



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

July 25, 2008

Mr. Cris January, President
January Environmental Services, Inc.
1920 Highway 60 West
Bartow, FL 33830

Re: Consent Order, OGC Case No.: 08-1663
January Environmental Services, Inc.
FLD 982 162 943, Polk County

Dear Mr. January:

Enclosed within, please find the executed Short Form Consent Order #08-1663 regarding the above referenced facility. The Department of Environmental Protection has received the full penalty payment of \$1,500.00. As all provisions of the Consent Agreement have been met, this enforcement action is now closed. Thank you for your cooperation.

Sincerely yours,

William Kutash, R.G.
Administrator
Division of Waste Management

WK/sdc

cc: Mike Redig, Department, HWR Section
Frank Ney, US EPA Region IV
Lea Crandall, Department, Office of General Counsel
Arthur Lieberman, Polk Co.
✓ Compliance File



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

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Michael W. Sole
Secretary

CERTIFIED MAIL 7007 2680 0000 5032 7054
RETURN RECEIPT REQUESTED

June 12, 2008

Mr. Cris January, President
January Environmental Services, Inc.
1920 Highway 60 West
Bartow, FL 33830

SUBJECT: Proposed Settlement of DEP v. January Environmental Services, Inc.
FLD 982 162943
OGC File No.: 08-1663

Dear Mr. January:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated June 2, 2008, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,200.00 along with \$ 300.00 to reimburse the Department costs, for a total of \$1,500.00. The civil penalty in this case includes no violations of \$2,000.00 or more.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 13051 N. Telecom Parkway, Temple Terrace, FL 33637, within 10 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address by within 10 days of receipt, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JUL 18 2008

SOUTHWEST DISTRICT
TAMPA

Sincerely yours,

Mike Roman for

Deborah A. Getzoff
Director of District Management

FOR THE RESPONDENTS:

I, Cris January on behalf of January Environmental Services, Inc., **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: *Cris January*

Date: 7-15-08

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this 21st day of July, 2008.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
Deborah A. Getzoff
Director of District Management

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to
§120.52, Florida Statutes,
With the designated Department
Clerk, receipt of which is hereby
Acknowledged.

Marcia Haines July 21, 2008
Clerk Date

Copies furnished to: Lea Crandall, Agency Clerk Mail Station 35

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) the Department's Consent Order identification number and the county in which the subject matter or activity is located; (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; (c) A statement of how and when each petitioner received notice of the Consent Order; (d) A statement of how each petitioner's substantial interests are affected by the Consent Order; (e) A statement of the material facts disputed by petitioner. If there are none, the petition must so indicate; (f) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (g) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; and (h) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

REVISED PENALTY COMPUTATION WORKSHEET

Violator's Name: January Environmental Services, Inc.

Identify Violator's Facility: FLD982162943 1750 SR 60 W, Bartow

Name of Department Staff Responsible for the Penalty Computations: Elizabeth Knauss

ComHaz Case #: 312309

Date: May 30, 2008

	Violation Type	Manual Guide	ELRA citation	Penalty	Adjustments	Multi Day	Penalty
1	Storing used oil more than 35 days on three occasions 40 CFR 279.45(a)	none	403.121(5) F.S.	\$500		3	\$1,500
					-20%		-\$300
Subtotal							\$1,200
Department Costs							\$300
TOTAL							\$1,500

A 20% good faith reduction is proposed to acknowledge the facility's prompt return to compliance

Total Penalties for all Violations including Department Costs: \$ 1,500.00

Mike Womack for

Deborah A. Getzoff
District Director

Date 6/11/08



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
Temple Terrace, Florida 33637-0926

Charlie Crist
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Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

June 2, 2008

Mr. Cris January
January Environmental Services, Inc.
1920 Highway 60 West
Bartow, FL 33830

RE: Warning Letter #312308
EPA ID# FLD982162943
Polk County

Dear Mr. January:

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 Program field inspection conducted on April 29, 2008 indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Elizabeth Knauss at (813)632-7600, extension 383, 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.

