



Department of Environmental Protection

Lawton Chiles
Governor

OCT 7 1996

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Andi Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, FL 33166

Dade County
OGC Case No. 95-1780

RE: Executed Consent Order for Ricky's Oil Service, Inc.
Miami, Dade County, Florida.; OGC Case No. 95-1780.

Dear Mr. Ricci:

Enclosed for your implementation is the fully executed and filed Consent Order in the above styled case. Please familiarize yourself with the compliance dates and terms of the Consent Order so the complete and timely performance of those obligations is accomplished. Thank you for your cooperation in this matter.

The changes initialed by yourself, Mr. Andi Ricci, which include the addition of the words "neither" and "nor denies" on page 1, and changing "\$250.00" to "\$125.00" in paragraph 10, page 3, are acceptable to the Department and have been initialed.

Should you have any questions concerning this Consent Order please contact Mr. John Jones at 561/681-6674.

Thank you for your cooperation in this matter.

Sincerely,

Carlos Rivero-deAguilar Date
Director of District Management
Southeast District

CRA/VK/vp

cc: File, Reporting Coordinator
Office of General Counsel, DEP Tallahassee
West Palm Beach, DEP File
Dade County, ERM
Heidi Davis, Attorney - Tripp, Scott, Conklin, and Smith

OCT 17 1996

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,)

Complainant,)

vs.)

RICKY'S OIL SERVICE, INC.,)

Respondent.)

IN THE OFFICE OF THE
SOUTHEAST DISTRICT

OGC CASE NO.: 95-1780

EPA ID No. FLD981019755

CONSENT ORDER

RECEIVED

OCT 10 1996

DEPT OF ENV. PROTECTION
WEST PALM BEACH

This Consent Order is made and entered into between the State of Florida Department of Environmental Protection ("Department") and Ricky's Oil Service, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

NEITHER NOR DENIES P.R.

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapters 376 and 403, Florida Statutes, (F.S.), and the rules promulgated thereunder in Florida Administrative Code (F.A.C.), Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent, Ricky's Oil Service, Inc., a corporation, is a person within the meaning of Section 403.031(5), F.S.

3. Respondent owns and operates a business ("Facility"), located at 7209 NW 66th Street, in Miami, Dade County, Florida, 33166, ("Property").

4. Respondent owns and operates a "Used Oil Processing Facility" as defined in 40 CFR 279.1, and previously maintained a General Permit, as required in Rule 62-710.800, F.A.C., with Identification Number SO 13-182366, that was due to expire on June 26, 1995.

5. Respondent submitted a "Used Oil Processing Facility General Permit Notification" application, Identification Number SO 13-272639, on June 14, 1995. On July 11, 1995 the Department issued a "Notice of Denial of Use of General Permit."

6. On July 26, 1995, a request was received by the Department from Respondent for a 180-day extension of time to file a petition for administrative hearing regarding the permit denial, which was granted by Order on August 15, 1995. On January 20, 1996, another request was received by the Department from Respondent for a 180-day extension of time to file a petition for administrative hearing regarding the permit denial, which was granted by Order on January 31, 1996. On July 22, 1996 another request was received by the Department from Respondent for a 180-day extension of time to file a petition for administrative

RECEIVED

OCT 10 1996

DEPT. OF ENV. PROTECTION
WESTPORT BEACH

hearing regarding the permit denial, which was granted by Order on September 3, 1996.

7. Respondent failed to construct and maintain adequate secondary containment for the tank system at the Facility as required in 40 CFR 279.54(d), incorporated by reference in Rule 62-710.210, F.A.C.

8. On August 27, 1996, Department staff and Respondent discussed the required corrective actions and a possible resolution by Consent Order at an informal conference.

Having reached resolution of the matter the Department and the Respondent mutually agree and

IT IS ORDERED:

9. By December 15, 1996 Respondent shall complete the construction and implementation of an adequate secondary containment system which complies with the requirements of 40 CFR 279.54(d), for Used Oil Processors, incorporated by reference in Rule 62-710.210, F.A.C. Thereafter, Respondent shall maintain the secondary containment system in compliance with 40 CFR 279.54(d), incorporated by reference in Rule 62-710.210, F.A.C., for the life of the Facility.

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department ~~\$125.00~~ ^{\$125.00 H.R.} in settlement of the matters addressed in this Consent Order. This amount is

for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management Restoration Trust Fund." The payment shall be sent to the Departmental of Environmental Protection, Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416.

11. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to comply with any of the requirements of paragraphs 9, 10, and 12 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management Restoration Fund." Payment shall be sent to the Departmental of Environmental Protection, Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under

RECEIVED

OCT 10 1996

DEPT. OF ENV. PROTECTION
NOTED BY SEARCH

this paragraph shall be in addition to the settlement ~~sum~~ agreed to in paragraph 10 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

12. Respondent shall allow authorized representatives of the Department access to the Property and Facility at reasonable times for purposes of determining compliance with these orders and the rules and regulations of the Department.

13. Persons who are not parties to this Consent Order and whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, F.S., to petition for an administrative hearing. The petition must contain the information set forth below and must be filed (received) with the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty one (21) days from receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office of the Florida Department of Environmental Protection named above at P.O. Box 15425, West Palm Beach, Florida, 33416-5425.

Failure to file a petition within the twenty one (21) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

RECEIVED

OCT 10 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

The petition shall contain the following information: (a)

The name, address, and telephone number of each petitioner; the Department's identification number for the Consent Order and the County in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) 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 twenty one (21) days of receipt of this Notice in the Office of General Counsel at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Failure to petition within the allowed timeframe constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the

RECEIVED

OCT 10 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

approval of the presiding officer upon motion filed pursuant to
Rule 60Q-2.010, F.A.C.

14. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing afforded by Section 120.57, F.S., on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S., but waives that right upon signing this Consent Order.

15. Nothing herein shall be construed to limit the authority of the Department to undertake any action against any Respondent in response to or to recover the costs of responding to conditions at or from the site that require Department action to abate an imminent hazard to the public health, welfare or the environment.

16. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom

RECEIVED

OCT 10 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within twenty four (24) hours and shall, within seven (7) days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

17. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations, or ordinances.

18. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to

Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b) and 403.727(1)(a), F.S.

19. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per offense and criminal penalties.

20. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

21. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both the Respondent and the Department.

22. All reports, plans, and data required by this Consent Order to be submitted to the Department should be sent to the Department of Environmental Protection, P.O. Box 15425, West Palm Beach, Florida, 33416-5425.

23. This Consent Order is final agency action of the Department pursuant to Section 120.52(11), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in

RECEIVED

OCT 10 1996

DEPT OF ENV. PROTECTION
WEST PALM BEACH

accordance with Chapter 120, F.S. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

10-7-96
DATE

Andy Ricci President
Ricky's Oil Service, Inc.
Andy Ricci, President

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Carlos Rivero-deAguilar 10/17/96
Carlos Rivero-deAguilar
Director of District Management
Southeast District

DONE AND ORDERED this 17 day of OCTOBER, 1996
in West Palm Beach, Florida.

FILING AND ACKNOWLEDGMENT:

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

Andrell Mayie

OCT 17 1996

Clerk

Date

CRA/VK/vp

cc: West Palm Beach, DEP File

Luna Ergas, OGC, Tallahassee

CHECKLIST FOR CONSENT ORDER (FOR EXECUTION)

CASE NAME & NO.

Ricky's Oil Service, Inc.

☒

COVER LETTER

☒

NEWS RELEASE FORM

☒

SIGNED CONSENT ORDER

☐

EXHIBIT(S):

NO. OF EXHIBITS

0

☐

OTHER/COMMENTS

☐

CLERKED BY:

DATE

* Please note changes to be initialed.

Luna Ergas of OGC-Tallahassee has
approved the changes.

Vivci

ENFORCEMENT TRACKING

DRAFT

10

INITIAL

DATE

gmg

10/14/96

AREA: SED

Cash Receiving Application
Collection Point Log Remittance

CRAF006A

Tot: \$2,624.30

SYS\$REMT: 138219 Type: CP Recvd Date: 17-OCT-1996 Status: RECEIVED
 SYS\$RCPT: 107299 PNR: Check #: 510252352 Amount: 125.00
 SSN/FEI#: Name: RICKY'S OIL SERVICE, INC.
 First: Middle: Title: Suf:
 Address1: ANDY RICCI, PRESIDENT Short Comments:
 Address2: CONSENT ORDER
 City: ST: FL Zip: - Country:

P A Y M E N T (S)

SYS\$PAYT	Distr CL	Object Code/Description	Payment Amount	Reference#	Applic/Fund	S/T
142082	SED	012008 LCT-PENALTIES	\$125.00	95-1780	ECOSYS	CO

COMMIT FREQUENTLY

\$125.00 Payment total

Press <TAB> to accept Collection Point or enter F&A.

Count: *6

^ v

<Replace>

Vina

SW
10/15

THE BACK OF THIS DOCUMENT HAS AN OFFICIAL WATERMARK PRINTED IN A SPECIAL WHITE INK.

Barnett Bank

OFFICIAL CHECK

DATE OCTOBER 11, 1996

510252352

20-1/1020

AFFILIATE NAME SOUTH FLORIDA

OFFICE NAME NORTH HIALEAH 4615

RE RICKY'S OIL SERVICE, INC.

PAY BARNETT BANK OF SOUTH FLA. 125dol's 00c's

TO THE ORDER OF DEPARTMENT OF ENVIROMENTAL PROTECTION ECOSYSTEM MANAGEMENT RESTARATION TRUST FUND. A G C CASE #95-1780.

BARNETT BANK

AUTHORIZED SIGNATURE [Signature]

Issued By Integrated Payment Systems Inc, Englewood, Colorado
First Interstate Bank of Denver, N.A., Denver CO

THE VARIABLE TONE BACKGROUND AREA OF THIS DOCUMENT CHANGES COLOR GRADUALLY AND SMOOTHLY FROM DARKER TONES AT BOTH TOP AND BOTTOM TO THE LIGHTEST TONE IN THE MIDDLE.

C.O. Ricky's Oil

C.O. Copy of:

- front -
- money -
- signature -

give to Barbara

UNITED STATES POSTAL SERVICE

Official Business



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



DEPT OF ENV PROTECTION
WEST PALM BEACH

JUL 20 1995

RECEIVED

Print your name, address and ZIP Code here

Joe Lurix

F.D.E.P., SOUTHEAST DISTRICT

P.O. BOX 15425

WEST PALM BEACH FL 33418

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mr. Andy Ricci
 Rick's Oil Service, Inc.
 7209 NW 66th St.
 Miami, FL 33166

4a. Article Number

P893731604

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

7/12/95

5. Signature (Addressee)

● Andy Ricci

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

ATTENTION: MR JONES

ONLY THE TOP LETTER IS A COPY, THE
REST OF THE SHEETS ARE ORIGINALS.

DELLA RICCI



Department of Environmental Protection

Lawton Chiles

Governor

JUL 11 1995

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

In the matter of Notification
of Use of General Permit by:

Mr. Andy Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, FL 33166

DEP File No. S013-272639
Dade County

NOTICE OF DENIAL OF USE OF GENERAL PERMIT

This is to notify you that the project noticed for a Used Oil Processing Facility general permit does not qualify for a general permit based on the information submitted with your notice received on June 14, 1995. The requirements for the general permit that you noticed are specified in Rule 62-710.800, Florida Administrative Code (F.A.C.). Your notice does not qualify for the following reasons:

1. Rule 62-710.800(1), F.A.C., states in part that an owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a general permit, and shall meet the applicable general permit requirements in Rules 62-4.510 through 62-4.540, F.A.C., and the requirements of this chapter including the requirements in 40 CFR Part 279 Subpart F. The applicant did not submit the information as required for items 6 and 7 of the Used Oil Processing Facility General Permit Notification, DEP Form # 62-710.900(5). Specifically, the applicant did not attach a description of the facility and the equipment that will be utilized at the facility, nor did the applicant submit how the state and federal used oil management requirements of Rule 62-710, F.A.C. and 40 CFR Part 279 will be met by the applicant for this facility.
2. Rule 62-710.210(1), F.A.C., incorporates documents by reference. The Department adopts by reference 40 CFR Part 279 revised as of July 1, 1993, and the amendments in the Federal Register dated March 4, 1994 (59 FR 10550), which contain the federal standards for the management of used oil. Specifically, 40 CFR Part 279.54(d) states in part that secondary containment for existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

- (i) Dikes, berms or retaining walls; and
- (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
- (iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

An inspection conducted by Department personnel on February 23, 1995 revealed that the secondary containment system at this existing facility is comprised of sandy soils and is not impervious. Evidence of

JUL 11 1995

Mr. Andy Ricci
Page 2

DEP File No. S013-272639

oil spillage onto the sandy ground surface was observed and documented. The Closure Plan submitted by the applicant, dated May 25, 1995 prepared by AB2MT Consultants, Inc., reveals that the ground surface is unpaved throughout the entire property at this existing facility including the secondary containment area for used oil.

To use the general permit a new Notification of Intent to a Use General Permit for a Used Oil Processing Facility, DER Form 62-710.900(5), that resolves these deficiencies must be resubmitted to the Department with a \$100.00 fee.

A person whose substantial interests are affected by this action may petition for an administrative proceeding (hearing) in accordance with Section 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, within 14 days of receipt of this Notice. A petitioner other than the applicant shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, Florida Statutes.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by petitioner, if any;
- (e) A statement of facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Department's action or proposed action.

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 permit. Persons whose substantial interests will be affected by any decision of the Department with regard to the applicant 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 14 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 Section 120.57, F.S., 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 28-5.207, F.A.C.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Rule 62-103.070, F.A.C. Upon timely filing a petition or a request for an extension of time this permit will not be effective until further Order of the Department.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, Florida Statutes, by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

JUL -1 1 1995

Mr. Andy Ricci
Page 3

DEP File No. S013-272639

Executed this 11 day of JULY, 1995 in West Palm Beach,
Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Carlos Rivero-deAguilar 7/11/95
Carlos Rivero-deAguilar Date
Director of District Management
Southeast District

VK
CRA/VK/jl

CERTIFICATE OF SERVICE

This is to certify that this NOTICE OF DENIAL OF USE OF A GENERAL PERMIT
and all copies were mailed before the close of business on JUL 11 1995 to the
listed persons.

FILING AND ACKNOWLEDGMENT: FILED, on this date, pursuant to §120.52, Florida
Statutes, with the designated Department Clerk, receipt of which is hereby
acknowledged.

Stacy Kich JUL 11 1995
Clerk Date

Copies furnished to:

Jeff Braswell, OGC/TLH
Paul Lasa, MDCDERM
Joan Flint, SW/TLH

APPLICATION TRACKING SYSTEM

07/11/95

APPL NO:272639

APPL RECVD:06/14/95 TYPE CODE:SD SUBCODE:15

LAST UPDATE:07/11/95

DER OFFICE RECVD:WPB DER OFFICE TRANSFER TO:___ APPLICATION COMPLETE:___/___/___

DER PROCESSOR:LURIX, JOE

APPL STATUS:DE DATE:07/11/95 (ACTIVE/DENIED/WITHDRAWN/EXEMPT/ISSUED/GENERAL)

RELIEF:___ (SSAC/EXEMPTIONS/VARIANCE)

(Y/N) N MANUAL TRACKING

DISTRICT:50 COUNTY:13

(Y/N) N OGC HEARING REQUESTED

LAT/LONG:25.50.00/80.18.55

(Y/N) N PUBLIC NOTICE REQD?

BASIN-SEGMENT:___

(Y/N) N GOV BODY LOCAL APPROVAL REQD?

CODE #:_____

(Y/N) Y LETTER OF INTENT REQD? (I/ISSUE D/DENY)

ALT#:_____

PROJECT SOURCE NAME:RICKY'S OIL SERVICE

STREET:7209 N.W. 66TH STREET

CITY:MIAMI

STATE:FL

ZIP:33166

PHONE:305-887-2800

APPLICATION NAME:ANDY RICCI, PRESIDENT

STREET:6330 WEST 16TH AVE.

CITY:HAIALEAH

STATE:FL

ZIP:33012

PHONE:305-266-6252

AGENT NAME:_____

STREET:_____

CITY:_____

STATE:_____

ZIP:_____

PHONE:_____

FEE #1 DATE PAID:06/14/95 AMOUNT PAID:00100 RECEIPT NUMBER:00028205

DATE APPLICANT INFORMED OF NEED FOR PUBLIC NOTICE - - - - -

DATE DER SENT DNR APPLICATION/SENT DNR INTENT - - - - -

DATE DER REQ. COMMENTS FROM GOV. BODY FOR LOCAL APP. - - - - -

DATE #1 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

DATE #2 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

DATE #3 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

DATE #4 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

DATE #5 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

DATE #6 ADDITIONAL INFO REQ--REC FROM APPLICANT - - - - -

DATE LAST 45 DAY LETTER WAS SENT - - - - -

DATE FIELD REPORT WAS REQ--REC - - - - -

DATE DNR REVIEW WAS COMPLETED - - - - -

DATE APPLICATION WAS COMPLETE - - - - -

DATE GOVERNING BODY PROVIDED COMMENTS OR OBJECTIONS - - - - -

DATE NOTICE OF INTENT WAS SENT--REC TO APPLICANT - - - - -

DATE PUBLIC NOTICE WAS SENT TO APPLICANT - - - - -

DATE PROOF OF PUBLICATION OF PUBLIC NOTICE RECEIVED - - - - -

DATE WAIVER DATE BEGIN--END (DAY 90) - - - - -

COMMENTS:



Lawton Chiles
Governor

Florida Department of Environmental Protection

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

Joe R
6/14

PERMIT DATA FORM

PROJECT SOURCE NAME RICKY'S OIL SERVICE
Type Code 50 Subcode 15 Check If: ☒ GP ☐ Exempt
Correct Fee 100
Amount Received \$100.00
Amount Refund 0
Permit Processor's Initial JK Data Entry Operator's Initial MCH
Comments
5013-272639

RICKY'S OIL SERVICE, INC.
305-822-2253
6330 WEST 16TH AVENUE
HIALEAH, FL 33012-6220

15020

Pay to the
order of

Florida Dept. of Environmental Protection 6/2 1995 \$100.00
THE SUM 100 DOLS 00 CTS
Dollars



537-046
1 East 49th Street
Hialeah, Florida 33013

For General Permit

Della Ricci

AREA: SED

Cash Receiving Application
Collection Point Log Remittance

CRAF006A

Tot: \$100.00

SYS\$REMT: 40223 Type: CP Recvd Date: 14-JUN-1995 Status: RECEIVED
 SYS\$RCPT: 28205 PNR: Check #: 15020 Amount: 100.00
 SSN/FEI#: Name: RICKY'S OIL SERVICE, INC.
 First: Middle: Title: Suf:
 Address1: Short Comments:
 Address2: 6330 WEST 16TH AVENUE RICKY'S OIL SERVICE
 City: HIALEAH ST: FL Zip: 33012-6220 Country:

P A Y M E N T (S)

Distr	CL	Object	Payment	Reference#	Applic/ Fund	S T A CO
SYS\$PAYT	Area..	Code/Description.....	Amount.....			
42919	SED	002245 SOLID_WASTE-OPE	\$100.00	SO13272639	PFTF	CO

COMMIT FREQUENTLY \$100.00 Payment total

Press <TAB> to accept Collection Point or enter F&A.

