



FLORIDA DEPARTMENT OF Environmental Protection

Northeast District
8800 Baymeadows Way West, Suite 100
Jacksonville, Florida 32256

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

October 27, 2020

Mr. Frank Dry, Manager
Flagler Construction Equipment
539 SW Arrowhead Terrace
Lake City, FL 32024-3374
fdry@altaequipfl.com

Re: **Compliance Assistance Offer**
Flagler Construction Equipment
Facility ID No.: FLR 000 213 686
Columbia County – Hazardous Waste Program

Dear Mr. Dry:

Department personnel conducted a compliance inspection of the above-referenced facility on July 21, 2020, under the authority of Section 403.091, Florida Statutes. 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, and Chapters 62-710 and 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 'New Potential Violations and Areas of Concern' and respond within 30 days of receipt of this Compliance Assistance Offer. Your response should include one of the following:

1. Describe what has been done to resolve the non-compliance issue or provide a time 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 Areas 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 appropriately may result in the initiation of formal enforcement proceedings.

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Please address your response and any questions to Cheryl L. Mitchell of the Northeast District Office at 904-256-1620 or via e-mail at cheryl.l.mitchell@FloridaDEP.gov. We look forward to your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Heather Webber".

Heather Webber
Environmental Administrator

Enclosures: Final Inspection Report

Ec: Kathy Baer, Flagler Construction Equipment (KBaer@altaequipfl.com)
DEP: Cheryl L. Mitchell, Heather Webber, DEP_NED



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

FACILITY INFORMATION:

Facility Name: Flagler Construction Equipment
On-Site Inspection Start Date: 07/21/2020 **On-Site Inspection End Date:** 07/21/2020
ME ID#: 114928 **EPA ID#:** FLR000213686
Facility Street Address: 539 SW Arrowhead Ter, Lake City, Florida 32024-3374
Contact Mailing Address: 539 SW Arrowhead Terrace, Lake City, Florida 32024
County Name: Columbia **Contact Phone:** (386) 758-7444

NOTIFIED AS:

Non-Handler, Used Oil

WASTE ACTIVITIES:

Generator: VSQG **Used Oil:** Used Oil, Oil Filters

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter Facility
Routine Inspection for VSQG (<100 kg/month) Facility
Routine Inspection for Used Oil Transfer Facility Facility
Routine Inspection for Used Oil Generator Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Cheryl L Mitchell, Inspector
Other Participants: Frank Dry, Manager

LATITUDE / LONGITUDE: Lat 30° 7' 19.104" / Long 82° 39' 35.3064"

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

NAIC: Repair and Maintenance

TYPE OF OWNERSHIP: Private

Introduction:

Flagler Construction Equipment (FCE, the facility) was inspected on July 21, 2020. The facility was last inspected by the Department's Hazardous Waste Program on August 2, 2016. The facility is registered and operating as a Used Oil Transporter, Used Oil Transfer Facility, Used Oil Filter Transporter, and Used Oil Filter Transfer Facility. The facility is also operating as a used oil generator and Very Small Quantity Generator (VSQG) of hazardous waste. Frank Dry (FCE) was present throughout the inspection.

FCE is a dealer, rental agent and service agent for trucks, heavy equipment, generators, parts and other equipment. Maintenance work is performed both in the field and at the facility. This Lake City facility is a satellite branch of the FCE Jacksonville facility and all administrative matters are managed by the Jacksonville facility. FCE has operated at this location since 2013. FCE has four employees, and operates Monday through Friday, 7:30 AM to 5:00 PM. The facility has its own water well and a septic tank, and consists of one main building that includes a Warehouse, two Maintenance Bays, a Vehicle Wash Bay, and an attached Storage Building.

Process Description:

Mobile Servicing

FCE services heavy equipment and trucks in the field. The facility transports only its own used oil generated at its own non-contiguous operations to its own central collection facility for storage prior to having its used oil picked-up by Safety-Kleen, a certified used oil transporter. Used oil and used oil filters generated during field

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servicing activities are transported back to the facility and accumulated with the wastestreams generated at the facility. The facility operates one field maintenance truck that is used to transport used oil, in quantities less than 55-gallons, used oil filters and used antifreeze that are generated during its field maintenance activities. The used oil generated in the field is added to the facility's used oil tank located in the Vehicle Wash Bay described below.