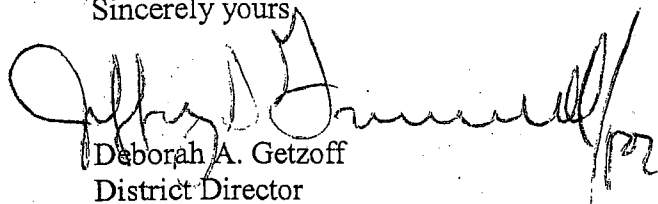
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with

Januray Environmental Serivces, Inc.
Warning Letter #312309

the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy, the penalties and costs which would be assessed in this case are \$1,800.00. Department costs are a minimum of \$300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours

A handwritten signature in black ink, appearing to read "Deborah A. Getzoff", with a stylized flourish at the end.

Deborah A. Getzoff
District Director
Southwest District

DAG/ebk

Enclosure

cc: Michael Redig, HWR Section
Rick Neves, HWM Section
Frank Ney, USEPA Region IV
Arthur Lieberman, Polk County
Compliance File



Florida Department of Environmental Protection

Southwest District Office
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HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME January Environmental Services Inc. EPA ID # FLD982162943

STREET ADDRESS 1750 West Main St., Bartow, FL 33830

MAILING ADDRESS 1920 West Main St., Barton, FL 33830

COUNTY Polk PHONE (863)534-8478 DATE 4/29/08 TIME 10:30 a.m.

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
- ☐ CESQG (<100 kg/mo.)
- ☐ SQG (100-1000 kg/mo.)
- ☐ Generator (>1000 kg/mo.)
- ☐ Transporter
- ☐ Transfer Facility
- ☐ Interim Status TSD Facility
- ☐ TSD Facility
- Unit Type(s):
- ☒ Used Oil Filter: Transport & Transfer
- ☒ Used Oil: Transport & Transfer

- ☐ Non Handler
- ☐ CESQG (<100 kg/mo.)
- ☐ SQG (100-1000 kg/mo.)
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- ☐ Transfer Facility
- ☐ Interim Status TSD Facility
- ☐ TSD Facility
- Unit Type(s):
- ☒ Used Oil Filter: Transport & Transfer
- ☒ Used Oil: Transport & Transfer Facility

2. APPLICABLE REGULATIONS:

- | | | | |
|--|---|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
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| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input type="checkbox"/> 62-737, FAC | <input type="checkbox"/> 62-740, FAC |

3. RESPONSIBLE OFFICIAL(s):

Cris January

4. INSPECTION PARTICIPANTS:

Loren January, January Oil
J Cruz Torres, January Oil

Elizabeth Knauss, FDEP

5. LATITUDE/LONGITUDE 28°47'23" 82°18'10"

6. SIC Code: 4214, 7349

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: EXP. DATE:

9. PROCESS DESCRIPTION:

January Environmental Services, Inc. is a national used oil and oily waste transportation and recycling company. Operations have not changed significantly since the previous inspection. One pump truck with three compartments is used to transport used antifreeze and oil. A compartmented tank trailer is used to transport oily waste water. A flatbed trailer and a smaller trailer are used to transport used oil filter containers and oily waste. Currently, January employs one driver who may drive any of the vehicles on site. The driver's medical certificate and license with hazardous materials endorsement were current.

January has the capacity to store 120,000 gallons of liquid waste in its 6 20,000 gallon above ground storage tanks. January is not required to have a used oil processor permit unless oil is stored more than 35 days or more than 25,000 gallons is stored at any one time. On the day of the inspection, oil was stored in two of the tanks, but the amount in storage was less than 25,000 gallons. The tanks were labeled "used oil" and provided with secondary containment. The tanks are registered and inspected by the Polk County Health Department's delegated Tanks program earlier in the month. Four 35 gallon containers of grease were located in the secondary containment system. One was open, and the Department recommended closing the container.

No used oil or waste water processing takes place at the facility. Waste water is not held on site, but instead is trucked directly to the disposal facility. January does not market oil directly to burners, or claim that the oil meets 40 CFR 279.11 specifications.

The truck unloading area is paved, and sloped and curbed to a concrete sump. A float switch was in the sump to allow uncontaminated storm water to be discharged to a retention area. Mr. Torres said that the switch is normally disconnected, and is only activated if collected storm water is not contaminated. Contaminated storm water or truck wash water is pumped to the waste water tanker for disposal.

The facility also transports used oil filters. A flat bed trailer was loaded with oil filter bins, all closed and clearly labeled "used oil filters" as required by FAC Rule 62-710.850(5)(a).