Count: *1

<Replace>

SOUTHEAST DISTRICT PERMIT PROCESSING WORKSHEET

LOGGING

NAME OF PROJECT RICKY'S OIL SERVICE
 PROJECT LOG NO. 5013-272639 COUNTY DADE
 DATE APPLICATION RECEIVED 6/14/95 30-DAY (HW 60-DAY) DATE 7/13/95
 AMOUNT OF FEE PAID \$100.00 COPIES OF PLANS 1
 COPIES OF APPLICATION 1 COPIES OF SPECIFICATIONS _____
 COPIES TO: CORPS _____; LOCAL PROGRAM _____; TALLAHASSEE _____; DNR _____; OTHER _____

PERMIT REVIEW

PERMIT ASSIGNED TO KAHN, JOE AMOUNT OF FEE REQ'D \$ 100
 DISCHARGE TO OR LOCATED IN AQUATIC PRESERVE: Yes _____ No _____ N/A ☒

PERMIT STATUS AND CHRONOLOGY

DATE	REVIEWER'S INITIALS	COMMENTS
7-7-95	Jung	

(continue on reverse side)

FIELD INSPECTION BY: Jung DATE 2-95; N/A _____
 WATER MANAGEMENT COMMENTS (DATE) _____; N/A ☒
 LOCAL PROGRAM APPROVAL (DATE) _____; N/A ☒
 GPSI, APIS, OR PWS UPDATE DRAFTED: Yes ☒; N/A _____
 PUBLIC NOTICE LETTER ISSUED/PUBLISHED (DATES) _____; N/A ☒
 APPLICATION COMPLETION DATE 6-14-95 > DEFAULT DATE 7-13-95
 >> D.A.S. 90+ DAYS INACTIVITY AUTHORIZATION: _____ OK _____ DENY <<

COMMENTS: _____

PERMIT, EXEMPTION, DENIAL DRAFTED BY: Jung DATE: 7-7-95
 INTENT: PROGRAM HEAD _____ PROGRAM ADM. V. Kamath
 FINAL DRAFT REVIEWED BY: _____ V. Kamath DATE: 6/7
 FINAL DRAFT APPROVED BY: _____ DATE: _____

FINAL PROCESSING

DISTRIBUTION BY: _____ DATE: _____
 PATS. UPDATED BY: Barb DATE: 7/11/95
 GPSI, APIS OR PWS UPDATED BY: _____ DATE: _____
 WORD PROCESSOR: _____

9/05/96 CORPORATE DETAIL RECORD SCREEN 2:53 PM
NUM: G70254 ST:FL ACTIVE/FL PROFIT FLD: 11/16/1983
FEI#: 59-2345576
NAME : RICKY'S OIL SERVICE, INC.
PRINCIPAL: 7209 NW 66TH STREET CHANGED: 05/01/96
ADDRESS MIAMI, FL 33166 US
MAILING : 6330 W 16TH AVE CHANGED: 05/01/96
ADDRESS HIALEAH, FL 33012 US
RA NAME : RICCI, ANDREW
RA ADDR : 6330 WEST 16 AVENUE
HIALEAH, FL 33012 US
ANN REP : (1994) B 05/01/94 (1995) BY 04/25/95 (1996) BY 05/01/96

1. MENU, 3. OFFICERS, 7. LIST, 8. NEXT, 9. PREV

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----
ENTER SELECTION AND <CR>:

9/05/96

OFFICER/DIRECTOR DETAIL SCREEN

2:53 PM

CORP NUMBER: G70254

CORP NAME: RICKY'S OIL SERVICE, INC.

TITLE: DP

NAME: RICCI, ANDREW
6330 WEST 16TH AVENUE
HIALEAH, FL,

TITLE: ST

NAME: RICCI, DELLA M
6330 WEST 16TH AVENUE
HIALEAH, FL,

+ NEXT, - PREV, 1. MENU, 2. FILING, 3. TOP
7. LIST, 8. NEXT BY LIST, 9. PREV BY LIST

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----
ENTER SELECTION AND <CR>:

9/05/96 CORPORATE DETAIL RECORD SCREEN 2:52 PM
NUM: G70253 ST:FL ACTIVE/FL PROFIT FLD: 11/16/1983
FEI#: 59-2345556
NAME : RICKY'S OIL, INC.
PRINCIPAL: 7209 N.W. 66TH ST CHANGED: 05/01/96
ADDRESS MIAMI, FL 33166 US
MAILING : 6330 WEST 16TH AVE CHANGED: 05/01/96
ADDRESS HIALEAH, FL 33012 US
RA NAME : RICCI, DELLA M. NAME CHG: 05/08/87
RA ADDR : 6330 WEST 16TH AVENUE ADDR CHG: 05/08/87
HIALEAH, FL 33012
ANN REP : (1994) B 05/01/94 (1995) BY 05/01/95 (1996) B 05/01/96

1. MENU, 3. OFFICERS, 7. LIST, 8. NEXT, 9. PREV

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----
ENTER SELECTION AND <CR>:

9/05/96
CORP NUMBER: G70253
TITLE: DP

OFFICER/DIRECTOR DETAIL SCREEN
CORP NAME: RICKY'S OIL, INC.
NAME: RICCI, DELLA M.
6330 WEST 16TH AVENUE
HIALEAH, FL,
NAME: RICCI, ANDREW C.
6330 WEST 16TH AVENUE
HIALEAH, FL,

2:52 PM

+ NEXT, - PREV, 1. MENU, 2. FILING, 3. TOP
7. LIST, 8. NEXT BY LIST, 9. PREV BY LIST

----- THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT -----
ENTER SELECTION AND <CR>:

RECEIVED

JAN 14 1997

**DEPT OF ENV PROTECTION
WEST PALM BEACH**

**SPILL PREVENTION, CONTROL, AND
COUNTERMEASURES PLAN (SPCCP)**

FOR

RICKY'S OIL SERVICE, INC.

7209 N.W. 66 STREET

DADE COUNTY, FLORIDA

REVISED: JANUARY 10, 1997

PREPARED BY:

AB₂MT CONSULTANTS, INC.

9400 SOUTH DADELAND BOULEVARD

SUITE 370

MIAMI, DADE COUNTY, FLORIDA

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1.0 INTRODUCTION	1
2.0 SITE DESCRIPTION	2
3.0 FACILITY OPERATIONS	3
3.1 Types of Products Collected	3
3.2 The Fleet Vehicles	3
3.3 Product Collection	4
3.4 Product Storage and Disposal	4
4.0 USED OIL MANAGEMENT	4
4.1 Facility Inspections	5
4.2 Liquid Waste Segregation	5
4.3 Liquid Transfer Procedures	5
4.4 Inventory of Stored Products	6
4.5 Record Keeping and Reporting Requirements	6
4.6 Insurance	6
5.0 SPILL RESPONSE PROCEDURES	7
6.0 CONTINGENCY PLANS AND EMERGENCY RESPONSE PROCEDURES	9
6.1 Contingency Plan Availability and Distribution	9
6.2 Emergency Response Procedures	10
6.2.1 Arrangements with Local Authorities	10
6.2.2 Emergency Equipment	10
6.2.3 Emergency Coordinators	11
6.2.4 Evacuation Plan	11
6.2.5 Fire and Explosion Response Procedures	12
6.2.6 Spill Response Procedures/Handling Contaminated Materials	13
6.3 Reporting /Record Keeping	13
7.0 CLOSING STATEMENTS	14
8.0 SPCCP/CONTINGENCY PLAN AUTHORIZATION	14

LIST OF FIGURES AND EXHIBITS

FIGURE

NUMBER

Site Location Plan	Figure 1
Site Plan for Existing Facility	Figure 2
Site Plan for Proposed Facility	Figure 3

EXHIBIT

NUMBER

State of Florida "Used Oil Management" Regulations	Exhibit I
Federal Standards for "Used Oil Management at Transfer Facilities"	Exhibit II
Used Oil Processor Checklist	Exhibit III
Correspondence with Emergency Response Agencies	Exhibit IV

TABLES

Emergency Equipment Summary	Table 1
--	----------------

**SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN
RICKY'S OIL SERVICE, INC.
7209 N.W. 66 STREET
DADE COUNTY, FLORIDA**

REVISED: JANUARY 10, 1997

1.0 INTRODUCTION

In accordance with Rule 62-710 of the Florida Administrative Code (FAC) entitled "Used Oil Management" and Title 40 of the Code of Federal Regulations (CFR) Part 279.45 entitled "Used Oil Management at Transfer Facilities", the following Spill Prevention, Control, and Countermeasures Plan (SPCCP) outlines the spill response procedures and the waste oil management practices for the Ricky's Oil Service, Inc., waste oil transfer facility located at 7209 N.W. 66th Street, Dade County, Florida. A copy of Rule 62-710 FAC is included for reference as Exhibit I, and a copy of 40 CFR 279.45 is provided as Exhibit II.

It should be noted that this facility is not located near a navigable waterway or adjoining shoreline and, therefore, is not subject to the Federal "Oil Pollution Prevention" regulations set forth in 40 CFR 112. The nearest navigable waterway is a canal approximately 1,500 feet to the east. The canal discharges to the Miami River, which is located approximately 4,000 feet to the northeast of the subject property. A site location plan is attached as Figure 1.

It should also be noted that since used oil is not stored on-site for longer than 35 days, the Federal standards for used oil processors and re-refiners established in 40 CFR 279 Subpart F are not applicable to this site.

The spill response procedures and used oil management practices detailed herein are to be incorporated into a comprehensive employee training program. The training program is to be

submitted to the Florida Department of Environmental Protection (FDEP) for approval, as required by Rule 62-710.600(2)(b), FAC.

2.0 SITE DESCRIPTION

The subject property is located in Section 14 of Township 53 South, Range 40 East, unincorporated Dade County, Florida. This area is characterized predominantly by industrial uses (see Figure 1 -- Site Location Plan). The subject property is approximately 0.70 acres in size, and contains certain site improvements, including above ground storage tanks, spill containment walls, an office trailer, and paved parking areas. A site plan is attached as Figure 2.

As indicated on the site plan, the floor of the existing above ground storage tank (AGT) secondary containment system currently consists of compacted limerock. Although this installation was approved by the appropriate regulatory agencies when constructed (in 1978), current regulations require that the containment area be constructed of impervious materials such as reinforced concrete. Accordingly, the AGT secondary containment system has been re-designed in accordance with current local, State, and Federal used oil management regulations. Facility Modification Plans have been reviewed and approved by the Dade County Department of Environmental Resources Management (DERM), the local environmental authority. The conceptual plan for the future AGT system is presented in Figure 3. The facility modifications are currently under construction and should be complete by March of 1997.

As indicated in Figure 3, the proposed AGT secondary containment system will include a concrete floor and two foot high concrete containment walls. In addition, paved and bermed "loading areas" for the fleet vehicles are also proposed. The containment capacity of the proposed system will provide in excess of 110% of the volume of the largest storage tank. However, the containment system will not be roofed. Stormwater which accumulates within the containment system will be pumped into a designated AGT for subsequent disposal as petroleum

wastewater if it appears visibly contaminated. "Clean" stormwater collected in the containment area will be drained (via a manually operated spring-loaded valve) to an oil/water separator which will discharge to an on-site stormwater exfiltration trench.

3.0 FACILITY OPERATIONS

Ricky's Oil Service operates a waste oil collection, transportation, and transfer business which serves a variety of automotive, commercial, and industrial businesses throughout Dade, Broward, and Palm Beach counties. The following sub-sections provide an overview of the Ricky's Oil Service facility operations. Certain aspects of the facility operations are discussed further in the Section 4.0, entitled USED OIL MANAGEMENT.

3.1 Types of Products Collected

In addition to automotive/vehicular engine waste oils, other types of products are also collected, including: oily wastewaters, off-specification diesel fuel, and used automotive coolant. However, this facility does not collect "hazardous" products (as defined by 40 CFR 261) or used oil filters.

3.2 The Fleet Vehicles

Ricky's Oil Service currently maintains a fleet of seven (7) pump trucks which have a product carrying capacity of two thousand (2,000) gallons each, and three (3) trailer rigs which have a product carrying capacity of sixty-one hundred (6,100) gallons each.

3.3 Product Collection

The routes for each pump truck and the specific product to be collected by that pump truck is determined by Ricky's Oil management staff at the beginning of each work day. Only non-hazardous products shall be collected by the fleet vehicle operators. Accordingly, each pump truck shall be equipped with a "Dexil" halogenated solvent test kit, and each fleet vehicle operator will be trained on the use of this device. The product from each client shall be tested with the "Dexil" prior to initiating product transfer; no product will be collected which tests positive for halogenated solvents. In such cases, the client will be instructed to have their product analytically profiled by a certified laboratory. The product may be subsequently collected if laboratory analysis indicates that the product is non-hazardous per 40 CFR 261.

3.4 Product Storage and Disposal

The products collected by the fleet vehicles are transferred into a designated "product-specific" above ground storage tank at the Ricky's Oil Service facility for temporary storage. The product is subsequently transported off-site using the large capacity trailer rigs within the 35 day allowable storage period. Dependent upon the pre-determined arrangements, the product may be destined for recycling, reprocessing, use as fuel in a licensed "energy recovery" industrial furnace, or disposed of properly at an appropriate facility.

4.0 USED OIL MANAGEMENT

Outlined below is an overview of the waste oil management practices which shall be incorporated into business operations at the Ricky's Oil Service facility.

4.1 Facility Inspections

The AGT's, the floor of the containment system, and all integral piping and valves will be inspected daily for evidence of leakage or deterioration. Preventative maintenance, repair, or replacement shall be conducted for any equipment, piping, or containment structure which exhibits signs of deterioration. If product leakage is discovered, the appropriate spill response actions outlined in Section 5.0 shall be implemented.

In addition, a detailed and specific visual check of the entire facility, including monitoring wells, will be made on the first working day of each month. All corrective actions or inventory discrepancies will be noted on the inspection report. The records of monthly inspections shall be maintained at the premises and will be available to FDEP and DERM inspection.

4.2 Liquid Waste Segregation

Each type of product will be stored separately in a designated "product-specific" AGT. However, used automotive coolant may be mixed with petroleum wastewaters. Under no circumstances will incompatible liquids be mixed (e.g., off-specification gasoline with waste oil) in order to prevent potential "flashpoint" concerns. Each AGT will have a product designation label with the tank capacity indicated. Each AGT will have the appropriate "hazard class" identification placard in-place.

4.3 Liquid Transfer Procedures

To prevent AGT "over-fill", the volume of liquid and the capacity of the AGT will be determined by the fleet vehicle operator prior to transferring additional liquid to the AGT; the remaining capacity of the AGT must be greater than the volume of liquid in the fleet vehicle's tank. In

addition, it shall be the fleet vehicle operator's responsibility to ensure that appropriate spill containment materials are available prior to initiating product transfer.

4.4 Inventory of Stored Products

Weekly inventory reconciliation of the products currently stored on-site against the transportation and disposal manifests will be performed; any discrepancies will be investigated to determine if product leakage from an AGT has occurred. Also, the inventory process will be used to confirm that product is not stored on-site longer than 35 days.

4.5 Record Keeping and Reporting Requirements

Liquid waste manifests and other records required by Rule 62-710.510, FAC, shall be maintained on-site for a period of three years, and shall be available for FDEP and DERM inspection. In addition, Ricky's Oil Service shall register annually with the FDEP in accordance with 62-710.500(1)(a), FAC.

4.6 Insurance

In accordance with Rule 62-710.600(2)(d) FAC, Ricky's Oil Service shall maintain, and annually verify, proof of liability insurance (or other means of financial responsibility) which shall be, at a minimum, one hundred thousand dollars (\$100,000) Combined Single Limit for transportation related occurrences, and cover property damage and bodily injury.

5.0 SPILL RESPONSE PROCEDURES

Should a leak, spill, or release of a petroleum product or petroleum wastewater occur, appropriate response actions shall be conducted to minimize the potential threat to human health and the environment. Outlined below is the "Four Step" spill response procedure which shall be a part of the employee training program, and shall be implemented upon discovery of a spill event.

Step 1 STOP THE DISCHARGE

All appropriate action should be immediately taken to stop further discharge of pollutants. Such actions may include stopping product transfer, closing supply valves which feed into a leaking AGT, transferring used oil from a leaking AGT into an appropriate holding vessel, etc. Once additional discharge has been stopped, or if for some reason it is not possible to stop the additional discharge, the employee should begin Step 2.

Step 2 CONTAIN THE SPILL

The next priority is to prevent the spill from spreading to other areas. This may involve using a "spill-dry" material to absorb liquids, using absorbent "socks" to temporarily contain the spill run-off, setting "sand-bag" berms for longer-term containment or to augment the absorbent "socks", etc.

Step 3 CLEAN-UP THE AFFECTED AREA

Once the spill is contained or if there is no danger of the spill spreading, immediate spill clean-up actions shall be taken, such as: pumping spilled liquids into an appropriate storage vessel, properly disposing of saturated

"spill-dry" material, excavating petroleum contaminated soils, etc. All waste generated during clean-up procedures shall be disposed of properly.

