Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Pan Tropic Power

On-Site Inspection Start Date: 02/19/2013 **On-Site Inspection End Date:** 02/19/2013

ME ID#: 33870 **EPA ID#:** FLD982091787

Facility Street Address: 8205 NW 58th St, Doral, Florida 33166-3406

Contact Mailing Address: 8205 NW 58th St, Doral, Florida 33166-3406

County Name: Miami-Dade **Contact Phone:** (305) 592-5360

NOTIFIED AS:

SQG (100-1000 kg/month)

INSPECTION TYPE:

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

Routine Inspection for Used Oil Generator facility

Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector:	Roger E. Carman, Inspector
Other Participants:	Keith De Luca, Production Shop Manager; Michael Milonas, Prod & Spec Shop Foreman

LATITUDE / LONGITUDE: Lat 25° 49' 37.4441" / Long 80° 19' 50.1091"

SIC CODE: 7699 - Services - repair services, nec

TYPE OF OWNERSHIP: Private, Private

Introduction:

On February 19, 2013, a representative of the Florida Department of Environmental Protection (DEP) conducted a hazardous waste and used oil compliance evaluation inspection at Pantropic Power, Inc.- Miami facility (PPM). The DEP conducted a Compliance Assistance Site Visit at PPM on January 24, 2012, as a Small Quantity Generator, a Used Oil Generator and a Used Oil Transporter. Basic facility information is contained in the inspection report dated 01/24/2012.

During the inspection, PPM was represented by Mr. Keith De Luca, Production Shop Manager and Mr. Michael Milonas, Prod & Spec Shop Foreman. The DEP was represented by Mr. Roger Carman, Environmental Specialist.

PPM operates a used oil-fired boiler on conjunction with its large heated aqueous parts washer. Miami-Dade County issued PPM an Air Pollution Annual Operating Permit on August 14, 2012, which will expire on June 30, 2013. The permit number is: AP-003096-2012/2013 (DERM) - GEN.

Process Description:

The inspector toured the following areas of the facility with Mr. De Luca and observed the waste management units and/or practices:

Spec Shop:
Five, Safety-Kleen (SK) System One parts washers for "final clean", SK removes stillbottoms when the units are serviced.
Two, parts washer for "rough clean", serviced by SK quarterly.
Oily rags are collected in a 55-gallon drum and picked up by Cliff Berry, Inc. (CBI- Miami).
Used oil filters are collected in 55-gallon drums and picked up by CBI- Miami.

The used oil collection pit is pumped to the 2,000-gallon used oil tank each morning.
The large heated aqueous parts washer is now being used. The water for the unit is heated using a boiler that is fueled with used oil. SK removes the waste water and sludge from the washer unit. There had not been a hazardous waste determination made for these waste streams.
The parts tumbler unit uses SK solvent and is serviced by SK.

Machine Shop:
One SK System One parts washer.
No waste machine oils or coolants are generated.

Production Area:
One bead blast unit, spent blast media is collected in a 55-gallon drum that was closed and labeled "Sand Blast Waste." In the past the spent media was placed in the regular trash, but has been collected for last 8 months. A hazardous waste determination will need to be made for this waste prior to disposal.
One 5-gallon open container of rags and Fortex Degreaser waste.
Lead/acid batteries are recycled through Atlantic Battery.

One, aerosol can puncturing unit. This unit was made by modifying PPM's old used oil filter crusher. Although the aerosol cans are punctured inside the enclosed crushing unit, the crushing unit is not sealed to prevent the release on any gases or vapors from the cans. Liquids remaining in the cans drain by gravity through a hose connected to the crushing unit's bottom and flow into an open 5-gallon plastic pail below the unit. The pail was about 1/2 full and was not labeled to identify its contents. Empty punctured cans are placed in a 55-gallon drum and will be recycled as scrap metal. At the time of the inspection, the aerosol cans puncturing unit had been used about 4 months. Empty aerosol cans observed were WD-40, Caterpillar paint, LDS Pre Solvent Orange Degreaser.