January has provided its driver with a TIF- RX-1A freon leak detector to screen used oil prior to pumping. Chlor-D-Tect kits were not provided, and Mr. Torres said that his customers are careful not to mix inappropriate materials with their used oil. He has a sample of contaminated oil to verify that the instrument is operating properly prior to screening the oil at his customer's site. Department staff determined that the halogen content of the screening sample was approximately 1,200 ppm using a Dexsil Q-4000 kit. Mr. Torres instrument was operational.

January accepts oily waste water from a number of generators. This material is identified as "grit trap waste" on the acceptance records. January appears to rely on the generator's certification that the waste is not hazardous. The company did not maintain analytical records for this waste on site.

January does not deliver used oil to processing facilities, and instead has been having other transporters pick up the oil at this transfer facility. These other transporters appear to come only when a full load is available. Over the past year, shipments occurred 5/2/08, 3/2/08, 11/8/07, 11/1/07, 10/31/07, 8/10/07, 6/28/07, 6/29/07 and 5/3/07. January appears to have stored used oil more than 35 days on three occasions in violation of 40 CFR 279.45(a).

Used oil was being disposed of through Howco in 2007, and is now being disposed of through Atlantic Industrial Services in Ocala. After the previous inspection, January's former facility manager kept copies

of Howco receipts along with the January invoices to document the oil transfers. Together, the two records included all the information required under 40 CFR 279.46(b). However, in shipments after May 5, 2007, not all information has been recorded. January's waste delivery records include all the information required under 40 CFR 279.46(b). However, copies of Both Atlantic and Howco waste acceptance records left with January did not include all the information that a second transporter is required to record. Receipts did not include January's EPA ID Number for either transporter. The Howco records did not include the hand written signature of the oil provider, dated upon receipt. These are violations of 40 CFR 279.46(a)(2) and 40 CFR 279.46(5)(i). In addition, some of the Howco records do not include the results of halogen screening, even where the record contains a hand written note "must sniff oil before pumping." These issues are being addressed with the other transporters.

January's annual report for 2007 was submitted to Tallahassee, and indicated that the facility managed less than 100,000 gallons of used oil during the year.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 279.45(a) On three occasions, January stored used oil for more than 35 days without complying with applicable used oil processor standards.

11. RECOMMENDED CORRECTIVE ACTIONS:

40 CFR 279.45(a) Ship used oil at least once every 35 days or obtain a used oil processor permit.

Report prepared by: Elizabeth Knauss Date 5/30/08
Elizabeth Knauss
Environmental Manager

Approved by: James Dregne Date 5/30/08
James Dregne
Environmental Manager



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway
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June 2, 2008

Mr. Cris January
January Environmental Services, Inc.
1920 Highway 60 West
Bartow, FL 33830

RE: Warning Letter #312308
EPA ID# FLD982162943
Polk County

Dear Mr. January:

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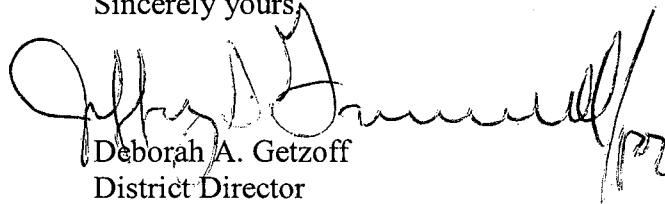
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the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy, the penalties and costs which would be assessed in this case are \$1,800.00. Department costs are a minimum of \$300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/ebk

Enclosure

cc: Michael Redig, HWR Section
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Compliance File

PENALTY COMPUTATION WORKSHEET

Violator's Name: January Environmental Services, Inc.

Identify Violator's Facility: FLD982162943 1750 SR 60 W, Bartow

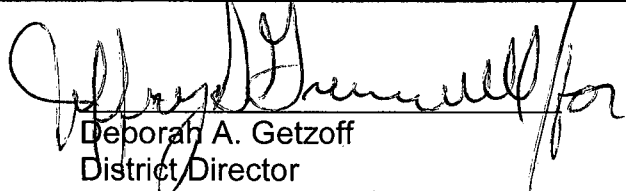
Name of Department Staff Responsible for the Penalty Computations: Elizabeth Knauss

ComHaz Case #: 312309

Date: May 30, 2008

	Violation Type	Manual Guide	ELRA citation	Penalty	Adjustments	Multi Day	Penalty
1	Storing used oil more than 35 days on three occasions 40 CFR 279.45(a)	none	403.121(5) F.S.	\$500		3	\$1,500
Subtotal							\$1,500
Department Costs							\$300
TOTAL							\$1,800

Total Penalties for all Violations including Department Costs: \$ 1,800.00

 for Date 06/02/2008
 Deborah A. Getzoff
 District Director



Florida Department of Environmental Protection

Southwest District Office
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HAZARDOUS WASTE INSPECTION REPORT

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FACILITY NAME January Environmental Services Inc. EPA ID # FLD982162943

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COUNTY Polk PHONE (863)534-8478 DATE 4/29/08 TIME 10:30 a.m.

