



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Southwest District
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Temple Terrace, FL 33637-0926
813-470-5700

RICK SCOTT
GOVERNOR

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JONATHAN P. STEVERSON
SECRETARY

April 23, 2015

Mr. Elliot Paul, Managing Member
Synergy Recycling of Central Florida, LLC
7209 NW 66th Street
Miami, FL 33166
EPaul@SynergyRecycling.org

Re: Compliance Assistance Offer
Synergy Recycling of Central Florida, LLC
Facility ID No. FLR000053611
Polk County

Dear Mr. Paul,

A hazardous waste compliance evaluation inspection was conducted at your facility on February 27, 2015, under the authority of Section 403.061, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 403, F.S., and Chapter 62-710, Florida Administrative Code (F.A.C.), were observed. The purpose of this letter is to offer you compliance assistance as a means of resolving these matters.

Please see the attached inspection report for a full account of Department observations and be advised this Compliance Assistance Offer is part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), F.S. We request you review the items of concern noted in the attached inspection report and respond in writing within **15 days** of receipt of this Compliance Assistance Offer. Your written response should either:

1. Describe what you have done to resolve the issue (see "Recommendations for Corrective Action" section of the report),
2. Provide information that either mitigates the concerns or demonstrates them to be invalid, or
3. Arrange for one of our inspectors to visit your facility to offer suggested actions to return to compliance without enforcement.

It is the Department's desire that you are able to document compliance or corrective actions concerning the possible violations identified in the attached inspection report so that this matter can be closed without enforcement. Your failure to respond promptly in writing (or by e-mail) may result in the initiation of formal enforcement proceedings.

Synergy Recycling of Central Florida, LLC
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Please address your response and any questions to Ms. Kelly Honey of the Southwest District Office at (813) 470-5786, or via e-mail at kelly.honey@dep.state.fl.us. We look forward to your cooperation with this matter.

Sincerely,



Kelly L. Bishop, PG
Assistant Director
Southwest District
Florida Department of Environmental Protection

KLB/ebk/kmh

Enclosures: Inspection Report

cc: Jeff Englin, General Manager, Synergy Recycling (jenglin@synergyrecycling.org)
Michael Ferguson, Polk SQG Program (MichaelFerguson@polk-county.net)
Bheem Kothur, Department, RCRA Permitting (Bheem.Kothur@dep.state.fl.us)



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

FACILITY INFORMATION:

Facility Name: Synergy Recycling of Central Florida LLC

On-Site Inspection Start Date: 02/27/2015

On-Site Inspection End Date: 02/27/2015

ME ID#: 47082

EPA ID#: FLR000053611

Facility Street Address: 3800 W Lake Hamilton Dr, Winter Haven, Florida 33881-9262

Contact Mailing Address: 3800 W Lake Hamilton Dr, Winter Haven, Florida 33881-9262

County Name: Polk

Contact Phone: (863) 419-0556

NOTIFIED AS:

CESQG (<100 kg/month)

Used Oil

INSPECTION TYPE:

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

Routine Inspection for Used Oil Generator facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kelly M. Honey, Environmental Specialist III

Other Participants: Shannon Camp, Environmental Specialist III; Jeff Englin, General Manager

LATITUDE / LONGITUDE: Lat 28° 4' 42.4848" / Long 81° 39' 38.0584"

SIC CODE: 4212 - Trans. & utilities - local trucking, without storage

TYPE OF OWNERSHIP: Private

Introduction:

Synergy Recycling of Central Florida, LLC, (Synergy) was inspected to determine its compliance with state and federal hazardous waste and used oil regulations. Synergy is a registered used oil and used oil filter transporter, transfer facility and a permitted used oil (permit #292753-HO-005) and solid waste (permit #92753-SO-006) processing facility. Mr. Jeff Englin, General Manager, accompanied the inspectors throughout. The facility was inspected by the Department's Hazardous Waste Section in 1999, 2007, 2009, 2011, 2012 and 2013.

