

DEPARTMENT OF ENVIRONMENTAL PROTECTION
CIVIL PENALTY AUTHORIZATION
SOUTHEAST DISTRICT

1. Investigator: Kathy Winston
2. Date Submitted: 5/13/2011
3. Type of Alleged Violation: Used Oil
4. Facility: Raider Environmental Services, Inc.
EPA ID# FLR000143891
5. Location of Violation: 4103 NW 132nd St., Opa Locka, Florida 33054
6. Nature of Alleged Violations:

Raider Environmental Services (RES) has been in operation at this location since November of 2008, and currently operates a Used Oil Processing Facility under Department permit numbers 284932-HO-001 and 284932-SO-002, expiration October 13, 2013. RES is a hazardous waste transporter, as well as a transporter, processor, and marketer of used oil and used oil filters. The facility also processes oily water from tank bottoms and ships' bilges. On March 14, 2011, the Department conducted a routine hazardous waste compliance inspection at the facility.

The March 14, 2011, inspection revealed several violations of used oil generator and used oil processor management standards, i.e. lack of used oil and used oil filter labeling, required updates to the Contingency Plan had not been made, and a general facility inspection log was not being maintained.

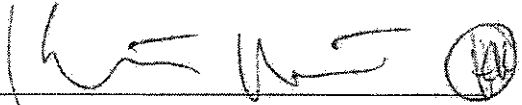
A subsequent file review revealed the facility had never established Financial Assurance, submitted annual closure cost estimates or made the required adjustments. This has substantial impact on the HW program.

7. Penalty Rationale:

The proposed penalty amounts for the Used Oil violations are based on the appropriate characterization for the Potential for Harm and the Extent of Deviation, and are taken from the top of the matrix range due to the fact that permit requirements were not being met, and the lack of Financial Assurance has substantial impact on the hazardous waste program. A multi-day penalty was applied to the one violation (#6) where the length of time the violation continued could be established.

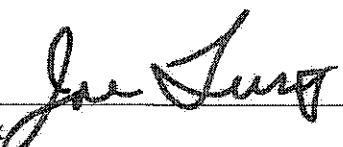
8. Penalty Recommendation:

I recommend that \$64,297.00, plus \$1,000.00 costs and expenses, be sought against RES as calculated on the attached civil penalty worksheets.


Kathy Winston
Environmental Consultant


Date

5/12/11


Joe Lurix
Waste Program Administrator

Date

5/13/2011


Kevin Claridge
Assistant District Director

Date

05/13/11


Chief Deputy General Counsel

Date

6/17/11

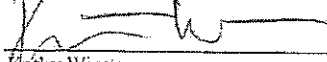
☒ Approved
☐ Disapproved

Comments: _____

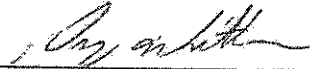
PENALTY COMPUTATION WORKSHEET

Facility Name: Raider Environmental Services, Inc.
 Facility Address: 4103 NW 132nd St., Opa Locka, FL 33054

Department Staff Responsible for the Penalty Computations:


 Kathy Winston


 Karen Kantor

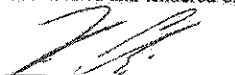

 Greg Whitaker

Date: 5/12/11

PART I - Class A Penalty Determinations

	Alleged Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Economic Benefit Calculation	Total
1	Chapter 62-710.800(2) Failure to submit "as built" required by permit	Major	Major	\$10,000				\$10,000
2	Chapter 62-710.850(5)(a) Failure to label used oil filter containers	Moderate*	Major	\$4,599				\$4,599
3	40 CFR 279.54(f)(1) Failure to label used oil containers	Moderate*	Major	\$4,599				\$4,599
4	40 CFR 279.52(a) Failure to maintain general facility inspection logs	Moderate*	Major	\$4,599				\$4,599
5	40 CFR 279.52(b)(2) Failure to update contingency plan	Minor	Moderate	\$500				\$500
6	Chapter 62-710.800(6) Failure to establish or maintain Financial Assurance	Major	Major	\$10,000	\$30,000 (\$1,000 x 30 days)			\$40,000
* See attached Ranking System for Potential for Harm Worksheets						Penalties Subtotal: \$64,297		
						Department Costs: \$1,800		
						Total: \$65,297		

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing Used Oil Violations" revised as of May 2008. Certain violations require Potential for Harm Ranking System characterization and have been utilized where applicable; refer to the attached Ranking System for Potential for Harm worksheet. The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.


