



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

FACILITY INFORMATION:

Facility Name: Clean Fuels of Florida Inc
On-Site Inspection Start Date: 04/14/2015 **On-Site Inspection End Date:** 04/14/2015
ME ID#: 55537 **EPA ID#:** FLD984171256
Facility Street Address: 2635 NE 4th Ave, Pompano Beach, Florida 33064-5405
Contact Mailing Address: 2635 NE 4th Ave., Pompano Beach, Florida 33064
County Name: Broward **Contact Phone:** (954) 791-9588

NOTIFIED AS:

SQG (100-1000 kg/month)
Transporter
Used Oil

INSPECTION TYPE:

Complaint Inspection for Hazardous Waste Transporter facility
Complaint Inspection for SQG (100-1000 kg/month) facility
Complaint Inspection for Universal Waste Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Roger E. Carman, Inspector
Other Participants: Kathy Winston, Environmental Consultant; Barry Fernandez, President

LATITUDE / LONGITUDE: Lat 26° 15' 49.4262" / Long 80° 6' 58.539"

SIC CODE: 4212 - Trans. & utilities - local trucking, without storage

TYPE OF OWNERSHIP: Private

Introduction:

On April 14, 2015, two representatives of the Florida Department of Environmental Protection (DEP), Southeast District Office (SED), conducted a complaint investigation and hazardous waste, Universal Waste, and Universal Pharmaceutical Waste (UPW) compliance evaluation inspection at Clean Fuels of Florida, Inc. (CFF). CFF was inspected as a Small Quantity Generator (SQG), a hazardous waste transporter and a universal waste handler, UW transporter and UW transfer facility and Large Quantity Handler (LQH) of Universal Pharmaceutical Waste (UPW). The complaint alleged that CFF was receiving P-listed UPW, but was not notifying the final destination facility that the UPW contained P-listed hazardous wastes.

The last notification from CFF to the DEP was dated 11/03/14. At the time of the inspection, CFF was registered as a Hazardous Waste and Used Oil Transporter, a Universal Waste (UW) Lamp Transporter, a UW Device Transporter, a UW Lamp Small Quantity Handler (SQH), and a UW Device SQH. CFF has also notified as a SQG, UW Batteries, UW Lamps, UW Devices, an Acute Large Quantity Handler (LQH) Pharmaceuticals, Universal Pharmaceutical Waste Transporter, Pharmaceuticals LQH and Petroleum Contact Water management. The notification also showed CFF as a reverse distributor.

CFF was formerly located at 1490 NW 65th Avenue in Plantation, Florida. They moved to their current location within an industrial park in Pompano Beach in August of 2005. The facility consists of a storage area

Inspection Date: 04/14/2015

for wastes, a parking area for service trucks and equipment, and office areas. The building occupies about 5,000 sq.ft. and is provided with city water and sewer services. CFF employed seven people at the time of the inspection.

Process Description:

Fuel Filtering Service

CFF provides in-situ filtering of petroleum fuels stored in tanks to remove water, scale, sediments, microbial sludges, and suspended contaminants. The tanks serviced are mainly diesel fuel tanks for backup generators at hospitals. The field trucks each have a 3-stage filter system and PCW removed from a tank is collected in 55-gallon drums onboard each truck. The drums of PWC remain on each truck and the PCW is vacuumed from the drums by Jam Environmental and Vacuum Services, LLC (EPA ID#FLR000176842), who then transports the PCW to Cliff Berry, Inc. The filter system's cartridge filters are changed about every 2-3 months, accumulated at the facility, and picked up by Jam Environmental. Absorbent pads used by the field staff are also accumulated and picked up by Jam Environmental and are transported to US Foundry, Inc. in Miami, FL.

Universal Waste and Hazardous Waste Services

Universal waste pharmaceuticals are mainly picked up from government facilities and health care facilities and are transported back to the facility.