Process Description:

Operations at this facility have not changed since the previous inspection, except as noted. Route drivers pick up and deliver used oil, used oil filters, oily water, used antifreeze, oily rags and other oil contaminated debris to the facility daily. The used oil filters, oily rags and debris are transported to the Synergy facility in Kingsland, GA, for management and processing. There are several shipments to Kingsland weekly. Used antifreeze is ultimately recycled at Poly-Freeze /ORG Chem Group, Troy, IN. Oily water is sent to Diversified Environmental Services in Tampa for processing. Petroleum contact water is transported directly to Aqua Clean for processing, and is not stored on site. Used oil is screened by sniffers in the field. All incoming loads of used oil are tested with a Dexsil Clor-D-Tect kit prior to placing into the tank systems.

Since the previous inspection, Synergy has begun marketing on specification (on-spec) used oil, and is now shipping its used oil by rail to a re-refinery in Marraro, LA, owned by Vertex Energy, Inc. The on-spec used oil is loaded onto trucks at this location and driven to Synergy's Auburndale facility nearby where it is transferred to rail cars and shipped to Vertex. The required on-spec

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analyses are being performed by Vertex, as well. Vertex is not certified to perform these analyses, however, and the analytical reports provided to Synergy do not meet the quality assurance (QA) standards of Chapter 62-160, Florida Administrative Code (FAC). Additional information about this issue and the required corrective actions can be found later in this report.

During the facility walkthrough, there were at least ten unlabeled containers of various sizes that were storing used oil. There were also fifteen large storage bins of used oil filters that were not labeled, and one bin was also being stored outside on a pervious surface with no protection from the weather. All the containers were labeled appropriately during the inspection, and it was confirmed on 03-13-15 that the used oil filter bin was moved back inside the building. All the tanks were labeled correctly, and the secondary containment dikes looked relatively clean and free of used oil. No trucks were on site for inspection during the inspection.

A small used oil spill occurred in the loading/unloading area at approximately 1:00 am that morning, and there was Portland cement spread across the loading pad and adjacent area to the north to absorb any remaining used oil. Mr. Englin said that Synergy's response contractor, SWS, would be on site later to further address the spill. The facility submitted the required written report of the incident to the Department on 03-16-15.

There was evidence of another discharge of used oil observed on the south side of the property. Adjacent to the asphalt, there was soil stained with used oil from approximately the middle of the property line extending approximately 70-ft eastward almost to the corner of the property. The width of the stained area was approximately 2-ft. Additionally, there was significant erosion of soils near the southeast corner indicating that stormwater runoff is flowing south and east and exiting the property at this corner. The vegetation in, and adjacent to, the eroded stormwater pathways appeared to be stained with used oil also.

Mr. Englin was informed that the impacted soils would have to be removed and that confirmatory samples would most likely be required. On 03-06-15, the facility was directed in writing to perform an Interim Source Removal in accordance with 62-780.560, FAC. On 03-13-15, it was confirmed that the visibly stained soils had indeed been removed, along with some stained asphalt near the southeast corner. The appearance of the entire south side of the property was much improved, but confirmatory samples had not yet been taken. The facility's environmental consultant, Mr. Mike Stillinger of Imperial, indicated that he was seeking guidance on the sampling locations and parameters. He was directed to submit a proposed sampling plan to the Department for evaluation and approval. The plan was submitted on 03-31-15, but was not complete. A revised proposal has been requested.

Records were reviewed, including driver training records, the contingency plan, the rejected load log, incoming and outgoing shipping records, inspection logs and on-spec records. The facility did not have a copy of the current permit or application, nor was there a copy of the previous application. The facility maintains training records for its drivers, etc., however, the records are very general, and there was no specific mention of required halogen screening training. Mr. Englin stated that several sessions of this training are provided each year to every driver. As discussed during the inspection, this training should be specifically addressed and documented.

The contingency plan on site during the initial visit of 02-27-15 was the 2011 version, and the listed emergency coordinator is no longer at the facility. Additionally, the alternate/secondary emergency coordinator was not "available at all times" as defined in the rule. In the revised copy reviewed on 03-13-15, it was noted that there were no addresses listed for the emergency coordinators. Note that the new alternate/secondary emergency coordinator, Jean Roby, needs to receive training on the contingency plan, spills, etc., within six months. The plan also needs to include the signal that will be used if the facility must be evacuated.

It was noted that the facility is not logging all the inspections required by its permit, including daily inspections of the facility and monthly inspections of the aboveground tank systems. This was discussed during the inspection, and Mr. Englin indicated that in future, facility inspections would be logged as required.

