



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

February 21, 2011

## VIA ELECTRONIC MAIL



Kelly Tractor Co  
c/o Mike Borko  
800 E Sugarland Hwy  
Clewiston, FL 33440  
E-mail: [Mike\\_Borko@kellytractor.com](mailto:Mike_Borko@kellytractor.com)

RE: Hendry County - HW  
EPA ID No. FLD981926488

Dear Mr. Borko:

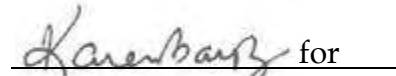
A hazardous waste compliance evaluation inspection was conducted at the referenced facility on February 17, 2011. A copy of the inspection report is attached for your review. This inspection was conducted under the authority of Section 403.091, Florida Statutes and Chapter 403, Part IV, Florida Statutes, 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.

**Whenever possible, please submit written documentation to**

**[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)**. Please include the Facility ID number in your correspondence. If you have any questions, please feel free to call Angelina Davis or Karen Bayly at (239) 344-5630 and (239) 344-5616 respectively, contact us via e-mail, or write to the letterhead address. Your cooperation in this matter is appreciated.

Sincerely,

 for

Charles Emery III  
Environmental Administrator

Enclosure  
CE/AVD/rcd



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

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**FACILITY INFORMATION:**

**Facility Name:** Kelly Tractor Co

**On-Site Inspection Start Date:** 02/17/2011

**On-Site Inspection End Date:** 02/17/2011

**ME ID#:** 45454

**EPA ID#:** FLD981926488

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

**Contact Mailing Address:** 8255 NW 58th St, Doral, Florida 33166-3406

**County Name:** Hendry

**Contact Phone:** (305) 592-5374

**NOTIFIED AS:**

SQG (100-1000 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 Transporter facility

Routine Inspection for Used Oil Transfer Facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Angelina V. Davis, Environmental Specialist II

Other Participants: Dan Hansen, Field Service Supervisor

**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 July 28, 2010. The basic facility information has not changed since that inspection.

Since the last inspection the facility has registered as a used oil transporter, transfer facility, filters transporter, and filter transfer facility. The insurance and registration are up to date and expire June 30, 2011. In addition, the facility was determined to be a conditionally exempt small quantity generator of hazardous waste, generating spent parts washer fluids, used oil, used oil filters, oily absorbent, spent lead-acid batteries, laundered shop rags, sediment from the wash down station, and spent fluorescent lamps.

**Process Description:**

I arrived at the site and reviewed the purpose of the inspection with Dan Hansen. Mr. Hansen granted access to the facility and escorted me throughout.

Used oil is generated from servicing equipment onsite as well as through mobile servicing of leased equipment. The used oil is stored outside, in a 1,000-gallon, above-ground, storage tank that is situated within secondary containment, labeled "used oil," and registered with the Department. Some used oil catch pans were properly labeled, others were not. The most recent disposal receipt, indicating removal by FCC Environmental was reviewed at the time of the inspection. The total halogens were documented at <1,000 ppm.

Inspection Date: 02/17/2011

Used oil filters are crushed and stored inside the facility in two 55-gallon drums that are labeled "used oil filters." Prior to crushing, the used oil filters are drained into a 55-gallon, unlabeled drum, inside the shop. Two full, labeled, closed containers of used oil filters were observed outside, on an unsealed concrete surface. Disposal receipts were not available for review at the time of the inspection, as the manager was out of the office.

The facility transports only the used oil and used oil filters generated through the mobile servicing of their own equipment, which is leased to other facilities for use. As such, the facility is not subject to Rule 62-710.600, F.A.C., with the exception of (2)(e) for financial responsibility. As the facility transports its own used oil and used oil filters to its own central collection facility for storage prior to having the used oil picked up by a certified used oil transporter (FCC Environmental), it is also not subject to the additional record keeping and reporting requirements of Rule 62-710.510, F.A.C. The exclusion from these requirements were confirmed with Aprilia Graves of the Department's Hazardous Waste Regulation Permitting Section, prior to the inspection.

Oily absorbent is stored inside the facility in a 55-gallon drum labeled "non-hazardous waste, used absorbents." There was a full 55-gallon, closed, labeled drum of oily absorbents stored outside next to the used oil filters. Disposal receipts were not available for review at the time of the inspection, as the manager was out of the office.

The fluids from the three parts washers are periodically added to the used oil for disposal. The fluids added to the parts washer are mineral spirits.

Empty aerosol containers are crushed and stored in a 55-gallon, container inside the shop, labeled "used oil filters." The empty aerosol containers are removed by FCC Environmental with the used oil filters, however disposal receipts were not available for review at the time of the inspection, as the manager was out of the office.

The sediment from the wash down station has not been removed, however an analytical was provided following the inspection, indicating the soil does not contain an excess of RCRA metals. The soil will be removed by FCC Environmental in the future. The 55-gallon drum used to collect used oil and oily waste from the wash down station oil-water separator was labeled "used oil." The drum is on a concrete surface that is protected from the weather and is located in a manner that would not cause a discharge to the environment.

Spent lead-acid batteries are stored in the parts department, inside the warehouse on a pallet. The cores are exchanged out by the Fort Myers Kelly Tractor. No receipts or transport records were available for review.

Spent fluorescent lamps are stored in the warehouse next to the parts department in two containers that are labeled "spent mercury containing lamps." There were no disposal receipts available for review.

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

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

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."

Some of the containers managing used oil were not properly labeled.

Corrective Action: Within 10 days, provide documentation that all containers that hold, transport, or store used oil are labeled "used oil." This includes all catch and drain pans.

Inspection Date: 02/17/2011

**Attachments:**

Unlabeled Used Oil Container



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Type: Violation

Rule: 62-710.850

Explanation: Used Oil Filter Prohibition. 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.

The used oil filters, stored outside, were not stored on an oil-impermeable surface.

Corrective Action: Within 10 days provide documentation that the surface in which used oil filters are stored has been sealed.

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

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
62-710.401(6)		02/17/2011	Used Oil Prohibition. No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil."  Some of the containers managing used oil were not properly labeled.
62-710.850		02/17/2011	Used Oil Filter Prohibition. 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: 02/17/2011

Rule Number	Area	Date Cited	Explanation
			The used oil filters, stored outside, were not stored on an oil-impermeable surface.

Areas of Concern

No Areas of Concern

**COMMENTS:**

02/21/2011

## 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. Please ensure that in the future, the disposal receipts are available for review, during regular business hours.

2. 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.

**Conclusion:**

Used Oil and Used Oil Filters Stencils were provided at the time of the inspection.

Inspection Date: 02/17/2011

**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**

Environmental Specialist II

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

FDEP

**ORGANIZATION**

2/21/2011

**DATE**

Dan Hansen

**REPRESENTATIVE NAME**

Field Service Supervisor

**REPRESENTATIVE TITLE**

NO SIGNATURE

**REPRESENTATIVE SIGNATURE**

Kelly Tractor Co

**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.