

FDEP ACTION ITEMS FROM ONSITE INSPECTION 10/30/2009

CHARGES

1. Failure to properly dispose of a non-empty aerosol container
2. Failure to perform hazardous waste tests on 2 drums left by Printing Ink Company.
3. Failure to properly label some oil containers
4. Failure to adequately clean up release of used oil in the Maintenance Building & Drum Storage Warehouse
5. Failure to conduct a halogen screening prior to accepting used oil
6. Failure to analyze used oil for each load of to Atlantic Coast Asphalt and Oil Recovery

ANSWER

The container was empty. The only thing in the can was propellant. Spray cans will be opened physically in the future with a can opener.

We were aware that the contents of said product was printing ink and was not hazardous; when the drums were sampled and dispose of they were in fact not hazardous. (manifest contained herein). The printing ink was stored as a product. The manufacturer was contacted and ink could not be returned. The product was deemed to be longer usable and was classified as a nonhazardous waste.

Containers immediately labeled as instructed

The "so called" used oil releases were simply stains, we wiped up any release of mere ounces of used oil and the stains were completely dry and were on the impervious concrete that in both cases, was under a roof inside a building, we did, however attempt to clean the dried stains. The used oil discharge was deminimus in size and was not a threat to human health or the environment.

So noted and further training has been conducted with the drivers to insure that each load is tested in the future.

Ms. Jenna Perry with the FDEP told us the we did not have to test each batch and the testing of 4 or 5 each 6 months was adequate. However we are testing each batch shipped since the inspection and are running tests for arsenic, cadmium, chromium and lead as well as flash point. At that time we tested the used oil that went to a burner, but not to the used oil processor. The used oil processor is responsible for testing the used oil before shipment to a used oil burner. The statement on your warning letter that we send 8K 2 -3 times per month to Atlantic Coast Asphalt is simply incorrect, that much perhaps in 1 year.

Lewis Petroleum had historic process knowledge that there was low concentrations of heavy metals in the used oil.

7. Failure to provide secondary containment for:
a) 5 gallon bucket outside the used oil tank farm
b) 4 totes in the drum storage warehouse
c) 7 totes inside old grey storage building - 5 totes open and unprotected from weather

a) The five (5) gallon bucket was empty and was, at the time being used as a "catch bucket" under a hose during the unloading process. The driver had left it there while he picked another load. The 5-gallon bucket was the secondary containment and was actively being used under a hose (primary containment).

(b) & (c) True, but has been corrected.

8. Failure to post registration placard

Placard was displayed in book readily available on premises; is currently posted on the bulletin board in dispatch.

9. Failure to maintain used oil acceptance records

Records were correctly maintained. The records were not available the day of the inspection, however they were present at the facility.

10. Used oil capacity of 30,000 gallons which exceeds "Handlers" capacity limit

Capacity was available however was not in use; we have been given permission by Jenna Perry to leave capacity as is while applying for a processors license

11. Failure to label 1 - 55 gallon drum as used oil filters & to containerize 1 used oil filter.

Immediately returned to compliance. The used oil filter was partially buried in the dirt and most likely fell off a solid waste vehicle some time ago. The used oil filter was properly containerized, labeled and disposed of as nonhazardous waste. Standard operating procedures for Lewis Petroleum require that used oil filters be stored in sealed D.O.T. shipping containers.

NOTES (areas of concern):

Tank outside the maintenance building

Removed and replaced with a 55 gallon used oil drum inside the building.