Warehouse and Maintenance Bays

The warehouse side of the main building is used for materials and supply storage. Maintenance on forklifts, vehicles, and various other heavy equipment is performed in one of the two bays located adjacent to the warehouse storage areas (Photo 1). Used oil, used oil filters, oily rags and oily absorbent are generated in this area. Used oil is drained into drip pans or mobile carts located throughout the area. All used oil containers were properly labeled "Used Oil." Used oil is pumped from the drip pans and mobile carts into a 250-gallon double-walled aboveground storage tank that is located on the other side of the maintenance bay wall in the Vehicle Wash Bay, described below. Used oil filters are drained on a rack located in the maintenance bay and the used oil is pumped to the storage tank. Oily absorbents and spill cleanup debris are accumulated in a 55-gallon drum located inside the maintenance area. If antifreeze has to be drained from a vehicle, the facility collects the antifreeze and re-uses it in the vehicle once maintenance is complete. If the antifreeze is not reusable, it is collected and disposed of by Safety-Kleen on an as-needed basis.

The facility has one Safety-Kleen Premium Solvent parts washer located in the maintenance bay area. The parts washer is serviced by Safety-Kleen every eight weeks.

Lead-acid batteries are exchanged through Pete Olin Auto Parts who recycles the batteries through Continental Battery.

FCE uses Volvo aerosol paints (acetone 25-50%, propane 10-25%, 2-methylpropane 10-25%, light aliphatic hydrocarbon solvent 10-25%, 2-methyl-1-propanol 10%, xylene, mixed isomers 3%, 2-methoxy-1-methylethyl acetate 3%, toluene 3%, titanium dioxide 3%, ethylbenzene 1%; flashpoint -4°F) for minor touch-ups and to stencil information on equipment and vehicles. The stencils are metal and are recycled as scrap metal when no longer useable. No brushes, rollers or rags are used during touch-up or the stenciling process.

FCE uses Volvo Non-Chlorinated Brake Cleaner (50-70% acetone, 10-20% methylacetate, 10-20% carbon dioxide, 3-7% xylene, 3-7% heptane; flashpoint -4°F) and Volvo Multi-Purpose Degreaser (acetone 80-90%, carbon dioxide 5-10%; flashpoint -4°F) on wipes for cleaning. Spent Volvo brake cleaner and Volvo degreaser are non-hazardous when used on a rag. Shop rags are managed as "Excluded Solvent Contaminated Wipes," accumulated in 5-gallon containers and laundered weekly by Cintas. There was one container of excluded solvent contaminated rags accumulating at the time of the inspection (Photo 2). It was closed and properly labeled.

Empty, aerosol cans are placed in the trash. No empty cans were observed in the trash but the facility is reminded that even when spent, these aerosol cans may still contain liquid product. Additionally, aerosol cans with broken or clogged nozzles may contain D001 hazardous waste and should not be thrown into the trash. All unusable and spent aerosol cans should either be safely punctured and properly drained into a closed and properly labeled container which should then be managed as hazardous waste, or be placed unpunctured into a closed and properly labeled container which should then be managed as hazardous waste. After being safely and properly punctured and drained, empty aerosol cans may be discarded into the trash or recycled as scrap metal.

Vehicle Wash Bay

In the Vehicle Wash Bay, pressurized water and detergent are used to clean equipment and vehicles after maintenance (Photo 3). A grated trench drainage system in the floor collects washwater that gravity flows to a 1,000 underground holding vault that is located on the other side of the wash bay wall inside the attached Storage Building, described below.

The 250-gallon double-walled aboveground used oil tank and Used Oil Filter container are also located inside the wash bay (Photos 4 and 5). Both containers were closed and properly labeled.

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Storage Building

The Storage Building is attached to and located on the outside of the Vehicle Wash Bay. The building houses the pressurized wash system controls that mixes detergent and water prior to being used in the pressurized wash system in the Vehicle Wash Bay. The 1,000-gallon holding vault for the washwater from the wash bay is located in this building. Safety-Kleen pumps-out the washwater every three to six months and manages it as non-hazardous oily wastewater. FCE did not have TCLP analysis for the washwater and therefore had not made an accurate waste determination on this wastestream [40 CFR 262.11].