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The on-spec analytical reports reviewed for the used oil being shipped by rail from the Synergy facility in Auburndale, FL, to Vertex Energy, Inc., in Marrero, LA, do not meet the requirements of the State of Florida's Quality Assurance Rule (62-160, FAC). Furthermore, the analyses are being performed by Vertex, which is not certified to perform them. Based on the documentation provided for the rail shipments, it does not appear that the material is being shipped in accordance with USDOT requirements, either.

Approximately thirty-five incoming records were randomly selected and reviewed. It appears that Synergy is recording the required information and verifying customers' EPA ID numbers. The drivers are also routinely checking the halogen content on all used motor oils, but there were several records of "oily water" where no halogen result was recorded. As discussed, mixtures of used oil and water are regulated as used oil and are to be handled and managed in accordance with 40 CFR 279 unless the generator has made the decision to dispose of the material rather than recycle it. Mixtures of used oil and water that are destined for disposal must be analyzed for hazardous waste constituents just like any other solid waste.

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

Type:	Violation
Rule:	279.43(b)
Explanation:	Used oil transporters must comply with all applicable requirements under the USDOT regulations in 49 CFR, Parts 171 through 180. Neither the Department nor the USDOT accept the term "pass" as an analytical result. For flash point, the report must either be an exact number, or a "greater than" number. Moreover, during flash point testing, the lab should characterize the material up to 200 degrees F, not just 100 degrees F, to ensure it is classified properly in accordance with USDOT standards.
Corrective Action:	Effective immediately, all analyses must be performed and reported in accordance with Florida's QA rule. Provide copies of the shipping descriptions for the on-spec used oil being shipped by rail from Auburndale, FL, so it can be confirmed that the material is being characterized and shipped in accordance with USDOT requirements.

Type:	Violation
Rule:	279.52(b)(2)(iv), 279.52(b)(2)(vi)
Explanation:	The contingency plan does not include the home addresses and phone numbers of all qualified emergency coordinators. Also, the plan doesn't specify what the evacuation signal is (e.g., is it an alarm bell, a paging system, etc.,).
Corrective Action:	The plan needs to be revised to include the names and addresses of all the designated emergency coordinators. The plan also needs to clearly state what the evacuation signal(s) will be. If the facility's paging system is to be used, please confirm that it will operate correctly if the power and/or phone lines to the facility are shut off.

Type:	Violation
Rule:	279.52(b)(4)(iv), 279.52(b)(5)
Explanation:	At the time of the initial visit on 02-27-15, the only plan available for review was the 2011 version identifying Garry Allen as the primary emergency

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coordinator. Mr. Allen has not been with the company for some time.

Additionally, at all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. The alternate emergency coordinator identified in the 2011 version is Mr. Jeff Englin. The 2014 version of the plan provided on 03-02-15 identifies Mr. Englin as the emergency coordinator, with the alternate listed as Montinique Buquoi.

During the inspection, Mr. Englin indicated that his duties with Synergy during the past year involved extensive traveling between Synergy facilities in Florida (Winter Haven and Miami) and Georgia. Montinique Buquoi works at the Synergy facility in Miami.

Corrective Action: On 03-02-15, a revised plan dated 2014 was provided to the inspector via email identifying Mr. Jeff Englin as the primary emergency coordinator and Ms. Montinique Buquoi as the alternate. During the subsequent visit to the facility on 03-13-15, this was brought up, and Mr. Englin indicated that since 02-27-15, the date of the initial inspection, he had been permanently reassigned to the Winter Haven facility. The facility was also able to provide another revision of the plan listing Jean Roby, Office Manager, as the alternate. Please note that if Ms. Roby has not yet received appropriate training, it must be provided within 6 months.

Type: Violation

Rule: 279.54(f)(1)

Explanation: At the time of the inspection, there were ten containers storing used oil, including two 55-gallon drums, and one 25-gallon container, that were not clearly marked with the words "used oil." (corrected)

Corrective Action: The containers were labeled during the inspection.

Type: Violation

Rule: 279.54(g)(3)

Explanation: At the time of the inspection, there were two releases of used oil noted. The first was approximately 8-gallons of used oil spilled outside the building near the northeast corner. This spill was being addressed when the inspectors arrived on site, and a report of the incident has been submitted in accordance with 40 CFR 279.52(b)(6)(ix).