300 gallon tank in "old grey storage bldg"

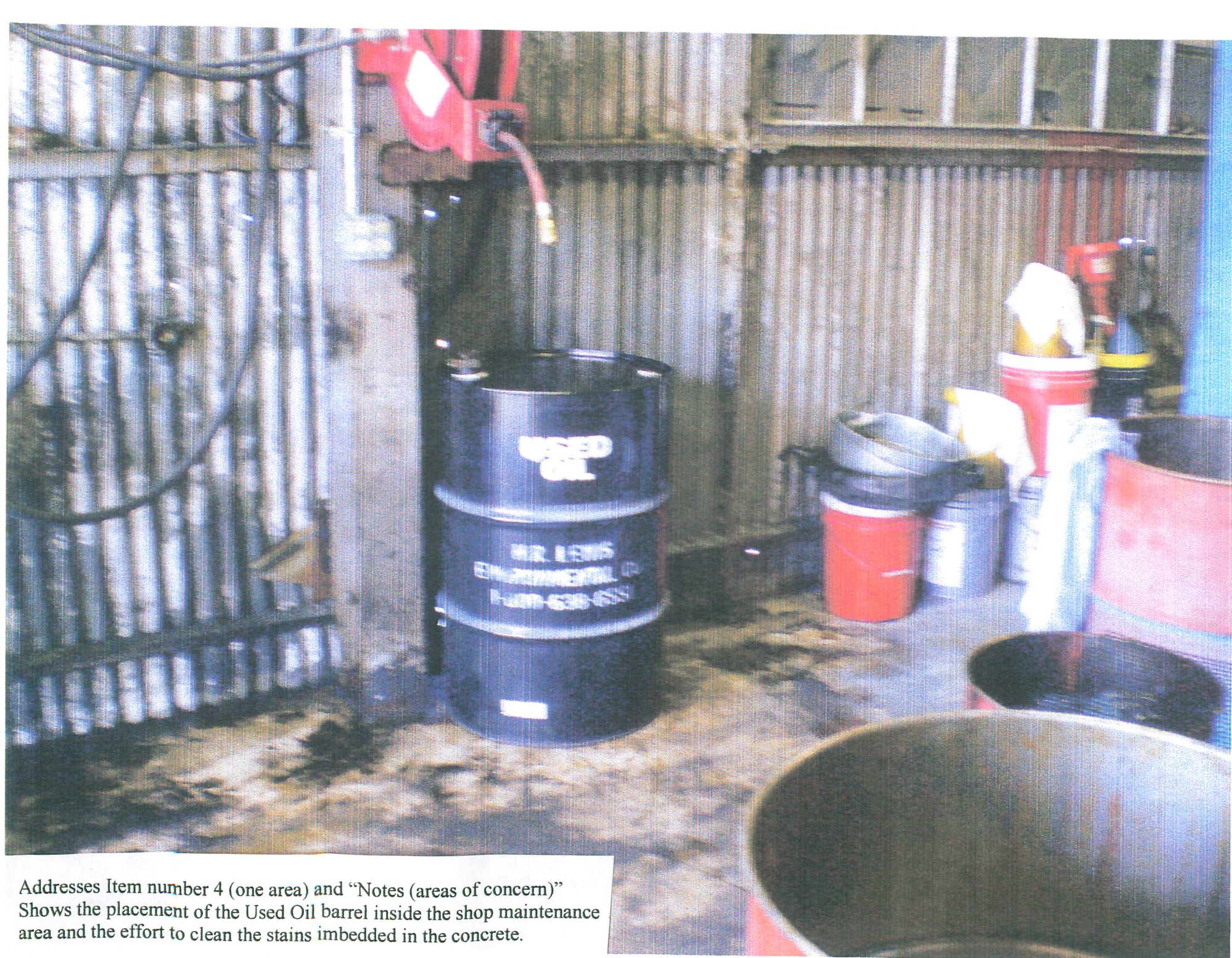
Tank was emptied and removed from service.

300 gallon tank in "drum storage warehouse"

The tank has been relocated to a containment area built inside said warehouse and properly labeled.

Facility rags

Do not contain solvents or hazardous materials.



