



FLORIDA DEPARTMENT OF Environmental Protection

CENTRAL DISTRICT OFFICE
3319 MAGUIRE BLVD., SUITE 232
ORLANDO, FLORIDA 32803

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

November 21, 2019

Kevin Walden, Vice President Products Support
Flagler Construction Equipment
9601 Boggy Creek Road
Orlando, Florida 32824-8728
kwalden@flaglerce.com

Re: Compliance Assistance Offer
Flagler Construction Equipment
HW FLR000097378
Flagler Construction Closed Loop Recycle System-Boggy Creek Road
IW FLA287954
Orange County

Dear Mr. Walden :

An inspection was conducted at your property on October 23, 2019. During this inspection, potential non-compliance was noted. The purpose of this letter is to offer compliance assistance as a means of resolving these matters.

Specifically,

Potential non-compliance with the requirements of chapter 403, Florida Statutes, chapters 62-620 and Chapter 62-710, 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 **30 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
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 to 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.

Flagler Construction Equipment; Facility ID No.: FLR000097378; FLA287954
Compliance Assistance Offer
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Please address your response and any questions to Michael Eckoff of the Central District Office at (407) 897-4308 or via e-mail at michael.eckoff@floridadep.gov. We look forward to your cooperation with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel K. Hall".

Daniel K. Hall, Manager
Central District
Florida Department of Environmental Protection

Enclosures: Inspection Report (with attachments)

cc: Howard Wieder, Flagler Construction Equipment, hwieder@flaglerce.com



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

FACILITY INFORMATION:

Facility Name: Flagler Construction Equipment
On-Site Inspection Start Date: 10/23/2019 **On-Site Inspection End Date:** 10/23/2019
ME ID#: 18387 **EPA ID#:** FLR000097378
Facility Street Address: 9601 Boggy Creek Rd , Orlando , Florida 32824-8728
Contact Mailing Address: 9601 Boggy Creek Rd, Orlando, Florida 32824-8728
County Name: Orange **Contact Phone:** (407) 850-9614

NOTIFIED AS:

Non-Handler
Used Oil

Generator:

Non-Handler, None,

Transporter:

TSD:

Used Oil:

Generator : Oil Filters,

HW Fuel:

None

Recycler:

None, None

Other:

Universal Waste:

Generate/Accumulate : Transport : Transfer Facility :

Academic Lab/HSM:

Closure:

None

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Michael Eckoff, Inspector
Other Participants: Howard Wieder, Service Manager

LATITUDE / LONGITUDE: Lat 28° 25' 40.972" / Long 81° 21' 1.412"

811310 - Commercial and Industrial Machinery and Equipment (except Automotive and Electronic)

NAIC: Repair and Maintenance

TYPE OF OWNERSHIP: Private

Introduction:

On October 23, 2019, Michael Eckoff, Florida Department of Environmental Protection (FDEP or Department), accompanied by Howard Wieder, Flagler Construction Equipment (FCE or Facility), inspected FCE for state and federal used oil transporter requirements. The facility most recently notified the Department on March 19, 2019 and was originally issued EPA ID FLR000097378 on March 24, 2015. FCE is a registered used oil transporter and transfer facility, and used oil filter transporter and transfer facility. The current registration expires on June 30, 2020.

Flagler Construction Equipment Inspection Report

Inspection Date: 10/23/2019

The facility employs approximately 25 people working from 7:00 AM to 5:00 PM, Monday to Friday. The facility is connected to the municipal potable water system and has an onsite septic system. The property is owned by Be Orlando, LLC, C/O Kathy J Amon, 1745 Indian Wood Circle, Suite 250, Maumee, Ohio 43537-4061.

INSPECTION HISTORY

The facility was last inspected by the Department in July 2017 for compliance with state and federal used oil transporter requirements. No potential violations were noted at that time.

Process Description:

The facility sells, leases, and services heavy equipment. Equipment is serviced either onsite or at offsite locations. Offsite services only includes oil changes, any other services are performed at the facility.

Used oil is stored in a double-walled tank that was properly labeled "Used Oil" and closed. The tank was located outside the building in secondary containment.

Used oil filters are stored in a 2-yard dumpster that was properly labeled "Used Oil Filters" and closed. The dumpster was located outside the building.

Records

Service records include site identification, gallons of used oil removed from equipment, date of service, and if oil filter was changed.

Used oil and used oil filters are picked up by Safety Kleen. Records of pickups were not being maintained onsite [40 CFR 279.46(b) and 62-710.510(4), Florida Administrative Code (F.A.C.)].

Used oil and used oil filter handlers annual report for 2018 was received on April 23, 2019.

The certificate of liability insurance on file with the Department expired on May 1, 2019 [62-710.600(2)(e), F.A.C.].

