



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**  
SOUTHEAST DISTRICT OFFICE  
3301 GUN CLUB ROAD, MSC 7210-1  
WEST PALM BEACH, FL 33406  
561-681-6600

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

April 10, 2015

VIA ELECTRONIC MAIL: [steve@raiderenvironmental.com](mailto:steve@raiderenvironmental.com)

Raider Environmental Services, Inc.  
Mr. Steve Obst, President and Registered Agent  
4103 NW 132<sup>nd</sup> St.  
Opa Locka, Florida 33054

SUBJECT: Department of Environmental Protection v. Raider Environmental Services, Inc.,  
OGC File No.: # 14-0086, EPA ID No. FLR000143891

Mr. Steve Obst:

The State of Florida Department of Environmental Protection ("Department") finds that Raider Environmental Services, Inc. ("Respondent") was in violation of the standards for a used oil processor per 40 CFR Part 279, Subpart F. Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

**The Department's Offer**

Based on the violations described above, the Department is seeking \$ 3,000.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$ 3,500.00. The original civil penalty in this matter includes 3 violations of \$2,000.00 or more.

**Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Florida Department of Environmental Protection - Southeast District Office, 3301 Gun Club Road, MSC 7210-1, West Palm Beach, FL 33406 by **April 22, 2015**. The Department will then countersign it and file it with a designated clerk of the Department. Once the document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Mr. Steve Obst :

- (1) certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violation(s) referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

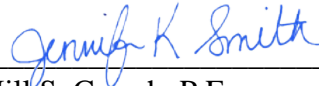
- (1) Respondent must pay \$ 3,500.00 in full by **June 1, 2015**.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>  
It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department. Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact Kathy Winston at 561-681-6756 or at [Kathy.Winston@dep.state.fl.us](mailto:Kathy.Winston@dep.state.fl.us).

Sincerely,



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

FOR THE RESPONDENT:

I, \_\_\_\_\_ [Type or Print Name], **HEREBY ACCEPT  
THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_  
[Signature]

Date: \_\_\_\_\_

Title: \_\_\_\_\_  
[Type or Print]

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**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2015, in Palm Beach County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Attachments:      Notice of Rights  
                            Inspection Report dated 10/04/2012

Final clerked copy furnished to:  
Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

### **NOTICE OF RIGHTS**

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

Southeast District Office  
400 North Congress Avenue, 3rd Floor  
West Palm Beach, FL 33401  
561-681-6600

RICK SCOTT  
GOVERNOR

HERSCHEL T. VINYARD JR.  
SECRETARY

October 4, 2013

Mr. Steve Obst, President and Registered Agent  
Raider Environmental Services, Inc.  
4103 NW 132<sup>nd</sup> St.  
Opa Locka, Florida 33054  
[steve@raiderenvironmental.com](mailto:steve@raiderenvironmental.com)

Re: Warning Letter #WL13-0015HW13SED  
Raider Environmental Services, Inc.  
EPA ID No. FLR000143891  
Miami-Dade County

Dear Mr. Obst:

A hazardous waste and used oil compliance evaluation inspection was conducted at your facility on October 4, 2012 under the authority of Section 403.091, Florida Statutes (F.S.) (this authority could also be based upon a permit or consent order condition). During this inspection, possible violations of Chapter 403, F.S., and Chapter 62-710, Florida Administrative Code (F.A.C.) were observed.

At the time of the inspection, Department personnel verbally notified you that potential violations existed at the facility and you were encouraged to take corrective action within 21 days. The potential violations of used oil processing standards were: emergency response and preparedness violations (out of date fire extinguishers, Contingency Plan deficiencies), recordkeeping violations (Waste Analysis Plan), and violations of the state's rules on used oil processing (unpermitted tanks, exceeding permitted quantities of used oil, inadequate financial assurance). See the attached inspection reported dated October 4, 2012, for specific citations and violation descriptions.

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 403.141, 403.161 and 403.727, Florida Statutes.

Please contact Kathy Winston, at (561) 681-6756 within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving 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.

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 resolving this matter.

Sincerely,



10-03-2013

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

Date

JSC/JKS/JL/KK/kw  HWS

Attachments: Hazardous Waste Inspection Report Dated October 4, 2012

cc: Electronic Archboard\Oculus  
Glen Perrigan, DWM via email Glen.Perrigan@dep.state.fl.us



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

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**FACILITY INFORMATION:**

**Facility Name:** Raider Environmental Services

**On-Site Inspection Start Date:** 10/04/2012

**On-Site Inspection End Date:** 10/04/2012

**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:**

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Hazardous Waste Transporter facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Marketer facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Kathy R. Winston, Inspector

Other Participants: Dan Berler, EHS manager

**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 #HO13-284932-001, 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 40 full time employees and is on city water and sewer.

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

**Process Description:**

The original tank farm includes twenty tanks currently and of these, four are being used for storage of used oil. They are tank numbers five, six, seven and sixteen. When the inspector went up on the

Inspection Date: 10/04/2012

walk way above the tank farm, it was observed that some of the tank covers were removed. The facility representative indicated that they were cleaning out the tank bottoms on the ones whose manways had been left open.

It was noted that a whole new secondary containment had been built out in front of the processing building. This containment area consisted of four new 20,000 gallon vertical tanks, which are all being used as holding tanks for process water. This containment was observed to contain a significant amount of oily water. This oily water appeared to have resulted from the storage of the connector hoses, used for loading and unloading trucks, which had not been properly drained before being placed in the containment.

