FLORIDA DEPARTMENT OF
Environmental Protection

South District
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Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

April 29, 2019

Teresa Cox, Owner
C & C Fleet Services
2701 W. Charing Road
Avon Park, Florida 33825
E-mail: terri.c@ccfleetservices.com

Re: Compliance Assistance Offer
C & C Fleet Services, 1105 W Circle St., Avon Park
Facility EPA ID: FLR000228999
Highlands County

Dear Ms. Cox:

An inspection was conducted at your facility on April 4, 2019. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving this matter.

Specifically, potential non-compliance with the requirements of chapter 403, Florida Statutes, chapters 62-710 and Chapter 62-730, Florida Administrative Code were observed. Please see the attached inspection report for a full account of Department observations and recommendations.

We request you review the item(s) of concern noted and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a schedule describing how/when the issue will be addressed or
2. Provide the requested information, or information that mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for the case manager to visit your facility to discuss the item(s) of concern.

It is the Department's desire that you are able adequately address the aforementioned issues so that this matter can be closed. Your failure to respond promptly may result in the initiation of formal enforcement proceedings.

Please address your response and any questions to Karen Bayly of the South District Office at 239-344-5616 or via e-mail at Karen.Bayly@FloridaDEP.gov. We look forward to your cooperation with this matter.

Sincerely,

Jennifer L. Carpenter

Jennifer Carpenter
Assistant Director
South District
Florida Department of Environmental Protection

Enclosure: Inspection Report

**Florida Department of**

**Environmental Protection**

**Hazardous Waste Inspection Report**

**FACILITY INFORMATION:**

**Facility Name:** C & C Fleet Services LLC

**On-Site Inspection Start Date:** 04/04/2019 **On-Site Inspection End Date:** 04/04/2019

**ME ID#:** 131474 **EPA ID#:** FLR000228999

**Facility Street Address:** 1105 W Circle St, Avon Park, FL 33825-2930

**Contact Mailing Address:** 2701 W Charing Rd, Avon Park, FL 33825-9301

**County Name:** Highlands **Contact Phone:** (863) 676-7222

**NOTIFIED AS:**

Non-Handler

Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Transporter facility
Routine Inspection for Used Oil Transfer Facility facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Karen R. Bayly, Environmental Consultant

Other Participants: Clennon Cole, Manager

**LATITUDE / LONGITUDE:** Lat 27° 35' 59.5608" / Long 81° 30' 55.9728"

**NAIC** 562998 - All Other Miscellaneous Waste Management Services

**TYPE OF OWNERSHIP:** Private

**Introduction:**

A compliance evaluation inspection was conducted by Florida Department of Environmental Protection [FDEP] staff at C & C Fleet Services [Facility] on 4-4-2019 to verify the facility's compliance status with state and federal used oil rules and regulations. This the first FDEP hazardous waste/used oil inspection conduced at this facility. The following is a summary of my observations.

C & C Fleet Services submitted an initial 8700-12FL notification in October 2018 as a used oil/used oil filter transporter and transfer facility and was issued a registration certificate and associated EPA ID# on 1-14-2019. A file review reflects the facility previously operated at 309 W Main St, Avon Park, FL [FLR000223958] from August 2017 to November 2018 and was inspected by FDEP staff on 2-7-2018. Notification was submitted in November 2018 that the facility closed and moved to its current location. The current registration is valid until 6-30-2020.

According to the Highlands County Property Appraiser, Hayes Properties LLC owns the property at 1103 W Circle Street. 1105 W Circle Street does not exist according to the property appraiser. The Florida Division of Corporations reflects Teresa Cox is the president of C & C Fleet Services LLC.

Upon arriving at the facility, I reviewed the purpose of the inspection with Clennon Cole, Manager. Mr. Cole provided access and was present throughout the inspection.

**Process Description:**

C & C Fleet Services is a mobile vehicle/equipment service business. Routine maintenance primarily consisting of oil changes is conducted on customers' equipment in the field. Used oil and filters generated from servicing the vehicles/equipment is collected in two 60-gallon sage oil vac tanks and transported back to the facility via trailer or truck. Mr. Cole stated the sage tanks are labeled 'used oil'. A third (empty/spare)

sage tank was labeled 'used product' (see photo). It was discussed that the tank would need to be labeled 'used oil' when used oil is added.