Contaminated Waste Storage Area:
The 600-gallon tank used previously to store used antifreeze/coolant has been removed. Used antifreeze/coolant was being stored in 55-gallon drums that were closed and labeled. The used antifreeze/coolant is picked up by CBI-Ft. Lauderdale.

Dynamometer Room:
This room is located within Kelly Tractor, but is controlled by PPM. The room used to test an engine's power under a load using a dynamometer. The engines are tested within an area provided with a grated, perimeter secondary containment trench. The trench collects any spilled fluids, such as oily water or diesel fuel. Any oily water or fuel is pumped into an aboveground steel tank that was estimated to be about 500-gallons in capacity. The tank was closed, labeled "Waste Water and Fuel," and was within a concrete secondary containment area. CBI picks up the oily waste water/fuel.

Field Trucks:
The inspector observed that one of the field service trucks had a 150-gallon tank for used oil. The largest engines serviced in the field generate about 110 gallon of used oil when serviced. Used oil and used oil filters are returned to PPM. The used oil is drained from the service trucks into the large used oil collection pit in the Spec Shop. From the collection pit the used oil is pumped to the used oil storage tank. There are also six vans used by field mechanics. Any used oils generated by mechanics are also returned to PPM and drained into the collection pit.

At the time of the inspection, PPM was not registered with Department as a used oil or used oil filter transporter.

Record Review:
Hazardous waste manifests #003224716 SKS and #003223836 SKS each showed that SK picked up 128 gallon of hazardous waste solvent (D039) on 10/19/12 and 5/16/12, respectively. Manifest #003223835 SKS showed that SK picked up another 100 gallon of hazardous waste solvent (D039) on 5/16/12. The manifests show the generator location as the address of PPM's Part Department which is located at 6131 NW 84th Ave. and is contiguous with the rest of the facility. PPM was advised that the generator location on the manifests should match the EPA Identification number

address which is 8205 NW 58th St., Doral FL, 33166.

Used oil records showed that CBI was picking up used oil, used oil filters, oily waste water, waste antifreeze/coolant, and oily rags. Halogen tests for the used oil was recorded as <1,000 ppm halogens on manifests.

As a requirement of the Air Pollution Annual Operating Permit issued by Miami-Dade County for the used oil-fired boiler, PPM may only burn used oil the meets the used oil fuel specifications under 40 CFR 279.11 (i.e., "on-spec" used oil fuel). Since PPM is the first person claiming that the used oil is "on-spec", PPM would be classified as a used oil marketer. At the time of the inspection, PPM had not notified the Department as a used oil marketer.

As a requirement of their air permit, PPM is required to sample and analyze the used oil to determine that it meets the "on-spec" used oil fuel requirements. PPM has had two quarterly samples of the used oil analyzed beginning the last quarter of 2012. The first sample was collected on 09/27/12, and the analytical results showed that the used oil met the "on-spec" fuel requirements. The second sample was collected on 01/18/13. The analytical results for the used oil sample collected on 01/18/2013 (Lab ID# 3580442001) showed the used oil had a flashpoint of 89.64 degrees F. The minimum flashpoint for on-specification used oil is 100 degrees F. Therefore, the used oil represented by this sample would have been considered "off-specification" used oil.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.11
Question Number:	4.1
Question:	Did the facility conduct a waste determination on all wastes generated?
Explanation:	PPM had not made a hazardous waste determination for the waste materials discharged from the aerosol spray can puncturing unit. PPM had been burning used oil (UO) in its UO-fired boiler used to heat the large aqueous parts washer. Per its air permit issued by Miami-Dade County, PPM may only burn on-specification UO. The analytical results for the UO sample collected on 01/18/2013 (Lab ID# 3580442001) showed the the UO had a flashpoint of 89.64 degrees F. The minimum flashpoint for on-specification UO is 100 degrees F.
Corrective Action:	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. PPM must make a determination for waste materials discharged from the aerosol spray can puncturing unit. If this waste is tested, it should be tested for flashpoint, TCLP RCRA heavy metals and TCLP volatile organic compounds. Unless used oil generated by PPM or used oil generated at off-site locations serviced by PPM has a low flashpoint (<100 deg F) when it is generated, then it appears that a low flashpoint material may have been mixed into the used oil. Waste materials, such as spent solvents, that have flashpoints <140 deg F are considered ignitable hazardous wastes and should not be mixed with used oil, except as allowed by the regulations. Mixing low flashpoint hazardous wastes with used oil may result in the entire mixture being considered hazardous waste. Used oil that does not meet the "used oil fuel specifications" of 40 CFR 279.11 and the requirements of your air permit may not be burned in your on-site boiler.