Step 4 CORRECT THE PROBLEM

Appropriate "after-the-fact" measures should be taken to help ensure that the spill incident is not repeated, including: repairing or replacing faulty equipment, supplemental employee training on the proper use of the machinery, etc.

Immediate response is necessary by the employee who discovers the product discharge to prevent further discharge and to minimize potential health and safety concerns. However, at some point during above described "Four Step" spill response procedure, it will be necessary for that employee to notify management, obtain additional clean-up assistance, and/or contact the appropriate authorities. This decision will be made by the employee who discovers the spill, and shall be dependent upon the situation-specific circumstances. Therefore, it is essential that the Ricky's Oil management ensure that the employees are properly trained and tested on the spill response procedures, and be capable of exercising "good judgement" during a spill response.

Outlined below are certain phone numbers of agencies which may have to be notified of a spill event, contingent upon the severity of that spill. It should be noted that any spill of a pollutant exceeding twenty-five (25) gallons on a pervious surface shall be reported to DERM and FDEP within one working day, in accordance with Rule 62-762.460(2), FAC. However, in a catastrophic event such as AGT rupture and a containment breach that causes product to be discharged off-site, or a spill which potentially constitutes a fire and/or health hazard, certain agencies should be contacted as soon as possible.

<u>Emergency Response Agency</u>	<u>Phone Number</u>
Local Fire Department, Emergency Services	911
DERM's 24-Hour "Hotline"	372-6955
State of Florida Emergency Response	1-800-413-9911
EPA Region IV Emergency Response	1-404-347-4062
National Response Center (NRC)	1-800-424-8802

The above referenced numbers should be posted on, or near, each on-site telephone.

6.0 CONTINGENCY PLANS AND EMERGENCY RESPONSE PROCEDURES

This section outlines contingency plans and emergency response procedures to be implemented by Ricky's Oil in the event of a fire, explosion or spill event at the facility. This section has been prepared in accordance with the requirements of 40 CFR Part 279.52. Included in this section are a description of emergency equipment at the facility; arrangements with local authorities and emergency agencies in the event of a fire, explosion, or spill event; procedures for responding to emergencies at the facility, as well as record keeping and reporting procedures. This section has been prepared utilizing the "Used Oil Processor Checklist" provided by FDEP (copy included as Exhibit III). The subsections which follow correspond to each applicable item or group of items on the FDEP checklist.

6.1 Contingency Plan Availability and Distribution

Copies of this Contingency Plan (as part of the SPCCP) are on file at the facility's office trailer located on-site. In addition, copies of the plan will be provided to each employee of Ricky's Oil Service to familiarize the employee with emergency response procedures. Copies of the plan will also be distributed to the local police department, fire department, emergency response agencies, and hospitals, simultaneously with submittal of this plan to FDEP.

6.2 Emergency Response Procedures

6.2.1 Arrangements with Local Authorities

The following agencies have been contacted for the purpose of familiarizing the agencies with the operations, layout, materials used and emergency response procedures in case of a fire, explosion or spill event at the Ricky's Oil facility.

- a) Metro-Dade Police Department
- b) Metro-Dade Fire Prevention
- c) Metro-Dade Office of Emergency Management
- d) Local Emergency Planning Council
- e) Palmetto General Hospital

Attached as Exhibit IV are copies of correspondence sent to each of the above agencies. Included in each transmittal is a copy of this SPCCP in order to provide the agencies with the necessary background information, and proposed emergency response procedures proposed for the facility.

6.2.2 Emergency Equipment

Ricky's Oil Service maintains certain equipment at the premises to be utilized in the case of an emergency involving a spill, fire or explosion. Table 1 of this document contains a summary of said equipment, including a description, specifications, location at the facility, and the capability of the equipment.

6.2.3 Emergency Coordinators

The following individuals are designated as "emergency coordinators" in the case of a fire, explosion or spill event at the facility:

Mr. Andy Ricci
Ricky's Oil Service
6330 West 16 Avenue
Hialeah, Florida 33012
(305) 822-2253 (Office)
305) 591 - 9169 (Home)

Mr. Chris Ricci
Ricky's Oil Service
2017 N.W. 182 Avenue
Pembroke Pines, FL 33029
(305) 822-2253 (Office)
(954) 431 - 9270 (Home)
(305) 750 - 2939 (Beeper)

The emergency coordinators listed above are responsible for coordinating all emergency response measures, and are thoroughly familiar with all aspects of this plan, all operations and activities at the facility, the location and characteristics of all used oil handled, the location of all records within the facility, and the layout of the facility. In addition, the emergency coordinators are authorized to commit funds and resources as may be necessary for response to emergency incidents at the facility.

6.2.4 Evacuation Plan

As shown on Figure 2, the facility maintains two (2) driveway entrances, on the southeast and southwest corners of the facility, both accessing N.W. 66 Street. In the case of an emergency involving a fire, explosion or spill, all facility personnel will be evacuated through the safest of the two entrances. In the case that an emergency exists which

dictates evacuation, an evacuation alarm will be signaled by the emergency coordinator. Details of the alarm system are provided in Table 1.

6.2.5 Fire and Explosion Response Procedures

In the case of an imminent or actual emergency situation involving a fire or explosion, the emergency coordinator or his designee on-site will activate internal facility alarm signals and communication systems. The emergency coordinator shall assess the safest facility exit and advise employees to proceed to evacuate the premises. The emergency coordinator shall also notify the appropriate local or State agencies. Notification to local or State agencies will include identification of the character, source, amount and extent, if any, of released materials. Concurrently, the emergency coordinator shall be responsible for assessment of the possible hazards to human health or the environment in the surrounding area that may result from the fire or explosion. If a situation is found to exist which could threaten human health or the environment, the emergency coordinator shall:

- a) Notify local authorities if evacuation of surrounding areas is advisable.
- b) Notify the local and/or regional emergency response centers, reporting his name and telephone number, name and address of the facility, time and type of incident, name and quantity of materials involved, the extent of injuries, and possible hazards to human health and the environment.

The emergency coordinator will take all reasonable measures to insure that additional fires or explosions do not occur.

6.2.6 Spill Response Procedures/Handling Contaminated Materials

Spill response procedures and instructions for handling contaminated materials are discussed in Section 5.0.

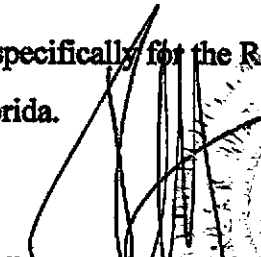
6.3 Reporting /Record Keeping

The owner of the facility shall note in the facility's operating records the time, date and details of the incident requiring implementation of the Contingency Plan. Within fifteen (15) days after the incident, a written report shall be submitted to the regional administrator (FDEP) and DERM which shall include all pertinent details regarding the incident. These details include name and telephone number of the owner/operator; name and address of the facility; date, time, and type of incident (e.g. fire, explosion, spill, etc.); name and quantity of materials involved; the extent of injuries; an assessment of actual or potential hazards to human health or the environment; and estimated quantity and disposition of recovered material that resulted from the incident.

7.0 CLOSING STATEMENTS

This Plan has been prepared by AB₂MT Consultants, Inc., specifically for the Ricky's Oil Service facility located at 7209 N.W. 66th Street, Dade County, Florida.


Richard N. Koller, P.E.
Project Manager


Richard A. Waters, P.E.
Vice President

8.0 SPCCP/ CONTINGENCY PLAN AUTHORIZATION

By signing below, the Corporate Officer of Ricky's Oil Service, Inc., acknowledges that he is familiar with this SPCCP/Contingency Plan, and agrees to incorporate the used oil management and emergency response procedures outlined herein into business operations at the subject facility.

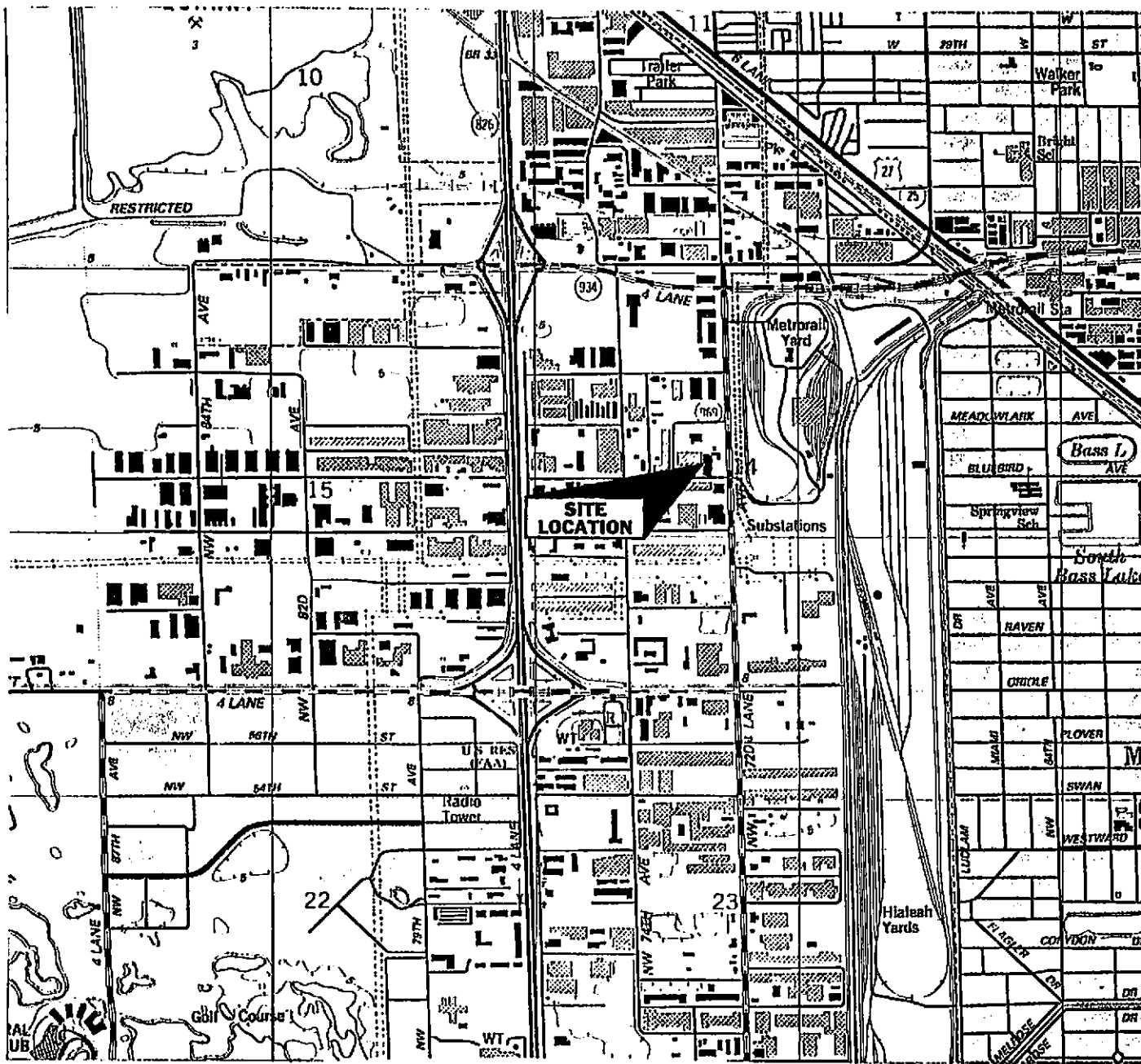
Accepted this 10 day of January, 19 97

By Anely Ricci Pres
Officer, Ricky's Oil Service, Inc.

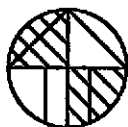
TABLE 1
EMERGENCY EQUIPMENT SUMMARY
FOR
RICKY'S OIL SERVICE, INC.

No.	Equipment Type	Manufacturer	Location at Facility	Capacity/Descriptive Information
1	Fire Extinguishers	AMEREX	Mounted on Pump Trucks	Dry Chemical Type (10 Units)
			At Facility, Adjacent to Pumping Equipment	50 lb Carbon Dioxide Type (1 Unit)
2	Spill Containment Materials (Sorbent Pads/Booms)	3M	In Equipment Storage Trailer	For Containment/Cleaning of Oil Spills
3a	Pump Trucks	Varies	In Facility Parking Area	6 Trucks (2,000 - 2,800 Gallon Capacity)
3b	Trailer Rig Vacuum Trucks	Peterbilt	In Facility Parking Area	2 Trucks (7,000 Gallon Capacity)
4	Communication System	Motorola	With Employees at Facility and in Trucks	Mobile Units
5	Alarm System	AT&T	Throughout Facility	Telephone/Intercom System
6	Decontamination Equipment	Turbo 21	In Equipment Storage Trailer	Portable Pressure Washer

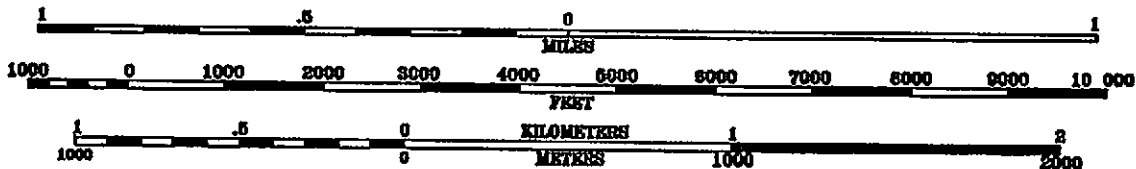
FIGURE 1



SCALE: 1:24 000



N.T.S.



NATIONAL GEODETIC VERTICAL DATUM OF 1929

CONTOUR INTERVAL 5 FEET

ROBQ

SITE LOCATION PLAN
RICKY'S OIL SERVICE
7209 N.W. 66 STREET
MIAMI, FLORIDA



AB₂MT CONSULTANTS, INC.

ENGINEERING • ENVIRONMENTAL

FIGURE

1

FIGURE 2

FIGURE 3

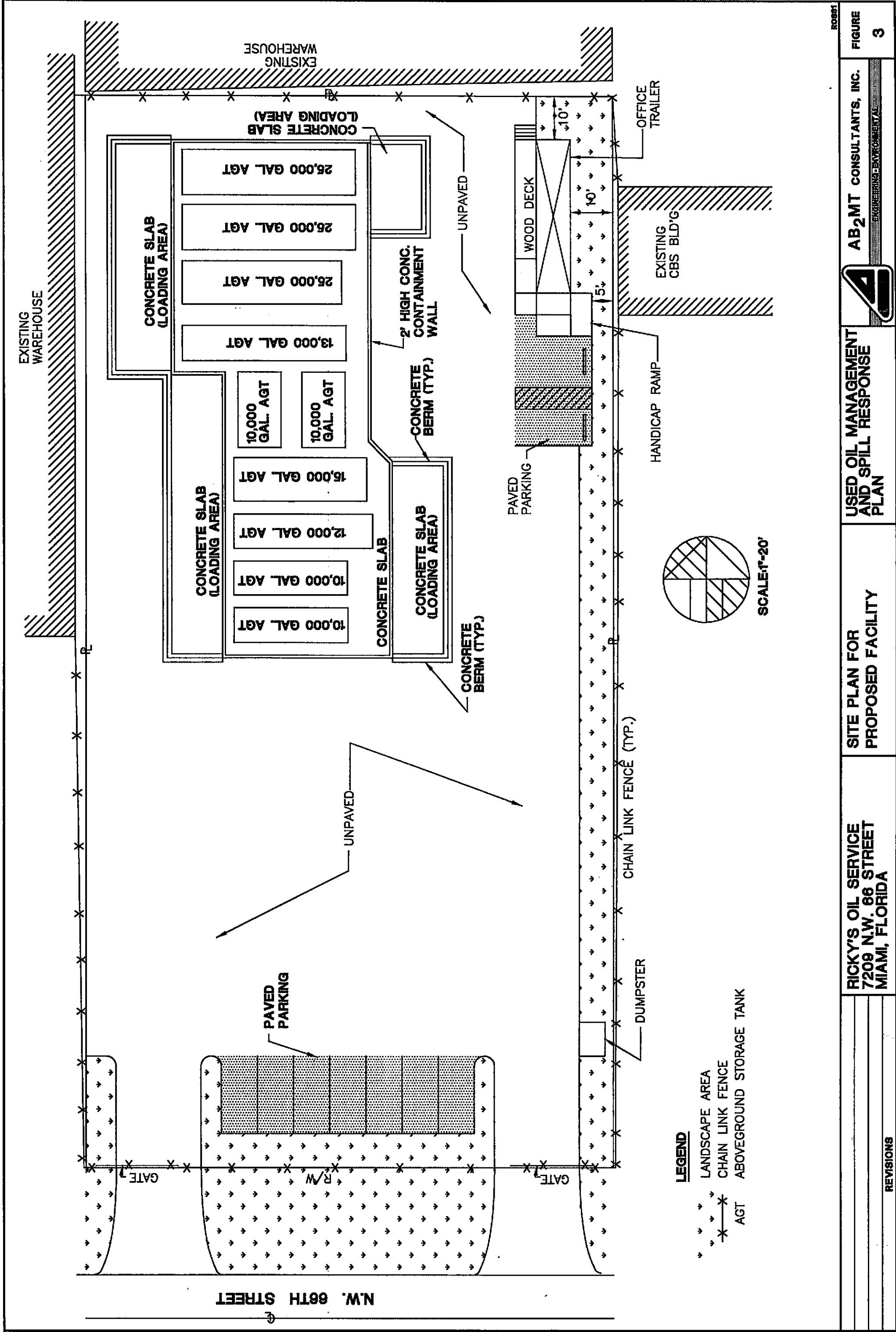


EXHIBIT I

TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
62-710.100	Intent.	2
62-710.200	Definitions.	2
62-710.210	Documents Incorporated by Reference.	3
62-710.400	Prohibitions.	4
62-710.500	Registration and Notification.	4
62-710.510	Record Keeping.	5
62-710.520	Reporting.	6
62-710.530	Exemptions.	6
62-710.600	Certification of Used Oil Transporters.	6
62-710.800	General Permits for Used Oil Processing Facilities.	8
62-710.850	Management of Used Oil Filters.	9
62-710.900	Forms.	11
LISTING OF AMENDMENTS		12

62-710.100 Intent. The intent of this chapter is to implement the provisions of Sections 403.75 through 403.769, Florida Statutes, which establish a comprehensive program for the proper management and recycling of used oil including public awareness and education; public used oil collection centers; used oil filter management; registration, reporting, and record keeping by handlers of used oil; certification of used oil transporters; and permitting of used oil processing facilities. It is also the intent of this chapter to regulate used oil in a manner consistent with the federal regulations and interpretations thereof promulgated by the United States Environmental Protection Agency.

