



FLORIDA DEPARTMENT OF Environmental Protection

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Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

February 15, 2022

Kelli Gross, Sr. Environmental Specialist
Florida Power & Light Company
1177 N. Lime Avenue
Sarasota, Florida 34237
Via e-mail: Kelli.Gross@FPL.com

Re: Warning Letter
FPL – Ft Myers Lee & Thompson Service Center
2425 Thompson St., Fort Myers, FL
Facility ID No. FLD000807370
Lee County

Dear Ms. Gross:

A routine hazardous waste compliance inspection was conducted at your facility on December 8, 2021. During the inspection, possible violations of Chapter 403, Florida Statutes, Chapter 62-710, Florida Administrative Code (F.A.C.), and 40 CFR Part 279 were observed.

During the inspection Department personnel noted the following:

- Used oil was stored for more than 35 days in September/October 2021 without meeting the requirements for a used oil processing facility and obtaining a processing permit.
- One 55-gallon drum containing used oil filters was not properly labeled.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.161 and 403.758, Florida Statutes.

Please contact Karen Bayly within **15 days** of your receipt of this Warning Letter to arrange a virtual meeting or teleconference to discuss this Warning Letter. Ms. Bayly can be reached at Karen.Bayly@Floridadep.gov or (239) 344-5616. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. Please feel free to invite anyone you wish to the meeting.

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Please be advised this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Iglehart", with a horizontal line extending to the right.

Jon M. Iglehart, Director
South District
Florida Department of Environmental Protection

JMI/KB/

Cc: Jack Alexander, FPL Operations Lead (Jack.E.Alexander@fpl.com)



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

FACILITY INFORMATION:

Facility Name: FPL - Ft Myers Lee & Thompson Service Center
On-Site Inspection Start Date: 12/08/2021 **On-Site Inspection End Date:** 12/08/2021
ME ID#: 52574 **EPA ID#:** FLD000807370
Facility Street Address: 2425 Thompson St, Fort Myers, Florida 33901-3045
Contact Mailing Address: 2455 Port West Blvd, Riviera Beach, Florida 33407-1214
County Name: Lee **Contact Phone:** (561) 845-4973

NOTIFIED AS:

Used Oil, VSQG

WASTE ACTIVITIES:

Generator: VSQG **Used Oil:** Used Oil, Oil Filters **Universal Waste: Indicate types of UW generated and/or accumulated at the facility: Generate/Accumulate:** Batteries, Mercury Containing Lamps **Maximum quantity of UW handled or transported at any time:** Less than 5,000 kg (11,000 lbs); Small Quantity Handler (SQH)

INSPECTION TYPE:

Routine Inspection for Used Oil Transporter Facility
Routine Inspection for Used Oil Transfer Facility Facility

INSPECTION PARTICIPANTS:

Principal Inspector: Karen R. Bayly, Inspector
Other Participants: Kelli Gross, Sr. Environmental Specialist; Josh Tollefson, Fleet Area Lead

LATITUDE / LONGITUDE: Lat 26° 38' 30.8212" / Long 81° 51' 54.7139"

NAIC: 221122 - Electric Power Distribution

TYPE OF OWNERSHIP: Private

Introduction:

A compliance evaluation inspection was conducted by Florida Department of Environmental Protection (FDEP) hazardous waste staff at Florida Power & Light Company Ft Myers Lee & Thompson Service Center (FPL/facility) on 12-08-2021 to determine the facility's compliance status with state and federal hazardous waste, used oil and universal waste rules and regulations. A file review reflects previous inspections were conducted on 8-31-2005, 12-04-2008, 3-21-2013 and 01-15-2019. The following is a summary of my observations.

FPL owns the property which is connected to city water and sewer. The facility has approximately 50 employees.