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	279.46(b)
Explanation:	Deliveries. Used oil transporters must keep a record of each shipment of used oil that is delivered to another used oil transporter, or to a used oil burner, processor/re-refiner, or disposal facility.
	Specifically, Flagler Construction Equipment failed to maintain records of off-site used oil shipments.
Corrective Action:	Please provide documentation the records are maintained onsite.

Type:	Violation
Rule:	62-710.600(2)(e)1.a
Explanation:	Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten percent of the equity of the business), using DEP Form 62-730.900(5)(a), "State of Florida Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler," effective date April 23, 2013, which is hereby adopted and incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-02081). This form can be obtained on the internet at https://floridadep.gov/waste/permitting-compliance-assistance/content/used-oil-forms or by contacting the Permitting and Compliance Assistance Program, MS 4500, Division of Waste Management, Department of

Inspection Date: 10/23/2019

Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The insurance policy shall be issued by an agent or company authorized or licensed to transact business in the State of Florida. If the facility has an up-to-date DEP Form 62-730.900(5)(a) on file with the Department, an ACORD form will be accepted for renewal of the same policy with the same carrier if the information on the ACORD form matches the DEP Form 62-730.900(5)(a) the Department has on file for the facility, including the policy number, or the Department has received documentation from the insurance company certifying that the liability policy has not changed along with the ACORD form.

Specifically, Flagler Construction Equipment failed to provide evidence of current liability insurance to the Department.

Corrective Action: Please provide documentation of current liability insurance and ensure a copy is submitted to the Department's Financial Coordinator in Tallahassee.

Conclusion:

Flagler Construction Equipment was inspected as a used oil transporter and was not in compliance at that time.

Inspection Date: 10/23/2019

1.0: Pre-Inspection 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.

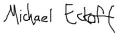
Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

Inspection Date: 10/23/2019

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

Michael Eckoff	Inspector	
Principal Investigator Name	Principal Investigator Title	
	DEP	11/18/2019
Principal Investigator Signature	Organization	Date
Howard Wieder	Service Manager	
Representative Name	Representative Title	
	Flagler Construction Equipment	
	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:	Daniel K. Hall	Inspection Approval Date:	11/18/2019
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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
WASTEWATER COMPLIANCE INSPECTION REPORT

Facility Name and Physical Address Flagler Construction Closed Loop Recycle System-Boggy Creek Road 9601 Boggy Creek Road Orlando, Florida 32824-8728	WAFR ID FLA287954	County Orange	Entry Date 10/23/2019	Entry Time 9:20 AM														
Facility Phone # (407) 850-9614		Exit Date 10/23/2019		Exit Time 10:07 AM														
Permit Information: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 10%;">LAT</td> <td style="width: 10%;">28</td> <td style="width: 5%;">°</td> <td style="width: 10%;">25</td> <td style="width: 5%;">'</td> <td style="width: 10%;">41.17</td> <td style="width: 5%;">"</td> </tr> <tr> <td>LONG</td> <td>81</td> <td>°</td> <td>21</td> <td>'</td> <td>1.94</td> <td>"</td> </tr> </table>					LAT	28	°	25	'	41.17	"	LONG	81	°	21	'	1.94	"
LAT	28	°	25	'	41.17	"												
LONG	81	°	21	'	1.94	"												
Name(s) of Field Representatives(s) and Title Howard Wieder, Service Manager		Operator Certification #	Email hwieder@flaglerce.com	Phone (407) 850-9614														
Name & Address of Permittee / Designated Rep. Kevin Walden Flagler Construction Equipment 9601 Boggy Creek Road Orlando, Florida 32824-8728		Title Vice President Product Support	Email kwalden@flaglerce.com	Phone (407) 850-9614														
Inspection Type	C E I	Samples Taken(Y/N): N	Sample ID#:	Samples Split (Y/N) :														
<input type="checkbox"/> Domestic <input checked="" type="checkbox"/> Industrial																		

FACILITY COMPLIANCE AREAS EVALUATED							
IC = In Compliance; MC = Minor Out of Compliance; NC = Out of Compliance; SC = Significant out of Compliance; NA = Not Applicable; NE = Not Evaluated Significant Non-Compliance Criteria Should be Reviewed when Out of Compliance Ratings Are Given in Areas Marked by a "♦"							
	PERMITS/ORDERS		SELF MONITORING PROGRAM		FACILITY OPERATIONS		EFFLUENT/DISPOSAL
NC	1. ♦ Permit	NA	3. Laboratory	IC	6. Facility Site Review	NA	9. ♦ Effluent Quality
IC	2. ♦ Compliance Schedules	NA	4. Sampling	NA	7. Flow Measurement	NA	10. ♦ Effluent Disposal
		NC	5. ♦ Records & Reports	IC	8. ♦ Operation & Maintenance	NA	11. Biosolids
						NA	12. ♦ Groundwater
NE	14. Other					NA	13. ♦ SSO Survey