Vehicle Storage and Staging Yard

This yard is located east of the main building and is used as a laydown area for materials and to stage equipment for sale, lease and/or maintenance (Photo 6).

Dumpsters for solid waste and scrap metal are also located in this area. No maintenance is performed in the yard.

Records Review

The facility is currently operating as a VSQG of hazardous waste. Records reviewed included manifests, shipping records, annual Used Oil Report, transporter registration and insurance certificate. The insurance certificate indicated that FCE's insurance coverage expired May 1, 2020, and the facility had not submitted proof of current financial responsibility [62-710.600(2)(e)1.a, FAC]. On August 21, 2020, FCE submitted an updated 8700-12FL form to notify the Department of its name change to Alta Construction Equipment Florida, LLC. However, the 8700-12FL form had the incorrect hazardous waste generator status listed. This is an Area of Concern. Alta should submit a corrected 8700-12FL form to the Department within 30 days that reflects the correct generator status of the facility as a VSQG.

Safety-Kleen (TXR 000 081 205) performs maintenance on the parts washer every eight weeks and manages the spent solvent as D039 hazardous waste. The last parts washer maintenance was performed on June 3, 2020.

Safety-Kleen also recycles the facility's used oil every three months, used oil filters every six months, and used antifreeze as needed. Because FCE self-transport its own used oil in quantities less than 55-gallons on its maintenance truck, the facility does not have to transfer its used oil off-site in less than 35 days. However, the facility is reminded that should its operations change in the future such that the amount of used oil transported on its maintenance truck in greater than 55-gallons, the facility should transfer its used oil off-site within 35 days. The last used oil pickup was May 6, 2020, the last used oil filter pick-up was February 26, 2020, and the last used antifreeze pickup was May 6, 2020. All records reviewed appeared to be in order except as noted above.

Copies of Northeast District's PowerPoints and other workshop files that may be useful can be found here:
<ftp://ftp.dep.state.fl.us/pub/outgoing/NED%20-%20HazWaste/SQG%20WORKSHOP/>

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	262.11
Explanation:	FCE had not made an accurate hazardous waste determination for the washwater from the Vehicle Wash Bay.
Corrective Action:	In order to return to compliance, the facility should make a hazardous waste determination on the washwater by having a representative sample of the washwater analyzed by a certified laboratory for the following: <ul style="list-style-type: none"> - Ignitability, pursuant to 40 CFR 261.21, via method 1010; - Toxicity Characteristic Leaching Procedure (TCLP) for RCRA Metals, pursuant to 40

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CFR 261.24, via method 6010;

- TCLP for Volatiles, pursuant to 40 CFR 261.24, via method 8260; and
- TCLP for Semi-Volatiles, pursuant to 40 CFR 261.24, via method 8270.

A copy of the result of this determination should be submitted to this office. None of the waste is to be disposed of until written approval has been given by the Department. The waste should be disposed of in a proper manner once written approval has been given by the Department. Hazardous waste should be sent off-site to a permitted treatment, storage, or disposal facility.

NOTE: The sample is to be collected and analyzed in accordance with EPA publication SW#846 "Test Methods for Evaluating Solid Waste" 3rd Edition. All sampling and analysis shall be conducted in accordance with Rule 62-160, FAC. A National Environmental Laboratory Accreditation Program (NELAP) certified laboratory should analyze the sample.

Type:	Violation
Rule:	62-710.600(2)(e)1.a
Explanation:	FCE's insurance liability certificate expired May 1, 2020, and the facility had not submitted proof of current financial responsibility.
Corrective Action:	In order to return to compliance, FCE should submit proof of liability insurance using DEP Form 62-730.900(5)(a), "State of Florida Certificate of Liability Insurance Hazardous Waste Transporter and Used Oil Handler." 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.

PHOTO ATTACHMENTS:

Photo 1



Photo 2



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Photo 3



Photo 4

Photo 5



Photo 6



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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			✓

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737 & 62 -740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C

Cheryl L Mitchell	Inspector	
Principal Investigator Name	Principal Investigator Title	
	DEP	10/04/2020
Principal Investigator Signature	Organization	Date
Frank Dry	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:	Cheryl L Mitchell	Inspection Approval Date:	10/04/2020
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