The second release was on the south side of the property. Visibly impacted soil was observed extending from approximately the middle of the property approximately 70-ft to the east along the asphalt. Additionally, it appeared that stormwater runoff has been flowing southward and eastward across the property and exiting the property at the southeast corner.

Corrective Action: During the inspection, Mr. Englin was told that the contaminated soil would need to be removed and that confirmatory samples would likely be required. On March 6, 2015, Synergy was informed in writing that the discharge met the Petroleum or Petroleum Product De Minimis criteria in Rule 62-780.560, FAC, and must therefore be addressed as an interim source removal in accordance with the applicable requirements of Rule 62-780.500, FAC, including notification and reporting.

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On March 13, 2015, the inspectors returned to the facility and noted that the visibly impacted soil had been removed, and the entire south side of the property, especially the southeast corner, appeared to be much improved. Confirmations samples, however, were not obtained at the time of the excavation. The facility was directed to submit a sampling proposal to the Department for approval. The proposal was submitted on 03-31-15, but was not complete. A revised proposal has been requested.

Type:	Violation
Rule:	62-710.800(2)
Explanation:	<p>General Condition (GC) I.39.b. requires that the aboveground portions of the tank systems and the construction materials and area immediately surrounding the tank storage area be inspected at least once each operating day. Additionally, the Permittee shall document the daily inspections at least once a week. There were no weekly logs of the required daily inspections.</p> <p>Used Oil Processing Condition II.3. requires the Permittee to maintain inspection and monitoring records required under Section 62-762.601, FAC, (Release Detection Standards) for aboveground storage tanks, integral piping, and process tanks. Rule 62-762.601(1)(e), FAC, states that visual inspections of all storage tanks and components of storage tanks shall be conducted at least once a month, but not exceeding 35 days, except for any system component that has a continuous or monthly electronic release detection sensor. Continuous electronic leak detection devices shall be inspected for proper operation on a monthly basis. There were no logs of the monthly visual inspections after August 2014.</p> <p>GC I.45.e. requires all sampling and analysis activities to be conducted in accordance with Chapter 62-160, FAC. Rule 62-160.300(1), FAC, states that except as provided in subsections 62-160.300(2), (3), (4) and (5), FAC, or other Title 62 rules, all laboratories generating environmental data for submission to the Department or for use in Department-regulated or Department-sponsored activities shall hold certification from the Florida Department of Health Environmental Laboratory Certification Program (FDOH ELCP). The on-specification analyses are being conducted by Vertex Energy, Marrero, LA, which is not certified to perform them.</p> <p>Additionally, the analytical reports of the on-spec testing do not meet Quality Assurance (QA) standards. Part of the QA standard is that a certified lab must include the units of measure on each report, the method used and the appropriate flags for nonconforming data. For flash point, the report must either be an exact number, or a "greater than" number. Also, the analysis must be done prior to shipping the waste, not upon receipt at Vertex.</p>
Corrective Action:	<p>Effective immediately, Synergy must begin logging the required daily inspections at least once each week. The records for these inspections must be maintained in the facility's operating record in accordance with GC I.39.c.</p> <p>Effective immediately, Synergy must begin logging its monthly visual inspections of the tank systems.</p> <p>Effective immediately, all on-spec testing must be done by a laboratory certified by the FDOH ELCP. Synergy must submit some recent analytical reports of its on-spec used oil so it can be confirmed that the required analyses are now being performed by a certified lab in accordance with Florida's QA rule.</p>

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Type:	Violation
Rule:	62-710.850(5)(a)
Explanation:	At the time of the inspection, there were fifteen large storage bins (i.e., >1-cubic yard) storing used oil filters that were not clearly marked with the words "used oil filters." Additionally, one bin was outside, unprotected from the weather and located on a pervious surface. (corrected)
Corrective Action:	All the bins were labeled during the inspection, and it was noted on 03-13-15 that there were no bins of used oil filters outside the building.

Conclusion:

Based on the observations made during this inspection, the facility was found to be out of compliance with its used oil processing permit and with state and federal rules applicable to used oil and used oil filter generators, transporters, transfer facilities and processors.

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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

Environmental Specialist III

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP

ORGANIZATION

4/14/2015

DATE**Supervisor:** Beth Knauss

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.