This facility is currently registered with FDEP as a used oil transporter and used oil transfer facility. The registration expires 06-22-2022. A file review reflects the storage tank system (Facility ID# 8519172) was last inspected by Lee County Division of Natural Resources on 02-09-2021 and determined to be in compliance. Financial responsibility for the tank system was verified during this inspection to be current [05-01-21 to 04-30-2022]. The storage tank placard #598969 is maintained on-site and was issued 05-27-2021 and expires 06-30-2022.

Maintenance is conducted on approximately 150 trucks generating used oil, used oil filters, spent lead-acid batteries, oily rags, scrap metal, spent parts washer filters and hazardous waste in the form of waste propane containers. The facility was determined to be a very small quantity generator (VSQG) of hazardous waste. A VSQG generates less than 220 pounds of hazardous waste in a calendar month; and never accumulates more than 2,200 pounds of hazardous waste or 2.2 pounds of acutely toxic hazardous waste at any time. The facility also generates spent sodium vapor street lamps, spent fluorescent lamps and spent aerosols which are

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managed as universal waste.

Upon arriving at the facility, the purpose of the inspection was reviewed with Kelli Gross, FPL Sr. Environmental Specialist. Ms. Gross provided access and was present throughout the inspection.

Process Description:

This facility is responsible for maintaining and repairing aerial and pad mounted transformers located throughout their service area. The facility subcontracts with U.S. Ecology who is on call 24/7 to assist with oil spill response, management and recordkeeping. FPL transports its own used oil generated at its own non-contiguous operations to this facility for storage prior to having the used oil picked up a certified used oil transporter and is therefore not subject to the recordkeeping and reporting requirements of Rule 62-710.510, F.A.C. and is exempt from Rule 62-710.600, F.A.C. with the exception of financial responsibility requirements. A Statement of Self Insurance for Used Oil Transporter was provided with the facility's registration annual renewal package.

Used mineral oil generated from damaged equipment labeled as non-PCB [polychlorinated biphenyls] is pumped into the collection/transfer truck and off-loaded into a designated storage tank at the facility. Oily debris including impacted soil and absorbent material is collected in drums or roll-offs, transported to the facility and consolidated in two lined roll-offs. The facility maintains an oily soil/debris roll off log book which documents the roll off #, type of debris, date dumped, source address, city and volume. Ryder Integrated Logistics [FLR000088377] transports the majority of solid oily waste and debris from the facility directly to Okeechobee Landfill [FLR000046979] for disposal. Disposal documentation was reviewed. It was noted and discussed that on several non-hazardous manifests, the generator's EPA ID number was incorrect (FLD000807420 FPL Area office West was used instead of the facility's EPA ID No. FLD000807370), the transporter EPA ID number was incorrect (FLR00088377 was used instead of FLR000088377), the designated facility EPA ID No. was incorrect for Okeechobee Landfill (110013430906 was used instead of FLR000046979); and the transporter's phone number was blank. Following the inspection documentation was provided indicating the facility developed a template with the correct EPA ID numbers.

Used mineral oil generated from damaged equipment without a non-PCB label is tested in the field with chlor-n-oil 50 kits to determine if PCBs are present (<50 ppm). If the sample fails, it is tested again with chlor-n-oil 500 kits to determine if it is less than 500 ppm PCB. After the field testing is completed, another sample is collected and sent to FPL's laboratory at the Physical Distribution Center (PDC), 2455 Port West Blvd., Riviera Beach, for further confirmation. Oil filled equipment and debris are bagged, labeled and stored in either a yellow storage container or metal oil shed at the facility until laboratory analysis results are obtained. Any oily debris or used mineral oil determined to contain >50 ppm PCBs is tracked on an internal shipping paper and sent to the PDC. Ms. Gross indicated they have not shipped any PCB containing material for the past several years.

According to previous inspection reports, the metal oil shed is constructed of metal and the seams are welded to ensure integrity. A grated containment sump is built into the floor of the shed. The shed is a double-walled, self-contained unit capable of holding 150% of the volume of the oil in the largest transformer that may be placed into the shed. The oil shed was empty at the time of the inspection. Equipment and debris may also be stored in an enclosed yellow polyethylene storage container. The container was also empty at the time of the inspection. Spill response equipment is maintained in a yellow metal unit adjacent to both the shed and yellow container. A spill response drum was situated in front of the unit, partially blocking the door. It was discussed and recommended to relocate the drum and maintain all areas around emergency equipment unobstructed.

