



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: FCC Environmental

On-Site Inspection Start Date: 11/24/2009 **On-Site Inspection End Date:** 11/24/2009

ME ID#: 28737 **EPA ID#:** FLD065680613

Facility Street Address: 105 S Alexander St, Plant City, Florida 33563-4833

Contact Mailing Address: 105 S Alexander St, Plant City, Florida 33563-4833

County Name: Hillsborough **Contact Phone:** (813) 754-1504

NOTIFIED AS:

CESQG (<100 kg/month)

Transfer Facility

TSD Facility Unit Type(s)

Used Oil

INSPECTION TYPE:

Complaint Inspection for Used Oil facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kelly M Honey, Inspector

Other Participants: Jack Thornburgh, Branch Manager; Kelli Winter, CHMM, Environmental Health & Safety Manager, SE Region; James Dregne, Hazardous Waste Program Manager

LATITUDE / LONGITUDE: Lat 28° 0' 42.0089" / Long 82° 8' 24.5084"

SIC CODE: 2999 - Manufacturing - petroleum and coal products, nec

TYPE OF OWNERSHIP: Private

Introduction:

FCC Environmental (FCCE) was inspected as a result of a citizen's complaint. The complaint alleged that FCCE had picked up some hazardous waste and was storing it in the yard in an illegal manner and without the proper hazardous waste 10 day permit. According to the complaint, the waste was located on a storage trailer "out back" and has been there for at least a month. Mr. Jack Thornburgh, the Branch Manager, accompanied the inspectors throughout the inspection.

Process Description:

FCCE is a used oil processor and marketer of on-spec used oil operating under permit #0030676-HO-005, which expires on August 20, 2013. FCCE produces a fuel oil that is equivalent to No. 5 Fuel Oil and a flotation oil for the phosphate industry. The FCCE tank farms consist of thirty aboveground storage tanks (ASTs), all of which have secondary containment consisting of coated concrete walls and floors designed to contain oil spills. The majority of used oil, used oil filters and oily wastes are brought in to the facility by FCCE trucks, common carriers, independent oil transporters and tanker rail cars. Water that is distilled during the processing of used oil is pretreated in the company's wastewater treatment plant prior to being discharged to the Plant City POTW.

The yard was inspected, but no storage trailer of wastes was observed. The interiors of every box truck in the yard were inspected, as well, but no wastes like those described were found. In the trailer used by Maintenance, however, there were some buckets of paint and related materials, some of which were observed to be in poor condition and leaking. This was pointed out to Mr. Thornburgh, who immediately directed staff to address the condition of this trailer. The Department recommends that FCCE regularly inventory the contents of the Maintenance trailer and

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ensure that the containers within are in good condition.

After discussing the nature of the complaint with Mr. Thornburgh and other FCCE staff, it was determined that the complaint was most likely referring to a shipment of virgin, off-spec materials that came from Gardner-Gibson on 10-02-09. The customer claimed the material was nonhazardous, however, there apparently were flammables stickers affixed to the containers and it appeared questionable to the yard staff receiving the shipment. The four pallets of material was set aside pending clarification from the customer. The pallets were placed in the storage trailer normally used to store parts washer solvent to protect the material from the weather. The customer was contacted and indicated that the material was thought be hardened in the can and was therefore nonhazardous. Lab staff at FCCE found that the material flashed and was not fully cured, so the material was returned to the customer on 11-20-09.

A report detailing the incident, including shipping papers, was provided to the Department by FCCE on 12-03-09. The MSDS provided with the report indicated that the material would also be hazardous for lead and cadmium upon disposal, however, the report and the associated documents did not specifically mention lead or cadmium as potential hazardous waste constituents. In accordance with its used oil processing and solid waste permits, FCCE may accept only nonhazardous wastes. When waste is being evaluated for acceptance by FCCE, all potential characteristics should be considered, not just the characteristic of ignitability.

For example, in this case, based on the discussions during the inspection and the report subsequently submitted, had the material been as it was represented by the customer, i.e., hardened in the can with no measurable flash point, it appears that FCCE would have accepted it without further analyses or evaluation, which may have resulted in permit violations. In this case, the MSDS clearly indicates that the material is hazardous for the presence of heavy metals even without being ignitable. FCCE needs to ensure that MSDSs and other accompanying documents are thoroughly reviewed during its waste acceptance evaluations. Be aware that in accordance with 403.727(3)(b), FS, waste brokers may be held liable for actions that result in improper hazardous waste management.

During the inspection, it was recommended that in future, questionable material be identified while on site as "pending waste determination and / or analyses." Additionally, the material in question was on site for nearly seven weeks, and it was suggested that the process of returning misrepresented waste to the customer be accelerated. FCCE indicated in its report that it will implement the suggestions made by the Department during the complaint inspection.

Summary of Potential Violations and Areas of Concern:

Potential Violations

No Violations

Areas of Concern

No Areas of Concern

Conclusion:


Based on the observations made during the inspection, it appears that FCCE handled the material appropriately upon receipt, and it was ultimately returned to the customer.

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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. 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.

Kelly M Honey _____ PRINCIPAL INSPECTOR NAME	Inspector _____ PRINCIPAL INSPECTOR TITLE
 _____ PRINCIPAL INSPECTOR SIGNATURE	_____ 1/12/2010 _____ DATE

James Dregne _____ INSPECTOR NAME	Hazardous Waste Program Manager _____ INSPECTOR TITLE
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NO SIGNATURE _____ INSPECTOR SIGNATURE	FDEP _____ ORGANIZATION
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Jack Thornburgh _____ REPRESENTATIVE NAME	Branch Manager _____ REPRESENTATIVE TITLE
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NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	FCC Environmental _____ ORGANIZATION
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Kelli Winter, CHMM _____ REPRESENTATIVE NAME	Environmental Health & Safety Manager, SE Region _____ REPRESENTATIVE TITLE
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NO SIGNATURE _____ REPRESENTATIVE SIGNATURE	FCC Environmental _____ ORGANIZATION
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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.