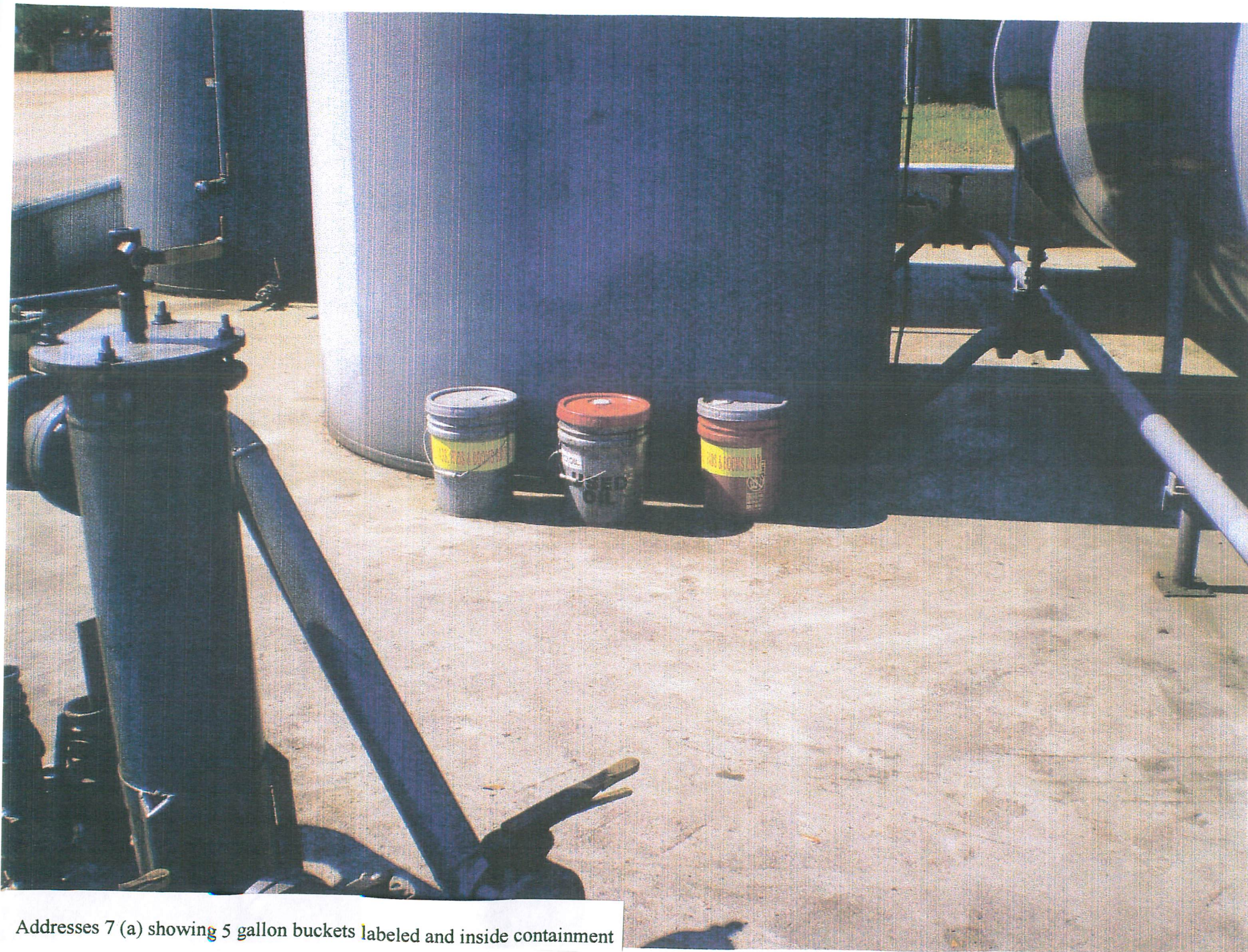
Addresses Item number 4 (one area) and "Notes (areas of concern)"
Shows the placement of the Used Oil barrel inside the shop maintenance area and the effort to clean the stains imbedded in the concrete.