Inbound UPW

Inbound shipments of UPW are received using Bills of Lading prepared by CFF. CFF uses a generic DOT shipping description: Waste Medicine, Liquid, Flammable, Toxic, NOS, (Universal Pharmaceutical Waste), 3 (6.1), UN3248, PGII. Inbound containers were also observed to be labeled as Universal Pharmaceutical Waste with the DOT shipping description: Waste Medicine, Liquid, Flammable, Toxic, NOS, 3 (6.1), UN3248, PGII. The EPA waste numbers on the labels were: D001, D005, D007, D009, D010, D011, D018, D024, D026, P001, P042, P075, P188, U010, U035, U058, U129, U150, U188, U200, U205, and U206. Various accumulation start dates were observed. The UPW is sorted by CFF personnel at their facility to remove items such as outer packaging, gloves, gowns, cups, etc. CFF personnel sort the UPW within a metal trough table using PPE and tongs. No sorting of UPW was occurring during the time of the inspection.

Two, one-cubic yard boxes of inbound UPW were not labeled or marked as Universal Pharmaceutical Waste. The containers were labeled during the inspection.

Outbound UPW

Outbound UPW containers are stretch-wrapped to pallets, labeled, and dated. The accumulation dates are the dates CFF received the UPW. Each visible outbound pallet of UPW was labeled with the EPA waste numbers D001, U010, U026, U035, U058, U059, U089, U150, U206, and U237. The DOT shipping description was: UN3248, Waste Medicine, Liquid, Flammable, Toxic, NOS, 3 (6.1), PGII. The inspectors observed that the storage area was nearly full and aisle space was limited between rows of pallets. Since the UPW is only universal waste while in Florida, CFF uses hazardous waste manifests to ship the UPW as hazardous waste to Ross Environmental Services, Inc., an incinerator near Grafton, Ohio (EPA ID#: OHD048415665).

Hazardous waste xylene and formalin solutions are picked up from hospitals and truck-to-truck transferred to Freehold Cartage, Inc. (EPA ID#NJD054126164), who transports the waste to Clean Harbors Florida, LLC (EPA ID#FLD980729610) in Bartow, FL. Hazardous waste lab packs are picked up and driven directly to EQ of Florida (EPA ID#FLD981932494), in Tampa. CFF prepares most of the lab packs, but also uses a contractor to do some of the more complex lab packs. No hazardous waste is stored in the CFF facility.

UW Lamps and UW Batteries

CFF also picks up and accumulates UW lamps, batteries and mercury-containing devices at the facility and sends them to AERC in West Melbourne, FL. During the inspection the following UW lamps and batteries were observed:

Inspection Date: 04/14/2015

Two, 4-foot fiberboard cylinders of mercury-containing lamps were not labeled or marked as UW lamps. The labeling was corrected during the inspection.

Sixteen, 4-foot boxes of mercury-containing lamps were not labeled or marked as UW lamps. The labeling was corrected during the inspection.

Three boxes of UW lamps were open. The boxes were closed during the inspection.

One, 55-gallon drum containing spent lead-acid batteries was not labeled or marked as UW batteries. The labeling was corrected during the inspection.

Other Wastes Streams and Materials

Two, 55-gallon drums of used PCW filters.

One, 55-gallon drum of oily rags.

Seven, 55-gallon drums of latex paint. Will be shipped to Giant Resource Recovery to be solidified and landfilled.

One, 55-gallon drum containing lead X-ray aprons. Will be sent for metal recovery.

One, 1-CY box of miscellaneous 1-gallon cans of paints, pesticides, paint thinners, etc. Received as product materials.

Twenty, 5-gallon containers of paint were stretched-wrapped to a pallet. Received as product materials.

Record Review

>Hazardous waste manifest #003507119 JJK showed 44 pallets of UPW with the DOT shipping description: UN3248 Waste Medicine Liquid, Flammable, Toxic, NOS, (Melphalan, Streptozotocin), 3, (6.1), PGII. The UPW was shipped to Ross Incineration, Inc., Grafton OH on 06/25/14. Freehold Cartage, Inc. was the transporter.

>Hazardous waste manifest #00507119 JJK showed 41 pallets of UPW with the DOT shipping description: UN3248 Waste Medicine Liquid, Flammable, Toxic, NOS, (Melphalan, Streptozotocin), 3, (6.1), PGII. The UPW was shipped to Ross Incineration, Inc., Grafton, OH on 02/25/15. Freehold Cartage, Inc. was the transporter.