NOTIFIED AS: ☐ N/A

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☐ SQG (100-1000 kg/mo.)
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- ☒ Used Oil Filter: Transport & Transfer
☒ Used Oil: Transport & Transfer

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2. **APPLICABLE REGULATIONS:**

- ☐ 40 CFR 261.5 ☒ 40 CFR 262
☐ 40 CFR 265 ☐ 40 CFR 266
☒ 40 CFR 279 ☒ 62-710, FAC

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3. **RESPONSIBLE OFFICIAL(s):**

Cris January

4. **INSPECTION PARTICIPANTS:**

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Elizabeth Knauss, FDEP

5. **LATITUDE/LONGITUDE** 28°47'23" 82°18'10"

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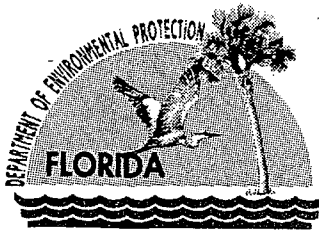
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Report prepared by:  Date 5/30/08
Elizabeth Knauss
Environmental Manager

Approved by:  Date 5/30/08
James Dregne
Environmental Manager



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

October 24, 2006

Mr. Mark Cook
January Environmental Services, Inc.
1750 W. Main St
Bartow, FL 33830

RE: **Warning Letter #301263**
EPA ID# FLD 982 162 9434 174 706
Polk County

Dear Mr. Cook:

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 Program field inspection conducted on October 3, 2006 indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Elizabeth Knauss at (813)632-7600, extension 383, 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.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order, which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with

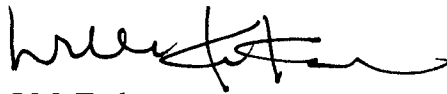
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the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy, the penalties which would be assessed in this case are \$6,599.00. Department costs are a minimum of \$250.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,


for J.M. Farley
Interim Director
Southwest District

JMF/ebk

Enclosure

cc: Cris January, January Environmental Services
Michael Redig, HWR Section
Rick Neves, HWM Section
Compliance File

PENALTY COMPUTATION WORKSHEET

Violator's Name: January Environmental Services, Inc.

Identify Violator's Facility: FLD982162943 1750 SR 60 W, Bartow

Name of Department Staff Responsible for the Penalty Computations: Elizabeth Knauss

ComHaz Case #: 301263

Date: October 19, 2006

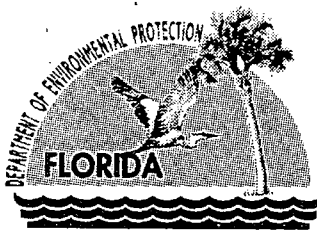
	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1	279.44 403.161(1)(c) Halogen Screening	n/a	Moderate	Major	\$4599-3200			\$4599
2	279.45(g) Failure to label tank	ELRA	403.121(5) F.S.		\$500			\$500
	279.46(a) 62-710.510(1)(d) used oil acceptance recordkeeping	ELRA	403.121(4)(f) F.S.		\$500			\$500
	62-710.600(b) failure to conduct required training	ELRA	403.121(4)(e) F.S.		\$1000			\$1000
	62-710.850(5)(a) Used oil filter container labels	ELRA	403.121(5) F.S.		\$500			
Subtotal								\$6,599
Department Costs								\$250
TOTAL								\$6,849

Total Penalties for all Violations:

\$ 6,849.00


JM Farley
Interim District Director

Date 10/23/06



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** ☒ Routine ☐ Complaint ☐ Follow-Up ☐ Permitting ☐ Pre-Arranged

FACILITY NAME January Environmental Services Inc. EPA ID # FLD982162943

STREET ADDRESS 1750 West Main St. Bartow, FL 33830

MAILING ADDRESS same

COUNTY Polk PHONE (863)534-8478 DATE 10/3/06 TIME 1:30 p.m.

