



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

FACILITY INFORMATION:

Facility Name: Aqua Clean Environmental/Florida Recycling Solutions
On-Site Inspection Start Date: 07/30/2012 **On-Site Inspection End Date:** 08/10/2012
ME ID#: 21896 **EPA ID#:** FLR000034033
Facility Street Address: 3210 Whitten Rd, Lakeland, Florida 33811-1086
Contact Mailing Address: 3210 Whitten Rd, Lakeland, Florida 33811-1086
County Name: Polk **Contact Phone:** (863) 644-0665

NOTIFIED AS:

Non-Handler
Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Elizabeth Knauss, Environmental Manager
Other Participants: Mike Zellars, General Manager

LATITUDE / LONGITUDE: Lat 28° 0' 18.6604" / Long 82° 2' 33.4423"

SIC CODE: 7389 - Services - business services, nec

TYPE OF OWNERSHIP: Private

Introduction:

Aqua Clean Environmental Company and Florida Recycling Solutions (Aqua Clean/FRS) are sister corporations that share this facility. Aqua Clean is a registered transporter of used oil, petroleum contact water and used oil filters. Aqua Clean also operates a Centralized Waste Pretreatment facility at this location that discharges to the City of Lakeland sewer system and a second plant that discharges to the City of Tampa. Florida Recycling Solutions is a permitted used oil processor, and receives oil transported by Aqua Clean Environmental Company and also oil that Aqua Clean recovers from oily waste water and petroleum contact water. Records for both companies and both locations are maintained at this office. Mike Zellars, the General Manager and Audrey Scruggs provided information during the inspection.

Process Description:

Aqua Clean/FRS operations are discussed in previous inspection reports. At the time of this inspection, Aqua Clean had almost completely rebuilt its operations after a fire that occurred at the facility on April 3, 2012. Mr. Zellars reported that verbal approval to resume full operation of the new electrical panel had been granted as of August 10, 2012.

The fire occurred during the unloading of petroleum contact water and fuel into an open sump. The material was generated by Petroleum Aids in Gainesville, Florida and transported by Aqua Clean. It was not described as a USDOT flammable or combustible liquid on the waste profile or shipping papers. The Department's Northeast District Office inspected Petroleum Aids as a result of this incident, and further action is pending. Southwest District Staff met with Aqua Clean representatives on April 17, 2012 to discuss the incident as well as the pending issue regarding waste profiles noted during the August 31, 2011 inspection. Aqua Clean is now unloading all petroleum contact water via hose connection.

On May 29, 2012, Department staff provided Aqua Clean with written comments on perceived

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problems with Aqua Clean's current waste profiling practices. In the past, these have resulted in Aqua Clean receiving shipments of undeclared hazardous waste. Although off-specification fuel and petroleum contact water are not hazardous waste when recycled for energy recovery, they are not exempt from USDOT regulations as hazardous materials when they are also flammable liquids. Aqua Clean was previously registered with USDOT to carry hazardous materials, but let that registration lapse. This was discussed with Mr. Zellars previously, and also during this inspection. The company's registration was renewed August 29, 2012. Additional USDOT HazMat training was also recommended, as Aqua Clean drivers often bulk containerized materials for transport and therefore are performing HazMat functions on behalf of their customers.

Another USDOT compliance issue was noted with regard to batches of on-specification recovered oil marketed by Florida Recycling Solutions. Batches have been tested and have exhibited flash points ranging from 118 degrees F to 170 degrees F. The oil met the 40 CFR 279.11 specifications for used oil fuel, however the shipping papers for the materials included improper USDOT shipping descriptions. In each case, the oil was described as "Used Oil - Flash greater than 200 degrees F." The oil was accepted and transported by Synergy Recycling of Central Florida, which was also not registered with USDOT to transport hazardous materials. One load was also provided to January Environmental Services, for sale as burner fuel to Peace River Citrus. January is registered to transport HazMat with USDOT. Failure for a used oil transporter to comply with USDOT regulations is a violation of 40 CFR 279.43(b) in addition to violating applicable 49 CFR 171-173 standards. Synergy has registered with USDOT effective September 5, 2012.

Mr. Zellars had recently met with City of Lakeland representatives regarding a parallel case regarding waste profiles. Aqua Clean is authorized to treat subcategory B and C waste waters, but not subcategory A metal bearing waste waters. Lakeland had requested Aqua Clean review its existing waste profiles and begin a sampling program to ensure waste waters were identified and treated properly. He reported that Lakeland had verbally approved their proposed revisions to the company's sampling plan, and that a written revised plan would be submitted to both Lakeland and the FDEP for review in mid-September, 2012. As part of this inspection, waste profiles from a number of customers were examined.

Problems were noted with waste water from Tampa Armature Works pre-paint phosphate conversion coating waste. The profile did not appear to include an accurate description of the material. In addition, the Department recommended additional process information be obtained for wastes from MRC Precision and Synergy Metal Finishing, as these facilities both generate non-hazardous metals subcategory waste waters.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	279.43(b)
Explanation:	Failure to comply with USDOT hazardous materials regulations in 49 CFR Parts 171 through 173 when transporting used oil and consigning the oil for transportation off site. (Corrected)
Corrective Action:	Used oil mixtures with flammable and combustible fuels must be properly described on all shipping papers, and must be packaged and placarded as appropriate. Additional driver training may be required to ensure that this violation does not re-occur.

Type:	Violation
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Rule: 62-710.850(5)(a), 62-710.850(5)(b)

Explanation: One container of used oil filters was leaking oil onto the floor of the containment structure at the time of the initial inspection. In addition, two totes of used oil filters located outside were not closed, and were not labeled "used oil filters." (Corrected)

Corrective Action: Used oil filters may not be stored in leaking containers. All containers holding used oil filters must be labeled, and must be either closed or otherwise protected from the weather.

Conclusion:

At the time of this inspection, Aqua Clean was not in compliance with USDOT transportation requirements applicable to shipments of used oil and petroleum contact water. Since the inspection, the company has registered with USDOT and agreed to take corrective action regarding materials characterization and shipping. A violation regarding used oil filter container management was also corrected.

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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.

Elizabeth Knauss

PRINCIPAL INSPECTOR NAME

Environmental Manager

PRINCIPAL INSPECTOR TITLE**PRINCIPAL INSPECTOR SIGNATURE**

FDEP - SWD

ORGANIZATION

9/7/2012

DATE**Supervisor:**James Dregne

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.