



Jack Long, Director  
Southeast District Office

October 8, 2010

# Florida Department of Environmental Protection

Southeast District Office  
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West Palm Beach, FL 33401  
(561) 681-6600

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Mimi A. Drew  
Secretary

**VIA ELECTRONIC MAIL: Charles.walz@cemex.com**

Charles E. Walz, Environmental Manager  
Cemex LLC  
1200 NW 137 Avenue  
Miami, FL 33182

Miami-Dade County  
HW – Cemex Miami Cement Mill

Re: Hazardous Waste Compliance Inspection of Cemex Miami Cement Mill & SCL Quarry,  
1200 NW 137 Avenue, Miami, FL 33182, EPA ID# FLD981758485.

Dear Mr. Walz:

On July 15, 2010, the Department conducted a hazardous waste compliance inspection at your facility. At the time of the inspection, your facility appeared to be a Used Oil Processor and Conditionally Exempt Small Quantity Generator of hazardous waste. The inspection also found possible violations of Chapter 403, Florida Statutes (F.S.), Chapter 62-730, Florida Administrative Code (F.A.C.), Chapter 62-737, F.A.C. and Chapter 62-710, F.A.C. regarding the management of hazardous waste, universal waste and used oil. Florida Statutes provide that facilities must comply with Title 40 Code of Federal Regulations (CFR) Parts 260 to 268 and Part 279 as adopted in Chapter 62-730, F.A.C. and Chapter 62-71, F.A.C.. Please refer to the attached report which documents the inspection of your facility.

On August 31, 2010 and on September 2, 2010, the Department received compliance submittals documenting the corrective actions for the violations cited during the inspection. It appears your facility has returned to compliance.

This will conclude the Department's investigation into this matter; however, please be advised that the state will continue to conduct random and unannounced compliance evaluation inspections in the future. If you have any questions about the inspection or any other compliance related issues, please contact Kathy Winston at 561/681-6756. Thank you for your cooperation.

Sincerely,

Karen Kantor  
Environmental Manager  
Hazardous Waste Compliance/Enforcement Section

Attachments: Hazardous Waste Inspection Report

Cc: Electronic Archboard/ OCULUS  
Hardeep Anand, Miami-Dade County DERM (anandh@miamidade.gov)



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

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**FACILITY INFORMATION:**

**Facility Name:** CEMEX LLC - Miami Cement Mill & SCL Quarry  
**On-Site Inspection Start Date:** 07/15/2010      **On-Site Inspection End Date:** 07/15/2010  
**ME ID#:** 27064      **EPA ID#:** FLD981758485  
**Facility Street Address:** 1200 NW 137th Ave, Miami, Florida 33182-1803  
**Contact Mailing Address:** 1200 NW 137th Ave, Miami, Florida 33182-1803  
**County Name:** Miami-Dade      **Contact Phone:** (305) 229-2955

**NOTIFIED AS:**

CESQG (<100 kg/month)  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for CESQG (<100 kg/month) facility  
Routine Inspection for Used Oil Processor facility  
Routine Inspection for Used Oil Generator facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Kathy R. Winston, Inspector  
**Other Participants:** Ben Fisch, Environmental Specialist; Charles Walz, Environmental Manager

**LATITUDE / LONGITUDE:** Lat 25° 47' 9.4648" / Long 80° 25' 20.5412"

**SIC CODE:** 3241 - Manufacturing - cement, hydraulic

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Cemex Miami Cement Mill & SCL Quarry (Cemex) is a permitted used oil processor, permit number 56307-H0-004, expires on February 12, 2013. Thermal treatment of petroleum-contaminated soil is the facility's main permitted activity. Cemex is also a registered used oil filter transporter and used oil filter processor; however, this activity is not taking place at this time. The permitted activities are situated on 300 acres of land and there is additional contiguous 3000 acres designated for limestone quarrying. Cemex was formally known as Rinker Materials of Florida, Inc. from 1958 through April 2009, and employs approximately 100 people. The facility is currently on septic tanks and a well.

**Compliance History**

The last inspection conducted on February 21, 2008, revealed several minor violations at the facility. On April 15, 2008, the facility returned to compliance without formal enforcement

**Process Description:**

Terminal Garage

In the Terminal Garage, it was noted that a container of used oil was improperly labeled as "Waste Oil" instead of "Used Oil". The mislabeled container also had some used oil and debris sitting on the top of the drum which would indicate poor housekeeping. Also, in this area, there was a used oil filter drum open and exposed to the elements.

Inspection Date: 07/15/2010

### SCL Quarry Shop

This shop originally consisted of canopy covered work area; however, the hurricanes of 2004 and 2005 left it without a roof, and repairs have never been completed. In this area, inspectors noted several containers were improperly labeled "Waste Oil" instead of "Used Oil". And although the drums were afforded secondary containment, they were not properly sealed allowing for the collection of oily rainwater and the potential for discharges.

