



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr.
Secretary

February 4, 2011

ELECTRONIC MAIL

dgushleff@feccorporation.com

David Gushleff, Health and Safety Director
FECC, Inc.
3652 Old Winter Garden Road
Orlando, Florida 32805

OCD-HW-11-041

Orange County – HW
FECC, Inc.- FLD981748015
Non-Compliance Letter

Dear Mr. Gushleff:

A hazardous waste and used oil compliance inspection was conducted at your facility on January 18, 2011. The inspection was conducted under the authority of Section 403.091, Florida Statutes (Fla. Stat.) and Chapter 403, Part IV, Fla. Stat. in order to determine the compliance status of your facility with Title 40 Code of Federal Regulations (CFR) Parts 260 – 268 and 279. The provisions of 40 CFR Parts 260 through 268 and 279 have been adopted by reference as the state hazardous waste and used oil rules in Chapters 62-730 and 62-710, Fla. Admin. Code, respectively.

During this inspection, possible violations of Chapter 403 Fla. Stat. and Chapter 62-730 and 62-710, Florida Administrative Code (Fla. Admin. Code) were noted by Department of Environmental Protection specialists. Section 403.721(1), Fla. Stat. requires persons who generate hazardous waste and used oil to comply with rules adopted by the Department. The purpose of this letter is to seek your cooperation in resolving these matters.

Please see the attached inspection report for a full account of Department observations

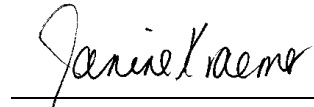
PLEASE BE ADVISED that this Non-Compliance Letter is part of an agency investigation preliminary to agency action within the meaning of Section 120.57(5), Fla. Stat. We request that you review the potential violations noted and respond in writing within 30 days of receipt of this Non-Compliance Letter. Your written response should

either describe what you have done to comply, or provide evidence (photographs, etc.) to support a claim that the violations did not occur.

It is the Department's intention to allow you to document compliance or corrective actions, so that this matter can be closed without further enforcement. Your failure to respond promptly in writing may result in the initiation of formal enforcement proceedings.

Please address your response to Janine Kraemer at the Central District office address noted on the letterhead above. If you have any questions you may contact Janine Kraemer at (407)893-3329 or electronically at Janine.Kraemer@dep.state.fl.us. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



Janine Kraemer, CHMM
Environmental Manager
Solid and Hazardous Waste Program



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

FACILITY INFORMATION:

Facility Name: FECC Inc

On-Site Inspection Start Date: 01/18/2011

On-Site Inspection End Date: 01/18/2011

ME ID#: 20542

EPA ID#: FLD981748015

Facility Street Address: 3652 Old Winter Garden Rd, Orlando, Florida 32805-1020

Contact Mailing Address: 3652 Old Winter Garden Rd, Orlando, Florida 32805-1020

County Name: Orange

Contact Phone: (407) 296-9995

NOTIFIED AS:

CESQG (<100 kg/month)

Transporter

Used Oil

INSPECTION TYPE:

Routine Inspection for Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Janine Kraemer, Environmental Manager

Other Participants: David Gushleff, Health and Safety Director

LATITUDE / LONGITUDE: Lat 28° 32' 48.5722" / Long 81° 25' 25.9179"

SIC CODE: 4959 - Trans. & utilities - sanitary services, nec

TYPE OF OWNERSHIP: Private

Introduction:

On January 18, 2011 Janine Kraemer, Florida Department of Environmental Protection (FDEP), accompanied by David Gushleff, Health and Safety Director, FECC, Inc., inspected FECC for compliance with state and federal hazardous waste and used oil regulations. This was a routine compliance inspection. FECC is a registered hazardous waste and used oil transporter; however, the facility has never transported used oil.

The company moved from their Silver Star address to this location in July 2008. The company currently employs approximately 30 people.

The facility was previously inspected at this address by the Departments' Hazardous Waste Program in 2008 and found to be in compliance.

Process Description:

The facility is a soil and groundwater remediation and spill response company. Wastes generated from these processes cause the facility to be a hazardous waste transporter. Hazardous waste is taken directly from the job site to a treatment, storage and disposal facility or a 10-day transfer facility and never stored at this location. Vacuum trucks parked on site are emptied at a facility in Lakeland.

INSPECTION

The facility is comprised of an office area connected to a garage for general maintenance on their vehicles, a warehouse for storage, and wash pad. The facility also has a large parking lot that is used to store empty drums and tanks that might be needed on job sites. At the time of the inspection the garage had five 55-gallon drums labeled "used oil" and one 55-gallon drum labeled

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"used oil filters" in secondary containment.

At the time of the inspection an employee had just begun to paint an excavator in the warehouse. According to the employee, he was cleaning the paint gun with paint thinner (Figure 3) and discharging the liquid into absorbents. The absorbents were then thrown into the trash. According to Material Safety Data Sheets, the paint thinner has a flash point of less than 140 degrees Fahrenheit; therefore, is a characteristic hazardous waste for ignitability [40 CFR 262.11].

NOTE: On January 21, 2011, the Department received an email from Mr. Gushleff, who stated paint waste hadn't been generated yet but will be collected when generated.