Please provide the DEP with records showing all UO received from all off-site facilities from October 2012 until January 18, 2013. Please provide an explanation of the low flashpoint of the used oil sampled on 01/18/2013.

Type: Violation

Rule: 265.37(a)(1), 265.37(a)(4)

Explanation: PPM had not provided the Modified Contingency Plan information to the local police and fire departments and the local hospital.

Corrective Action: PPM must coordinate with the local police and fire departments and local hospital. The Department recommends sending a copy of the Modified Contingency Plan to these agencies via certified mail with a return receipt requested. Please provide the Department with a copy of each returned receipt as proof of coordination with these agencies.

Type: Violation

Rule: 279.11

Question Number: 5.330

Question: Does the generator claim that the used oil meets the specification in 279.11? [If so, and the oil is to be burned for energy recovery, the generator is a marketer subject to 40 CFR 279 Subpart H.]

Explanation: PPM had been burning UO in its UO-fired boiler used to heat the large aqueous parts washer. Per its air permit issued by Miami-Dade County, PPM may only burn on-specification UO. The analytical results for the UO sample collected on 01/18/2013 (Lab ID# 3580442001) showed the the UO had a flashpoint of 89.64 degrees F. The minimum flashpoint for on-specification UO is 100 degrees F. Therefore, the UO represented by this sample would have been considered off-specification UO.

Corrective Action: Please provide the DEP with records showing all UO shipments received from off-site facilities from October 2012 until January 18, 2013. Please provide records of the UO burned in the on-site boiler from January 18, 2013, until the next sample of UO was collected and analyzed for the fuel specifications. Please provide the Department any analytical results for any used oil analyzed since the inspection conducted on 02/20/2013. Please provide the DEP with any report of non-compliance provided to Miami-Dade County as required by PPM's air permit.

Type: Violation

Rule: 62-730.150(2)(b)

Question Number: 26.20

Question: Facility notified of change of status.

Explanation: PPM's Notification of Regulated Waste Activity form 8700-12FL had not been updated to show the facility's current status.

Corrective Action: Immediately update and submit a Notification of Regulated Waste Activity form 8700-12FL.

Type: Violation

Rule:	62-710.500(1)(a)
Explanation:	PPM was transporting UO in amounts greater than 55 gallons in its field service trucks used to service customers' engines. The UO is returned to the PPM facility.
Corrective Action:	PPM must immediately register as a UO Transporter using the Notification of Regulated Waste Activity form 8700-12FL.

Type:	Violation
Rule:	62-710.510(1)
Question Number:	29.330
Question:	Does the facility keep records on DEP Form 62-710.901(2) or equivalent?
Explanation:	No UO records were provided by PPM.
Corrective Action:	Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. Please provide the required records of UO shipments received at the PPM facility.

Type:	Violation
Rule:	62-710.510(5)
Question Number:	29.340
Question:	Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year?
Explanation:	No UO annual reports submitted to the DEP.
Corrective Action:	Complete and submit annual reports covering the years 2011 and 2012.