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
- ☐ CESQG (<100 kg/mo.)
- ☐ SQG (100-1000 kg/mo.)
- ☐ Generator (>1000 kg/mo.)
- ☐ Transporter
- ☐ Transfer Facility
- ☐ Interim Status TSD Facility
- ☐ TSD Facility

Unit Type(s):

- ☒ Used Oil Filter: Transport & Transfer
- ☒ Used Oil: Transport & Transfer

- ☐ Non Handler
- ☐ CESQG (<100 kg/mo.)
- ☐ SQG (100-1000 kg/mo.)
- ☐ Generator (>1000 kg/mo.)
- ☐ Transporter
- ☐ Transfer Facility
- ☐ Interim Status TSD Facility
- ☐ TSD Facility

Unit Type(s):

- ☒ Used Oil Filter: Transport & Transfer
- ☒ Used Oil: Transport & Transfer Facility

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input type="checkbox"/> 62-737, FAC | <input type="checkbox"/> 62-740, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Mark A. Cook, General Manager

4. **INSPECTION PARTICIPANTS:**

Mark A. Cook, January

Elizabeth Knauss, FDEP
James Dregne, FDEP

5. **LATITUDE/LONGITUDE** 28°47'23" 82°18'10"

6. **SIC Code:** 4214, 7349

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** N/A **ISSUE DATE:** **EXP. DATE:**

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9. PROCESS DESCRIPTION:

January Environmental Services, Inc. is a national used oil and oily waste transportation and recycling company that has recently expanded into Florida. This was the Department's first inspection of the facility since it began active operations as a transfer facility in 2005. January's 2005 annual report indicated only 200 gallons of used oil was transported that year. Mark Cook, the South East Region General Manager accompanied the inspectors during the inspection. January currently has Mr. Cook and one other employee working out of this location. One vac truck and one tanker trailer are used to transport used oil and oily waste water. A flatbed trailer and a smaller trailer are used to transport used oil filter containers and oily waste.

Formerly, the facility was operated by Ashland Chemical to formulate polyester resins. The facility has the capacity to store 120,000 gallons of liquid waste in its 6 20,000 gallon above ground storage tanks, and has additional blending and packaging equipment. Currently only one of the tanks is registered and in use for storage of used oil. The tank was not labeled "used oil" as required by **40 CFR 279.45(g)**. The tank was inspected by the Polk County Health Department's delegated Tanks program in May. One rusty drum of off specification fuel was also located in the tank farm containment area. The facility also has a small double walled AST for oil generated on site.

No used oil or waste water processing takes place at the facility. According to Mr. Cook, waste water is not held on site, but instead is trucked directly to the disposal facility. The requirement to obtain a used oil processor permit was discussed with Mr. Cook, if the facility exceeds 25,000 gallons storage capacity. In addition, January does not market oil directly to burners, or claim that the oil meets 40 CFR 279.11 specifications.

The facility has the capacity to load and unload railcars as well as tank trailers. All piping is above ground. The rail car loading area is not currently in use. The facility does not plan to place it into service after the ties under the siding tracks are replaced. Track pans are available to catch spills. The truck unloading area is paved, and sloped and curbed to a concrete sump. A float switch was in the sump to allow uncontaminated storm water to be discharged to a retention area. Mr. Cook said that the switch is normally disconnected, and is only activated if collected storm water is not contaminated. If any spills occur, contaminated storm water is pumped to the used oil tank.

The facility also transports used oil filters. A flat bed trailer was loaded with 16 oil filter bins, some containing filters and some empty. Not all the bins were clearly labeled "used oil filters" as required by **FAC Rule 62-710.850(5)(a)**. The back side and top of the bins could not be inspected.

January was not in compliance with **40 CFR 279.44**, as the facility had no program for screening oil to determine if it exceeded 1000 ppm halogens prior to acceptance. The drivers are not supplied with Freon leak detectors or other instruments. A box of Chlor-D-Tect Q-4000 test kits was on site, but Mr. Cook had not been trained in their use, and was not conducting any testing. Mr. Cook admitted that he was recording that the oil had less than 1,000 ppm halogens to comply with the recordkeeping requirement under 40 CFR 279.44(d) without conducting any screening or testing. This is a violation of and **Section 403.161(1)(c) Florida Statutes**. January's failure to train Mr. Cook in Florida used oil transporter requirements is a violation of **FAC Rule 62-710.600(b)**.

