



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

FACILITY INFORMATION:

Facility Name: FCC Environmental LLC

On-Site Inspection Start Date: 04/23/2012

On-Site Inspection End Date: 04/23/2012

ME ID#: 28736

EPA ID#: FLD984262410

Facility Street Address: 1280 NE 48th St, Pompano Beach, Florida 33064-4909

Contact Mailing Address: 5690 W Midway Rd Ste B, Fort Pierce, Florida 34981-4833

County Name: Broward

Contact Phone: (954) 785-2320

NOTIFIED AS:

CESQG (<100 kg/month)

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Universal Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kathy R. Winston, Inspector

Other Participants: Alton R. Hummel, Field Services Manager

LATITUDE / LONGITUDE: Lat 26° 17' 22.5635" / Long 80° 6' 23.2854"

SIC CODE: 5093 - Wholesale trade - scrap and waste materials

TYPE OF OWNERSHIP: Private

Introduction:

FCC Environmental LLC (FCC) is a full-service recycling, recovery, and remediation company that has been operating at this facility since 1993. The facility sits on approximately 4 acres and the company employs 22 people at this branch, 15 of whom work in operations. The facility is connected to city water and sewer. FCC is a used oil transporter, transfer facility, processor and marketer. FCC is also a used oil filter transporter, transfer facility and processor; however, no filter processing is occurring on-site at this time. FCC is also provides parts washer sales and service.

Compliance History

The facility's last inspection took place on November 23, 2010 and the facility return to compliance without enforcement on February 23, 2011. However; the inspection before that one, which was performed on October 13, 2008, revealed multiple violations and the facility was taken to enforcement. The case was resolved through a Consent Order which was executed on October 9, 2009.

Process Description:

The facility maintains a tank farm with a capacity of 432,000 gallons, a wastewater pre-treatment plant, a used oil processing area and a truck repair garage. The garage is rarely used as most

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repairs are contracted out.

A trailer containing spill response equipment is stationed near the garage and is designed for on-site use, if needed. The entire facility is surrounded by a 10-foot high concrete wall and, according to FCC's records, has an impervious base consisting of three feet of reinforced concrete over 60-mil geothermic lining. Telephones and fire extinguishers are stationed throughout the facility for easy access and all employees carry cellular phones. However; the fire extinguisher and the eyewash in the filter and soil consolidation pole barn was inaccessible due to containers being stacked in front of them. The eyewash in this area, as well as, the one in the used oil unloading/loading area had little, if any, pressure. Another issues that was noted in the filter and soil consolidation pole barn was a five gallon bucket that appeared to contain used oil that was not properly labeled.

In the product shed for the WWTP were some new Universal Waste lamps suspended from racks that didn't appear to be a stable enough place to store these so as to prevent breakage.

There was only one other area of the facility where the inspectors noted issues that needed to be addressed and that was the hazardous waste transfer facility area. The facility was storing their spent Universal Waste lamps in this area and none of the boxes were closed, dated or properly labeled. Sitting on a containment pallet in this same area was a unlabeled five gallon bucket that appeared to contain used oil and oily rags. Also, there appeared to be no arrangements in place to segregate incompatible waste that might come into the ten day transfer facility area.

Record Review

These documents that were reviewed during the inspection appeared to be in order: manifests, general facility inspection logs, container inspection logs, and the closure plan. FCC's training records were sufficient to show proper and up-to-date-training for their employees and included position descriptions and titles. The on-site copy of the Contingency Plan didn't include the amendments made to the document after the Department's last visit (November 2010) and also the facility could not produce documentation at the time of the inspection that these updates had been provided to local authorities. It was also noted that per the facility's used oil acceptance and delivery logs; a load was received at the facility on 10/26/2010 that exceeded 2000 ppm chlorides.

New Potential Violations and Areas of Concern:

Violations

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:	Please make sure that all containers used for transferring used oil are labeled with the words "Used Oil." There was a 5-gallon bucket in the filter and soil consolidation pole barn with used oil in it that was not properly labeled.
Corrective Action:	Please send picture showing that 5-gallon bucket in filter and soil consolidation pole barn is properly labeled.

Type:	Violation
Rule:	279.52(a)(2)(iii)
Question Number:	28.260
Question:	Is spill control and decontamination equipment present?

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Explanation: The eyewash and the fire extinguisher in the filter and soil consolidation building were inaccessible and the eyewash had little, if any, pressure. There was also a pressure issue with the eyewash in the used oil unloading/loading area.

Corrective Action: Please clear containers away from around the eyewash and fire extinguisher in the filter and soil consolidation pole barn and provide a picture. Also, have maintenance performed on the both eyewashes to address the pressure issue; provide receipts.

Type: Violation

Rule: 279.52(b)(3)

Question Number: 28.360

Question: Has the plan been distributed to the:

Explanation: There was no documentation provided showing that the updates to the Contingency Plan from 2010 had been provided to local authorities.

Corrective Action: Please provide the Department with documentation showing that the updates to the Contingency Plan made in 2010 were provided to local authorities.

Type: Violation

Rule: 279.52(b)(4)

Question Number: 28.350

Question: Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision?

Explanation: Updates made to the Contingency Plan in December of 2010 were not inserted into the copy that was provided to the inspectors at the inspection.

Corrective Action: Please find out what amendments that were made back in December 2010 and make sure the facility copy is updated. Also, provide the Department with copies of any pages of the Contingency Plan that were updated in 2010.

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: In the HW transfer facility area were a twelve foot and a four foot boxes of Universal Waste lamps open, undated, and improperly labeled.

Corrective Action: Please send picture showing these boxes are closed, dated, and properly labeled.

Areas of Concern

Type: Area Of Concern

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Rule: 262.11

Question Number: 7.1

Question: Did the facility conduct a waste determination on all wastes generated?

Explanation: There was a 5-gallon bucket of what appeared to be used oil and oily rags sitting on a containment pallet in the HW transfer facility area.

Corrective Action: Please send a picture of both the empty bucket and the pallet without the bucket, as well as, an explanation of what the content was determined to be and how was it handled.

Type: Area Of Concern

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: In the product shed for the WWTP were some new Universal Waste Lamps which were suspended from racks that did not look stable enough to prevent breakage of the lamps.

Corrective Action: Please remove these lamps and find a better storage area for the facility's new Universal Waste lamps. Send picture showing the lamps have been removed from racks and a picture and description of where lamps are stored now.

Type: Area Of Concern

Rule: 279.10(b)

Question Number: 29.480

Question: If so, was the oil managed as hazardous waste?

Explanation: On 10/26/2010, the facility received a load that exceed 2000 ppm chlorides.

Corrective Action: Please provide the rebuttable presumption and final deposition of that load. Facility representatives did indicate they were unsure but thought the load might have gone to Plant City.

Type: Area Of Concern

Rule: 62-730.171(2)(a)

Question Number: 1.430

Question: Is the waste separated and confined from sources of ignition or reaction, sparks, spontaneous ignition, and radiant heat?

Explanation: There were no arrangements in place to segregate incompatible waste in the HW transfer facility area. The only way that this rule would not apply would be if the waste was stored in trucks per applicable DOT rules.

Corrective Action: Please provide an explanation on how this will be addressed and send documentation and pictures for verification.

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Conclusion:

The facility was not in compliance at the time of the inspection and was given 30 days to return to compliance.

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Signed:

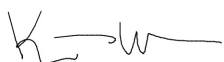
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection 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.

Kathy R. Winston

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

5/17/2012

DATE**Supervisor:** Karen Kantor

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.