Used oil is transferred from the sage tanks into 250-gallon totes at the end of the day. The totes are closed, labeled 'used oil' and situated within secondary containment units (see photo). At the time of the inspection, there were five 250-gallon totes observed. Used oil filters are drained in a compartment of the sage tank, transported back to the facility and transferred into 65-gallon wheeled containers labeled 'used oil filters only' (see photo). The totes and containers are maintained inside the facility.

Disposal records reflect Universal Environmental Services routinely picks up the facility's used oil and used oil filters.

The facility maintains a Used Oil Regulatory Training Program manual which is reviewed annually with their two drivers. In addition, Mr. Cole stated he conducts monthly safety meetings with the drivers. It was discussed that records must be maintained of the annual and monthly training including the training/topic covered along with the dated signature of those receiving and providing the training. The records must be maintained for at least three years. This issue was previously noted during the 2-7-2018 inspection conducted at the former facility location.

It was reviewed with Mr. Cole that the facility's Certificate of Liability Insurance with State Farm Mutual Automobile Insurance Company expired 4-1-2018 and that a current certificate must be provided to FDEP. Mr. Cole indicated that the policy is automatically renewed and will contact the insurance company. Additionally, it was reviewed that the Certificate of Liability Insurance with United Specialty Insurance Company has the wrong physical address listed for the facility - 1150 W Circle St instead of 1105 W Circle St. Mr. Cole stated he would have it corrected. Following the inspection, updated liability insurance certificates were provided along with the annual registration.

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

**Violations**

| | |
|---|---|
| Type: | Violation |
| Rule: | 62-710.600(2)(c) |
| Explanation: | Facility must maintain a record of training in its operating record and individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training.<br><br>Facility failed to maintain proper used oil transporter training records. |
| Corrective Action: | Please provide training records for drivers indicating the type of training received along with the date signature of those receiving and providing the training. |

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**PHOTO ATTACHMENTS:**

sage tank




used oil totes




used oil filter carts



## 5.0 - Used Oil Generator Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

**Note: Checklist items with shaded boxes are for informational purposes only.**

| Item No. | Used Oil Container and Tank Management | Yes | No | N/A |
|---|---|---|---|---|
| 5.1 | Does the facility store used oil only in tanks, containers or permitted hazardous waste storage units? 279.22(a) | ✓ | | |
| 5.2 | Are used oil containers/tanks in good condition? 279.22(b)(1) | ✓ | | |
| 5.3 | Are used oil containers/tanks not leaking? 279.22(b)(2) | ✓ | | |
| 5.4 | Are used oil containers/tanks labeled or marked clearly with the words "Used Oil"? 279.22(c)(1) | ✓ | | |
| 5.5 | Are fill pipes used to fill underground tanks labeled or marked clearly with the words "Used Oil"? 279.22(c)(2) | ✓ | | |
| Item No. | Secondary Containment | Yes | No | N/A |
| 5.6 | Are containers/tanks 55-gallons or smaller that are stored inside: | | | |
| 5.7 | Stored on an oil-impermeable surface? 62-710.401(6) | ✓ | | |
| 5.8 | Are containers/tanks larger than 55-gallons that are stored inside: | | | |
| 5.9 | Stored on an oil-impermeable surface? 62-710.401(6) | ✓ | | |
| 5.10 | Does the building provide adequate secondary containment, or are the containers/tanks double-walled, or stored within or on engineered secondary containment that has the capacity to hold 110% of the volume of the largest container/tank, or are the containers/tanks portable/wheeled and typically emptied every 24 hours? 62-710.401(6) | ✓ | | |
| 5.11 | Are containers/tanks (regardless of size) that are stored outside: | | | |
| 5.12 | Closed or otherwise protected from the weather? 62-710.401(6) | | | ✓ |
| 5.13 | 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? 62-710.401(6) | | | ✓ |
| Item No. | Used Oil Releases | Yes | No | N/A |
| 5.14 | Has the generator, upon detection of a release, done all of the following, as applicable: | | | |
| 5.15 | stop the release? 279.22(d)(1) | | | ✓ |
| 5.16 | contain the released oil? 279.22(d)(2) | | | ✓ |
| 5.17 | clean up and manage properly the released used oil and other materials? 279.22(d)(3) | | | ✓ |
| 5.18 | if necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service? 279.22(d)(4) | | | ✓ |
| 5.19 | Is the facility in compliance with the prohibition against discharges of used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters? 62-710.401(2) | | | ✓ |
| 5.20 | Is the facility in compliance with the prohibition against using used oil for road or pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment? 62-710.401(5) | | | ✓ |
| Item No. | Used Oil Filter Container Management | Yes | No | N/A |
| 5.21 | Does the facility store used oil filters in containers? 62-710.850(5)(a) | ✓ | | |
| 5.22 | Are the used oil filter containers clearly labeled "Used Oil Filters"? 62-710.850(5)(a) | ✓ | | |
| 5.23 | Are the used oil filter containers in good condition? 62-710.850(5)(a) | ✓ | | |
| 5.24 | Are the used oil filter containers not leaking? 62-710.850(5)(a) | ✓ | | |
| 5.25 | Are the used oil filter containers closed or otherwise protected from weather? 62-710.850(5)(a) | ✓ | | |

