



JUL -7 2011

Florida Department of Environmental Protection

Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

CERTIFIED MAIL NO.: 91 7108 2133 3938 2488 4028
RETURN RECEIPT REQUESTED

Steve Obst, Registered Agent and President
Raider Environmental Services, Inc.
4103 NW 132nd St.
Opa Locka, FL 33054

Warning Letter # 11-0041HW13SED

Subject: Hazardous Waste Compliance Evaluation Inspection at Raider Environmental
Services, Inc., 4103 NW 132nd St., Opa Locka FL 33054
EPA ID # FLR000143891

Dear Mr. Obst:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste compliance evaluation inspection conducted on March 14, 2011, as well as, a subsequent file review of your used oil processing facility indicates that violations of Florida Statutes and Rules may exist at the facility. Department of Environmental Protection personnel observed possible violations regarding used oil management. The observations of the Department are in the attached inspection report.

Section 403, Florida Statutes, provides that facilities must comply with Title 40 Code of Federal Regulations (CFR), Parts 260 to 268 and 279 as adopted in Chapter 62-730 and Chapter 62-710, Florida Administrative Code (F.A.C.). The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased. The operation of a facility in violation of State statutes or rules may result in liability for damages and restoration, and the judicial imposition of penalties up to \$50,000.00 per violation per day pursuant to Section 403.727, Florida Statutes.

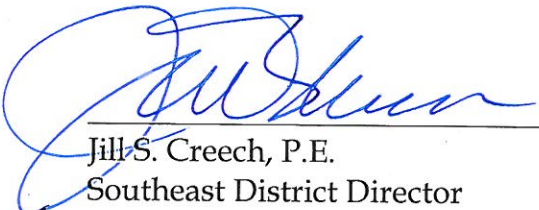
You are requested to contact Kathy Winston at the address above or 561/681-6756 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the

meeting that you feel could help resolve this matter. However, we must be given the names and positions of any persons you intended to bring to the meeting and we must have the information at least five days before the meeting.

If after further investigation, the Department determines that the violations occurred, this matter may be resolved through entry of a Consent Order which will include a compliance schedule and an appropriate penalty. In accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, and the Department's Guidelines for Characterizing RCRA Violations, the penalty proposed in the case is \$64,297.00 plus \$1,000.00 for costs and expenses, for a total of \$65,297.00.

Please be advised that 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 resolution of this matter.

Sincerely,


Jill S. Creech, P.E. 07-07-11
Southeast District Director Date



JSC/JWL/KK/kw

Attachments: Hazardous Waste Inspection Report
Penalty Justification Worksheets

cc: Electronic Archboard/Oculus
Glen Perrigan, FDEP, Glen.Perrigan@dep.state.fl.us
Karl Markeset, Miami-Dade Department of Environmental Resource Management
(markek@miamidade.gov)



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:

CESQG (<100 kg/month)

Transporter

Used Oil

INSPECTION TYPE:

Complaint Inspection for Used Oil Processor facility

Complaint Inspection for Used Oil Transporter facility

Complaint Inspection for Transporter facility

Complaint Inspection for Used Oil Transfer Facility

Complaint Inspection for Non-Handler 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

Inspection Date: 03/14/2011

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 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 facilities 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: 62-710.850(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.

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.

Inspection Date: 03/14/2011

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
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.

Type: Violation

Inspection Date: 03/14/2011

Rule: 62-710.800(2)

Explanation: Per the facility's permit, Part IV - Tanks and Container Conditions - Condition (11): "As built" drawings for any tanks added subsequent to the original application should be submitted to the Department within 30 days of construction. In the tank table for the original application, nine tanks were specified and drawings were provided. Inspections of the facility on 4/15/2010 and 3/14/2011 revealed that additional tanks had been added for which "as built" drawings were not submitted. On 3/16/2011, an email was sent to RES specifically requesting the "as built" drawings be submitted for all tanks not in the original application.

Corrective Action: Please submit to the Department "as built" drawings for all tanks not included in the original permit.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Used Oil Processor			
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.
62-710.800(2)		03/14/2011	Per the facility's permit, Part IV - Tanks and Container Conditions - Condition (11): "As built" drawings for any tanks added subsequent to the original application should be submitted to the Department within 30 days of construction. In the tank table for the original application, nine tanks were specified and drawings were provided. Inspections of the facility on 4/15/2010 and 3/14/2011 revealed that additional tanks had been added for which "as built" drawings were not submitted. On 3/16/2011, an email was sent to RES specifically requesting the "as built" drawings be submitted for all tanks not in the original application.

Areas of Concern

Rule Number	Area	Date Cited	Explanation
Used Oil Processor			

Inspection Date: 03/14/2011

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

Conclusion:

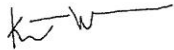
An exit interview was conducted at the conclusion of the inspection which addressed the potential violations listed above. The facility was not in compliance at the time of the inspection. The facility was given 21 days to return compliance.

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.

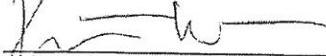
Kathy R. Winston**PRINCIPAL INSPECTOR NAME**Inspector**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**3/16/2011**DATE**Steve Obst**REPRESENTATIVE NAME**President**REPRESENTATIVE TITLE**NO SIGNATURE**REPRESENTATIVE SIGNATURE**Raider Environmental Services**ORGANIZATION**


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.


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

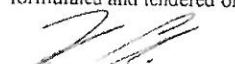

 Greg Whitaker

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: \$1,000		
						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

05/12/11
 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:

Dollar Amount:

Good Faith/lack of good Faith prior to Discovery:

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:

Dollar Amount:

Number of days adjustment factor(s) to be applied:

30 days

Justification:

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 suggest using \$1,000 per day for 30 days.

Part III-Other Adjustments Made After Meeting With Responsible Party

Adjustments:

Dollar Amount:

Relative Merits of the Case:

Resource Consideration:

Other Justification:

Jill S. Creech, P.E.
Southeast District Director

Date