Specific Authority: 403.061, 403.704, 403.7545, F.S.

Law Implemented: 403.75-403.769, F.S.

History: New 2-25-85, Formerly 17-7.60, 17-7.600, Amended 1-17-90, Formerly 17-710.100, Amended 6-8-95.

62-710.200 Definitions. The definitions in Chapter 62-701, F.A.C., are adopted herein. In addition the following words, phrases or terms as used in this chapter, unless the context indicates otherwise, shall have the following meaning:

(1) "Oily Wastes" means those materials which are mixed with used oil and have become separated from that used oil. Oily wastes also means materials, including wastewaters, centrifuge solids, filter residues or sludges, bottom sediments, tank bottoms, and sorbents which have come into contact with, and have been contaminated by, used oil and may be appropriately tested and discarded in a manner which is in compliance with other state and local requirements.

(2) "Processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation and rerefining.

(3) "Public Used Oil Collection Center" means:

(a) An automotive service facility or government-sponsored collection facility which accepts for disposal small quantities of used oil from households; or

(b) A facility which stores used oil in above-ground tanks which are approved by the Department, and which accepts small quantities of used oil from households.

(4) "Used Oil" means any oil which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

USED OIL MANAGEMENT

DEP 62-710.200-History

6/95

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.703, 403.75, F.S.

History: New 2-25-85, Amended 5-21-85, Formerly 17-7.61, 17-7.610, Amended 1-17-90, Formerly 17-710.200, Amended 6-8-95.

62-710.210 Documents Incorporated by Reference.

(1) The Department adopts by reference 40 C.F.R. Part 279 revised as of July 1, 1993, and the amendments in the Federal Register dated March 4, 1994 (59 FR 10550), which contain the federal standards for the management of used oil.

(2) References in 40 C.F.R. Part 279 to 40 C.F.R. Part 262 shall mean rules adopted by the Department regarding generators of hazardous wastes; reference to 40 C.F.R. Part 263 shall mean rules adopted by the Department regarding transporters of hazardous waste; reference to 40 C.F.R. Part 264 and 265 shall mean rules adopted by the Department regarding treaters, storers and disposers of hazardous wastes; reference to 40 C.F.R. Part 266 shall mean rules adopted by the Department regarding standards for the management of specific hazardous waste; and references to Section 3010 of RCRA shall mean notification requirements of Florida Law. The above-mentioned Department rules are found in Chapter 62-730, F.A.C.

(3) When the same word, phrase, or term is defined in Rule 62-710.200, F.A.C., and 40 C.F.R. Part 279 and the definitions are not identical, the definitions as given in Rule 62-710.200, F.A.C., shall apply.

(4) Unless specifically indicated otherwise, when used in any such provisions as adopted from 40 C.F.R. Part 279, United States shall mean the State of Florida, EPA shall mean the Department, and Administrator or Regional Administrator shall mean the Secretary of the Department or the Secretary's designee, where appropriate.

(5) Any reference to 40 C.F.R. Parts 270 or 124 as adopted by reference in 40 C.F.R. Part 279 shall mean the permitting provisions in Chapters 62-4 or 62-730, F.A.C., or Section 403.722, Florida Statutes.

(6) Any reference to the Resource Conservation and Recovery Act of 1976 (RCRA) as adopted by reference in 40 C.F.R. Part 279 shall be construed to refer to comparable provisions of the Florida Resource Recovery and Management Act as established in Part IV of Chapter 403, Florida Statutes.

(7) EPA Form 8700-12 has been adopted by reference in Rule 62-730, F.A.C., and may be used when referred to in 40 C.F.R. Part 279.

Specific Authority: 403.061, 403.704, 403.7545, 403.8055, F.S.

Law Implemented: 403.704, 403.7545, F.S.

History: New 6-8-95.

62-710.400 Prohibitions.

- (1) No person may collect, transport, store, recycle, use, or dispose of used oil, used oil filters, or oily wastes in any manner which endangers the public health or welfare or the environment.
- (2) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters.
- (3) (a) Except as provided in Paragraph (b) of this subsection, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills. Oily wastes may be disposed of in landfills unless prohibited in other Department rules.

(b) The Department shall allow disposal of used oil commingled with solid waste if it determines that it is not practicable to separate the used oil from the solid waste, and if such disposal will pose no significant threat to public health or the environment.
- (4) Any person who unknowingly disposes into a landfill any used oil or used oil filters which have not been properly segregated or separated from other solid wastes by the generator is not guilty of a violation under this rule.
- (5) No person may mix or commingle used oil with hazardous substances that make the used oil unsuitable for recycling or beneficial use.
- (6) Used oil shall not be used for road oiling, dust control, weed abatement or other similar uses that may release used oil into the environment.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.751, F.S.

History: New 2-25-85, Formerly 17-7.62, 17-7.620, Amended 1-17-90, Formerly 17-710.400, Amended 6-8-95.

62-710.500 Registration and Notification.

- (1) The following persons shall annually register their used oil handling activities with the Department on DEP Form 62-710.900(1):
 - (a) Used oil transporters and transfer facilities;
 - (b) Used oil processors;
 - (c) Used oil fuel marketers; and
 - (d) Used oil burners of off-specification used oil.
- (2) The registration form shall be accompanied by a fee of \$100 per facility. It is not necessary to submit more than one form or fee if registering more than one activity. The registration form and fee shall be due by March 1 of each year.

USED OIL MANAGEMENT

DEP 62-710.500(3)

6/95

(3) Upon receipt of the completed form and fee, the Department shall issue to each registered person a validated registration form which shall be valid for one year. For used oil transporters, acknowledgement of registration shall be included in the certification process of Rule 62-710.600, F.A.C. The registration shall be valid from July 1 of the year of registration or renewal until June 30 of the following year.

(4) Each registered person shall display the validated registration form and identification number in a prominent place at each facility location.

(5) Transporters may submit one registration form for their entire transportation fleet.

(6) Each public used oil collection center shall notify the Department no later than 30 days after first accepting used oil from the public on DEP Form 62-710.900(6). The Department shall acknowledge filing of the notification within 30 days of receipt.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.704, 403.754, 403.760, F.S.

History: New 2-25-85, Formerly 17-7.63, 17-7.630, Amended 1-17-90, Formerly 17-710.500, Amended 6-8-95.

62-710.510 Record Keeping.

(1) Each registered person shall maintain records on DEP Form 62-710.900(2) or on substantially equivalent forms approved by the Department. These records shall include the following information:

(a) The source of the used oil, including the name and street address of each source, the EPA identification number of the source, if applicable;

(b) The total number of gallons of used oil received from each source, including any oily wastes which may be an integral part of the used oil shipment;

(c) The type of used oil received, using the type code designation found in the form instructions;

(d) The date of receipt; and

(e) The destination or end use of used oil and oily wastes, including name and street address of each destination or end user, the used oil identification number, if applicable, and the end use code designation found in the form instructions.

(2) The records required by this section shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.754, 403.760, F.S.

History: New 2-25-85, Formerly 17-7.64, 17-7.640, Amended 1-17-90, Formerly 17-710.510, Amended 6-8-95.

62-710.520 Reporting.

(1) No later than March 1 of each year, each person registered in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.900(3).

(2) The report shall summarize the records kept pursuant to Rule 62-710.510, F.A.C.

(3) No later than July 1 of each year, each public used oil collection center shall submit to the Department an estimate of the quantity of used oil accepted from the public during the previous calendar year. The Department shall advise each public used oil collection center of this requirement by June 1 of each year.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.754, 403.760, F.S.

History: New 2-25-85, Formerly 17-7.65, 17-7.650, Amended 1-17-90, Formerly 17-710.520, Amended 6-8-95.

62-710.530 Exemptions. An electric utility which generates used oil which is recycled, re-refined, or reclaimed by the electric utility for use in its operations is not required to register or report pursuant to this chapter. However, an electric utility which acquires used oil from another source shall comply with the provisions of this chapter.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.754, F.S.

History: New 2-25-85, Formerly 17-7.66, 17-7.660, Amended 1-17-90, Formerly 17-710.530, Amended 6-8-95.

62-710.600 Certification of Used Oil Transporters.

(1) Any person who transports over public highways after January 1, 1990, more than 500 gallons of used oil annually, not including oily waste, shall be a certified used oil transporter, except:

(a) Local governments or private solid waste haulers under contract to a local government that transport used oil collected from households to a public used oil collection center;

(b) Persons who transport less than 55 gallons of used oil at one time that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle; or

(c) Persons who transport their own used oil generated at their own non-contiguous operations to their own central collection facility for storage or processing. However, these persons shall comply with the requirements of Rule 62-710.600(2)(d), F.A.C.

USED OIL MANAGEMENT

DEP 62-710.600(2)

6/95

(2) To become certified, used oil transporters shall:

(a) Register annually with the Department and comply with the annual reporting and record keeping requirements pursuant to Rules 62-710.500, 62-710.510 and 62-710.520, F.A.C.;

(b) Show evidence of familiarity with applicable state laws and rules governing used oil transportation by submitting a training program for approval to the Department which includes provisions for at least the following:

1. Compliance with state and federal rules governing used oil;
2. Proper used oil management practices, including appropriate response action to any release or spill;
3. An introduction of the new employee to the applicable laws and rules before unsupervised driving of a used oil transportation vehicle; and
4. Verification that company personnel handling or transporting used oil have successfully completed the training program. New employees shall complete the training program as soon as possible, but no later than 90 days after beginning employment;

(c) Maintain a record of training in the company's operating record and the individual personnel files indicating the type of training received along with the dated signature of those receiving and providing the training. These records shall be available for review by Department personnel during inspections; and

(d) Demonstrate, and annually verify, proof of liability insurance, or other means of financial responsibility, for any liability which may be incurred in the transport of used oil. Such financial responsibility shall cover sudden and accidental occurrences involving bodily injury and property damage in the amount of at least \$100,000 Combined Single Limit.

1. The \$100,000 Combined Single Limit is the minimum amount of financial responsibility that every used oil transporter must demonstrate. Depending on vehicle size and weight other restrictions and financial responsibility requirements may be imposed by the Federal or State Departments of Transportation or other agencies.

2. The financial responsibility required in this paragraph may be established by any one or a combination of the following:

a. Evidence of liability insurance, either on a claim made or an occurrence basis, with or without a deductible (with the deductible, if any, to be on a per occurrence or per accident basis and not to exceed ten percent of the equity of the business), using DEP Form 62-710.900(4). An ACORD form will only be accepted for renewal of a policy with the same carrier.

b. Other evidence of financial responsibility approved by the Department. Such proof may include surety bonds, certificates of deposit, letters of credit, trust fund agreements, or financial tests.

USED OIL MANAGEMENT

DEP 62-710.600(2)(d)3.

6/95

3. States and the federal government are exempt from the requirements of this paragraph.

(3) An annual statement in conjunction with the annual registration required under Rule 62-710.500, F.A.C., shall be submitted to the Department, which states that the training program is still operating and is being adhered to, and which provides an explanation of any modifications to the training program.

(4) The Department shall issue to each transporter complying with the requirements of this section a certificate which shall be valid for the current registration period.

(5) Any certified used oil transporter is subject to having its certification denied, suspended or revoked, pursuant to Section 403.087, F.S., and in accordance with the procedural requirements of Section 120.60, F.S., upon a finding by the Department that such transporter:

(a) Has submitted false or inaccurate information in its application;

(b) Has violated statutes which the Department is authorized to enforce, Department orders, rules, or certification conditions;

(c) Has failed to submit reports or other information required by Department rule or permit condition; or

(d) Has refused to allow inspection of its records or equipment by Department personnel or other persons when such inspection is authorized by Department rule or permit condition.

Specific Authority: 403.061, 403.704, 403.767, F.S.

Law Implemented: 403.767, F.S.

History: New 1-17-90, Formerly 17-710.600, Amended 6-8-95.

62-710.800 General Permits for Used Oil Processing Facilities.

(1) An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a general permit, and shall meet the applicable general permit requirements in Rules 62-4.510 through 62-4.540, F.A.C., and the requirements of this chapter including the requirements in 40 C.F.R. Part 279 Subpart F.

(2) Before operating, modifying, or closing a facility under a general permit, the owner or operator of a used oil processing facility shall notify the Department on Form 62-710.900(5). The notification for a new facility or a renewal of a general permit shall be submitted 30 days before the operation begins or an existing general permit expires.

(3) (a) The owner or operator of a used oil processing facility shall have and submit to the Department as part of its general permit notification a written closure plan to show how the facility will be closed to meet the following requirements:

USED OIL MANAGEMENT

DEP 62-710.800(3)(a)1.

6/95

1. There will be no need for further facility maintenance;
 2. Used oil will not contaminate surface or ground water; and
 3. All soils will be free of oil and equipment will be emptied and cleaned or dismantled.
- (b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.
- (c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.
- (4) The general permit for a used oil processing facility shall be valid for five years. A general permit may be renewed by submission of the notification required in Subsection (2) of this section.
- (5) Permits shall not be required under this section for the burning of used oil as a fuel, provided a valid Department air permit is in effect for the facility.
- (6) No permit is required under this section for the use of used oil for the beneficiation or flotation of phosphate rock.

Specific Authority: 403.704, 403.814, F.S.

Law Implemented: 403.769, 403.814, F.S.

History: New 1-17-90, Formerly 17-710.800, Amended 6-8-95.

62-710.850 Management of Used Oil Filters.

(1) Prohibition. After July 8, 1995, no person who removes or manages used oil filters shall dispose of such filters in a landfill or commingle such filters with other solid waste for disposal in a landfill. It is the responsibility of the generator to make reasonable efforts to assure that such filters are not disposed of in a landfill. This prohibition shall not apply to used oil filters generated by individual households.

(2) Definitions. As used in this section, the following terms shall mean:

(a) "Used Oil Filter" means any device which is an integral part of an oil flow system, the primary purpose of which is to remove contaminants from the flowing oil contained within the system and which, as a result of use has become contaminated and unsuitable for its original purpose, is removed from service and contains entrapped used oil.

(b) "Used Oil Filter Processor" means a person who removes oil from used oil filters to prepare them for recycling. Generators of used oil filters who consolidate, drain or crush used oil filters for off-site recycling are not used oil filter processors providing the generator complies with the requirements of Subsection (3) of this section.

USED OIL MANAGEMENT

DEP 62-710.850(2)(c)

6/95

(c) "Used Oil Filter Transporter" means any person who transports for hire used oil filters to a used oil filter transfer or processing facility.

(d) "Used Oil Filter Transfer Facility" means any facility which is used to store, for more than 10 days, used oil filters which were not generated at that facility. A person who stores their own used oil filters generated at their own non-contiguous operations on their own property is not considered a used oil filter transfer facility provided the used oil filters are processed by a registered used oil filter processor.

(3) Generators. Each generator of used oil filters whose solid waste is typically disposed of in a landfill shall either register as a used oil filter processor or shall ensure that its filters are processed by a registered used oil filter processor. This does not include persons who recycle engine blocks on which used oil filters remain.

(4) Registration. The following persons shall register with the Department in accordance with the requirements of Rule 62-710.500(2), (3), (4) and (5), F.A.C.:

(a) Used oil filter transporters;

(b) Used oil filter transfer facilities;

(c) Used oil filter processors; and

(d) End users of used oil filters, including scrap metal dealers, metal foundries and thermal processing units such as cement kilns, who accept used oil filters from a person who is not a registered used oil filter processor. An end user shall not be required to comply with the provisions of this section with respect to used oil filters that have been obtained from a registered used oil filter processor.

(5) Used oil filter processors.

(a) Each registered used oil filter processor shall maintain records on Form 62-710.900(2) or on substantially equivalent forms. These records shall include the destination or end use of the processed used oil filters, including the name and street address of each destination or end user.

(b) The records required by this subsection shall be retained for a period of three years. The records shall be kept at the street address of the registered person and shall be available for inspection by the Department during normal business hours.

(c) No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.900(3). This report shall summarize the records kept pursuant to Paragraph (a) of this subsection.

(6) General requirements for the storage of used oil filters.

(a) All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled "Used Oil Filters," and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and stored on an oil-impermeable surface.

USED OIL MANAGEMENT

DEP 62-710.850(6)(b)

6/95

(b) Upon detection of a release of oil from any used oil filter container the facility owner or operator shall:

1. Stop the release;
2. Contain the released oil;
3. Clean up and manage properly the released oil and any subsequent oily waste; and
4. Repair or replace any leaking used oil filter storage containers prior to returning them to service.

Specific Authority: 403.061, 403.704, F.S.

Law Implemented: 403.751, 403.754, 403.769, F.S.

History: New 6-8-95.

62-710.900 Forms. The forms and instructions used by the Department in the Used Oil Management Program are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the subject, title and effective date. Copies of forms may be obtained by writing to the Used Oil Management Coordinator, Bureau of Solid and Hazardous Waste, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

- (1) Application for Registration Used Oil and Used Oil Filter Handlers, effective 6-8-95.
- (2) Used Oil and Used Oil Filter Record Keeping Form, effective 6-8-95.
- (3) Annual Report by Used Oil and Used Oil Filter Handlers, effective 6-8-95.
- (4) Certificate of Liability Insurance Used Oil Handlers, effective 6-8-95.
- (5) Used Oil Processing Facility General Permit Notification, effective 6-8-95.
- (6) Public Used Oil Collection Center Notification and Annual Report, effective 6-8-95.

Specific Authority: 120.53(1), 403.061, F.S.

Law Implemented: 403.754, 403.760, 403.767, 403.769, 403.814, F.S.

History: New 1-17-90, Formerly 17-710.900, Amended 6-8-95.

