



Florida Department of
Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Mimi Drew
Secretary

January 11, 2011

Transmitted via email only to
Conrad.Thornburgh@fccenvironmental.com

Mr. Jack Thornburgh, Branch Manager
FCC Environmental, LLC
105 South Alexander Street
Plant City, FL 33563

Re: FLD 065 680 613
Hillsborough County

Dear Mr. Thornburgh:

Thank you for your assistance and cooperation during the Department of Environmental Protection's December 1, 2010, Hazardous Waste Complaint Inspection.

Enclosed is the inspection report generated from this visit. Based upon the information gathered during the inspection, the complaint was found to be unsubstantiated. Refer to the report for comments regarding the complaint investigation.

If you have any questions, please feel free to call me at (813) 632-7600, extension 369.

Sincerely,

Kelly M. Honey
Environmental Specialist
Division of Waste Management
Southwest District

/kmh

Enclosure

cc: Kelley Boatwright, Hillsborough County SQG Program (Boatwright@epchc.org)



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: FCC Environmental LLC

On-Site Inspection Start Date: 12/01/2010

On-Site Inspection End Date: 12/01/2010

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

Used Oil

INSPECTION TYPE:

Complaint Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kelly M. Honey, Environmental Specialist III

Other Participants: Jack Thornburgh, Branch 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, LLC, (FCC) was inspected as a result of a citizen's complaint originating with the State Warning Point, which referred the complaint to the Department's Criminal Bureau of Investigations (CBI). The CBI notified the Department's Hazardous Waste Section that there may be hazardous waste improperly stored on site in the form of "hot used oil," or used oil contaminated with hazardous waste. According to the CBI, the hot used oil was on a rail car and in three drums. The Hazardous Waste Section performed a site visit to determine whether hazardous waste was being improperly stored. Mr. Jack Thornburgh, the Branch Manager, accompanied the inspector throughout the inspection.

Process Description:

FCC is a used oil processor and marketer of on-spec used oil operating under permit #0030676-HO-005, which expires on August 20, 2013. FCC produces a fuel oil that is equivalent to No. 5 Fuel Oil and a flotation oil for the phosphate industry. The majority of used oil, used oil filters and oily wastes are brought in to the facility by FCC 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.

Mr. Thornburgh was asked about the rail car and the drums. He was not sure which drums the complaint referred to since at any given time there may be one or more drums of hot used oil where the presumption had been or was in the process of being rebutted. He said that currently, there were no such drums on site. He then said that there was indeed a rail car on site containing contaminated used oil that had been received at the facility in late October 2010. The rail car originated at the FCC facility near Atlanta, GA (GAR 000 051 946). When it arrived in Plant City, it was found via FCC's standard screening processes to be contaminated with chlorinated solvents.

Inspection Date: 12/01/2010

Additional analysis indicated the contaminant was trichloroethylene (TCE).

Review of the field screening results on acceptance records associated with the used oil on the rail car indicated the used oil was not contaminated, but further investigation indicated the source to be Fort Benning Army Base, which generated the majority of the used oil in the rail car. Fort Benning was contacted about the contaminated used oil, and samples of residual used oil were obtained from the tanks that had been pumped out by FCC. These samples were also contaminated with TCE, confirming Fort Benning as the source of the contaminated oil. Fort Benning is a large quantity generator of hazardous waste and the presumption could not be rebutted.

At the time of the inspection, FCC was still in discussions with Fort Benning about the disposition of the oil and associated costs. Additionally, CSX was involved in the matter due to its being shipped by rail. There were further delays because the designated facility, Giant Resource Recovery (SCD 003 351 699), is currently accepting this type of waste, which it burns in its cement kiln incinerator, only intermittently due to the economy. Subsequent to the inspection, Mr. Thornburgh indicated that Fort Benning had assumed complete responsibility for the costs associated with the rail car of contaminated used oil, which was shipped by rail for disposal on December 10, 2010.

Mr. Thornburgh was asked about why the used oil was not identified in the field as hot by the FCC driver in Conyers. He said that the driver had been questioned about that and insisted that he had screened it in the field in accordance with FCC's standard operating procedures. It is unknown how the contaminated material made it through the screening process. The State of Georgia inspected the Conyers facility in November 2010.

The rail car was examined during the inspection. It was noted that it was placarded as a petroleum product, but was not identified as hazardous waste. In the future, if the presumption cannot be rebutted, FCC should clearly identify this type of material as hazardous waste until it is returned to the generator or shipped for disposal. In this case, it appears that FCC acted appropriately, following its internal acceptance SOPs, and when the presumption that the used oil had been mixed with a hazardous waste could not be rebutted, the material was rejected. The rejected material was then disposed of as hazardous waste at the generator's expense. Delays in shipping do not appear to be a result of FCC's actions, but rather a result of coordination issues with Fort Benning, CSX and Giant Resource Recovery.