Non-PCB used mineral oil is also collected from other FPL service centers in Charlotte, Lee and Collier counties with the collection/transfer truck. The truck was parked on visqueen at the facility at the time of the inspection. Used oil is off loaded from the truck into a 6,000-gallon, double-walled aboveground storage tank the same day the used oil is picked up. The driver records the date of pick-up, quantity of used oil and signature on the 'transporters used oil acceptance log daily used oil pickup log' next to the pick-up location/address and EPA ID# of the used oil pick-up. At the bottom of the log, the driver records the date transferred, gallons, signature and tank #/location of used oil off loaded from the truck to the tank. Another log is maintained documenting the start date of used oil in the storage tank to ensure the used oil is not stored longer than 35 days. Used oil disposal manifests and the log were reviewed. Theta American Group (EPA ID# FLR000220202) picks up the used oil, and is registered with FDEP as a used oil transporter and transfer facility. It was noted that used oil was stored >35 days in September/October 2021. The logs and manifests reflect used oil was picked up on 09-15-2021. Used oil was added into the storage tank on 09-17-2021 and the next pick up of used oil occurred on 10-25-2021, 38 days later. Following the inspection, documentation was provided reflecting the 35 day time clock will

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start the following day after used oil is removed. The transporter, TA American, has been notified of the change and will be scheduled to pick up used oil before day 35.

The 6,000-gallon used oil double-walled aboveground storage tank was clearly labeled 'no smoking, combustible, used mineral oil, <50 ppm PCBs. The tank is registered and the current placard was posted.

The facility maintains a spill prevention control and countermeasure (SPCC) plan. It was noted that the plan needs to be updated from Pam Shoosmith to Kelli Gross as the facility contact and appropriate contact information. Training records reviewed for U.S. Ecology staff included current 8-hour HAZWOPER refresher training.

General repair and maintenance is conducted on approximately 150 vehicles in one building situated in the southwest corner of the property. The shop area was clean and orderly. Emergency equipment including an eye wash, shower, first aid station and fire extinguisher were noted. It was not discussed during the inspection however it is recommended to routinely inspect all emergency equipment to ensure it is working properly.

Used oil is collected in a labeled 250-gallon double-walled storage tank maintained inside the maintenance building. Drains pans and portable grated drain pans are labeled 'used oil'. Adjacent to the used oil storage tank is a used oil filter crusher. A PVC pipe transfers used oil from crushing the filters directly into the used oil storage tank. A black 55-gallon drum is situated beneath the crusher to collect used oil filters. The drum was not labeled. Facility personnel labeled the drum 'used oil filters' at the time of the inspection. Receipts reflect Heritage Crystal Clean picks up the facility's used oil and used oil filters. Used antifreeze is collected and recirculated/reused back into vehicles without filtering. Oily shop rags are collected in a labeled 55-gallon drum and pick up by Unifirst for laundering. Aerosol products are stored in a flammable cabinet. The facility uses various products including CRC Brakleen Brake Parts Cleaner which contains 30-60% methanol, 10-30% naphtha, 10-30% toluene, 5-10% heptane, 7-13% acetone, 1-5% n-heptane. According to facility personnel, the product is sprayed onto a part, such as brake linings and pads, and evaporates. No waste is generated from using the product. Spent lead acid batteries are stored indoors and cores are picked up by Rechtien International Trucks, Inc. The facility has two ZEP parts washers which utilize ZEP Dyna 143 solvent. The safety data sheet reflects the solvent contains 90-100% petroleum distillates and flashpoint is 143F. The parts washers are equipped with two filters. The sandbag filter is changed once a year; and the filter cartridge is change twice a year. Analytical results reflect spent filters were last sampled and tested in 2017 and determined to be non-hazardous. The facility has scheduled the ZEP machine filters to be tested in January 2022. Solvent is replenished as needed. *Analytical results for the ZEP filters were received on 02-03-2022 and indicate the filters are non-hazardous.