USED OIL MANAGEMENT

DEP 62-710

6/95

LISTING OF AMENDMENTS

Chapter/Section	Change	Effective Date Description of Change
UPDATE: 10/94		
62-710	Transfer	August 10, 1994 DEP Letter of Transfer. Renumbering Chapter 17-710, F.A.C., to Chapter 62-710, F.A.C.
UPDATE: 6/95		
62-710.100	Amendment	June 8, 1995 Clarifying the intent of this chapter which is also to regulate used oil in a manner consistent with the federal regulations and interpretations thereof promulgated by the Environmental Protection Agency.
62-710.200	Amendment	June 8, 1995 Adding new definitions to this section and amending existing definitions.
62-710.210	Addition	June 8, 1995 Creating this section to adopt various documents by reference.
62-710.400(1),(3)-(4)	Amendment	June 8, 1995 Stating that oily wastes may be disposed of in landfills unless prohibited in other Department rules; stating that any person who unknowingly disposes into a landfill any used oil or used oil filters which have not been properly segregated from other solid wastes is not guilty under this chapter.
62-710.500	Amendment	June 8, 1995 Amending the registration process and the accompanying fee for used oil transporters and transfer facilities, used oil processors, used oil fuel marketers and used oil burners of off-specification; stating that each registered person shall display the validated registration form and identification number at each facility location.
62-710.510	Amendment	June 8, 1995 Amending the information required to be maintained on file for each registered person.

LISTING OF AMENDMENTS

Chapter/Section	Change	Effective Date Description of Change
62-710.520(1)	Amendment	June 8, 1995 Changing the reporting date from July 1 of each year to March 1 of each year.
62-710.530	Amendment	June 8, 1995 Removing the exemption from registration requirements for a facility which generates used oil and the same used oil is burned as an on-specification used oil fuel as defined under 40 C.F.R. Part 266 at that same facility if the used oil is burned in compliance with any permits issued by the Department.
62-710.600	Amendment	June 8, 1995 Amending the certification of used oil transporters and specifying reasons for a certification being denied, suspended or revoked.
62-710.800	Amendment	June 8, 1995 Changing the name of a "used oil recycling facility" to a "used oil processing facility."
62-710.850	Addition	June 8, 1995 Creating a new section which regulates the management of used oil filters.
62-710.900	Amendment	June 8, 1995 Amending the various forms which are incorporated by reference in this section.

EXHIBIT II

Federal Regulations for "Used oil storage at transfer facilities"

40 CFR §279.45

Used oil transporters are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112) in addition to the requirements of this subpart. Used oil transporters are also subject to the Underground Storage Tank (40 CFR part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

[§279.45 introductory text amended at 58 FR 26425, May 3, 1993]

(a) **Applicability.** This section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under subpart F of this chapter.

(b) **Storage units.** Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under parts 264 or 265 of this chapter.

(c) **Condition of units.** Containers and aboveground tanks used to store used oil at transfer facilities must be:

(1) In good condition (no severe rusting, apparent structural defects or deterioration); and

(2) Not leaking (no visible leaks).

(d) **Secondary containment for containers.** Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dikes, berms, or retaining walls;
or

[§279.45(d)(1)(ii) amended at 58 FR 26425, May 3, 1993]

(iii) An equivalent secondary containment system.

[§279.45(d)(1)(iii) added at 58 FR 26426, May 3, 1993]

(2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(g) Labels.

(1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."

(h) Response to releases. Upon detection of a release of used oil to the environment not subject to the requirements of part 280 subpart F which has occurred after the effective date of the authorized used oil program for the State in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:

(1) Stop the release;

- (2) Contain the release used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

Copyright 1995 The Bureau of National Affairs, Inc.

EXHIBIT III

USED OIL PROCESSOR CHECKLIST

Facility Name: Ricky's Oil Date: 12/5/96
 Facility Representative: Ron Bagwell - Contractor Facility ID: FLD981019755
 Inspector: V. Peluso, J. Jones Registration #

40 CFR 279 Subpart F -- Processor Standards

1. Is the facility exempt under any of the following? (279.50(a)) Y N ✓

Transporter or burner processing incidental to normal course of operations? Y N ✓

Processors who also generate, transport, market, dispose or burn used oil must comply with the applicable Subparts of Part 279.

2. Does the processor have an EPA ID Number? (279.51(a)) Y ✓ N

3. Is the processor Registered? (62-710.500(1)(b)) Y ✓ N

4. Does the processor have a general permit? 62-710.800(1)) Y N ✓

5. For new facilities, was the notification of intent to use the general permit submitted 30 days prior to beginning operation? For existing facilities, was the notification for renewal submitted 30 days prior to expiration of the general permit?(62-710.800(2))

in dispute with OGC.

Y N/A N

Oil Filter Processing Standards-- 62-710.850 F.A.C.

1. Does the facility process used oil filters by removing oil, draining, crushing or element separation? Describe in narrative. Generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor. Y N ✓

Is the facility a registered used oil filter processor? (62-710.850) Y N ✓

2. Are the filters stored in above ground containers which are: (62-710.850(6)) *N/A*
 In good condition? Y N

Closed or otherwise protected from weather? Y N

Labeled "Used Oil Filters"? Y N

Stored on an oil impervious surface? Y N

3. Are records maintained on DEP Form 62-710.900(2) or equivalent that include: (62-710.850(5)(a)) *N/A*

Destination or end use of the processed filters? Y N

Name and street address of each destination or end user? Y N

Are copies kept at the facility's street address for 3 years? (62-710.850(5)(b)) Y N

4. Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records? (62-710.850(5)(c)) *N/A*
 Y N

Facility Name: Richy's Oil
 Date: 12/3/96

Oil Management Standards - 279.54

1. Is used oil stored only in tanks or containers? (Circle applicable units) Y ☒ N ☐
2. If the facility has tanks, do they comply with 62.761 and 62.762 F. A. C. rules?
 (Applicable to USTs over 100 g and ASTs over 550 gallons. Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y ☐ N ☐
need copies!
 Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e) Y ☐ N ☐ *being built*
3. Are containers and tanks in good condition and not leaking? (279.54(b)) Y ☐ N ☒ *balging tank for saddle too small. will be fixed*
4. Are containers provided with secondary containment consisting of walls and floor at a minimum? (279.54(c)) Y ☒ N ☐ *being built.*
- Is the containment system impervious to oil so as to prevent migration? Y ☐ N ☐
5. Are ASTs, UST tank fill lines and containers labeled "used oil"? (279.54(f)) Y ☐ N ☒
6. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? (279.54(g)) Y ☒ N ☐

General Facility Standards - 279.52

1. 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? (279.52(a)(1)) Y ☐ N ☐
2. Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel? (279.52(a)) Y ☐ N ☐ *pending completion*
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance from local fire departments? (279.52(a)(2)(ii)) Y ☐ N ☐ *intercom system*
- Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee? (279.52(a)(4)) Y ☒ N ☐
4. Describe fire control equipment. Is it adequate? (279.52(a)(2)(iii)) Y ☐ N ☐ *not sure*
5. Is spill control and decontamination equipment present? (279.52(a)(2)(iii)) Y ☒ N ☐ *1 big one, 5 small Fire Extinguishers present*
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (279.52(a)(2)(iii)) Y ☐ N ☒ *Kept in trailer*
7. Is the emergency equipment inspected and tested periodically? Frequency? annually Y ☒ N ☐

Facility Name:

Richards Oil

Date:

12/5/96

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (279.52(a)(5))

Y ☒ N

9. Has the facility made emergency response arrangements with the following: (279.52(a)(6))

Fire Department:

Dade CountyY ☐ N ☐ ?

Police:

Metro. DadeY ☐ N ☐ ?

Hospital:

Y ☐ N ☐ ?

Emergency Response Contractor:

Dan Mark EnvironmentalY ☐ N ☐ ?

10. If not, has the facility attempted to do so and is the refusal documented?

Y ☐ N ☐**Contingency Plans and Emergency Response – 279.52(b)**

1. Does the facility have a contingency plan?

Y ☐ N ☒

2. Is it at the facility and easily available?

Y ☐ N ☐

3. Does the plan include:

Fire Response Procedure: (compare to 279.52(b)(6))

N/A ☐ Y ☐ N ☐

Spill Response Procedures:

N/A ☐ Y ☐ N ☐

Explosion Response Procedures:

N/A ☐ Y ☐ N ☐

Instructions for handling contaminated materials & residues

Y ☐ N ☐

A description of arrangements with local authorities:

N/A ☐ Y ☐ N ☐

Emergency Coordinators: (Name)

Y ☐ N ☐

Addresses and telephone numbers of Emergency Coordinators:

Y ☐ N ☐

Emergency equipment list:

Y ☐ N ☐

Specifications and capabilities of emergency equipment:

Y ☐ N ☐

Locations of emergency equipment:

Y ☐ N ☐

An evacuation plan and routes:

Y ☐ N ☐

Evacuation/alarm signals:

Y ☐ N ☐

External reporting procedures:

Y ☐ N ☐

Internal recordkeeping requirements:

Y ☐ N ☐

4. Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision? (279.52(b)(4))

Y ☐ N ☐

5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (279.52(b)(3))

Y ☐ N ☐

6. Is the emergency coordinator authorized to commit funds for incident response? Y ☐ N ☐

7. Has the processor noted in the operating record any incidents requiring implementation of the contingency plan? (279.52(b)(6)(b))

Y ☐ N ☐

9. Were written reports made within 15 days to the DEP? (279.52(b)(6)(b))

Y ☐ N ☐*need to be supplied*

Facility Name:

Ricky's Oil

Date:

12/12/96**Rebuttable Presumption and Analysis Plan - 279.53, 279.55**

1. Does the processor have a written analysis plan to determine 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? (279.55)(a)) Y N ✓ *no analysis plan provided*
2. Is the 1,000 ppm halogen determination made by testing? Y ✓ N
- If so, does the analysis plan cover: (279.55(a)(2))
- Sampling methods? Y N ✓ *acceptable data was provided.*
- Frequency of sampling? Y N ✓
- Analytical Methods? Y N ✓
- Is the 1,000 ppm halogen determination made by process knowledge? Y N ✓
- If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(a)(3)) Y N *N/A*
3. Have any analyses showed exceedances of the 1,000 ppm level? Y N ✓
- If so, was the oil managed as hazardous waste? Y N *N/A*
- If not, was the oil exempt? Describe basis for presumption rebuttal in narrative. (ex. analysis, refrigerant oil, etc.) N/A Y N *N/A*
4. Is the used oil fuel specification determination made by testing? Y ✓ N
- If so, does the analysis ~~plan~~ cover: (279.55(b)(2))
- Sampling methods? Y ✓ N
- Whether the oil will be tested before or after processing? Y ✓ N
- Frequency of sampling? Y ✓ N *1/month*
- Analytical Methods? Y ✓ N *every load checked for halogens*
- Is the used oil fuel specification determination made by process knowledge? Y N
- If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(b)(3)) Y N *N/A*
5. Are all oil processing residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? (279.59) N/A Y N
- If not, has the processor conducted a hazardous waste determination? (279.10(e)) N/A ✓ Y N
6. Are test records or copies of records providing basis for determinations kept for 3 years? Y N

Facility Name: Richy's OilDate: 12/5/96**Recordkeeping and Reporting - 279.57, 62-710.510-520 F.A.C.**

1. Do used oil acceptance records include: (279.56(a))

Name & address of the generator or off site source of the used oil? Y ☒ N ☐EPA ID # of oil provider (if applicable)? Y ☒ N ☐Name & Address of the transporter delivering the oil to the facility? Y ☒ N ☐EPA ID # of the transporter delivering the oil Y ☒ N ☐Quantity of oil shipped? Y ☒ N ☐Type of oil received (62-710.510(1)(c)) Y ☒ N ☐Date of shipment? Y ☒ N ☐

2. Do used oil delivery records include: (279.56(b), also check marketer requirements)

Name & Address of receiving facility? (burner, processor or disposal site) Y ☒ N ☐EPA ID # of receiving facility? - no Y ☒ N ☒Name & Address of transporter delivering the oil? Y ☒ N ☐EPA ID # of transporter? Y ☒ N ☐Quantity of oil delivered? Y ☒ N ☐

End Use of the oil? (62-710.510(1)(e)) - Burning Rinker

Date of delivery? Y ☒ N ☐General Asphalt
H + J3. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1)) Y ☒ N ☐4. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520) Y ☒ N ☐If not, is the facility an electric utility processing only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)? N/A Y ☐ N ☐5. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2)) Y ☒ N ☐

> at home office

Closure - 62-710.800(3) F.A.C. and 279.54(h) - Contamination Assessment

1. Has the facility submitted a written closure plan? (62-710.800(3)(a)) Y ☒ N ☐2. Does the plan include procedures for removing containers of oil and residues? Y ☒ N ☐Cleaning and decontaminating tanks and ancillary equipment? Y ☒ N ☐Removing contaminated soils? Y ☒ N ☐Eliminating the need for further maintenance? Y ☒ N ☐

If the facility operated tank systems, and not all contaminated soils can be practicably removed, the owner or operator must close the facility as a hazardous waste landfill.

Rev. 10/11/96

OIL PROCESSOR 5 of 5

EXHIBIT IV

January 10, 1997

Mr. Robert Marton
Hazardous Materials Coordinator
Metro - Dade Office of Emergency Management
5600 S.W. 87 Avenue
Miami, Florida 33173

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Mr. Marton:

Ricky's Oil Service, Inc., is a used oil storage and handling facility located at the above referenced address. Please be advised that Ricky's Oil Service, Inc. has developed contingency plans and emergency response procedures to be implemented in the event of a fire, explosion or spill at the facility. The plans are required by the Florida Department of Environmental Protection (FDEP) and have been prepared in accordance with 40 CFR Part 279.52. Proposed contingency plans and emergency response procedures for the facility were incorporated into a Spill Prevention, Control and Countermeasures Plan (SPCCP) document revised January 10, 1997. A copy of the SPCCP is attached for your review and records. The SPCCP has also been submitted to FDEP for review, and copies are on-file at the Ricky's Oil facility.

In accordance with 40 CFR Part 279.52(a)(6), the facility owner must attempt to make arrangements with local police and fire departments, emergency response agencies and hospitals to familiarize said agencies with the facility, including facility layout, properties of used oil handled and associated hazards, entrances to the facility and evacuation routes. The attached SPCCP contains the relevant background information, site plans, and proposed emergency response procedures for the facility for your review to satisfy the regulatory requirements.

Please review the attached SPCCP and advise this office in writing as to whether the contingency plan and emergency response procedures are acceptable, and whether additional information is required to complete the proposed plans.

Your cooperation in the matter is greatly appreciated.

Very truly yours,

Andy Ricci
Officer, Ricky's Oil Service, Inc.

Attachment: SPCCP

January 10, 1997

Major Samuel Williams
Metro-Dade Police Department
Doral District
9101 N.W. 25 Street
Miami, Florida 33172

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Major Williams:

Ricky's Oil Service, Inc., is a used oil storage and handling facility located at the above referenced address. Please be advised that Ricky's Oil Service, Inc. has developed contingency plans and emergency response procedures to be implemented in the event of a fire, explosion or spill at the facility. The plans are required by the Florida Department of Environmental Protection (FDEP) and have been prepared in accordance with 40 CFR Part 279.52. Proposed contingency plans and emergency response procedures for the facility were incorporated into a Spill Prevention, Control and Countermeasures Plan (SPCCP) document revised January 10, 1997. A copy of the SPCCP is attached for your review and records. The SPCCP has also been submitted to FDEP for review, and copies are on-file at the Ricky's Oil facility.

In accordance with 40 CFR Part 279.52(a)(6), the facility owner must attempt to make arrangements with local police and fire departments, emergency response agencies and hospitals to familiarize said agencies with the facility, including facility layout, properties of used oil handled and associated hazards, entrances to the facility and evacuation routes. The attached SPCCP contains the relevant background information, site plans, and proposed emergency response procedures for the facility for your review to satisfy the regulatory requirements.

Please review the attached SPCCP and advise this office in writing as to whether the contingency plan and emergency response procedures are acceptable, and whether additional information is required to complete the proposed plans.

Your cooperation in the matter is greatly appreciated.

Very truly yours,

Andy Ricci
Officer, Ricky's Oil Service, Inc.

Attachment: SPCCP

January 10, 1997

Ms. Doris Mitchell
Local Emergency Planning Council
3440 Hollywood Blvd.
Suite 140
Hollywood, Florida 33021

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Ms. Mitchell:

Ricky's Oil Service, Inc., is a used oil storage and handling facility located at the above referenced address. Please be advised that Ricky's Oil Service, Inc. has developed contingency plans and emergency response procedures to be implemented in the event of a fire, explosion or spill at the facility. The plans are required by the Florida Department of Environmental Protection (FDEP) and have been prepared in accordance with 40 CFR Part 279.52. Proposed contingency plans and emergency response procedures for the facility were incorporated into a Spill Prevention, Control and Countermeasures Plan (SPCCP) document revised January 10, 1997. A copy of the SPCCP is attached for your review and records. The SPCCP has also been submitted to FDEP for review, and copies are on-file at the Ricky's Oil facility.

In accordance with 40 CFR Part 279.52(a)(6), the facility owner must attempt to make arrangements with local police and fire departments, emergency response agencies and hospitals to familiarize said agencies with the facility, including facility layout, properties of used oil handled and associated hazards, entrances to the facility and evacuation routes. The attached SPCCP contains the relevant background information, site plans, and proposed emergency response procedures for the facility for your review to satisfy the regulatory requirements.

Please review the attached SPCCP and advise this office in writing as to whether the contingency plan and emergency response procedures are acceptable, and whether additional information is required to complete the proposed plans.

Your cooperation in the matter is greatly appreciated.

Very truly yours,

Andy Ricci
Officer, Ricky's Oil Service, Inc.

Attachment: SPCCP

January 10, 1997

Mr. Richard Brown
Chief Operating Officer
Palmetto General Hospital
2001 West 68 Street
Hialeah, Florida 33016

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Mr. Brown:

Ricky's Oil Service, Inc., is a used oil storage and handling facility located at the above referenced address. Please be advised that Ricky's Oil Service, Inc. has developed contingency plans and emergency response procedures to be implemented in the event of a fire, explosion or spill at the facility. The plans are required by the Florida Department of Environmental Protection (FDEP) and have been prepared in accordance with 40 CFR Part 279.52. Proposed contingency plans and emergency response procedures for the facility were incorporated into a Spill Prevention, Control and Countermeasures Plan (SPCCP) document revised January 10, 1997. A copy of the SPCCP is attached for your review and records. The SPCCP has also been submitted to FDEP for review, and copies are on-file at the Ricky's Oil facility.