Type:	Violation
Rule:	62-710.600(1)
Question Number:	29.370
Question:	Is the transporter certified? (local governments, and < 55g/time transporters are exempt)
Explanation:	PPM drivers for the Field Service trucks were not certified under the UO rule 62-710.600(1) and (2).
Corrective Action:	Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become certified pursuant to rule 62-710.600(1) and (2).

Type:	Violation
Rule:	62-710.600(2)(e)
Question Number:	29.390
Question:	Does the facility maintain insurance or financial assurance of $1,000,000 combined single limit?

Explanation:	PPM had not submitted proof of insurance to the DEP for the years 2011, 2012 and 2013.
Corrective Action:	PPM must have, verify, and maintain vehicle insurance with a combined single limit of no less than $1,000,000. Such insurance, or additional policy, must in no way exclude pollution coverage for sudden and accidental alleged or threatened discharge, dispersal, seepage, migration, release or escape of used oil, and must include any cost or expense relating to pollution damage for which the transporter is legally liable. Such insurance must be maintained at all times and be exclusive of legal defense costs. Please provide current proof of insurance and proof of insurance for covering 2011 and 2012.

Type:	Violation
Rule:	62-710.850(3)
Explanation:	PPM field service trucks transport used oil filters (UOF) from their customers back to the PPM facility. At the time of the inspection, PPM was not registered with the DEP as a UOF transporter.
Corrective Action:	PPM must register with the DEP using the Notification of Regulated Waste Activity form 8700-12FL.

Areas of Concern

Type:	Area Of Concern
Rule:	262.20(a)(1)
Question Number:	4.80
Question:	Is the manifest filled out properly?
Explanation:	PPM showed the wrong address for the generator site.
Corrective Action:	Please provide Safety-Kleen with the correct generator site address that corresponds to PPM's EPA ID Number. PPM may continue to use the mailing address of the Parts Shop or change it to match generator site address. Please send the Department a copy of a hazardous waste manifest with the corrected address.

Conclusion:

Based on the inspection, PPM was not in compliance with the state hazardous waste and used oil rules and statutes. Based on the generation rate of spent solvent (D039), it appeared PPM was correctly classified as a SQG. An Exit Interview was conducted with Mr. De Luca and Mr. Milonas at the conclusion of the inspection, and the inspector explained the six action items listed on the Notice of Potential Hazardous Waste Non-Compliance that was left with Mr. De Luca. PPM was given 10 days to respond to the notice.

As noted on the Notice of Potential Hazardous Waste Non-Compliance, the inspector stated that he would also review the used oil regulations to determine if PPM was required to register or provided additional information to the Department regarding its used oil management.

The inspector reviewed the used oil rules under 62-710, F.A.C. to determine if PPM needed to comply with additional used oil regulations.

In an email to Mr. Milonas dated 03/15/13, the inspector provided the following information:

"Also, please note that for the sample collected on 01/18/2013, the flashpoint of the used oil was reported to be 89.64 deg F (see attachment). This means the used oil did not meet the used oil fuel specifications (aka "on- spec" used oil) standards of 40 CFR 279.11, which is also a condition of your air permit issued by Miami-Dade County. In order for used oil to be burned in your on-site boiler its flashpoint must be 100 deg F or higher. If the used oil represented by the 01/18/2013 sample was burned in Pantropic's boiler, then Pantropic is required to report this non-compliance to the Miami-Dade County Department of Regulatory and Economic Resources, Air Facilities Section as required by Specific Condition #5 of your air permit (see contact below). Please send me a copy of the report if you need to report to Miami-Dade County.