A truck wash is located on the south end of the fleet maintenance building. The bay has three walls, roof and a floor drain in the center of the bay. A sump on the west wall passes wastewater through to another room which houses the recirculating truck waste system. Sludge from the sump and floor drain are managed as non-hazardous. Analytical results reflect the sludge was sampled/tested in March 2021 and determined to be non-hazardous.

Several buildings on the property are used for parts storage, oil spill equipment storage and offices. No issues were noted.

Empty 55-gallon drums are stored outside behind a building. The drums are used for managing waste material. It was noted that the drums appeared rusted. It is recommended to evaluate the drums prior to placing/collecting any waste material in the drums.

Several closed/covered, labeled 55-gallon drums, stored on pallets, outside, are used to store waste/recyclables prior to shipping to the PDC. The drums contained spent sodium vapor bulbs, waste aerosol cans, spent arrestors, and waste propane containers. Spent sodium vapor bulbs, aerosol cans and fluorescent lamps are dated/labeled as universal waste; and waste propane containers are managed/labeled as hazardous waste. A hazardous waste and non-hazardous waste generation - monthly generation & on-site accumulation tracker is maintained documenting the pounds of hazardous waste and non-hazardous waste generated monthly. Shipping papers were reviewed.

Large open top metal containers are used to collect scrap metal, wire, cutout and disconnect switches, scrap porcelain insulators, etc. prior to shipping to the PDC. Each container is clearly labeled as to its contents. Roll-offs are used to store scrap wood, solid waste and recyclables.

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Several closed 55-gallon drums were noted near the used oil storage tank. The drums were dated and labeled as containing oily debris. Ms. Gross indicated that the piece of equipment that loads the debris into the lined roll-offs is broken. The roll-offs were closed at the time of the inspection.

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

Type:	Violation
Rule:	279.45(a) , 62-710.800(1)
Explanation:	Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this part. A review of FPL logs and manifests during the inspection reflect used oil was picked up on 09-15-2021. Used oil was added into the storage tank on 09-17-2021 and the next pick up of used oil occurred on 10-25-2021, 38 days later. Used oil was stored for >35 days without meeting the requirements for a used oil processing facility and obtaining a processing permit.
Corrective Action:	This violation was previously cited on 03-21-2013. The facility must establish procedures to ensure used oil is not stored longer than 35 days OR must meet the requirements for a used oil processing facility. Following the inspection, documentation was provided reflecting the 35 day time clock will start the following day after used oil is removed. The transporter, TA American, has been notified of the change and will be scheduled to pick up used oil before day 35.

Type:	Violation
Rule:	62-710.850(5)(a)
Explanation:	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. One 55-gallon drum situated beneath the used oil filter crusher was not labeled 'used oil filters'.
Corrective Action:	Facility personnel labeled the 55-gallon at the time of the inspection.

Photo Attachments:

labeled used oil filter drum



metal oil shed



yellow storage container



A yellow environmental waste container with a sign that reads "ENVIRONMENTAL WASTE ONLY - NO OTHER WASTE", "200 LITRE CAPACITY", and "RED DUTY LINE". The container is outdoors, next to a concrete wall and some vegetation.



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used oil storage tank



oily debris drums



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1.0: Pre-Inspection Checklist

Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.18(a)	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✓		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		

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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

Karen R. Bayly

Principal Investigator Name**Principal Investigator Signature**

Inspector

Principal Investigator Title

DEP

Organization

02/14/2022

Date

Kelli Gross

Representative Name

Sr. Environmental Specialist

Representative Title

FPL

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.

Josh Tollefson

Representative Name

Fleet Area Lead

Representative Title

FPL

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.

Report Approvers:**Approver:**

Karen R. Bayly

Inspection Approval Date:

02/14/2022