Based on the above manifests, UPW was accumulated by CFF for longer than six months. Mr. Fernandez explained that it is not economical to ship less than a full semi-truck load and CFF does not accumulate enough UPW in six months to make a full shipment.

During the record review, the inspector observed that the most recent Land Disposal Restriction (LDR) notification (dated 10/12/11) to Ross Environmental did not list any P-listed hazardous waste numbers, any Toxicity Characteristic (TC) heavy metal or TC organic waste numbers or any U-listed pharmaceuticals waste numbers which have LDR numerical treatment standards. The only wastes listed were for pharmaceuticals having combustion (CMBST) as the LDR treatment standard. Also, the most recent waste profile (dated 12/06/13) submitted to Ross Environmental did not include any P-listed wastes, any TC heavy metal or organic waste numbers or any U-listed pharmaceuticals waste numbers which have LDR numerical treatment standards. The only wastes listed were for pharmaceuticals having combustion (CMBST) as the LDR treatment standard. Subsequent to the inspection, the inspector received records of UPW shipped to CFF from St. Joseph's Hospital in Tampa, FL (EPA ID#FLD981022643) during March and April of 2015. These records showed P-listed nicotine patches (P075) and warfarin (P001) were part of their UPW waste stream.

Manifests, bills of lading, and emergency response information and equipment observed or reviewed during the inspection appeared to be adequate. Training records were not available at the time of the inspection. During the Exit Interview, CFF was requested to submit those records to the DEP. On 05/04/15, CFF emailed copies to the employee training records to the DEP. A review of the records showed that the employees were not signing the training records as required by the UPW rules.

New Potential Violations and Areas of Concern:

Violations

Type: Violation

Inspection Date: 04/14/2015

Rule: 262.11, 62-730.186(7)(d)

Question Number: 40.281

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

Explanation: The UPW is sorted by CFF personnel at their facility to remove items such as outer packaging, gloves, gowns, cups, etc. CFF personnel sort the UWP within a metal trough table using PPE and tongs. No sorting of UPW was occurring during the time of the inspection.

Hazardous waste determination. A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.

A handler of universal pharmaceutical waste may generate solid waste as a result of the three specific activities in paragraph 62-730.186(7)(c), F.A.C. A handler of universal pharmaceutical waste that generates solid waste shall determine whether the solid waste is hazardous waste identified in 40 CFR Part 261 Subpart C or D [as adopted in subsection 62-730.030(1), F.A.C.].

Solid wastes that are mixed with or contaminated with UPW, either intentionally or unintentionally by the original handler/generator, may be managed using the reduced regulation as UPW under the requirements of 62-730.186, F.A.C., provided the wastes remain mixed with the UPW. When these wastes are removed from the UPW, they become subject to the hazardous waste regulations under Chapter 62-730, F.A.C., and the generator of a solid waste shall determine whether the solid waste is hazardous waste identified in 40 CFR Part 261 Subpart C or D [as adopted in subsection 62-730.030(1), F.A.C.].

Corrective Action: Please provide documentation of hazardous waste determinations for all solid wastes removed from the UPW.

Type: Violation

Rule: 268.7(a)(2), 268.9(a)

Question Number: 21.80

Question: Is the generator complying with the notice and certification requirements for treated wastes in 268.7(a)(2) and/or 268.9?

Explanation: If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice must include the information in column "268.7(a)(2)" of the Generator Paperwork Requirements Table in paragraph (a)(4) of this section. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and must state "This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.") No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file.

The initial generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste in order to determine the applicable treatment standards under subpart D of this part. This determination may be made concurrently with the hazardous waste determination required in 262.11 of this chapter. For purposes of part 268, the waste will carry the waste

Inspection Date: 04/14/2015

code for any applicable listed waste (40 CFR part 261, subpart D). In addition, where the waste exhibits a characteristic, the waste will carry one or more of the characteristic waste codes (40 CFR part 261, subpart C), except when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in paragraph (b) of this section. If the generator determines that their waste displays a hazardous characteristic (and is not D001 nonwastewaters treated by CMBST, RORGS, OR POLYM of 268.42, Table 1), the generator must determine the underlying hazardous constituents (as defined at 268.2(i)) in the characteristic waste.