In accordance with 40 CFR Part 279.52(a)(6), the facility owner must attempt to make arrangements with local police and fire departments, emergency response agencies and hospitals to familiarize said agencies with the facility, including facility layout, properties of used oil handled and associated hazards, entrances to the facility and evacuation routes. The attached SPCCP contains the relevant background information, site plans, and proposed emergency response procedures for the facility for your review to satisfy the regulatory requirements.

Please review the attached SPCCP and advise this office in writing as to whether the contingency plan and emergency response procedures are acceptable, and whether additional information is required to complete the proposed plans.

Your cooperation in the matter is greatly appreciated.

Very truly yours,

Andy Ricci
Officer, Ricky's Oil Service, Inc.

Attachment: SPCCP

January 10, 1997

Lt. Glenn Sykes
Hazardous Materials Specialist
Metro-Dade Fire Prevention
8175 N.W. 12 Street
Suite 301
Miami, Florida 33126

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Lt. Sykes:

Ricky's Oil Service, Inc., is a used oil storage and handling facility located at the above referenced address. Please be advised that Ricky's Oil Service, Inc. has developed contingency plans and emergency response procedures to be implemented in the event of a fire, explosion or spill at the facility. The plans are required by the Florida Department of Environmental Protection (FDEP) and have been prepared in accordance with 40 CFR Part 279.52. Proposed contingency plans and emergency response procedures for the facility were incorporated into a Spill Prevention, Control and Countermeasures Plan (SPCCP) document revised January 10, 1997. A copy of the SPCCP is attached for your review and records. The SPCCP has also been submitted to FDEP for review, and copies are on-file at the Ricky's Oil facility.

In accordance with 40 CFR Part 279.52(a)(6), the facility owner must attempt to make arrangements with local police and fire departments, emergency response agencies and hospitals to familiarize said agencies with the facility, including facility layout, properties of used oil handled and associated hazards, entrances to the facility and evacuation routes. The attached SPCCP contains the relevant background information, site plans, and proposed emergency response procedures for the facility for your review to satisfy the regulatory requirements.

Please review the attached SPCCP and advise this office in writing as to whether the contingency plan and emergency response procedures are acceptable, and whether additional information is required to complete the proposed plans.

Your cooperation in the matter is greatly appreciated.

Very truly yours,

Andy Ricci
Officer, Ricky's Oil Service, Inc.

Attachment: SPCCP



AB₂MT CONSULTANTS, INC.

ENGINEERING • ENVIRONMENTAL • PLANNING

February 19, 1997

Mr. John Jones, P.E.
Florida Department of Environmental
Protection
Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida

Dear Mr. Jones:

As you may know, the Dade County Department of Environmental Resources Management (DERM) approved plans for pollution control modifications at the above referenced facility. The DERM approval required completion of all work by January of 1997. At this time certain construction is complete, including the secondary containment structure for the used oil storage tanks. However, the reinforced concrete loading areas are not yet completed. Ricky's Oil has requested that DERM approve a six month extension of time to complete the loading areas (see attached correspondence).

I recently spoke to Mr. Roberto Abrahante, Chief of DERM's Hazardous Facilities Section regarding this request for a time extension. Mr. Abrahante requested written confirmation from FDEP indicating that FDEP had no objection to the time extension. The purpose of this letter is to request said confirmation.

If you have any questions regarding this matter please do not hesitate to contact me.

Very truly yours,


Richard A. Waters, P.E.
Vice President

pc: Mr. Roberto Abrahante
Mr. Andy Ricci



AB₂MT CONSULTANTS, INC.

FILE COPY

February 10, 1997

Mr. Roberto Abrahante, Chief
Hazardous Facilities Section
Department of Environmental Resources
Management
Suite 800
33 S.W. 2nd Avenue
Miami, Florida 33130-1540

Re: Ricky's Oil Service Facility
7209 N.W. 66 Street
Miami, Florida (IW2-00071/File #10030)

Dear Mr. Abrahante:

Attached hereto, please find a Certificate of Completion of Construction for the above referenced project. Please note that the Certificate is applicable only to the secondary containment system. The loading areas included in your Department's plan approval are not yet complete. At this time, we are requesting an additional six (6) months for completion of the loading areas.

In considering this request please note that Ricky's Oil Service was required to excavate significant quantities of contaminated soil prior to construction of the containment system. This delayed the construction project and significantly increased the overall cost of the work, thus resulting in the need for additional time.

Your favorable consideration of this request would be appreciated. If you have any questions regarding this project, please do not hesitate to contact this office.

Very truly yours,


Richard A. Waters, P.E.
Vice President

pc: Mr. Andy Ricci
Mr. Ron Bagwell
Mr. Mohammed Taha
Mr. Wilbur Mayorga, P.E.

RAW:sw



AB₂MT CONSULTANTS, INC.

ENGINEERING ENVIRONMENTAL PLANNING

January 10, 1997

Mr. John Jones, P.E.
Florida Department of Environmental Protection
Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

RECEIVED
JAN 14 1997
DEPT OF ENV PROTECTION
WEST PALM BEACH

Re: Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida

Dear Mr. Jones:

Enclosed please find an original and one (1) copy of a revised Spill Prevention, Control, and Countermeasures Plans (SPCCP), with a revision date of January 10, 1997. The SPCCP has been amended to include a Contingency Plan in accordance with 40 CFR Part 279.52.

Copies of this amended SPCCP are on-file at the facility, and have also been sent to local emergency management agencies as discussed in Subsection 6.2.1 of the SPCCP.

If you have any questions on the attached, please contact this office.

Very truly yours,


Richard A. Waters, P.E.
Vice President

Enclosure: SPCCP (Revised January 10, 1997)

cc: Mr. Mohammed Taha, Engineer II
DERM Plan Review Section

RNK:sw

TSCS
TRIPP, SCOTT, CONKLIN & SMITH
ATTORNEYS AT LAW

110 TOWER, TWENTY-EIGHTH FLOOR
110 SOUTHEAST SIXTH STREET
FORT LAUDERDALE, FLORIDA 33301

P.O. Box 14245
FORT LAUDERDALE, FLORIDA 33302

TELEPHONE 954.525.7500
TELECOPIER 954.761.8475
Direct Dial: 954.760.4910

December 16, 1996

RECEIVED

DEC 24 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

VIA U.S. MAIL
AND FACSIMILE
561.681.6770

Mr. John Jones
Hazardous Waste Section
Department of Environmental Protection
Southeast District
400 North Congress Avenue
West Palm Beach, FL 33401

RE: Ricky's Oil Service, Inc.

Dear Mr. Jones:

This letter will serve as documentation to explain the unexpected delay in completing the connection of the tanks at the Ricky's Oil Service facility. Please find attached a letter from Ricky's Oil Service's engineer, Davis Engineers, P.A., explaining the delay in construction due to field conditions. It seems as if the pre-ordered and measured cradles did not fit the tanks properly, and thus a delay has resulted. According to the engineers, the modifications to the tank supports are under way and the project should be completed by the end of the year.

Ricky's Oil Service is expending a considerable amount of time and money to complete both phases of the proposed project at the facility. From your site visit on December 5, 1996, it sounded as if you were very pleased with Ricky's progress. Phase I of the project (which includes all work under the consent order), consisting of full secondary containment for the above ground storage tanks has been constructed. However, as stated above, the only delay in connecting the system is due to the tanks not properly fitting in the cradle supports.

As you stated in your voice mail message, the Department has agreed that the minor delay resulting from the miscalculation of the cradle sizes will not cause a problem with the Consent Order deadline of December 15, 1996. Please note that the Phase I tanks were emptied for transferring to the new secondary containment area. Therefore, the tanks are no longer processing and storing used oil without secondary containment.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me.

Very truly yours,



Heidi E. Davis
For the Firm

Enclosure

cc: Andy Ricci
Alan J. Davis, P.E.
Linda Metz - Dermody & Webb

DAVIS ENGINEERS, P.A.

780 TAMiami CANAL ROAD • MIAMI, FLORIDA 33144

PHONE: 305-268-2568

FAX: 305-267-1556

December 6, 1996

State of Florida
Department of Environmental Protection
Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Attn: Mr. John Jones, P.E.
Supervisor, Hazardous Waste

Re: Ricky's Oil

Dear Mr. Jones:

The tank support project at the above referenced location has been delayed in construction due to field conditions.

The necessary modifications in the tank supports are under way and we anticipate completion of the project this calendar year.

Very truly yours,



Alan J. Davis, P.E.
DAVIS-ENGINEERS, P.A.

AJD/jb.

cc: Andy Ricci



Department of Environmental Protection

Lawton Chiles
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

DEC. 11 1996

Mr. Andi Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, FL 33166

Dade County
FLD981019755

RE: Permit provisions for used oil processing at 7209 N.W. 66th Street
Miami, FL 33166.

Dear Mr. Ricci:

Thank you for the time you spent with myself and Mr. Vincent Peluso during the Department's visit to your Miami facility on Dember 5, 1996. As was discussed, the purpose of the visit was to briefly review documentation and procedures required for Used Oil Processors by Rule 62-710, F.A.C. and 40 CFR Part 279. These requirements have been in place since adoption by the Florida Department of Environmental Protection in June, 1995. As noted in the memorandum from Raoul Clarke (dated September 12, 1995 and attached to this letter), the Department elected to allow a reasonable time period for facilities to come into compliance with the requirements of Subpart F of 40 CFR Part 279. Accordingly, it was determined that all Used Oil Processors must demonstrate compliance with these standards by June, 1996.

The Department has reviewed both the facility records and the documentation you provided and has noted deficiencies in Ricky's Oil Service, Inc.'s documentation and/or procedures. These deficiencies are noted in Attachment 1. Please review these items and provide the information required to correct these inadequacies. It is suggested that you or your representative contact either Vincent Peluso (561) 681-6673 or me (561) 681-6674 to discuss these comments. It should also be noted that the requirements of 40 CFR Part 279 are currently in effect. Rulemaking has been proposed which will require a Specific Used Oil Permit which will include additional requirements for facilities such as yours. A draft of these proposed rules is also included with this letter.

Thank you for your time and attention to these matters. If you have any questions, please feel free to contact either Vincent Peluso or me at the telephone numbers noted above.

Sincerely,

John M. Jones, P.E.
Supervisor, Hazardous Waste Section

Attachments

cc: Raoul Clarke, Tallahassee
FDEP-District file
File, Reporting Coordinator
Richard Waters, AB2MT, 9400 S.Dadeland Blvd., Ste. 370, Miami, FL 33156

USED OIL PROCESSOR CHECKLIST

Facility Name: Ricky's Oil Date: 12/5/96
Facility Representative: Ron Bagwell - Contractor Facility ID: FLD981019755
Inspector: V. Peluso, J. Jones Registration #: _____

40 CFR 279 Subpart F -- Processor Standards

1. Is the facility exempt under any of the following? (279.50(a)) Y _____ N ☒

Transporter or burner processing incidental to normal course of operations? Y _____ N ☒

Processors who also generate, transport, market, dispose or burn used oil must comply with the applicable Subparts of Part 279.

2. Does the processor have an EPA ID Number? (279.51(a)) Y ☒ N _____

3. Is the processor Registered? (62-710.500(1)(b)) Y ☒ N _____

4. Does the processor have a general permit? 62-710.800(1)) Y _____ N ☒

5. For new facilities, was the notification of intent to use the general permit submitted 30 days prior to beginning operation? For existing facilities, was the notification for renewal submitted 30 days prior to expiration of the general permit? (62-710.800(2))

in dispute with OGC.
Y ☒ N _____

Oil Filter Processing Standards-- 62-710.850 F.A.C.

1. Does the facility process used oil filters by removing oil, draining, crushing or element separation? Describe in narrative. Generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor. Y _____ N ☒

Is the facility a registered used oil filter processor? (62-710.850) Y _____ N ☒

2. Are the filters stored in above ground containers which are: (62-710.850(6)) *N/A*
In good condition? Y _____ N _____

Closed or otherwise protected from weather? Y _____ N _____

Labeled "Used Oil Filters"? Y _____ N _____

Stored on an oil impervious surface? Y _____ N _____

3. Are records maintained on DEP Form 62-710.900(2) or equivalent that include: (62-710.850(5)(a)) *N/A*

Destination or end use of the processed filters? Y _____ N _____

Name and street address of each destination or end user? Y _____ N _____

Are copies kept at the facility's street address for 3 years? (62-710.850(5)(b)) Y _____ N _____

4. Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records? (62-710.850(5)(c)) *N/A*
Y _____ N _____

Facility Name: Richy's Oil
Date: 12/3/96

Oil Management Standards - 279.54

1. Is used oil stored only in tanks or containers? (Circle applicable units) Y ☒ N ☐
2. If the facility has tanks, do they comply with 62.761 and 62.762 F. A. C. rules?
(Applicable to USTs over 100 g and ASTs over 550 gallons. Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y ☐ N ☐
need copies!

Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e) Y ☐ N ☐ *being built*
3. Are containers and tanks in good condition and not leaking? (279.54(b)) Y ☐ N ☒ *bulging tank for saddle too small. Will be fixed.*
4. Are containers provided with secondary containment consisting of walls and floor at a minimum? (279.54(c)) Y ☒ N ☐

Is the containment system impervious to oil so as to prevent migration? Y ☐ N ☐ *being built.*
5. Are ASTs, UST tank fill lines and containers labeled "used oil" (279.54(f)) Y ☐ N ☒
6. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? (279.54(g)) Y ☒ N ☐

General Facility Standards - 279.52

1. 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? (279.52(a)(1)) Y ☐ N ☐
2. Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel? (279.52(a)) Y ☐ N ☐ *pending completion*
3. Is there a telephone, alarm, 2-way radio or other device ⁱⁿ at the scene of operations immediately available and capable of summoning assistance from local fire departments? (279.52(a)(2)(ii)) Y ☐ N ☐ *intercom system*

Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee? (279.52(a)(4)) Y ☒ N ☐
4. Describe fire control equipment. Is it adequate? (279.52(a)(2)(iii)) Y ☐ N ☐ *not sure*
1 big one, 5 small Fire Extinguishers present
5. Is spill control and decontamination equipment present? (279.52(a)(2)(iii)) Y ☒ N ☐
kept in trailer
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (279.52(a)(2)(iii)) Y ☐ N ☒
7. Is the emergency equipment inspected and tested periodically? Frequency? annually Y ☒ N ☐

Facility Name:

Date:

Pickup's Oil12/5/96

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (279.52(a)(5))

Y ☒ N

9. Has the facility made emergency response arrangements with the following: (279.52(a)(6))

Fire Department:

Dade CountyY ☐ N ☐

Police:

Metro DadeY ☐ N ☐

Hospital:

Y ☐ N ☐

Emergency Response Contractor:

Dan Mork EnvironmentalY ☐ N ☐

10. If not, has the facility attempted to do so and is the refusal documented?

Y ☐ N ☐

Contingency Plans and Emergency Response -- 279.52(b)

1. Does the facility have a contingency plan?

Y ☐ N ☒

2. Is it at the facility and easily available?

Y ☐ N ☐

3. Does the plan include:

Fire Response Procedure: (compare to 279.52(b)(6))

N/A ☐ Y ☐ N ☐

Spill Response Procedures:

N/A ☐ Y ☐ N ☐

Explosion Response Procedures:

N/A ☐ Y ☐ N ☐

Instructions for handling contaminated materials & residues

Y ☐ N ☐

A description of arrangements with local authorities:

N/A ☐ Y ☐ N ☐

Emergency Coordinators: (Name)

Y ☐ N ☐

Addresses and telephone numbers of Emergency Coordinators:

Y ☐ N ☐

Emergency equipment list:

Y ☐ N ☐

Specifications and capabilities of emergency equipment:

Y ☐ N ☐

Locations of emergency equipment:

Y ☐ N ☐

An evacuation plan and routes:

Y ☐ N ☐

Evacuation/alarm signals:

Y ☐ N ☐

External reporting procedures:

Y ☐ N ☐

Internal recordkeeping requirements:

Y ☐ N ☐

4. Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision? (279.52(b)(4))

Y ☐ N ☐

5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (279.52(b)(3))

Y ☐ N ☐

6. Is the emergency coordinator authorized to commit funds for incident response?

Y ☐ N ☐

7. Has the processor noted in the operating record any incidents requiring implementation of the contingency plan? (279.52(b)(6)(ix))

Y ☐ N ☐

9. Were written reports made within 15 days to the DEP? (279.52(b)(6)(ix))

Y ☐ N ☐

need to
be
supplied

Facility Name: Ricky's Oil
Date: 12/5/96

Rebuttable Presumption and Analysis Plan – 279.53, 279.55

1. Does the processor have a written analysis plan to determine 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? (279.55)(a)) Y N ✓ *no analysis plan provided*
2. Is the 1,000 ppm halogen determination made by testing? Y ✓ N
- If so, does the analysis plan cover: (279.55(a)(2))
- Sampling methods? Y N ✓ *acceptable data was provided.*
- Frequency of sampling? Y N ✓
- Analytical Methods? Y N ✓
- Is the 1,000 ppm halogen determination made by process knowledge? Y N ✓
- If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(a)(3)) Y N *N/A*
3. Have any analyses showed exceedances of the 1,000 ppm level? Y N ✓
- If so, was the oil managed as hazardous waste? Y N *N/A*
- If not, was the oil exempt? Describe basis for presumption rebuttal in narrative. (ex. analysis, refrigerant oil, etc.) N/A Y N *N/A*
4. Is the used oil fuel specification determination made by testing? Y ✓ N
- If so, does the analysis ~~plan~~ cover: (279.55(b)(2))
- Sampling methods? Y ✓ N
- Whether the oil will be tested before or after processing? Y ✓ N
- Frequency of sampling? Y ✓ N *1/3 month*
- Analytical Methods? Y ✓ N *every load checked for halogens*
- Is the used oil fuel specification determination made by process knowledge? Y N
- If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(b)(3)) Y N *N/A*
5. Are all oil processing residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? (279.59) N/A Y ✓ N
- If not, has the processor conducted a hazardous waste determination? (279.10(e)) N/A ✓ Y N
6. Are test records or copies of records providing basis for determinations kept for 3 years? Y ✓ N

Facility Name:

Richy's Oil

Date:

12/5/96

Recordkeeping and Reporting — 279.57, 62-710.510-520 F.A.C.