Facility and/or Order Compliance Status:	<input type="checkbox"/> In-Compliance	<input checked="" type="checkbox"/> Out-Of -Compliance	<input type="checkbox"/> Significant-Out-Of-Compliance
Recommended Actions: Compliance Assistance Offer Letter			
Name(s) and Signature(s) of Inspector(s) Michael Eckoff 		District Office/Phone Number CD/(407) 897-4308	Date 11/21/2019
Name and Signature of Reviewer Daniel K. Hall 		District Office/Phone Number CD/(407) 897-4167	Date 11/21/2019

Single Event Violations (*SNC SEVs)				
Check for Yes	Evaluation Area	Description	Finding Description	Finding ID
<input type="checkbox"/>	Permit	Effluent Violations - Unapproved Bypass	Wastewater was diverted from a portion of the treatment process without department approval.	UNBY
<input type="checkbox"/>	*Permit	Permit Violations - Discharge Without a Valid Permit	The facility was operating without a permit or with an expired permit.	UPHI
<input type="checkbox"/>	Permit	Permit Violations - Failure to Submit Timely Permit Renewal Application	The permittee failed to submit an application to renew the existing permit at least 180 days prior to expiration.	PFSA
<input type="checkbox"/>	Laboratory	Management Practice Violations - Laboratory Not Certified	The laboratory was not certified by the National Environmental Laboratory Accreditation Conference (NELAC).	LNCE
<input type="checkbox"/>	Sampling	Monitoring Violations - Analysis not Conducted	The facility failed to collect and/or analyze samples as required by permit or enforcement action.	ANCV
<input type="checkbox"/>	Sampling	Monitoring Violations - Failure to Monitor for Toxicity Requirements	The facility failed to collect and/or analyze routine or follow-up toxicity samples.	FTOX
<input type="checkbox"/>	Records and Reports	Management Practice Violations - Failure to Develop Adequate SPCC Plan	The facility failed to develop or maintain their Spill Prevention Control and Countermeasures (SPCC) plan.	FSPC
<input type="checkbox"/>	Records and Reports	Management Practice Violations - Failure to Maintain Records	The facility failed to maintain records for the required retention period.	FMRR
<input type="checkbox"/>	Records and Reports	Reporting Violations - Failure to Notify	The permittee failed to notify the department of any event or activity that requires notification as required by permit or rule.	RSWP
<input type="checkbox"/>	Records and Reports	Reporting Violations - Failure to Submit DMRs	The permittee failed to submit any DMR required by rule, permit, or enforcement action in a timely manner.	FDMR
<input type="checkbox"/>	Records and Reports	Reporting Violations - Failure to submit required report (non-DMR, non-pretreatment)	The facility failed to submit any report required by rule, permit, enforcement action or inspection activity except for DMRs.	FRPT
<input type="checkbox"/>	Facility Site Review	Management Practice Violations - Improper Land Application (non-503, non-CAFO)	The land application system was not being maintained.	LASN
<input type="checkbox"/>	Flow Measurement	Monitoring Violations - No Flow Measurement Device	The facility failed to install a flow measurement device, an approved flow measurement device, or a working flow measurement device.	NOFL
<input type="checkbox"/>	Operation and Maintenance	Management Practice Violations - Improper Operation and Maintenance	The facility failed to follow their operation and maintenance plan/manual.	IONM
<input type="checkbox"/>	Operation and Maintenance	Management Practice Violations - Inflow/Infiltration (I/I)	The facility had an inflow and infiltration problem causing collection system issues and/or operational issues.	ININ
<input type="checkbox"/>	Operation and Maintenance	Management Practice Violations - No Licensed/Certified Operator	The facility was being operated without a certified operator or by an operator that is not licensed for the size of plant.	ONCO
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Failed Toxicity Test	Persistent acute toxicity has been documented through follow-up tests.	EATX
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Failed Toxicity Test	Persistent chronic toxicity has been documented through follow-up tests.	ECTX
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Failed Toxicity Test	Persistent acute or chronic toxicity has been documented in the effluent through the use of routine and follow-up tests.	ETOX
<input type="checkbox"/>	Effluent Quality	Effluent Violations - Narrative Effluent Violation	The facility violated a permit or enforcement narrative effluent limit.	XNEV
<input type="checkbox"/>	*Effluent Quality	Effluent Violations - Reported Fish Kill	The facility had a discharge of wastewater that resulted in a fish kill.	XFSH
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Failure to Maintain Records or Meet Record Keeping Requirements	The facility failed to keep routine documentation and reporting records of spills, and/or operation and maintenance activities on the collection/transmission system.	SSO2
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Failure to monitor	The facility failed to collect and/or analyze bacteriological samples for sewage spills that reached surface waters.	SSO3
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Failure to report violation that may endanger public health 122.41(l)(7)	The facility failed to report a sewage spill within 24 hours of discovery.	SSO4
<input type="checkbox"/>	Sanitary Sewer Overflow Survey	WW SSO - Improper Operation and Maintenance	The facility failed to perform routine preventative maintenance to keep the collection/transmission system in good working order.	SSO5