During the record review, the inspector observed that the most recent Land Disposal Restriction (LDR) notification (dated 10/12/11) to Ross Environmental did not list any P-listed hazardous waste numbers, any Toxicity Characteristic (TC) heavy metal or TC organic waste numbers or any U-listed pharmaceuticals waste numbers which have LDR numerical treatment standards. The only wastes listed were for pharmaceuticals having combustion (CMBST) as the LDR treatment standard. Also, the most recent waste profile (dated 12/06/13) submitted to Ross Environmental did not include any P-listed wastes, any TC heavy metal or organic waste numbers or any U-listed pharmaceuticals waste numbers which have LDR numerical treatment standards. The only wastes listed were for pharmaceuticals having combustion (CMBST) as the LDR treatment standard. Subsequent to the inspection, the inspector received records of UPW shipped to CFF from St. Joseph's Hospital in Tampa, FL (EPA ID#FLD981022643) during March and April of 2015. These records showed P-listed nicotine patches (P075) and warfarin (P001) were part of their UPW waste stream.

Corrective Action: CFF must identify all EPA waste numbers on each LDR notification sent to the designated TSDF.

CFF must submit a revised LDR notice to Ross Environmental, the designated TSDF, which includes all applicable EPA waste numbers. The notice shall also indicate the manifest numbers and shipping dates of all past shipments of hazardous waste to which the revised LDR notice and waste profile.

Provide copies of the above information to the DEP.

Type:	Violation
Rule:	273.13(d)(1), 273.14(a), 62-737.400(5)(b), 62-737.400(5)(b)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:	<p>A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.</p> <p>For universal waste lamps, the words "Spent Mercury-Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps"; except for those crushed per paragraph (6)(b) below which shall be labeled "Crushed Mercury Lamps";</p> <p>Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the</p>

Inspection Date: 04/14/2015

following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

>Two, 4-foot fiberboard cylinders of mercury-containing lamps were not labeled or marked as UW lamps.

>16, 4-foot boxes of mercury-containing lamps were not labeled or marked as UW lamps.

>Three boxes of UW lamps were open.

>One, 55-gallon drum containing spent lead-acid batteries was not labeled or marked as UW batteries.

Corrective Action: The boxes of lamps were closed during the inspection. The containers of lamps and drum of batteries were labeled during the inspection.

No further action is required.

Type: Violation

Rule: 403.727(1)(e)

Explanation: During the record review, the inspector observed that the most recent Land Disposal Restriction (LDR) notification (dated 10/12/11) to Ross Environmental did not list any P-listed hazardous waste numbers, any Toxicity Characteristic (TC) heavy metal or TC organic waste numbers or any U-listed pharmaceuticals waste numbers which have LDR numerical treatment standards. The only wastes listed were for pharmaceuticals having combustion (CMBST) as the LDR treatment standard. Also, the most recent waste profile (dated 12/06/13) submitted to Ross Environmental did not include any P-listed wastes, any TC heavy metal or organic waste numbers or any U-listed pharmaceuticals waste numbers which have LDR numerical treatment standards. The only wastes listed were for pharmaceuticals having combustion (CMBST) as the LDR treatment standard. Subsequent to the inspection, the inspector received records of UPW shipped to CFF from St. Joseph's Hospital in Tampa, FL (EPA ID#FLD981022643) during March and April of 2015. These records showed P-listed nicotine patches (P075) and warfarin (P001) were part of their UPW waste stream.

Corrective Action: CFF must submit a revised LDR notice and waste profile to Ross Environmental, the designated TSD, which includes all applicable EPA waste numbers. The notice shall also indicate the manifest numbers and shipping dates of all past shipments of hazardous waste to which the revised LDR notice and waste profile.

Provide copies of the above information to the DEP.

Type: Violation

Rule: 62-730.186(7)(b)

Question Number: 40.50

Question: Are containers and tanks accumulating universal waste pharmaceuticals clearly labeled "Universal Pharmaceutical Waste" or "Universal Waste Pharmaceuticals" and with the specific hazardous waste codes applicable to the universal waste that is, or may be, placed in the container or tank?