January accepts oily waste water from a number of generators. This material is identified as "grit trap waste" on the acceptance records. January appears to rely on the generator's certification that the waste is not hazardous. The company did not maintain analytical records for this waste on site.

January's used oil acceptance records did not include the type code for the used oil received, as required by **FAC Rule 62-710.510(1)(d)**. January is required to maintain these records and submit them with the facility's annual report. In addition, the records had a typographical error in January's EPA ID number, which was pre-printed on the form. It was noted as FL9982162943 rather than FLD982162943. January was also not recording the EPA identification number of the site where the oil was generated, as required by **40 CFR 279.46(a)(2)**. January accepts oil from a number of small quantity generators, including the Wal-Mart Distribution Centers in Fort Pierce (FLR000124792) and Brooksville (FL0000369256), Averitt Express in Orlando (FLR000050856), Rush Truck Center in Winter Garden (FLR000096404) and several Federal Express locations.

It was noted that January had accepted used antifreeze from at least one customer. Mr. Cook stated that antifreeze is being recycled by EcoFreeze Recycling.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 279.44	Failure to screen used oil prior to acceptance to ensure it is not a hazardous waste.
40 CFR 279.45(g)	Failure to label or mark an aboveground tank with the words "Used Oil."
40 CFR 279.46(a)	Failure to note the generator's or the correct transporter's EPA identification numbers on used oil acceptance records.
62-710.600(b) FAC	Failure to train facility personnel in applicable state laws for used oil transportation and keep records of such training.
62-710.850(5)(a) FAC	Failure to label containers holding used oil filters with the words "Used Oil Filters."
403.161(1)(c) F.S.	Creation of used oil screening records without conducting the required testing.

11. RECOMMENDED CORRECTIVE ACTIONS:

40 CFR 279.44	Beginning immediately, screen all used oil for halogen content. Record the screening method and results on the used oil acceptance record or an alternate designated location.
40 CFR 279.45(g)	Label or all tanks and containers containing used oil with the words "Used Oil."
40 CFR 279.46(a)	Note the generator's EPA identification number on used oil acceptance records. Records can be found by searching by company name or address at http://appprod.dep.state.fl.us/www_rcra/reports/handler_sel.asp . Correct the transporter EPA Facility ID number on the pre-printed used oil acceptance forms.

62-710.850(5)(a) FAC

Label containers holding used oil filters with the words "Used Oil Filters." Securely close or seal the containers and store them on an oil impermeable surface.

403.161(1)(c) F.S.

Never record that a used oil sample contains less than 1,000 ppm halogenated organic compounds without testing the oil or receiving other acceptable proof of halogen content, such as analytical records supplied by the generator.

Report prepared by:



Date

7/0/24/86

Elizabeth Knauss

Environmental Manager

Memorandum

Florida Department of Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:

J.M. Farley, Acting District Director

FROM/THROUGH:

WV

William Kutash, Waste Program Administrator

JD

James Dregne, Hazardous Waste Program Manager 10/23

EL

Elizabeth Knauss, HW Enforcement Coordinator

DATE:

October 20, 2006

FILE NAME: January Environmental Services, Inc.

PROJECT #: 301263

PROGRAM: Hazardous Waste

COUNTY: POLK

TYPE OF DOCUMENT:



WARNING LETTER



PENALTY COMPUTATION WORKSHEET

DESCRIPTION OF VIOLATION: Used Oil Transporter and Transfer facility was not screening used oil prior to acceptance, and was creating records indicating that the oil had been screened. In addition, some minor labeling and recordkeeping problems were noted

STATUS OF CORRECTIVE ACTION: Pending

STATUS OF PENALTY ASSESSMENT: Penalties were assessed in accordance with ELRA, except for the violation of 403.161(1)(c) Florida Statutes. A moderate potential for harm was selected, as most of January's customers are conditionally exempt generators that are allowed to mix their hazardous waste with used oil. A major deviation from the rule was selected.

PENALTY:

Amount: \$6,599.00

Costs & Expenses: \$250

Total: \$6,849.00

ATTACHMENTS:

Warning Letter #301263

Penalty Assessment Worksheet