Unless used oil generated by Pantropic or used oil generated at off-site locations serviced by Pantropic has a low flashpoint (<100 deg F) when it is generated, then it appears that a low flashpoint material may have been mixed into the used oil. Waste materials, such as spent solvents, that have flashpoints <140 deg F are considered ignitable hazardous wastes and should not be mixed with used oil, except as allowed by the regulations. Mixing low flashpoint hazardous wastes with used oil may result in the entire mixture being considered hazardous waste. Used oil that does not meet the "used oil fuel specifications" of 40 CFR 279.11 and the requirements of your air permit may not be burned in your on-site boiler.

Please provide the Department with documentation that demonstrates that the used oil represented by the used oil collected 01/18/2013 was not a hazardous waste. Please provide this information no later than March 22, 2013."

The Department did not receive a response to the above email.

In an email to Mr. Milonas dated 03/19/13, the inspector provided the following information:

"The inspection on February 19, 2013, revealed that Pantropic Power - Miami (PPM) has been transporting used oil in quantities over 55 gallons at one time and more than 500 gallons annually over the public highway system from off-site locations and bringing the used oil back to the facility. PPM has also been transporting used oil filters from off-site locations and bringing them back to the facility. Therefore, it appears PPM is operating as a Used Oil Transporter as defined under 62-710.201(6), F.A.C. and is required to notify and register with the Department in accordance with 62-710.500(1)(a), F.A.C. Also, PPM appears to meet the definition of a Used Oil Filter Transporter and Transfer Facility as defined under 62-710.201(9) and (10), F.A.C., respectively and is required to register with the Department in accordance with 62-710.850(3)(a) and (b). As a Used Oil Transporter, PPM must also comply with the Certification Program for transporters under 62-710.600, F.A.C., unless the conditions of subparagraph (1)(b) of the section apply (e.g. the engines being serviced are all leased from PPM).

In addition, PPM is burning used oil in its on-site boiler associated with the large, heated, aqueous parts washer. It appears that PPM is the first person to claim that the used oil being burned in this boiler meets the "on-specification used oil fuel" requirements of 40 CFR 279.11. Therefore, PPM is considered a Used Oil Fuel Marketer as defined and regulated under 40 CFR 279 Subpart H and must notify the DEP of this status.

Lastly, PPM must comply with all other applicable used oil rules under Chapter 62-710 such as Record Keeping and Reporting, 62-710.510 F.A.C. Please note that 62-710, F.A.C. adopted by reference the federal used oil regulations under 40 CFR Part 279 "Standards for the Management of Used Oil." These federal regulations must be used in conjunction with the used oil rules under Chapter 62-710.

The following is a link to the registration form and its instructions:
http://www.dep.state.fl.us/waste/categories/used_oil/default.htm
This link also provides additional links to publications and the used oil rules and regulations identified above.

For your convenience, I have provided links to the state and federal used oil regulations and the used oil transporter training requirements.
Link to the state used oil rules 62-710, F.A.C.:
http://www.dep.state.fl.us/waste/categories/used_oil/pages/rules.htm
Link to the federal used oil regulations 40 CFR 279: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=c592c01c16fc5faab40c1bc667175fd0&rgn=div5&view=text&node=40:28.0.1.1.9&idno=40
Link to the guide for used oil transporter training certification program:
http://www.dep.state.fl.us/waste/quick_topics/publications/shw/used_oil/info/Training_Example.pdf
Link to the used oil transporter training manual evaluation checklist:
http://www.dep.state.fl.us/waste/quick_topics/publications/shw/used_oil/info/Evaluation_Checklist.pdf

Pantropic must immediately notify and register with the Department as indicated above. In addition, Pantropic should review its other facilities' compliance with the used oil and used oil filter transporter rules and provide a notification and registration as appropriate for those facilities.

Please notify me via email of the date you submit the notification/registration form to our Tallahassee office."

The Department did not receive a response to the above email.

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.

Roger E. Carman	Inspector	
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**	
Roger E. Carman	FDEP	5/6/2013
PRINCIPAL INSPECTOR SIGNATURE	**ORGANIZATION**	**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.