### Main Warehouse

The facility stores their Universal Was lamps here. It was noted that the storage container was not properly labeled.

### Drum Process Building

Inspection of this area revealed a container of used oil filters, which was not protected from the elements allowing for collection of oily rainwater and the potential for discharges.

### Kiln Feed Tank

Containers under the sample spigots were improperly mislabeled "Waste Oil" instead of "Used Oil".

### Heavy Equipment Shop

Drums that contained used oil were not properly labeled.

### Record Review

During the record review, the facility was unable to provide manifests from the date of the last inspection to the present. The facility's Contingency Plan had deficiencies; the home addresses of the emergency coordinator's were not included, and the phone numbers for the local police and fire station and hospital were not provided. It was also noted during the review that the last revision of the Contingency Plan had not been distributed to local authorities.

## New Potential Violations and Areas of Concern:

### CESQG Checklist - 40 CFR 261.5

Type:	Violation
Rule:	62-730.030(3)
Question Number:	7.50
Question:	Can the facility document proper disposal through written receipts or records?
Explanation:	The facility was unable to provide manifests from 2/08 (last inspection) to the present.
Corrective Action:	Please provide receipts for used oil filters, parts washer fluid, batteries, and laboratory waste.

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### Universal Waste Lamps

Inspection Date: 07/15/2010

Type: Violation

Rule: 62-737.400(5)(b)

Question Number: 39.40

Question: Is each lamp or container labeled or marked clearly with either "Spent Mercury Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps"?

Explanation: Universal Waste lamps were not properly labeled.

Corrective Action: Please provide picture showing Universal Waste lamps have been properly labeled with the words "Universal Waste - Mercury Containing Lamps for Recycling."

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**Used Oil Generator Checklist**

Type: Violation

Rule: 279.22(c)(1)

Question Number: 5.40

Question: Are containers/tanks storing used oil marked with the words "Used Oil"?

Explanation: Containers in all these areas were improperly labeled "Waste Oil" instead of "Used Oil". Those areas are Terminal Garage, whose used oil drum also needs some housekeeping, SCL Quarry shop, containers under sample spigots under kiln oil feed tank, and heavy equipment shop

Corrective Action: Please send pictures showing these containers are properly labeled. In the case of the Terminal garage, please send picture showing used oil filter drum was moved further under cover and in SCL quarry shop, please line up all waste drums, properly cover and label and send pictures to Department.

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**Used Oil Processor**

Type: Violation

Rule: 279.52(b)(2)

Question Number: 28.340

Question: Does the plan include the following?

Explanation: The emergency coordinator's home addresses and phone numbers of the local fire and police station and hospital were not included in the Contingency Plan.

Corrective Action: Please performed requested updates.

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Type: Violation

Rule: 279.52(b)(3)

Question Number: 28.360

Question: Has the plan been distributed to the:

Explanation: A revised Contingency Plan had not been redistribute to local authorities.

Corrective Action: Please redistribute Contingency Plan to local authorities and send certified mail receipts to Department.

Inspection Date: 07/15/2010

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

Rule Number	Area	Date Cited	Explanation
CESQG Checklist - 40 CFR 261.5 62-730.030(3)		07/15/2010	The facility was unable to provide manifests from 2/08 (last inspection) to the present.
Universal Waste Lamps 62-737.400(5)(b)		07/15/2010	Universal Waste lamps were not properly labeled.
Used Oil Generator Checklist 279.22(c)(1)		07/15/2010	Containers in all these areas were improperly labeled "Waste Oil" instead of "Used Oil". Those areas are Terminal Garage, whose used oil drum also needs some housekeeping, SCL Quarry shop, containers under sample spigots under kiln oil feed tank, and heavy equipment shop
Used Oil Processor 279.52(b)(2)		07/15/2010	The emergency coordinator's home addresses and phone numbers of the local fire and police station and hospital were not included in the Contingency Plan.
279.52(b)(3)		07/15/2010	A revised Contingency Plan had not been redistribute to local authorities.

Areas of Concern

No Areas of Concern

**Conclusion:**

The facility was not in compliance at the time of the inspection. The facility was given 30 days to return to compliance.

Inspection Date: 07/15/2010

**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.

Kathy R. Winston

**PRINCIPAL INSPECTOR NAME**

Inspector

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

7/14/2010

**DATE**

Ben Fisch

**INSPECTOR NAME**

Environmental Specialist

**INSPECTOR TITLE**

NO SIGNATURE

**INSPECTOR SIGNATURE**


FDEP

**ORGANIZATION**

Charles Walz

**REPRESENTATIVE NAME**

Environmental Manager

**REPRESENTATIVE TITLE****REPRESENTATIVE SIGNATURE**

Cemex

**ORGANIZATION**

7/15/2010

**DATE**

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.