 Kevin Claridge
 Assistant District Director
 Florida Department of Environmental Protection Southeast District

5/12/11
 Date

PENALTY COMPUTATION WORKSHEET

(continued)

Facility Name: Raider Environmental Services, Inc.
Facility Address: 4103 NW 132nd St., Opa Locka, FL 33054

Part II - Multi-day Penalties and Adjustments

Adjustments:
Good Faith/lack of good Faith prior to Discovery: _____ **Dollar Amount:** _____
Justification: _____

Good Faith/lack of good Faith after Discovery: _____
Justification: _____

History of Non-Compliance: _____
Justification: _____

Economic Benefit of Non-Compliance: _____
Justification: _____

Ability to pay: _____
Justification: _____

Multi-Day Penalties:
Number of days adjustment factor(s) to be applied: _____ **Dollar Amount:** _____
Justification: _____ 30 days

Number of days matrix amount is to be multiplied: _____ \$30,000

Justification: A multi-day adjustment was applied to violation #6 per Directive 923 as the facility has not had financial assurance in place since beginning operations; the Directive suggests using \$1,000 per day for 30 days.

Part III-Other Adjustments Made After Meeting With Responsible Party

Adjustments:
Relative Merits of the Case: _____ **Dollar Amount:** _____

Resource Consideration: _____

Other Justification: _____

Kevin Claridge
Assistant District Director
Florida Department of Environmental Protection Southeast District

Date

RANKING SYSTEM FOR POTENTIAL FOR HARM WORKSHEET FOR USED OIL VIOLATIONS

FACILITY NAME: Raider Environmental Services, Inc.

Item Number	Alleged Violation Type	Nature of Waste	Amount of Waste	RECEPTORS		Total Score	Potential for Harm
				Discharges	Affected Population		
2	Chapter 62-710.850(5)(a) Failure to label used oil filter containers	2	8	1	2	13	Moderate
3	40 CFR 279.54(f)(1) Failure to label used oil containers	4	8	1	2	15	Moderate
4	40 CFR 279.52(a) Failure to maintain general facility inspection logs	4	8	1	2	15	Moderate

Assigned by:

Kathy Winston

Date: 5/12/11

Karen Kantor

Greg Whitaker

USED OIL SCORING SYSTEM

Nature of Waste	Amount of Waste	Receptors	
		Discharges	Affected Population
Category 1 Used Oil = 4	> 10 drums = 8	Discharge = 6	> 1000 People = 4
	3 - 10 drums = 5	Potential Discharge = 4	100 - 1000 People = 3
Category 2 Used Oil Filters = 2	< 3 drums = 2	No Discharge = 1	10 - 100 People = 2
			< 10 People = 1

If the Total Score is

19-24

13-18

6-12

Then the Potential for Harm is

MAJOR

MODERATE

MINOR



Florida Department of
Environmental Protection
Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: Raider Environmental Services
On-Site Inspection Start Date: 03/14/2011 On-Site Inspection End Date: 03/14/2011
ME ID#: 83539 EPA ID#: FLR000143891
Facility Street Address: 4103 NW 132nd St, Opa Locka, Florida 33054-4510
Contact Mailing Address: 4103 NW 132nd St, Opa Locka, Florida 33054-4510
County Name: Miami-Dade Contact Phone: (305) 994-9949

NOTIFIED AS:

Non-Handler
Transporter
Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility
Routine Inspection for Used Oil Transporter facility
Routine Inspection for Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Kathy R. Winston, Inspector
Other Participants: Steve Obst, President

LATITUDE / LONGITUDE: Lat 25° 53' 41.924" / Long 80° 15' 51.6958"

SIC CODE: 4959 - Trans. & utilities - sanitary services, nec

TYPE OF OWNERSHIP: Private

Introduction:

Raider Environmental Services (RES) has been in operation at this location since November of 2008, and currently operates a Used Oil Processing Facility under Department permit numbers 284932-HO-001 and 284932-SO-002, expiration October 13, 2013. RES is a hazardous waste transporter, as well as, a transporter, processor, and marketer of used oil and used oil filters. The facility also processes oily water from tank bottoms and ships' bilges. RES is situated in a zoned industrial area and encompasses 1.55 acres. The facility has 25 full time employees and is on city water and sewer.

Process Description:

The facility has four vacuum trucks, one of which is a Vactor, used for dry product such as fly ash. The facility has four tankers, one of which is a 6000-gallon vacuum truck, and the rest of the tankers have 7000-gallon capacities and are used for the transport of both used oil and oily water. The facility has four tractor trailers, one of which is a truck designed for picking up rollofs and the other three are for used oil collection. For hazardous waste transport, the facility uses a box truck and there is also a box trailer, which is generally used for emergency response situations.

The tank farm consists of 14 tanks total. The tank farm is still under construction and per the permit, the tank farm will eventually have 24 tanks altogether. All new tanks are to be constructed within the facility's secondary containment. At the time of the inspection, all of the existing tanks were in service; tank number five which contained used oil was not labeled.

Inside the secondary containment area and behind the cooker was a large puddle of used oil that

Inspection Date: 03/14/2011

was coming from a leaking valve associated with the cooker. In the middle of the yard where the used oil filter containers are stored were at least three drums labeled as non-regulated solid waste (dirt) that actually contained used oil filters. There were also at least two containers in this area that were open. The inspector reminded RES that they need to make sure the used oil filter containers are closed and protected from the elements to avoid a discharge of oily water to the ground.