Near the painting area was one unlabeled 55-gallon drum, an unlabeled catch pan of used oil [40 CFR 279.22(c)] and an unlabeled bucket of used oil filters [62-710.850 F.A.C.] (Figures 1 and 2). The drum was labeled and the used oil filters were transferred to the labeled drum in the garage, while the inspector was on site.

Located outside the warehouse is a wash pad connected to a wastewater treatment plant but appears to discharge into a dry retention pond (Figures 4 and 5). According to Mr. Gushleff, FECC did not renew their industrial wastewater permit because they were no longer using the wash pad; however, it appeared that someone had used the wash pad recently. The wash pad was wet and a power sprayer and cleaners were located on it. The Department's Industrial Wastewater Permitting Program was notified of this information.

RECORD REVIEW

Review of manifests indicate three employees have transported hazardous waste: Ernest Whidden, who completed DOT hazardous materials training most recently in December 2008; Jaun Marin, who completed DOT hazardous materials training in June 2009; and Larry Wallace. Mr. Gushleff was unable to provide documentation for Mr. Wallace.

NOTE: On January 21, 2011, the Department received an email from Mr. Gushleff stating that Mr. Wallace was a temporary employee from the staffing company, Moment's Notice. Mr. Wallace had provided his hazardous material endorsement on his driver's license but they could not locate training records. Mr. Wallace only transported one load of hazardous soil and is no longer employed with FECC.

FECC had a Used Oil Training Manual, updated 2/1/10; however, had never completed training with any of their employees [62-710.600(2)(b)(5) F.A.C.].

Manifests were reviewed for 2009 and 2010. On manifest 001349024GBF FECC, Freehold Cartage, then FECC again, were listed as transporters. According to Mr. Gushleff, FECC transported the hazardous waste to Freehold Cartage for storage then transported the waste to the final disposition facility. Freehold Cartage has a 10-day transfer registration with EPA Identification number FLD984187831; however, the manifest listed NJD054126164 as the EPA identification number. This EPA identification number is not associated with a 10-day transfer registration. Please provide the Department a copy of the corrected manifest and documentation that the generator has been notified of the correction.

Two drivers had signed manifest 006211960JJJ; however, only FECC was listed as a transporter. According to Mr. Gushleff, both drivers who had signed the manifest were FECC employees. The drivers had shared driving responsibilities to the final destination facility. Please be advised that the manifest needs only to reflect the transporter not the drivers.

Two manifests indicated hazardous waste had been picked up from CleanPro Environmental (FLR000163725); however, one of the manifests was missing the last number (5) of CleanPro Environmental's EPA identification number. Please provide the Department with a corrected copy of manifest 00085197GBF and documentation that the generator has been notified of the correction.

Used oil and used oil filters are transported by Petrotech for recycling.

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New Potential Violations and Areas of Concern:**Checklist Independent Potential Violations and Areas of Concern**

Type:	Violation
Rule:	62-710.600(2)(c)
Explanation:	Facilities must maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections. Specifically, FECC had not completed used oil training.
Corrective Action:	Within 30 days of receipt of this letter, please provide the Department with used oil training documentation.
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Type:	Violation
Rule:	262.11
Explanation:	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste prior to disposal. Specifically, FECC failed to determine if the waste paint thinner was a hazardous waste.
Corrective Action:	Within 30 days from receipt of this letter, FECC shall provide the Department with documentation that all paint waste is being managed correctly.
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Type:	Violation
Rule:	279.22(c)(1)
Explanation:	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Specifically, FECC failed to label one 55-gallon drum of used oil in the warehouse.
Corrective Action:	FECC corrected this violation before the end of the inspection.
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Type:	Violation
Rule:	62-710.850(5)(a)
Explanation:	All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration). Specifically, FECC was storing used oil filters in an unlabeled bucket.
Corrective Action:	FECC corrected this violation before the end of the inspection.

Summary of Potential Violations and Areas of Concern:Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
62-710.600(2)(c)		01/18/2011	Facilities must maintain a record of

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Rule Number	Area	Date Cited	Explanation
			training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be retained for a minimum of three years and available for review by Department personnel during inspections. Specifically, FECC had not completed used oil training.
262.11		01/18/2011	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste prior to disposal. Specifically, FECC failed to determine if the waste paint thinner was a hazardous waste.
279.22(c)(1)		01/18/2011	Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." Specifically, FECC failed to label one 55-gallon drum of used oil in the warehouse.
62-710.850(5)(a)		01/18/2011	All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration). Specifically, FECC was storing used oil filters in an unlabeled bucket.

Areas of Concern

No Areas of Concern

Conclusion:

At the time of the inspections the facility was operating as a Conditionally Exempt Small Quantity Generator (CESQG) and transporter of hazardous waste and used oil. By definition in 40 CFR 261.5, this means the facility is generating less than 220 pounds a month of hazardous waste. The facility was not in compliance at the time of the inspection.

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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.

Janine Kraemer

PRINCIPAL INSPECTOR NAME

Environmental Manager

PRINCIPAL INSPECTOR TITLE

NO SIGNATURE

PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

David Gushleff

REPRESENTATIVE NAME

Health and Safety Director

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

FECC 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.



Figure 1: Unlabeled used oil container



Figure 2: Unlabeled used oil filters



Figure 3: Paint thinner used to clean paint gun



Figure 4: Equipment wash pad



Figure 5: Drain for equipment wash pad