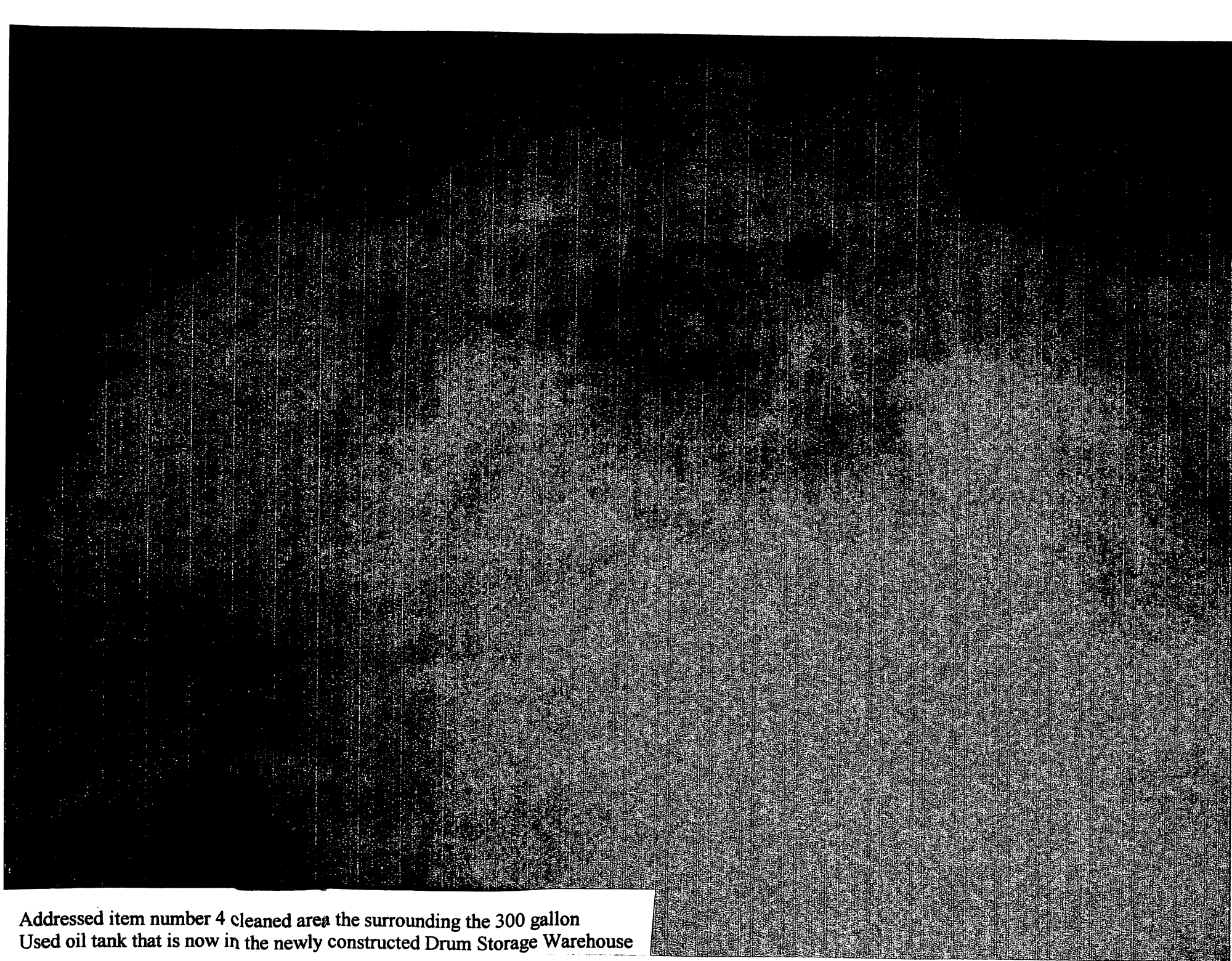
Another view of item number 4 and our attempt to clean the imbedded stains on the floor of the shop floor.



Addressed "Notes (areas of concern)" showing containment berm constructed inside the Drum Storage Warehouse.



