



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

August 12, 2010

Kelly Tractor Co  
c/o Mike Borko  
800 E Sugarland Hwy  
Clewiston, FL 33440



RE: Hendry County - HW  
Kelly Tractor Co  
EPA ID No. FLD981926488

Dear Mr. Borko:

A hazardous waste compliance evaluation inspection was conducted at the referenced facility on July 28, 2010. A copy of the inspection report is attached for your review. This inspection was conducted under the authority of Section 403.091, Florida Statutes and Chapter 403, Part IV, Florida Statutes, and is designed to ascertain the compliance status of your facility with 40 CFR 260-273 and 279, adopted in Florida Administrative Code (F.A.C.) Chapters 62-730, 62-737 and 62-710.

During the inspection, potential violations were noted. The enclosed inspection report provides explanations and corrective actions for the potential violations observed during the inspection. The **Comments** section offers recommendations to the facility to prevent future potential violation(s) with the Department or other government agencies, or help the facility improve its overall operations while protecting the environment. **Please respond to the Department within ten (10) days, documenting all corrective actions you have taken to** address the potential violations along with the items listed in the *Comments* section of the inspection report. Failure to address these issues may result in future violations of Department regulations and may subject the facility to enforcement action.

If you have any questions, please feel free to contact Angelina Davis or Karen Bayly at (239) 332-6975, extension 114 and 151 respectively, contact us via e-mail at [Angelina.Davis@dep.state.fl.us](mailto:Angelina.Davis@dep.state.fl.us) or [Karen.Bayly@dep.state.fl.us](mailto:Karen.Bayly@dep.state.fl.us) or write to the letterhead address. Your cooperation in this matter is appreciated.

Sincerely,

Charles Emery III  
Environmental Administrator

Enclosure  
CE/AVD/rcd  
cc: Christina Diaz



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

---

**FACILITY INFORMATION:**

**Facility Name:** Kelly Tractor Co

**On-Site Inspection Start Date:** 07/28/2010

**On-Site Inspection End Date:** 07/28/2010

**ME ID#:** 45454

**EPA ID#:** FLD981926488

**Facility Street Address:** 800 E Sugarland Hwy, Clewiston, Florida 33440-2639

**Contact Mailing Address:** 800 E Sugarland Hwy, Clewiston, Florida 33440-2639

**County Name:** Hendry

**Contact Phone:** (305) 592-5360

**NOTIFIED AS:**

SQG (100-1000 kg/month)

**INSPECTION TYPE:**

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Used Oil facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Angelina V. Davis, Inspector

Other Participants: Dan Hansen; Mike Borko

**LATITUDE / LONGITUDE:** Lat 26° 45' 16.2507" / Long 80° 55' 18.8553"

**SIC CODE:** 5083 - Wholesale trade - farm and garden machinery

**TYPE OF OWNERSHIP:** Private

**Introduction:**

The last hazardous waste inspection the Department of Environmental Protection (Department) conducted at this facility was in 1987. The facility is serviced by City water and sewer, has 25 employees and has been at this location since 1933. The properties are owned by Clewiston Motor Company, located on the north and south sides of the intersection of Esperanza Ave and Sugarland Hwy (SR 27).

The facility was previously notified as being a small quantity generator of hazardous waste (SQG) and had recently submitted an updated notification as a non-handler. The facility was determined to potentially be a conditionally exempt small quantity generator of hazardous waste, generating spent parts washer fluids and solids from the equipment wash down station. If documentation is provided that indicates these waste streams are not hazardous, the facility would be considered a non-handler of hazardous waste. Additionally the facility generates used oil, used oil filters, used fuel, spent lead-acid batteries, oily absorbent rags, and spent fluorescent lamps.

**Process Description:**

I arrived at the site and reviewed the purpose of the inspection with Dan Hansen and Mike Borko. Mr. Borko granted access to the facility and Mr. Hansen escorted me throughout. The inspection consisted of the parts department, located in the same building as equipment sales; the maintenance shop and storage tanks; and the equipment wash down area.