Between the process building and the original tank farm was a sloped area used for loading and unloading trucks and also as a truck wash. On the side of this sloped area that was closest to the tank farm were four open and labeled 55-gallon drums. However; the labels on the drums did not match what was found in the drums. The inspector observed what appeared to be PPE in one drum, oily water in another, filters from the strainers in the third drum and a fourth drum which contained solid waste. Also, inside the process building, near the small table used for lab analysis were two open and unlabeled five-gallon buckets. One appeared to contain oily water and the other used oil.

The facility representative gave the inspector an overview of how both used oil and oily water are processed through the plant. Heat, emulsifiers and caustics are use 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 phone number of the designate hospital was not included and there was no list of emergency equipment onsite, as well as, no information concerning where this equipment was located or its' capabilities. The training records (certificate of most recent HAZWOPER training and DOT training) for Joey Betancourt, a driver for RES, were not available. The facility's waste analysis plan was not available for review. All other records appeared to be in order and were produced in a timely manner. These documents included: all other requested training records, manifests, acceptance and delivery logs for used oil and hazardous waste, general facility inspection logs, and the permit which included the closure plan.

A file review performed on the facility after the inspection revealed that the facility's permit only allowed for 24,000 gallons of used oil storage and with the use of the four tanks mentioned above; the facility was working with an 87,000 gallon capacity. Also, the use of these tanks would require an adjustment to the facility's financial assurance amount.

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

##### Violations

Type:	Violation
Rule:	279.52(a)(2)(iii)
Question Number:	28.250
Question:	Is the fire control equipment adequate?
Explanation:	It appeared that the fire extinguishers onsite had not been serviced within the last year.
Corrective Action:	Please provide receipts showing that the fire extinguishers have been serviced within the last year or call for service on the fire extinguishers and provide the receipt from that service to the Department.



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Type: Violation  
Rule: 279.52(b)(2)  
Question Number: 28.340  
Question: Does the plan include the following?  
Explanation: The facility's Contingency Plan didn't include a list of the emergency response equipment, their locations, and their capabilities.  
Corrective Action: Please provide the Department with a list of emergency response equipment, their locations, and their capabilities. Once you have made the necessary changes to your Contingency Plan, send out the updated pages to your local authorities and provide the the Department with the certified mail receipts.

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Type: Violation  
Rule: 279.55(b)  
Question Number: 28.400  
Question: Does the processor have a written analysis plan to describing whether used oil stored at the facility has a total halogen content above or below 1,000 ppm and whether the facility's used oil fuel meets the used oil specification?  
Explanation: The facility's could not produce their waste analysis plan at the time of the inspection.  
Corrective Action: Please provide the Department with the facility's waste analysis plan.

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Type: Violation  
Rule: 62-710.600(2)(c)  
Question Number: 29.380  
Question: Does the facility maintain training records?  
Explanation: The facility could not provide up-to-date HAZWOPER and DOT training certificates for Joey Betancourt, who is one of their drivers.  
Corrective Action: Please provide the Department with the requested training records for Mr. Betancourt.

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Type: Violation  
Rule: 62-710.800(2)  
Explanation: The facility's original permit indicated that used oil would be stored in tanks eight and nine, which have a combined capacity of 24,000 gallons. However, at the time of the inspection, used oil was being stored in tanks five, six, seven and sixteen, which would give the facility a combined capacity of 87,000 gallons.  
Corrective Action: The facility needs to modify the permit to allow for the change in both the tanks that are being used to store used oil and the amount of used oil the facility is allowed to store onsite.

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Type: Violation  
Rule: 62-710.800(6)  
Explanation: The facility is using three more tanks for storage of used oil than was allowed in the original permit and they have not made an adjustment to their Financial Assurance to account for the closure of these tanks.  
Corrective Action: Please update the facility's Financial Assurance to reflect the additional tanks that will need closure when the facility ceases to exist.

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**Areas of Concern**

Type: Area Of Concern  
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: The new containment area, on the opposite side of the processing facility from the old tank farm, was full with oily water. This fluid appeared to have come from connector hoses that were being stored there that hadn't been properly draining after use.  
Corrective Action: Please drain this containment area and provide photos to prove compliance. Also, describe what was done with the fluid that was recovered; when the area was pumped dry.

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Type: Area Of Concern  
Rule: 279.54(f)  
Question Number: 28.190  
Question: Are ASTs, UST tank fill lines and containers labeled "used oil"?  
Explanation: There were four drums sitting alongside of the sloped loading/unloading area whose labels didn't correspond with the actual content of the containers. Also, inside the processing building and next to the lab bench were two five gallon buckets; one of which appeared to have oily water in it and the other whose contents appeared to be used oil.  
Corrective Action: Please properly label these four drums and provide the Department with photos demonstrating compliance. Please either remove the two five gallon buckets in the lab bench area or properly label them; send pictures showing the containers are labeled or they have been removed from the area.

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Type: Area Of Concern  
Rule: 279.52(a)(6)  
Question Number: 28.300  
Question: Has the facility made emergency response arrangements with the following:  
Explanation: The facility did not have the phone number of their designated hospital in their

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Contingency Plan.

Corrective Action: Please add the number of your facility's designated hospital to the emergency phone numbers list in your Contingency Plan.

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**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 twenty one days to return to compliance.

Inspection Date: 10/04/2012

**Signed:**

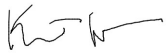
A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection 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**

10/4/2012

**DATE****Supervisor:** Karen Kantor

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.