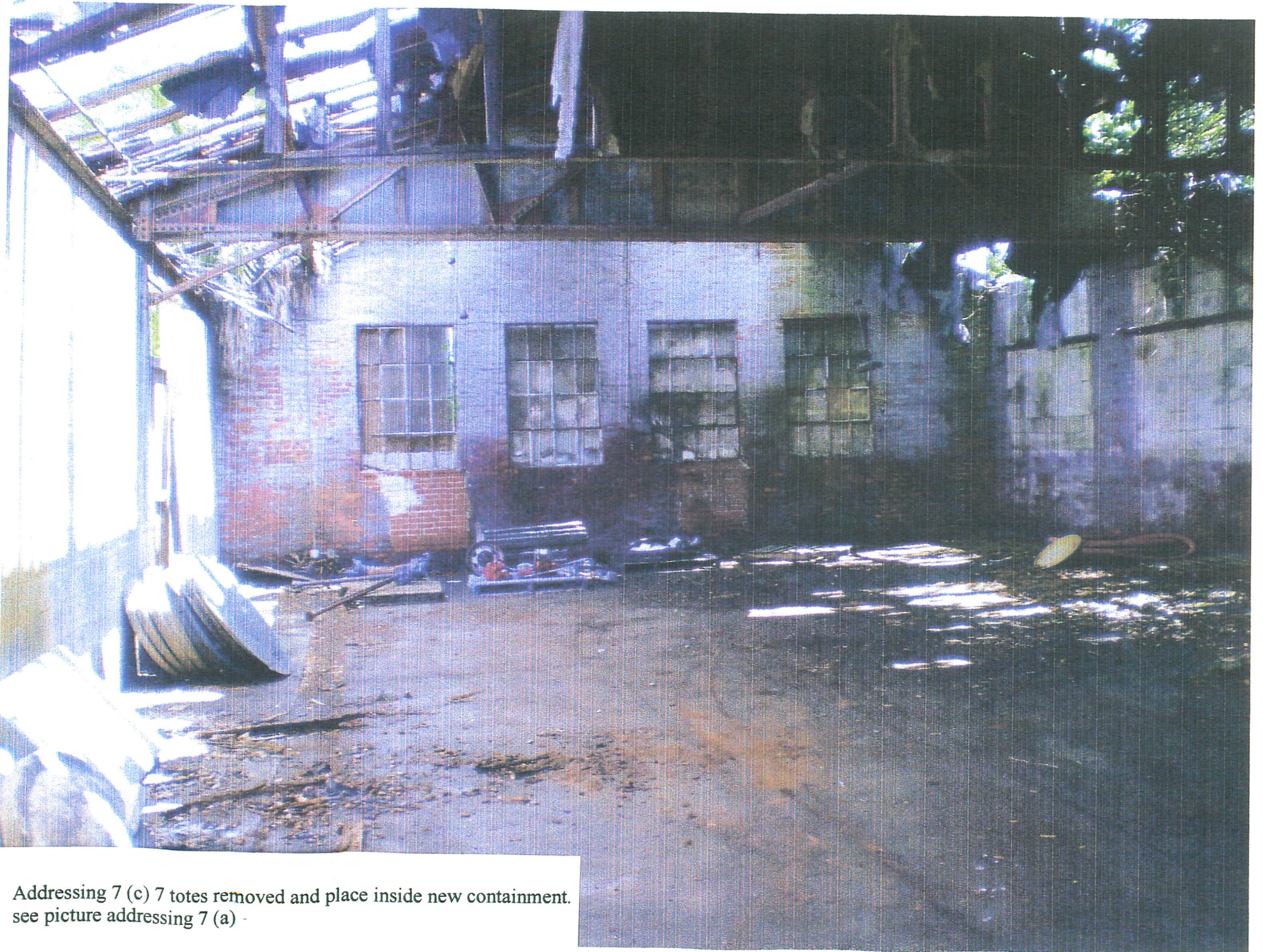
Addresses 7 (a) showing 5 gallon buckets labeled and inside containment