Facility Treatment Summary: The wastewater flows into the inclined pit in the center of the wash pad and is then pumped to an inclined baffle system for gross solids settling. From there the wastewater is pumped to an oil/water separator for solids/oil removal and then back to a 1000-gallon storage tank for reuse. The 1000-gallon storage tank supplies water to the initial demucking process and to the second pressure washer. The wastewater is pressurized with a pump, filtered through a sand media, treated with ozone for odor control and directed to a 500-gallon Clean Water storage tank. The Clean Water tank is pressurized to 45 psi and treated by tertiary filtration consisting of a carbon bed and cartridge filter. Any excess water in the 500-gallon Clean Water tank will overflow back into the settling basin.

1. ♦Permit: Out-of-Compliance

Current Permit available on-site?	No
Date Permit issued	3/30/2018
Date Permit Expires	3/29/2023
Permit Renewal Application due by	9/30/2022
Administrative or Judicial Orders?	N/A

1.1 Deficiency: A copy of the current permit was not available onsite.

Rule/Permit Reference: Permit Condition V.2.d. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility. d. A copy of the current permit.

Corrective Action: Please provide documentation that a copy of the permit is being maintained onsite.

2. ♦Compliance Schedules: In-Compliance

Compliance Schedule in Permit met?	See Observation
Compliance Schedules in Order are being met?	Not Applicable

2.1 Observation: The application to renew the permit is not due until 9/30/2022.

3. Laboratory: Not Applicable

4. Sampling: Not Applicable

5. ♦Records and Reports: Out-of-Compliance

5.1 Deficiency: A copy of the existing Best Management Practices (BMP) Plan was not available onsite.

Rule/Permit Reference: Permit Condition VII.1. The permittee shall during the term of this permit operate the facility in accordance with the existing Best Management Practices (BMP) or in accordance with subsequent amendments to the Plan. The permittee shall also amend this Plan, to incorporate practices to achieve the objectives and specific requirements listed below. The permittee shall maintain the Plan at the facility and shall make the plan available to the Department upon request. The Plan shall be implemented in accordance with the schedule contained in Part VI of this permit.

Corrective Action: Please provide documentation that a copy of the BMP Plan is being maintained onsite.

- 5.2 **Deficiency:** Records for servicing the wash rack were not available onsite.
 Rule/Permit Reference: Permit Condition V.2.a. The permittee shall maintain the following records and make them available for inspection on the site of the permitted facility. a. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken.
 Corrective Action: Please provide documentation that a copy of the service records is being maintained onsite.
- 5.3 **Deficiency:** Records for removal of solids from the wash rack were not available onsite.
 Rule/Permit Reference: Permit Condition II.1. The method of sludge use or disposal by this facility is by removal from the site to a DEP approved facility/location. Written records shall be kept at the site to document the type, transfer date, volume or gallons and destination of the materials removed.
 Corrective Action: Please provide documentation that a copy of the disposal records is being maintained onsite.

6. Facility Site Review: In-Compliance

- 6.1 **Observation:** The existing covered concrete pad is inclined allowing wastewater to flow to a settling pit in the center of the pad. Ingress/egress to the pad is located on the north and south ends. The pad appeared to have no cracks or gaps and no run-off was noted from the pad. No evidence of releases or leaks were noted from the treatment system. The wash rack is used on a daily basis. The pump in the settling pit has not been operational for approximately six months. The recycle system has not been used in that time frame as well. Fresh water is used to clean equipment. Safety Kleen Systems pumps out the settling pit weekly.

7. Flow Measurement: Not Applicable

8. ♦Operation and Maintenance: In-Compliance

Facility being operated as per permit?	See Observation
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- 8.1 **Observation:** The pump in the settling pit has not been operational for approximately six months. The recycle system has not been used in that time frame as well.

9. ♦Effluent Quality: Not Applicable

10. ♦Effluent Disposal: Not Applicable

11. Biosolids: Not Applicable

12. ♦Groundwater Quality: Not Applicable

13. ♦SSO Survey: Not Applicable

14. Other: Not Evaluated