The facility representative gave the inspectors an overview of how both used oil and oily water are processed through the plant. Heat, emulsifiers and caustics are used in the oily water processing, while the used oil is processed using flocculants and acids.

Record Review

The following deficiencies were noted in the facility's Contingency Plan (CP): The emergency contacts page needed updating; the secondary emergency coordinators' information and the numbers for the closest fire and police station and also the closest hospital were listed as 911 instead of the actual local number. The facility had not been maintaining a general facility inspection log that met the requirements of 40 CFR Part 279.52(a). All of the facility's acceptance and delivery logs were not available for review immediately as the facility had recently lost their EHS officer and also was in the process of converting to a new database. These documents were produced in a timely matter. All other records reviewed i.e., manifests, the permit, training records, and the closure plan were in order.

A file review performed on the facility revealed that financial assurance had never been established and annual closure cost estimates and adjustment had not been made. Also, the facility had not submitted "as built" for the addition of five new tanks as required by their permit.

New Potential Violations and Areas of Concern:

Used Oil Processor

Type:	Violation
Rule:	62-710.800(2)
Question Number:	28.50
Question:	Does the processor have a used oil processing permit?
Explanation:	The facility did not submit "as built" required by their permit when modifications were made to the tank farm.
Corrective Action:	Please submit appropriate paperwork to Tallahassee to meet requirements of the facility's permit.

Type:	Violation
Rule:	62-710.850(5)(a)
Question Number:	28.90
Question:	Are the filters stored in above ground containers which are (All of the following checkboxes must be checked for this question to be marked Ok, otherwise this question must be marked as Not Ok.):
Explanation:	There were at least three drums of used oil filters in the used oil filter storage area that needed proper labeling.
Corrective Action:	Please send picture of used oil filter containers properly labeled.

Inspection Date: 03/14/2011

Type: Area Of Concern

Rule: 279.54(c)

Question Number: 28.180

Question: Are containers provided with secondary containment consisting of walls and floor at a minimum?

Explanation: Facility had some leakage from the heat exchanger inside the secondary containment.

Corrective Action: Please send picture showing area has been cleaned up.

Type: Violation

Rule: 279.54(f)

Question Number: 28.190

Question: Are ASTs, UST tank fill lines and containers labeled "used oil"?

Explanation: Tank # 5 was not properly labeled.

Corrective Action: Please send picture showing tank #5 has been properly labeled.

Type: Violation

Rule: 279.52(a)(1)

Question Number: 28.210

Question: Is the facility maintained and operated to prevent a fire, explosion or planned or unplanned release of used oil to the air, soil, or water which could threaten human health or the environment?

Explanation: Facility did not have a general facility inspection log that meets the standards of 40 CFR Part 279.52.

Corrective Action: Please establish a log that meets the appropriate standards, keep log for three weeks and send copies to Department.

Type: Violation

Rule: 279.52(b)(2)

Question Number: 28.340

Question: Does the plan include the following?

Explanation: Secondary emergency coordinator information needs to be updated.

Corrective Action: Please update all relevant pages of Contingency Plan with new secondary emergency coordinator information. Supply copies to Department. Correction were provided on site.

Checklist Independent Potential Violations and Areas of Concern

Type: Violation

Inspection Date 03/14/2011

Rule: 62-710.800(6)

Explanation: The facility has not had Financial Assurance since it began operations and is still out of compliance with this requirement of their permit.

Corrective Action: Provide the Department with proof of Financial Assurance and continue providing proof to the the Department that the facility's FA is being maintained annually and has been updated to include new closure cost estimates.

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

Rule Number	Area	Date Cited	Explanation
Used Oil Processor 62-710.800(2)		03/14/2011	The facility did not submit "as built's" required by their permit when modifications were made to the tank farm.
62-710.850(5)(a)		03/14/2011	There were at least three drums of used oil filters in the used oil filter storage area that needed proper labeling.
279.54(f)		03/14/2011	Tank # 5 was not properly labeled.
279.52(a)(1)		03/14/2011	Facility did not have a general facility inspection log that meets the standards of 40 CFR Part 279.52.
279.52(b)(2)		03/14/2011	Secondary emergency coordinator information needs to be updated.
Checklist Independent Violations 62-710.800(6)		03/14/2011	The facility has not had Financial Assurance since it began operations and is still out of compliance with this requirement of their permit.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Used Oil Processor 279.54(c)		03/14/2011	Facility had some leakage from the heat exchanger inside the secondary containment.

Conclusion:

An exit interview was conducted at the conclusion of the inspection which addressed the potential violations listed above. The facility was not in compliance at the time of the inspection. The facility was given 21 days to return compliance.

Inspection Date: 03/14/2011

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).

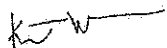
This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Kathy R. Winston

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE



PRINCIPAL INSPECTOR SIGNATURE

3/16/2011

DATE

Steve Obst

REPRESENTATIVE NAME

President

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Raider Environmental Services

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.