1. Do used oil acceptance records include: (279.56(a))

Name & address of the generator or off site source of the used oil?

Y ☒ N ☐

EPA ID # of oil provider (if applicable)?

Y ☒ N ☐

Name & Address of the transporter delivering the oil to the facility?

Y ☒ N ☐

EPA ID # of the transporter delivering the oil

Y ☒ N ☐

Quantity of oil shipped?

Y ☒ N ☐

Type of oil received (62-710.510(1)(c))

Y ☒ N ☐

Date of shipment?

Y ☒ N ☐

2. Do used oil delivery records include: (279.56(b), also check marketer requirements)

Name & Address of receiving facility? (burner, processor or disposal site)

Y ☒ N ☐

EPA ID # of receiving facility?

Y ☒ N ☒

Name & Address of transporter delivering the oil?

Y ☒ N ☐

EPA ID # of transporter?

Y ☒ N ☐

Quantity of oil delivered?

Y ☒ N ☐

End Use of the oil? (62-710.510(1)(e))

Burning Rinker
General Asphalt
H+JY ☒ N ☐

Date of delivery?

Y ☒ N ☐

3. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y ☒ N ☐

equivalent

4. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y ☒ N ☐

If not, is the facility an electric utility processing only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?

N/A

Y ☐ N ☐

5. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y ☒ N ☐

> at home office

Closure — 62-710.800(3) F.A.C. and 279.54(h)

1. Has the facility submitted a written closure plan? (62-710.800(3)(a))

Y ☒ N ☐

2. Does the plan include procedures for removing containers of oil and residues?

Y ☒ N ☐

Cleaning and decontaminating tanks and ancillary equipment?

Y ☒ N ☐

Removing contaminated soils?

Y ☒ N ☐

Eliminating the need for further maintenance?

Y ☒ N ☐

If the facility operated tank systems, and not all contaminated soils can be practicably removed, the owner or operator must close the facility as a hazardous waste landfill.

24 Hrs
Service



Licensed
& Insured

"When Time Is Of The Essence"

HB 2 MT

RICHARD WATERS

PH 670-1011

FAX 670-1606

7014 S.W. 13 Street • Miami, FL 33144
Tel.: (305) 220-4299 • Fax: (305) 220-8675



AB₂MT CONSULTANTS, INC.

FAX TRANSMITTAL

To: MR. JOHN JONES, P.E.

Project Name:

From: RICHARD WATERS

Project Number:

Date: 12.6.96

Re: RICKY'S OIL

Number of Pages Including Cover Sheet 1

COMMENTS

**PLEASE FORWARD COPIES OF THE
APPLICABLE CHECKLISTS/ GUIDANCE
DOCUMENTS AS WE DISCUSSED.**

If you receive this communication in error, or if you encountered any problems with transmission, please call (305) 670-1011.

This facsimile is privileged and confidential and is intended only for the individual or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

~~Original: [] by Regular Mail [] by Express Mail [] by Courier~~



Ruby's Oil

12/5/96











96 12 5

Dec. 16, 1996 4:03PM

TRIPP, SCOTT, CONKLIN

No. 7129 P. 1/3

TSCS

TRIPP, SCOTT, CONKLIN & SMITH

**110 SOUTHEAST 6TH STREET
28TH FLOOR
FORT LAUDERDALE, FL 33301
PHONE NO. (954) 525-7500
FAX NO. (954) 761-8475**

RETURN CONFIRMATION TO: HED/AJL

PLEASE DELIVER FAX TRANSMISSION TO:

NAME: John M. Jones, P.E.
Department of Environmental Protection

FAX NO: (561) 681-6770

TRANSMISSION SENT BY:

NAME: Heidi E. Davis

DATE: December 16, 1996

FILE NO.: 950530.0001

NUMBER OF PAGES INCLUDING COVER SHEET: 3

HARD COPY WILL BE MAILED

MESSAGE:

=====

The information contained in this facsimile is attorney-privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone. Thank you.

Dec. 16, 1996 4:04PM

TRIPP, SCOTT, CONKLIN

No. 7129 P. 2/3

TSCS

TRIPP, SCOTT, CONKLIN & SMITH

ATTORNEYS AT LAW

110 TOWER, TWENTY-EIGHTH FLOOR
110 SOUTH-EAST SIXTH STREET
FORT LAUDERDALE, FLORIDA 33301

P.O. BOX 14243
FORT LAUDERDALE, FLORIDA 33302

TELEPHONE 954.525.7500
TELEFAX 954.761.8475
Direct Dial: 954.760.4910

December 16, 1996

**VIA U.S. MAIL
AND FACSIMILE**
361.681.6770

Mr. John Jones
Hazardous Waste Section
Department of Environmental Protection
Southeast District
400 North Congress Avenue
West Palm Beach, FL 33401

RE: Ricky's Oil Service, Inc.

Dear Mr. Jones:

This letter will serve as documentation to explain the unexpected delay in completing the connection of the tanks at the Ricky's Oil Service facility. Please find attached a letter from Ricky's Oil Service's engineer, Davis Engineers, P.A., explaining the delay in construction due to field conditions. It seems as if the pre-ordered and measured cradles did not fit the tanks properly, and thus a delay has resulted. According to the engineers, the modifications to the tank supports are under way and the project should be completed by the end of the year.

Ricky's Oil Service is expending a considerable amount of time and money to complete both phases of the proposed project at the facility. From your site visit on December 5, 1996, it sounded as if you were very pleased with Ricky's progress. Phase I of the project (which includes all work under the consent order), consisting of full secondary containment for the above ground storage tanks has been constructed. However, as stated above, the only delay in connecting the system is due to the tanks not properly fitting in the cradle supports.

As you stated in your voice mail message, the Department has agreed that the minor delay resulting from the miscalculation of the cradle sizes will not cause a problem with the Consent Order deadline of December 15, 1996. Please note that the Phase I tanks were emptied for transferring to the new secondary containment area. Therefore, the tanks are no longer processing and storing used oil without secondary containment.

If you have any questions or comments regarding the foregoing, please do not hesitate to contact me.

Very truly yours,



Heidi E. Davis
For the Firm

Enclosure

cc: Andy Ricci
Alan J. Davis, P.E.
Linda Metz - Dermody & Webb

DAVIS ENGINEERS, P.A.

780 TAMiami CANAL ROAD • MIAMI, FLORIDA 33144

PHONE: 305-268-2568

FAX: 305-262-1558

December 6, 1996

State of Florida
Department of Environmental Protection
Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Attn: Mr. John Jones, P.E.
Supervisor, Hazardous Waste

Re: Ricky's Oil

Dear Mr. Jones:

The tank support project at the above referenced location has been delayed in construction due to field conditions.

The necessary modifications in the tank supports are under way and we anticipate completion of the project this calendar year.

Very truly yours,



Alan J. Davis, P.E.
DAVIS-ENGINEERS, P.A.

AJD/jb

cc: Andy Ricci

USED OIL TRANSPORTER CHECKLIST

Facility Name: Ricky's Oil Date: 12/5/96
Facility Representative: Andy Ricci Facility ID #: FLD 981019755
Inspector: V. Aluso, J. Jones Registration # _____

40 CFR 279 Subpart E -- Transporter Standards

1. Is the facility exempt under any of the following? (279.40(a)) Y _____ N ✓
On site transport?
Generator transporting < 55 g /time to a collection center?
Transporter of < 55 g /time from generator to aggregation point owned by same generator ?
2. If the transporter also transports hazardous waste in the same trucks as are used to transport used oil, are the vehicles emptied per 261.7 after HW shipments? (If not, the used oil must be managed as hazardous) Y _____ N _____ N/A
3. Does the transporter process used oil incidental to transport? (279.41) Y _____ N ✓ *Processor*
Are any residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? N/A _____ Y _____ N _____
If not, has the transporter conducted a hazardous waste determination? (279.10(e)) N/A _____ Y _____ N _____
4. Has the facility notified of used oil activities? Check EPA form 8700-12 Y ✓ N _____
5. Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID Numbers, or to on-specification oil burners? (279.43(a)) Y ✓ N _____
6. Does the transporter comply with DOT requirements? (279.43(b)) Y ✓ N _____
7. If any oil is discharged during transport, does the transporter: (279.43(c))
Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable? Y ✓ N _____
Report to DOT in writing per 49 CFR 171.16? Y ✓ N _____
Clean up any discharges until the discharge poses no threat? Y ✓ N _____
8. Does the facility also transport used oil filters? Y _____ N ✓
If so, are the filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y _____ N _____
Closed or otherwise protected from weather? Y _____ N _____
Labeled "Used Oil Filters"? Y _____ N _____
Stored on an oil impervious surface? Y _____ N _____

Facility Name: _____

Date: _____

Transporter Recordkeeping - 279.46

1. Do used oil acceptance records include: (279.46(a))

Name & Address of facility providing the oil for transport?

Y ☒ N ☐

EPA ID # of oil provider (if applicable)?

Y ☒ N ☐

Quantity of oil shipped?

Y ☒ N ☐

Date of shipment?

Y ☒ N ☐

Signature of oil provider, dated upon receipt?

Y ☒ N ☐

2. Do used oil delivery records include: (279.46(b))

Name & Address of receiving facility or transporter?

Y ☒ N ☐

EPA ID # of receiving facility or transporter?

Y ☒ N ☐

Quantity of oil delivered?

Y ☒ N ☐

Date of delivery?

Y ☒ N ☐

Signature of oil receiver, dated upon receipt?

Y ☒ N ☐

3. Do the above records also include state required information on the type of oil and destination or end use? (62-710.510(1)(c & e))

Y ☒ N ☐

4. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y ☐ N ☐

5. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y ☐ N ☐

If not, is the facility an electric utility transporting only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?

Y ☐ N ☐

7. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y ☐ N ☐

Transporter Certification (62-710 F.A.C.)

1. Is the transporter certified? (local governments, and < 55g/time transporters are exempt) (62-710.600)

Y ☐ N ☐

2. Does the facility maintain training records? (62-710.600(2)(c))

Y ☐ N ☐

3. Does the facility maintain insurance or financial assurance of \$100,000 combined single limit? (62-710.600(2)(d))

Y ☒ N ☐

4. Is the facility registration form and ID number displayed? (62-710.500)

Y ☒ N ☐

Facility Name: _____

Date: _____

Transfer Facility Standards - 279.45

- 1 Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F N/A____ Y____ N____
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y____ N____
- 2 Does the transporter determine whether used oil stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y____ N____
- Is this done by testing? Y____ N____
- Is this done by process knowledge? Describe basis in narrative. Y____ N____
- Are test records or copies of records providing basis for determination kept for 3 years? Y____ N____
- 3 Have any analyses showed exceedances of the 1,000 ppm level? Y____ N____
- If so, was the oil managed as hazardous waste? Y____ N____
- If not, was the oil exempt? Describe in narrative. N/A____ Y____ N____
- 4 Is used oil stored only in tanks or containers? (Circle applicable units) Y____ N____
- 5 If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C rules? Y____ N____
(Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.)
- Is secondary containment provided and adequate? Y____ N____
- 6 Are containers, and tank trailers in good condition and not leaking? Y____ N____
- 7 Are containers provided with secondary containment consisting of walls and floor at a minimum? Y____ N____
- Is the containment system impervious to oil so as to prevent migration? Y____ N____
- 8 Are ASTs, UST tank fill lines and containers labeled "used oil? Y____ N____
- 9 Are used oil filters stored more than 10 days?
- If so, is the facility a registered used oil filter transfer facility? (62-710.850) N/A____ Y____ N____
- 10 Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y____ N____

USED OIL GENERATOR CHECKLIST

Facility Name: Ricky's Oil Date: 12 | 5 | 96
 Facility Representative: Andy Ricci Facility ID #: _____
 SIC Codes: _____ Inspector: V. Peluso, J. Jones

40 CFR 279 Subpart C -- Generator Standards

1. Describe the facility's used oil streams:

WASTE DESCRIPTION	ON/Off Specification	Testing or Process Knowledge	Generation Rate	Disposal Facility and EPA ID

2. Does the generator mix hazardous waste with the used oil?(279.10) Y____N____ ☒

3. If so, is the facility a CESQG? Y____N____

4. If not, Is the oil mixed with a characteristic hazardous waste?
 (describe waste) Y____N____

If so, does the facility document that the resultant mixture does not exhibit any
 characteristic of hazardous waste? Y____N____

Or, if the hazardous waste is only D001, that the resultant mixture is not
 ignitable? Y____N____

If the facility is not a CESQG, and oil is mixed with a listed hazardous waste,
 it must be managed as a hazardous waste.

5. Does the facility generate other materials contaminated with used oil? Y____N____

If so, are the materials burned for energy recovery as used oil? Y____N____

or, Does the facility have records documenting the residuals are not
 hazardous waste? Y____N____

6. Does the generator claim that the used oil meets the specification in 279.11? Y____N____

If so, and the oil is to be burned for energy recovery, the generator is a marketer
 subject to 40 CFR 279 Subpart H

Subpart C

1. Does the facility store used oil only in tanks, containers or permitted hazardous waste storage units? Y____N____
Are containers/tanks in good condition? (279.22(b)(1)) Y____N____
Are containers/tanks leaking? (279.22(b)(2)) Y____N____
Are containers/tanks storing used oil marked with the words "Used Oil", including fill pipes used to fill underground tanks? (279.22(c)) Y____N____
2. Are used oil filters stored in above ground containers which are: (62-710.850(6))
In good condition? Y____N____
Closed or otherwise protected from weather? Y____N____
Labeled "Used Oil Filters"? Y____N____
Stored on an oil impervious surface? Y____N____
3. Have any releases to the environment occurred, other than a leak from a UST? Y____N____
If so, did the facility stop the release, contain the oil, clean up the release and manage the contaminated material properly and repair or replace the leaking units prior to returning them to service? (279.22(d)) Y____N____
4. Does the generator burn on site in a space heater? (279.23) Y____N____
If so, does he burn only DIY oil or oil generated on site? Y____N____
Does the heater have a capacity of no more than 0.5 million BTU/hr? Y____N____
Are combustion gasses vented to the atmosphere? Y____N____
5. Does the generator only use transporters who have received EPA Identification numbers?
Name and number _____
6. If not, does the generator self-transport only used oil generated on site or DIY oil to used oil collection centers or aggregation point owned by the generator? Y____N____
Name and location of center: _____
Location of generator aggregation point _____
If so, is this only in vehicles owned by the facility or facility employees? Y____N____
Is no more than 55 gallons transported at one time? Y____N____
7. Alternatively, does the generator have a tolling arrangement with a used oil reclaimer? Y____N____
Is a copy of the contract kept on site specifying
type and frequency of shipments? Y____N____
that the transport vehicle is owned by the processor? Y____N____
that the reclaimed oil will be returned to the generator? Y____N____

TSCS

TRIPP, SCOTT, CONKLIN & SMITH

ATTORNEYS AT LAW

110 TOWER, TWENTY-EIGHTH FLOOR
110 SOUTHEAST SIXTH STREET
FORT LAUDERDALE, FLORIDA 33301

P.O. BOX 14245
FORT LAUDERDALE, FLORIDA 33302

TELEPHONE 954.525.7500
TELECOPIER 954.761.8475

Direct Dial: 954.760.4910

October 21, 1996

VIA U.S. MAIL
AND FACSIMILE

561.681.6770

Mr. John M. Jones, P.E.
Department of Environmental Protection
Southeast District
P.O. Box 15425
West Palm Beach, FL 33416

RE: Ricky's Oil Service

Dear Mr. Jones:

RECEIVED

OCT 23 1996

**DEPT OF ENV PROTECTION
WEST PALM BEACH**

This will confirm our telephone conversation today, whereby I informed you of the progression of the construction work at the Ricky's Oil Service facility. As of this date, numbers 1 through 10 of the proposed and approved construction schedule dated August 27, 1996 has been completed.

According to the schedule, the concrete slab flooring was to be poured by October 16, 1996. However, due to the horrible rains and Hurricane Lili these past few weeks, the pouring of the concrete was delayed. Hopefully, the concrete slab will be put in place this week, now that the weather has cleared. Ms. Della Ricci, of Ricky's Oil Service, is documenting all days where rain has hindered the completion of the construction, and will continue to do so until the project is completed. In addition, I will provide you with periodic updates and inform you of any incident which may possibly delay the completion of the installation of secondary containment.

Ricky's is working extremely hard to finish this project and is looking forward to its completion. If you have any questions or comments, please do not hesitate to contact me at 954.760.4910.

Very truly yours,



Heidi E. Davis
For the Firm

cc: Andy Ricci
Della Ricci
Dermody & Webb

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

TELEPHONE LOG
HAZARDOUS WASTE SECTION

CASE NAME: Ricky's Oil Service

CONTACT: Allen Cox

DATE: 10/21/96

TIME: 2:15PM

I.D.#: _____

OF: Miami - DERM

Left message...

FAX (305) 372-6545

He wants a fax copy of the Consent Order
+ any industrial discharge permit rules.

I put it in the mail.

PHONE #:

(305) 372-6600

BY:

Vince Pluso

Oct. 21. 1996 11:28AM

TRIPP SCOTT CONKLIN

No. 5551 P. 1/2

TSCS

TRIPP, SCOTT, CONKLIN & SMITH

**110 SOUTHEAST 6TH STREET
28TH FLOOR**

FORT LAUDERDALE, FL 33301

PHONE NO. (954) 525-7500

FAX NO. (954) 761-8475

RETURN CONFIRMATION TO: HED/AJL

PLEASE DELIVER FAX TRANSMISSION TO:

NAME: John M. Jones, P.E.
Department of Environmental Protection

FAX NO: (561) 681-6770

TRANSMISSION SENT BY:

NAME: Heidi E. Davis

DATE: October 21, 1996

FILE NO.: 950510.0001

NUMBER OF PAGES INCLUDING COVER SHEET: 2

HARD COPY WILL BE MAILED

MESSAGE:

=====

The information contained in this facsimile is attorney-privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone. Thank you.