| Item No. | Used Oil Filter Container Management | Yes | No | N/A |
|---|---|---|---|---|
| 5.26 | Are the used oil filter containers stored on an oil-impervious surface? 62-710.850(5)(a) | ✔ | | |
| **Item No.** | **Releases from Used Oil Filter Containers** | **Yes** | **No** | **N/A** |
| 5.27 | Has the generator, upon detection of a release, done all of the following, as applicable: | | | |
| 5.28 | stop the release? 62-710.850(5)(b) | | | ✔ |
| 5.29 | contain the released oi62-710.850(5)(b) | | | ✔ |
| 5.30 | clean up and manage properly the released oil and any subsequent oily waste? 62-710.850(5)62-710.850(5)(b) | | | ✔ |
| 5.31 | repair or replace any leaking used oil filter storage containers prior to returning them to service? 662-710.850(5)(b)4 | | | ✔ |
| **Item No.** | **Used Oil Mixtures** | **Yes** | **No** | **N/A** |
| | ☐ Is the facility a VSQG that mixes hazardous waste with used oil and manages the mixture under 279? Note: VSQGs can mix both listed and characteristic wastes with used oil. | | | |
| | ☐ Is the facility a SQG or LQG that is mixing listed waste (except for listed waste that only is listed because it exhibits a characteristic - see question below) with used oil? [VSQGs may mix HW and used oil, but they must maintain disposal documentation per 62-730.030(3), FAC.] If so: | | | |
| 5.32 | Is the mixture being managed as listed hazardous waste? 279.10(b)(1) | | | ✔ |
| | ☐ Is the facility a SQG or LQG that mixes only characteristic waste (or listed waste that only exhibits a characteristic) with used oil? [NOTE: This is also considered HW Treatment and other rules apply. However, VSQGs may mix HW and used oil, but they must maintain disposal documentation per 62-730.030(3), FAC.] If so: | | | |
| 5.33 | Is ignitability the only characteristic of the hazardous waste prior to mixing (or is the HW listed only for ignitability)? If so: | | | |
| 5.34 | Is the mixture managed as HW if it exhibits the ignitability characteristic? 279.10(b)(2)(iii) | | | ✔ |
| 5.35 | Does the hazardous waste exhibit ANY characteristic other than ignitability prior to mixing (or is the HW listed only for a characteristic other than ignitability)? If so: | | | |
| 5.36 | Is the mixture managed as HW if it exhibits ANY characteristic (even if the characteristic of the mixture is from the used oil, rather than from the HW)? 279.10(b)(2)(i) | | | ✔ |
| 5.37 | Does the facility generate mixtures of other materials contaminated with used oil (i.e. absorbents, rags, dirt)? If so: | | | |
| 5.38 | Are UO-contaminated materials that contain visible free-flowing UO managed under 279 used oil standards? 279.10(c)(3) | | | ✔ |
| 5.39 | Does the facility either manage UO-contaminated materials that do not contain visible free-flowing UO as hazardous waste have records documenting the materials are not hazardous waste? 279.10(c)(1)(ii) | | | ✔ |
| 5.40 | Are UO-contaminated materials that will be burned for energy recovery being managed as used oil under 279? (Used oil-contaminated materials should have a heating value of at least 5000 Btu/pound to be burned for energy recovery under 279, so low-Btu-value materials like contaminated soils and clay absorbents are solid waste, subject to 262 HW determinations.) 279.10(c)(3) | | | ✔ |
| 5.41 | Does the facility generate mixtures of used oil with fuel or fuel products? If so: | | | |
| 5.42 | Does the facility manage mixtures of UO and fuel/fuel products under 279 used oil standards? [Note: 279.10(d)(2) allows on-site mixing of UO with diesel fuel for use in the generator's own vehicles.] 279.10(d)(1) | | | ✔ |
| 5.43 | Is the facility in compliance with the prohibition against mixing or commingling used oil with solid waste that is to be disposed of in landfills or directly disposing of used oil in landfills? (Persons unknowingly disposing into a landfill used oil or used oil filters which have not been properly segregated or separated from other solid wastes by the generator are not subject to this prohibition. Oily waste, sorbents or other materials used for maintenance or clean up as a result of spills or release are not subject to this prohibition.) 62-710.401(3) | | | ✔ |
| 5.44 | Is the facility in compliance with the prohibition against mixing or commingling used oil with hazardous substances that make it unsuitable for recycling or beneficial use? (Notwithstanding the provisions found in 40 CFR 279.10(b)(3)). 62-710.401(4) | | | ✔ |
| **Item No.** | **Space Heaters** | **Yes** | **No** | **N/A** |
| 5.45 | Does the generator burn used oil on-site in a used oil-fired space heater? [Generators who burn off site, non household oil, or burn oil in devices not meeting the space heater exemption must comply with 40 CFR 279 - Subpart G.] | | | |
| 5.46 | If so, does the facility burn only used oil generated on-site or only household DIY used oil? 279.23(a) | | | ✔ |
| 5.47 | If so, does the heater have a capacity of no more than 0.5 million BTU/hr? 279.23(b) | | | ✔ |
| 5.48 | If so, are combustion gasses vented to the atmosphere? 279.23(c) | | | ✔ |