Used oil was stored in outside the maintenance building in a 1,000-gallon, above-ground tank, labeled "waste oil." The tank is registered with the Department and the registration is up to date. The tank is protected from the weather and within adequate secondary containment. Used oil is pumped into the tank. Inside the building used oil was stored two 55-gallon drums, one was labeled "used oil" and the other was not. Used oil catch pans were not properly labeled. Disposal

Inspection Date: 07/28/2010

receipts were reviewed indicating removal by FCC Environmental. The total halogens were recorded at less than 1,000 ppm.

Used oil filters are stored outside the maintenance building in three 55-gallon closed drums labeled "used oil filters." The surface beneath the drums was not sealed with an oil-impermeable sealant. Inside the building used oil filters are crushed. The filter crusher had a few inches of used in the bottom and was not labeled. Used oil is removed from the crusher with a hose that pumps to the used oil tank. The crushed used oil filters are stored in a 55-gallon, open drum labeled "used oil filters" inside the shop until the drum is full, at which time it is moved outside with the rest of the drums. Disposal receipts were reviewed indicating removal by FCC Environmental.

The facility does not generate used antifreeze.

Oily absorbent wipes are stored in an open 55-gallon drum, labeled "non-hazardous absorbents." Disposal receipts were reviewed indicating removal by FCC Environmental.

Used fuel was stored in a 55-gallon, partially full, unlabeled, closed drum. The fuel can be reused in the equipment. There was an additional 35-gallon, unlabeled, closed drum of diesel that had sugar added. This is going to be used at the truck wash area in a steam cleaner.

There were three parts washers that use mineral spirits. The fluids are changed out and added to the used oil for disposal. There was no analytical indicating the flash point of the spent fluids or RCRA metal content.

The facility uses only low voc brake cleaner which contains only xylene and acetone. Empty aerosol canisters are punctured and crushed and stored in a 55-gallon, open, unlabeled drum. The crushed aerosols are then removed by FCC Environmental with the used oil filters.

Oily mop water is emptied into the truck wash station, which has an oil-water separator. The wash down station recycles out the water and had a skimmer that pulls up into a 55-gallon, open, unlabeled drum. The drum is protected from the weather but must remain open to collect the used oil from the skimmer. When the drum is full it is emptied into the used oil tank. Sediment is removed on a weekly basis and added to a large pile of sediment stored within a covered concrete containment area. The soil has not been removed for more than three years and no disposal receipts or analytical indicating petroleum and RCRA metal content were available for review.

Spent lead-acid batteries are stored on a pallet in the parts department. They are wrapped up and transported to the Kelly Tractor in Fort Myers, where the cores are exchanged and new batteries brought back to Clewiston. There were no receipts available for review.

Spent fluorescent lamps are removed by the maintenance man sent from the Fort Myers Kelly Tractor. There were no servicing or disposal receipts available.

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

### **Checklist Independent Potential Violations and Areas of Concern**

Type: Violation

Rule: 62-710.850

Explanation: Used Oil Filter Prohibition. The general requirements for the storage of used oil filters is as follows all persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.

Inspection Date: 07/28/2010

The surface in which the drums of used oil filters were stored, outside, was not sealed with an oil-impermeable seal.

**Corrective Action:** Within 10 days, documentation that the surface in which the used oil filters are stored is sealed to be oil-impermeable, is due to the Department.

---

**Type:** Violation

**Rule:** 62-710.401(6)

**Explanation:** Used Oil Prohibition. No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil."

**Corrective Action:** Within 10 days, documentation that all containers holding, storing, or transporting used oil are labeled "used oil," is due to the Department.

This includes the used oil storage tank, the container that catches the used oil from the skimmer, the used oil filters crusher, all catch pans, and all drums.

#### Attachments:

Skimmer Drum



Used Oil Filter Crusher



---

**Type:** Violation

**Rule:** 261.5(g)(1)

**Explanation:** Waste Determinations. A person who generates a solid waste must determine if that waste is hazardous prior to its disposal.

There were no analyticals for the spent parts washer fluids or the soil collected from the wash station.

**Corrective Action:** Within 10 days, provide the analyticals for the spent parts washer fluids and the soil collected from the wash down station. The spent parts washer fluids should be tested using the Toxicity Characteristic Leaching Procedure (TCLP) for RCRA metals. The soil from the wash down station should be tested for petroleum using the Florida Pro and RCRA metals using TCLP.