Explanation: A handler shall clearly label those containers and tanks accumulating waste pharmaceuticals with the phrase "universal pharmaceutical waste" or "universal waste pharmaceuticals."

Inspection Date: 04/14/2015

Two, one-cubic yard boxes of UPW were not labeled or marked "universal pharmaceutical waste" or "universal waste pharmaceuticals."

Corrective Action: The containers were labeled during the inspection.

No further action is required.

Type: Violation

Rule: 62-730.186(8)(a)

Question Number: 40.110

Question: If a large quantity handler of universal pharmaceutical waste, does the handler accumulate universal pharmaceutical waste for no more than six months from the date the universal waste was generated, unless the requirements of 62-730.186(8)(c) are met?

Explanation: Rule citation should read: 62-730.186(8)(b), F.A.C.
A large quantity handler of universal waste may accumulate universal pharmaceutical waste for no longer than six months from the date the universal pharmaceutical waste was generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

>Hazardous waste manifest #003507119 JJK showed 44 pallets of UPW with the DOT shipping description: UN3248 Waste Medicine Liquid, Flammable, Toxic, NOS, (Melphalan, Streptozotocin), 3, (6.1), PGII. The UPW was shipped to Ross Incineration, Inc., Grafton, OH on 06/25/14.

>Hazardous waste manifest #00507119 JJK showed 41 pallets of UPW with the DOT shipping description: UN3248 Waste Medicine Liquid, Flammable, Toxic, NOS, (Melphalan, Streptozotocin), 3, (6.1), PGII. The UPW was shipped to Ross Incineration, Inc., Grafton, OH on 02/25/15.

Based on the above manifests, UPW was accumulated by CFF for longer than six months.

Mr. Fernandez explained that it is not economical to ship less than a full or nearly full semi-truck load and CFF does not accumulate enough UPW in six months to make a full shipment.

CFF is a Large Quantity Handler of UPW and therefore, is subject to the accumulation time limit of six months, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

Corrective Action: UPW must be shipped off-site within six months of its accumulation start dates, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

The large quantity handler of UPW bears the burden of proving that storage beyond six months was solely for the purpose of accumulation of such quantities of UPW as necessary to facilitate proper recovery, treatment, or disposal.

Provide a copy the manifest verifying shipment of UPW within six months of the last accumulation of UPW.

Type: Violation

Inspection Date: 04/14/2015

Rule: 62-730.186(9)(d)

Question Number: 40.160

Question: Is the training documented, including the employee's name, signature, date of hire or assignment, date of training, and type of training, and is the documentation maintained at the handler's place of business for three years?

Explanation: A handler shall document the training given to each employee. The documents shall include the employee's name, signature, date of hire or assignment, date of training, and type of training. The training documents shall be kept at the handler's place of business for at least three years.

Training records submitted did not include the employees' signatures.

Corrective Action: Immediately begin recording each employee's signature on UPW training records.

Provide signed copies of the records for each current employee.

Conclusion:

Based on the inspection, it appeared CFF was not in compliance with the hazardous waste rules and statutes. Based on the record review, observations during the inspection and subsequent information received, it appeared the above alleged complaint was valid.

Waste declared to be hazardous waste pharmaceutical waste by the original handler/generator, and thus subject to reduced regulation as UPW under the requirements of 62-730.186, F.A.C., is being removed from containers and shipped for disposal as non-hazardous waste. A handler is prohibited from disposing of universal waste. In this case, 62-730.186(5)(a), F.A.C. explicitly states "A large or small quantity handler of universal pharmaceutical waste ("handler") is prohibited from: (a) Disposing of universal pharmaceutical waste."

Also, in accordance with 62-730.186(11)(a), F.A.C. a handler is prohibited from sending or taking universal pharmaceutical waste to a place other than to a handler or a reverse distributor who has notified the department pursuant to subsection 62-730.186(6), F.A.C.; a destination facility as defined in 40 CFR 273.9 [as adopted in subsection 62-730.185(1), F.A.C.]; or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(k), F.A.C.

Inspection Date: 04/14/2015

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

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE



PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

4/29/2015

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.