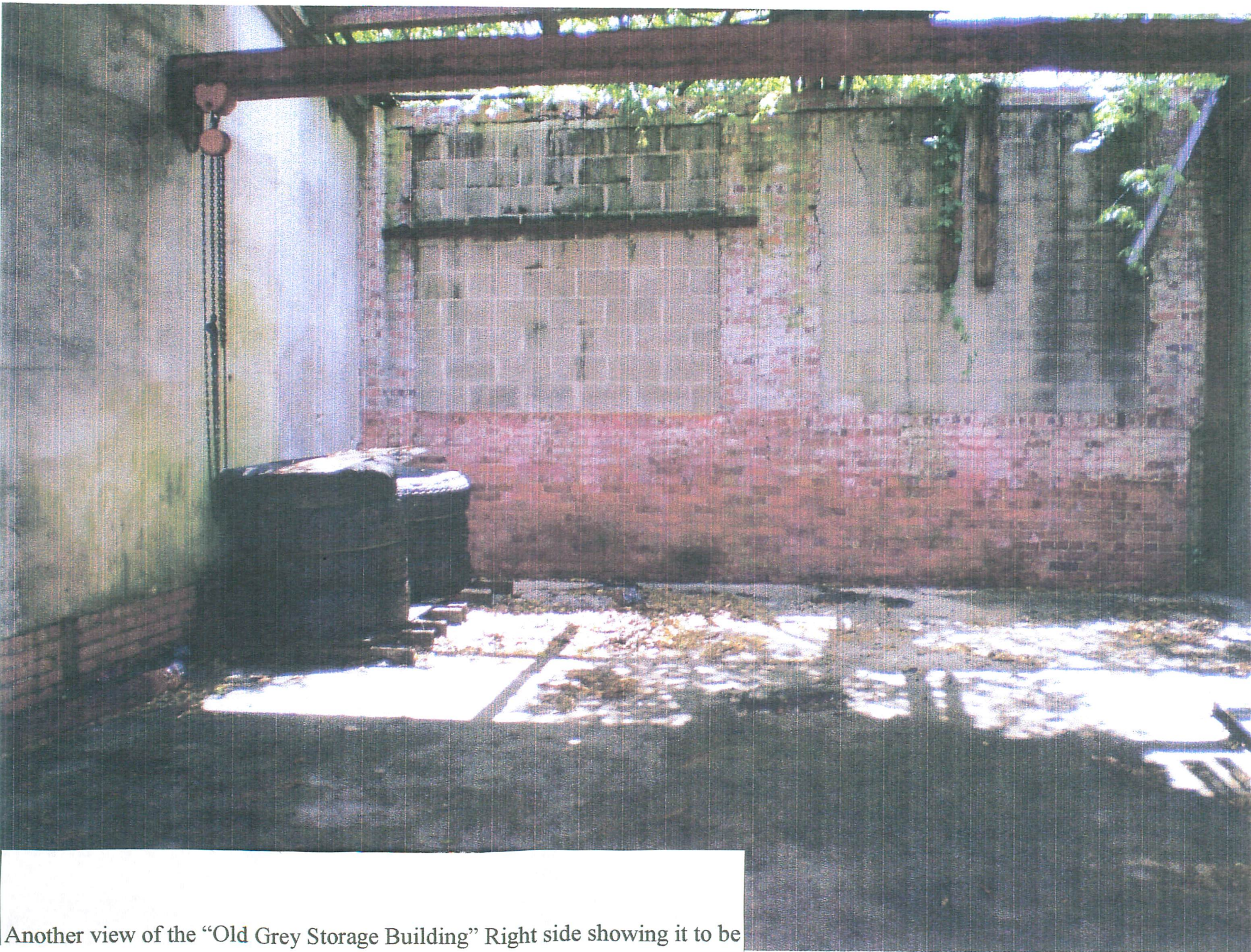
Addressed item number 4 cleaned area the surrounding the 300 gallon
Used oil tank that is now in the newly constructed Drum Storage Warehouse



Addressing 7 (b) 4 totes inside containment



Addressing 7 (c) 7 totes removed and place inside new containment.
see picture addressing 7 (a) -



Another view of the "Old Grey Storage Building" Right side showing it to be empty