New Potential Violations and Areas of Concern:

Checklist Independent Potential Violations and Areas of Concern

Type:	Area Of Concern
Rule:	403.727(1)(b)
Explanation:	At the time of the inspection, there was a rail car of contaminated used oil on site for at least five weeks, and the presumption could not be rebutted. The rail car was not labeled or dated. The facility does not have a permit to store hazardous waste and is not a hazardous waste transfer facility.
Corrective Action:	In the future, ensure that all hazardous waste container management rules are followed pending disposal or return to the generator.

Summary of Potential Violations and Areas of Concern:

Potential Violations

No Violations

Inspection Date: 12/01/2010

Areas of Concern

Rule Number	Area	Date Cited	Explanation
403.727(1)(b)	Checklist Independent Areas of Concern	12/01/2010	At the time of the inspection, there was a rail car of contaminated used oil on site for at least five weeks, and the presumption could not be rebutted. The rail car was not labeled or dated. The facility does not have a permit to store hazardous waste and is not a hazardous waste transfer facility.

Conclusion:

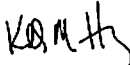
Based on the observations made during this inspection, the Department has determined that although there was a rail car of contaminated used oil on site, FCC acted appropriately in rebutting the presumption and rejecting the load.

Inspection Date: 12/01/2010

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.

<u>Kelly M. Honey</u>	<u>Environmental Specialist III</u>	
PRINCIPAL INSPECTOR NAME	PRINCIPAL INSPECTOR TITLE	
	<u>FDEP</u>	<u>1/7/2011</u>
PRINCIPAL INSPECTOR SIGNATURE	ORGANIZATION	DATE

<u>Jack Thornburgh</u>	<u>Branch Manager</u>	
REPRESENTATIVE NAME	REPRESENTATIVE TITLE	

<u>NO SIGNATURE</u>	<u>FCC Environmental, LLC</u>	
REPRESENTATIVE SIGNATURE	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.

From: Brantley, Anna
Sent: Tuesday, January 11, 2011 10:58 AM
To: 'conrad.thornburgh@fccenvironmental.com'; Kelley Boatwright (boatwright@epchc.org); Dregne, James
Cc: Honey, Kelly
Subject: FCC Environmental FLD 065 680 613 1-11-2011.pdf (SECURED) - Adobe Acrobat Professional
Attachments: FCC Environmental FLD 065 680 613 1-11-2011

Attached please find "Complaint Inspection Report/Cover Letter" for the subject Hazardous Waste Facility. This is the only copy you will receive.

NOTE: If you have questions concerning the content of this document, please contact the DEP hazardous waste staff kelly.honey@dep.state.fl.us

This is the only electronic copy you will receive. Acrobat Reader 6.0 or greater is required to read this document, and is available for downloading at: <http://www.adobe.com/products/acrobat/readstep.html>

Anna

Anna Brantley
Administrative Assistant II
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The Department of Environmental Protection values your feedback as a customer. DEP Secretary Mimi Drew is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: [Signature] James Dregne, Hazardous Waste Program Manager

THROUGH: [Signature] Elizabeth Knauss, HW Enforcement Coordinator

FROM: [Signature] Kelly Honey, Environmental Specialist III

DATE: January 7, 2011

FILE NAME: FCC Environmental, LLC

COUNTY: Hillsborough

PROGRAM: Hazardous Waste

PROJECT # N/A

TYPE OF DOCUMENT: Complaint Inspection Report and Cover Letter

REQUESTED ACTION: Approval

DESCRIPTION OF VIOLATIONS:

Complaint inspection performed in response to allegations that the facility was improperly storing hazardous waste (hot oil) in a rail car on site. The waste was received at the facility and flagged since it failed the facility's acceptance screening. The waste was determined to be hazardous and was ultimately shipped for disposal at the generator's expense.

STATUS OF CORRECTIVE ACTIONS:

The Department found that FCC did not act improperly and followed its approved acceptance SOPs. A recommendation to label such materials as hazardous waste while on site has been made in the report.

STATUS OF PENALTY ASSESSMENT:

N/A

PENALTY: Not Applicable

Amount:

Costs & Expenses:

Total: N/A

Secretary Approval Not required / Approved on _____

Attachments: Complaint Inspection Report and Cover Letter