| Item No. | Off-site Shipments | Yes | No | N/A |
|---|---|---|---|---|
| 5.49 | Does the generator only use transporters who have received EPA Identification numbers? (Include names and numbers in report narrative) 279.24 | | | ✓ |
| 5.50 | Self transport to collection centers - Does the generator only transport their own used oil and used oil from household DIY to a used oil collection center? If so: | | | |
| 5.51 | Does the generator transport the used oil in a vehicle owned by the generator or an employee of the generator? 279.24(a)(1) | | | ✓ |
| 5.52 | Does the generator transport no more than 55 gallons of used oil at one time? 279.24(a)(2) | | | ✓ |
| 5.53 | Does the generator transport the used oil to a used oil collection center that is registered, licensed, permitted or recognized by a state/county/municipal government to manage used oil ? 279.24(a)(3) | | | ✓ |
| 5.54 | Self transport to aggregation points - Does the generator transport used oil that is generated at the generator's site to an aggregation point? If so: | | | |
| 5.55 | Does the generator transport the used oil in a vehicle owned by the generator or an employee of the generator? 279.24(b)(1) | | | ✓ |
| 5.56 | Does the generator transport no more than 55 gallons of used oil at one time? 279.24(b)(2) | | | ✓ |
| 5.57 | Does the generator transport the used oil to an aggregation point that is owned/operated by the same generator? 279.24(b)(3) | | | ✓ |
| 5.58 | Tolling Agreement - is the used oil transported and then reclaimed under a contractual agreement pursuant to which reclaimed oil is returned by the processor.re-refiner to the generator for use as a lubricant, cutting oil, or coolant? If so: | | | |
| 5.59 | Does the contract indicate the type and frequency of shipments? 279.24(c)(1) | | | ✓ |
| 5.60 | Does the contract indicate that the vehicle used to transport the used oil to the processing/re-refining facility is owned and operated by the used oil processor/re-refiner? 279.24(c)(2) | | | ✓ |
| 5.61 | Does the contract indicate that the reclaimed oil will be returned to the generator? 279.24(c)(3) | | | ✓ |

| Item No. | Marketing and Processing | Yes | No | N/A |
|---|---|---|---|---|
| | ☐ Does the generator claim that the used oil meets the specification in 40 CFR 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.] | | | |
| | ☐ Does the generator process used oil by filtering, oil/water separation or other methods prior to direct shipment to an off site used oil burner? [If so, the generator is also a used oil processor subject to 40 CFR 279 - Subpart F.] | | | |

**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.

| Karen R. Bayly | Environmental Consultant | |
|---|---|---|
| **Principal Inspector Name** | **Principal Inspector Title** | |
| Karen Bayly | DEP | 04/29/2019 |
| **Principal Inspector Signature** | **Organization** | **Date** |

| Clennon Cole | Manager | |
|---|---|---|
| **Representative Name** | **Representative Title** | |
| | C & C Fleet | |
| | **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.

**Report Approvers:**

**Approver:** Karen R. Bayly **Inspection Approval Date:** 04/29/2019