local police, fire Department, and hospital. Keep documentation that these arrangements have been made and provide documentation to the Department.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Small Quantity Generator Checklist 262.34(d)(5)(ii)		09/07/2010	Ring Power had not posted a modified contingency plan. Ring Power chooses to comply with the requirements of a full contingency plan in lieu of a modified contingency plan. At the time of the inspection the contingency plan had been removed from the facility and was not available for inspection.
Universal Waste Lamps 273.13(d)(1)		09/07/2010	Universal Waste lamps were not stored in structurally sound closed containers. (Corrected)
62-737.400(5)(b)		09/07/2010	Universal waste lamps were not properly labeled. (Corrected)

Inspection Date: 09/07/2010

Rule Number	Area	Date Cited	Explanation
Used Oil Generator Checklist 279.22(c)(1)		09/07/2010	Multiple used oil dollies and hand trucks in several different departments, one used oil drain table and one used oil storage tank were not properly labeled with the words "Used Oil." (Corrected)
62-710.401(6)		09/07/2010	A containment pallet located near the bay doors, exceeding 55 gallon capacity, was being used to collect used oil drained from used oil filters, did not have secondary containment.
Checklist Independent Violations 265.37(a)		09/07/2010	Ring Power was unable to provide documentation that emergency arrangements have been made with the local police, fire department and hospitals.

Areas of Concern

No Areas of Concern

Conclusion:

Ring Power was found to be in violation of rules and regulations governing small quantity generators of hazardous waste, generators of used oil and universal waste lamps.

Inspection Date: 09/07/2010

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. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Rebecca Foster

PRINCIPAL INSPECTOR NAME

Environmental Specialist II

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

10/19/2010

DATE

Bob Solich

INSPECTOR NAME

Environmental Specialist II

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP

ORGANIZATION

Todd Colegrove

REPRESENTATIVE NAME

Service Manager

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Ring Power Corporation

ORGANIZATION

Mark Carter

REPRESENTATIVE NAME

Facilities Foreman

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Ring Power Corporation

ORGANIZATION

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

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City, State, ZIP

Mr. Kevin Wurtenberg
Ring Power Corporation

10421 Fern Hill Drive

Riverview, FL 33578

OCT 20 2010

SOUTHWEST DISTRICT
TEMPLE TERRACE

Postmark
Here

PS Form 3800, August 2006

See Reverse for Instructions

7009 1680 0001 0454 9846

Stewart, Patricia

From: Stewart, Patricia
Sent: Wednesday, October 20, 2010 2:56 PM
To: Perrigan, Glen; 'Mallick.Parvez@epamail.epa.gov'; 'boatwright@epchc.org'
Subject: Ring Power FLD 984 170 415 Warning Letter
Attachments: Ring Power.pdf; image003.jpg

Attached please find a copy of a warning letter. This is the only copy you will receive.

NOTE: If you have any questions concerning the contents of this document, please contact the DEP Environmental Specialist II Rebecca.Foster@dep.state.fl.us

Acrobat Reader 6.0 or greater is required to read this document. It is available for downloading at:
<http://www.adobe.com/products/acrobat/readstep.html>



Thank you,
Patricia Stewart
Senior Clerk
Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, Florida 33637
813-632-7600, X 356
FAX: 813-632-7664
Patricia.Stewart@dep.state.fl.us

Stewart, Patricia

From: Mail Delivery System [MAILER-DAEMON@mseive02.rtp.epa.gov]
To: Mallick.Parvez@epamail.epa.gov
Sent: Wednesday, October 20, 2010 2:56 PM
Subject: Relayed: Ring Power FLD 984 170 415 Warning Letter

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

Mallick.Parvez@epamail.epa.gov

Subject: Ring Power FLD 984 170 415 Warning Letter

Stewart, Patricia

From: Microsoft Exchange
To: 'boatwright@epchc.org'
Sent: Wednesday, October 20, 2010 2:56 PM
Subject: Relayed: Ring Power FLD 984 170 415 Warning Letter

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

'boatwright@epchc.org'

Subject: Ring Power FLD 984 170 415 Warning Letter

Sent by Microsoft Exchange Server 2007

Stewart, Patricia

From: Microsoft Exchange
To: Perrigan, Glen
Sent: Wednesday, October 20, 2010 2:56 PM
Subject: Delivered: Ring Power FLD 984 170 415 Warning Letter

Your message has been delivered to the following recipients:

Perrigan, Glen

Subject: Ring Power FLD 984 170 415 Warning Letter

Sent by Microsoft Exchange Server 2007