If analyticals have not been conducted on these waste items, a determination will need to be completed using the above referenced methodology and the waste managed accordingly. The analyticals will need to be forwarded to the Department upon completion.

Inspection Date: 07/28/2010

**Attachments:**

Soil From Wash Station



---

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

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations 62-710.850		07/28/2010	<p>Used Oil Filter Prohibition. The general requirements for the storage of used oil filters is as follows all persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.</p> <p>The surface in which the drums of used oil filters were stored, outside, was not sealed with an oil-impermeable seal.</p>
62-710.401(6)		07/28/2010	Used Oil Prohibition. No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil."
261.5(g)(1)		07/28/2010	<p>Waste Determinations. A person who generates a solid waste must determine if that waste is hazardous prior to its disposal.</p> <p>There were no analyticals for the spent parts washer fluids or the soil collected from the wash station.</p>

Areas of Concern

No Areas of Concern

Inspection Date: 07/28/2010

**COMMENTS:**

08/10/2010

**Recommendations and Areas of Concern:**

It should be noted that the Department's efforts in listing areas of concern to a facility is an attempt to help that facility to either avoid a future potential violation with the Department or other government agencies, or help the facility improve its overall operations while protecting the environment.

1. Mineral spirits from the parts washer may be added to the used oil for disposal, with written permission from the facility's used oil hauler. A copy of the written authorization must be retained at the facility. If written permission is not granted, the spent mineral spirits must be kept in a closed and labeled container and disposed of properly. Disposal receipts will need to be acquired and retained for a minimum of three years.
2. The facility will need to collect and containerize sediment from the Wash Station and conduct an one time waste determination on a representative sample prior to disposing of the material. The results of the analysis of the sediment should be maintained on-site. If the facility process changes at the Wash Station an additional waste determination would need to be conducted on the sediment. (TCLP for metals or Florida Pro for petroleum)
3. Partially empty aerosol spray canisters may be regulated as hazardous waste if discarded because they contain ignitable propellants or regulated solvents. Empty aerosol spray canisters are exempt from hazardous waste regulations and can be recycled as scrap metal. Please note: an aerosol canister is still reactive (hazardous) until the propellant is completely discharged. It is recommended that the facility use the entire aerosol spray canister before starting another canister and empty canisters before discarding.
4. Documentation of spent lead-acid battery core exchanges needs to be retained for a minimum of three years. If the battery cores are taken to Fort Myers, a written log including the number of cores, the date, and the signature of the person taking them needs to be retained.
5. Spent fluorescent lamps should be stored in an area and in a manner that will prevent them from breaking. The facility should consider having a container or box for spent fluorescent lamps and it should be clearly labeled as "Spent Mercury-containing Lamps for Recycling," "Universal Waste Mercury Lamps," "Waste Mercury Lamps," or "Used Mercury Lamps." Spent fluorescent lamp bulbs generated from businesses have been banned from solid waste incineration. Recycling is the recommended management option for spent bulbs. Facilities may take up to 10 spent fluorescent lamps to Hendry County Recycling & Household Hazardous Waste Centers for recycling or call to schedule a pick-up (for more information call 863 674-4162). The facility may also elect to have a TSD hauler remove the lamps. Disposal receipts need to be retained for a minimum of three years. If the spent lamps are transported to Fort Myers for disposal, a written log including the date and number of lamps and signature of person accepting the lamps needs to be retained.

**Conclusion:**

The following documentation was provided at the time of the inspection:

Used Oil Stencil  
Used Oil Filter Stencil  
Used Oil Management Fact Sheet  
Lee County Hauler's List

Inspection Date: 07/28/2010

Inspection Date: 07/28/2010

**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.

Angelina V. Davis

**PRINCIPAL INSPECTOR NAME**

Inspector

**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**

8/11/2010

**DATE**

Dan Hansen

**REPRESENTATIVE NAME**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

Kelly Tractor

**ORGANIZATION**

Mike Borko

**REPRESENTATIVE NAME**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

Kelly Tractor

**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.