Oct. 21. 1996 11:29AM

TRIPP SCOTT CONKLIN

No. 5551 P. 2/2

TSCS

TRIPP, SCOTT, CONKLIN & SMITH

ATTORNEYS AT LAW

110 TOWER, TWENTY-EIGHTH FLOOR
110 SOUTHEAST SIXTH STREET
FORT LAUDERDALE, FLORIDA 33301

P.O. Box 14245
FORT LAUDERDALE, FLORIDA 33302

TELEPHONE 954.525.7500
TELECOPIER 954.761.8475
Direct Dial: 954.760.4910

October 21, 1996

VIA U.S. MAIL
AND FACSIMILE
561.681.6770

Mr. John M. Jones, P.E.
Department of Environmental Protection
Southeast District
P.O. Box 15425
West Palm Beach, FL 33416

RE: Ricky's Oil Service

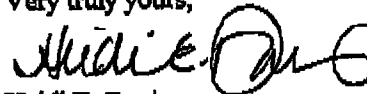
Dear Mr. Jones:

This will confirm our telephone conversation today, whereby I informed you of the progression of the construction work at the Ricky's Oil Service facility. As of this date, numbers 1 through 10 of the proposed and approved construction schedule dated August 27, 1996 has been completed.

According to the schedule, the concrete slab flooring was to be poured by October 16, 1996. However, due to the horrible rains and Hurricane Lili these past few weeks, the pouring of the concrete was delayed. Hopefully, the concrete slab will be put in place this week, now that the weather has cleared. Ms. Della Ricci, of Ricky's Oil Service, is documenting all days where rain has hindered the completion of the construction, and will continue to do so until the project is completed. In addition, I will provide you with periodic updates and inform you of any incident which may possibly delay the completion of the installation of secondary containment.

Ricky's is working extremely hard to finish this project and is looking forward to its completion. If you have any questions or comments, please do not hesitate to contact me at 954.760.4910.

Very truly yours,



Heidi E. Davis
For the Firm

cc: Andy Ricci
Della Ricci
Dermody & Webb



Department of Environmental Protection

Lawton Chiles SEP 25 1996
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

RECEIVED

OCT 10 1996

DEPT OF ENV PROTECTION
WEST PALM BEACH

CERTIFIED MAIL
RETURN RECEIPT REQUESTED !

Mr. Andi Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, FL 33166

Dade County
OGC Case No. 95-1780

RE: Proposed Consent Order for Ricky's Oil Service, Inc.
Miami, Dade County, Florida.; OGC Case No. 95-1780.

Dear Mr. Ricci:

Enclosed for your signature is a Consent Order drafted by the Department in the above styled case. The Consent Order represents the resolutions agreed to at our latest meeting of August 27, 1996 and is acceptable to the Department in this case.

Please review, sign and return the Consent Order within 20 days from the date of receipt to this office for Department signature and distribution.

Should you have any questions concerning this Consent Order please contact Mr. John Jones at 561/681-6674.

Thank you for your cooperation in this matter.

Sincerely,

Carlos R. deAguiar 9/24/96

Carlos Rivero-deAguiar Date
Director of District Management
Southeast District

VK
CRA/VK/vp

cc: West Palm Beach, DEP File
Dade County, ERM
Heidi Davis, Attorney - Tripp, Scott, Conklin, and Smith

CHECKLIST FOR CONSENT ORDER (PROPOSED)

CASE NAME & NO. Ricky's Oil Service, Inc.
✓ COVER LETTER OGC Case No: 95-1780
✓ CONSENT ORDER
— INSPECTION REPORT AND/OR CHECKLIST
— EXHIBIT(S):
— NO. OF EXHIBITS 0
— PENALTY CALCULATION SHEETS N/A
— APPROVAL FROM THE SECRETARY
— OTHER/COMMENTS _____

ENFORCEMENT TRACKING	
DRAFT _____	
<u>INITIAL</u>	<u>DATE</u>
<u>mg</u>	<u>2/19/96</u>



Department of Environmental Protection

Lawton Chiles SEP 25 1996
Governor

Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

Virginia B. Wetherell
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Andi Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, FL 33166

Dade County
OGC Case No. 95-1780

RE: Proposed Consent Order for Ricky's Oil Service, Inc.
Miami, Dade County, Florida.; OGC Case No. 95-1780.

Dear Mr. Ricci:


Enclosed for your signature is a Consent Order drafted by the Department in the above styled case. The Consent Order represents the resolutions agreed to at our latest meeting of August 27, 1996 and is acceptable to the Department in this case.

Please review, sign and return the Consent Order within 20 days from the date of receipt to this office for Department signature and distribution.

Should you have any questions concerning this Consent Order please contact Mr. John Jones at 561/681-6674.

Thank you for your cooperation in this matter.

Sincerely,

 9/24/96

Carlos Rivero-deAguilar Date
Director of District Management
Southeast District

VK
CRA/VK/vp

cc: West Palm Beach, DEP File
Dade County, ERM
Heidi Davis, Attorney - Tripp, Scott, Conklin, and Smith

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT)
OF ENVIRONMENTAL PROTECTION,)

Complainant,)

vs.)

RICKY'S OIL SERVICE, INC.,)

Respondent.)
_____)

IN THE OFFICE OF THE
SOUTHEAST DISTRICT

OGC CASE NO.: 95-1780

EPA ID No. FLD981019755

CONSENT ORDER

This Consent Order is made and entered into between the State of Florida Department of Environmental Protection ("Department") and Ricky's Oil Service, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and the Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapters 376 and 403, Florida Statutes, (F.S.), and the rules promulgated thereunder in Florida Administrative Code (F.A.C.), Title 62. The Department has jurisdiction over the matters addressed in this Consent Order.

2. Respondent, Ricky's Oil Service, Inc., a corporation, is a person within the meaning of Section 403.031(5), F.S.

3. Respondent owns and operates a business ("Facility"), located at 7209 NW 66th Street, in Miami, Dade County, Florida, 33166, ("Property").

4. Respondent owns and operates a "Used Oil Processing Facility" as defined in 40 CFR 279.1, and previously maintained a General Permit, as required in Rule 62-710.800, F.A.C., with Identification Number SO 13-182366, that was due to expire on June 26, 1995.

5. Respondent submitted a "Used Oil Processing Facility General Permit Notification" application, Identification Number SO 13-272639, on June 14, 1995. On July 11, 1995 the Department issued a "Notice of Denial of Use of General Permit."

6. On July 26, 1995, a request was received by the Department from Respondent for a 180-day extension of time to file a petition for administrative hearing regarding the permit denial, which was granted by Order on August 15, 1995. On January 20, 1996, another request was received by the Department from Respondent for a 180-day extension of time to file a petition for administrative hearing regarding the permit denial, which was granted by Order on January 31, 1996. On July 22, 1996 another request was received by the Department from Respondent for a 180-day extension of time to file a petition for administrative

hearing regarding the permit denial, which was granted by Order on September 3, 1996.

7. Respondent failed to construct and maintain adequate secondary containment for the tank system at the Facility as required in 40 CFR 279.54(d), incorporated by reference in Rule 62-710.210, F.A.C.

8. On August 27, 1996, Department staff and Respondent discussed the required corrective actions and a possible resolution by Consent Order at an informal conference.

Having reached resolution of the matter the Department and the Respondent mutually agree and

IT IS ORDERED:

9. By December 15, 1996 Respondent shall complete the construction and implementation of an adequate secondary containment system which complies with the requirements of 40 CFR 279.54(d), for Used Oil Processors, incorporated by reference in Rule 62-710.210, F.A.C. Thereafter, Respondent shall maintain the secondary containment system in compliance with 40 CFR 279.54(d), incorporated by reference in Rule 62-710.210, F.A.C., for the life of the Facility.

10. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department \$250.00 in settlement of the matters addressed in this Consent Order. This amount is

for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Consent Order. Payment shall be made by cashier's check or money order. The instrument shall be made payable to the Department of Environmental Protection and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management Restoration Trust Fund." The payment shall be sent to the Departmental of Environmental Protection, Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416.

11. Respondent agrees to pay the Department stipulated penalties in the amount of \$100.00 per day for each and every day Respondent fails to comply with any of the requirements of paragraphs 9, 10, and 12 of this Consent Order. A separate stipulated penalty shall be assessed for each violation of this Consent Order. Within 30 days of written demand from the Department, Respondent shall make payment of the appropriate stipulated penalties to "The Department of Environmental Protection" by cashier's check or money order and shall include thereon the OGC number assigned to this Consent Order and the notation "Ecosystem Management Restoration Fund." Payment shall be sent to the Departmental of Environmental Protection, Southeast District, P.O. Box 15425, West Palm Beach, Florida 33416. The Department may make demands for payment at any time after violations occur. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any of the terms of this Consent Order. Any penalties assessed under

this paragraph shall be in addition to the settlement sum agreed to in paragraph 10 of this Consent Order. If the Department is required to file a lawsuit to recover stipulated penalties under this paragraph, the Department will not be foreclosed from seeking civil penalties for violations of this Consent Order in an amount greater than the stipulated penalties due under this paragraph.

12. Respondent shall allow authorized representatives of the Department access to the Property and Facility at reasonable times for purposes of determining compliance with these orders and the rules and regulations of the Department.

13. Persons who are not parties to this Consent Order and whose substantial interests are affected by this Consent Order have a right, pursuant to Section 120.57, F.S., to petition for an administrative hearing. The petition must contain the information set forth below and must be filed (received) with the Department's Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, within twenty one (21) days from receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office of the Florida Department of Environmental Protection named above at P.O. Box 15425, West Palm Beach, Florida, 33416-5425.

Failure to file a petition within the twenty one (21) days constitutes a waiver of any right such person has to an administrative determination (hearing) pursuant to Section 120.57, F.S.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's identification number for the Consent Order and the County in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) 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 twenty one (21) days of receipt of this Notice in the Office of General Counsel at 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Failure to petition within the allowed timeframe constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., 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 60Q-2.010, F.A.C.

14. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Consent Order, hereby waives its right to seek judicial imposition of damages or civil penalties for alleged violations outlined in this Consent Order. Respondent waives its right to an administrative hearing afforded by Section 120.57, F.S., on the terms of this Consent Order. Respondent acknowledges its right to appeal the terms of this Consent Order pursuant to Section 120.68, F.S., but waives that right upon signing this Consent Order.

15. Nothing herein shall be construed to limit the authority of the Department to undertake any action against any Respondent in response to or to recover the costs of responding to conditions at or from the site that require Department action to abate an imminent hazard to the public health, welfare or the environment.

16. If any event occurs which causes delay, or the reasonable likelihood of delay, in complying with the requirements of this Consent Order, Respondent shall have the burden of proving that the delay was, or will be, caused by the circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by due diligence. Economic circumstances shall not be considered circumstances beyond the control of Respondent, nor shall the failure of a contractor, subcontractor, materialman or other agent (collectively referred to as "contractor") to whom

responsibility for performance is delegated to meet contractually imposed deadlines be a cause beyond the control of Respondent, unless the cause of the contractor's late performance was also beyond the contractor's control. Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department orally within twenty four (24) hours and shall, within seven (7) days of oral notification to the Department, notify the Department in writing of the anticipated length and cause of the delay, the measures taken, or to be taken, to prevent or minimize the delay, and the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been, or will be, caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended for a period equal to the agreed delay resulting from such circumstances. Such agreement shall adopt all reasonable measures necessary to avoid or minimize delay. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner shall constitute a waiver of Respondent's right to request an extension of time for compliance with the requirements of this Consent Order.

17. Entry of this Consent Order does not relieve Respondent of the need to comply with the applicable federal, state or local laws, regulations, or ordinances.

18. The terms and conditions set forth in this Consent Order may be enforced in a court of competent jurisdiction pursuant to

Sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Consent Order shall constitute a violation of Section 403.161(1)(b) and 403.727(1)(a), F.S.

19. Respondent is fully aware that a violation of the terms of this Consent Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per offense and criminal penalties.

20. The Department hereby expressly reserves the right to initiate appropriate legal action to prevent or prohibit any violations of applicable statutes or the rules promulgated thereunder that are not specifically addressed by the terms of this Consent Order.

21. No modifications of the terms of this Consent Order shall be effective until reduced to writing and executed by both the Respondent and the Department.

22. All reports, plans, and data required by this Consent Order to be submitted to the Department should be sent to the Department of Environmental Protection, P.O. Box 15425, West Palm Beach, Florida, 33416-5425.

23. This Consent Order is final agency action of the Department pursuant to Section 120.52(11), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in

accordance with Chapter 120, F.S. Upon the timely filing of a petition this Consent Order will not be effective until further order of the Department.

FOR THE RESPONDENT:

DATE

Ricky's Oil Service, Inc.
Andy Ricci, President

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Carlos Rivero-deAguilar
Director of District Management
Southeast District

DONE AND ORDERED this _____ day of _____, 1996
in West Palm Beach, Florida.

FILING AND ACKNOWLEDGMENT:

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

Clerk

Date

CRA/VK/vp

cc: West Palm Beach, DEP File

Luna Ergas, OGC, Tallahassee

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

TELEPHONE LOG
HAZARDOUS WASTE SECTION

DATE: 9/20/96

TIME: _____

CASE NAME: Richy's Oil Service, Inc.

I.D.#: _____

CONTACT: Chris ~~Ricci~~ Ricci

OF: _____

Copy Attorney on proposed Consent Order.
(954)

Heidi Davis phone # is 760-4910

Tripp Scott Conklin + Smith

110 Tower 28th Floor

110 SE 6th Street - 28th Floor

Ft. Lauderdale, FL 33301

PHONE #: (305) 887-2800

BY: Vincent Peluso

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

RECEIVED
SEP 16 1996
DEPT OF ENV PROTECTION
WEST PALM BEACH

ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. to grant an extension of time to file a petition for an administrative hearing on Application No. S013-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until December 31, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

DONE AND ORDERED on this 30 day of September 1996 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



F. PERRY ODOM
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314

CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed to:

Daniel E. Taylor, Esquire
TRIPP, SCOTT, CONKLIN & SMITH
110 S.E. 6th Street, 28th Floor
Post Office Box 14245
Ft. Lauderdale, FL 33302-14245

on this 12th day of September 1996.

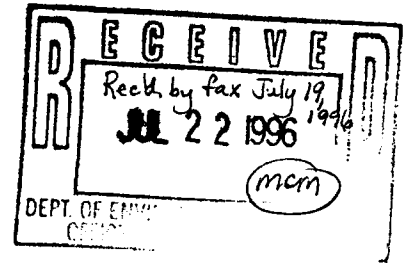
STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



W. DOUGLAS BEASON
Assistant General Counsel
Florida Bar No. 379239

3900 Commonwealth Boulevard
Mail Station #35
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR EXTENSION OF TIME

Petitioner, Ricky's Oil Service, Inc. ("Petitioner") by and through its undersigned counsel and pursuant to Rule 62-103.070, Florida Administrative Code, hereby requests an additional extension of time within which to file a Petition for Administrative Hearing pursuant to Section 120.57(1), Florida Statutes and Rule 62-103.155, Florida Administrative Code. As grounds, Petitioner states the following:

1. By Order dated January 31, 1996 (copy attached), the Department granted Petitioner's Request For an Extension of Time to file a petition for hearing.
2. Petitioner is requesting this additional extension in order to complete the construction phase of installing the secondary containment system. This is the final procedure necessary to be completed in order to obtain a General Permit for a Used Oil Processing Facility. Allowing this additional extension of time will alleviate the need for Petitioner to file a petition for an Administrative Hearing on this matter.
3. In response to the above request for additional time, Petitioner has accomplished the following in the intervening period of time:
 - a. Petitioner, after substantive delays from Dade County Department of Environmental Resource Management ("DERM") and Dade County Department of Building and Zoning, have received permits to proceed with construction of the facility.
 - b. A contract was signed and entered into with a contractor to construct a new tank farm, of which contains a secondary containment system including impervious walls and floors.
 - c. Engineering Plans were submitted to Dade County Building and Zoning and DERM, and were approved after several modifications and delays.

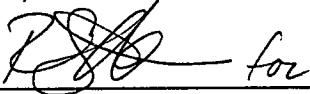
- d. The removal of an underground storage tank was conducted, under the guise of DERM. DERM required several tests and analyses of the soils, of which were contaminated. Soils were properly disposed of and excavation was replaced with clean fill.
- e. Soils are still being removed and tested at the facility. Presently, delays in soil removal have been caused by inclement weather.
- f. Environmental consultants are currently addressing DERM's requests in preparing the Contamination Assessment at the facility.
- g. Construction of the new tank farm and associated secondary containment was to begin last month. However, contractor has been delayed in laying the concrete for the new tank farm, due to the inclement weather. Construction will begin as soon as practicable.

4. Petitioner is working closely with the Department, DERM and Dade County Building and Zoning, to comply with all necessary regulations, so that it can construct its new facility and continue to be in compliance. Again, the construction phase is the last significant part of Petitioner's procedures in implementing the new tank farm and system, and by granting this extension of time, the Department will enable the project to be completed.

WHEREFORE, Petitioner respectfully requests entry of an Order granting Petitioner, Ricky's Oil Service, an additional 180 days in which to file a Petition for Administrative Hearing. This extension of time will alleviate the need to file a petition for Administrative Hearing, which will delay this project and create unnecessary expense and effort by both the Department and Petitioner.

Respectfully submitted this 19th day of July 1996.

TRIPP, SCOTT, CONKLIN & SMITH
Attorneys for Petitioner
110 S.E. 6th St., 28th Floor
P.O. Box 14245
Ft. Lauderdale, FL 33302-14245
(305) 525-7500



DANIEL E. TAYLOR
FL BAR NO: 109412

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Extension of Time has been sent via Federal Express to the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and copies sent via U.S. Mail and Facsimile to Mr. Jefferson M. Braswell, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, 6th Floor, Tallahassee, Florida, 32399-2400; on this 19th day of July 1996


Daniel E. Taylor, Esquire

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

Nº 155955

RECEIPT FOR APPLICATION FEES AND MISCELLANEOUS REVENUE

Received from Nicky's Oil Service, Inc Date 6/19/90

Address 6330 West 16th AVE, Hialeah, FL Dollars \$ 25.00

Applicant Name & Address Andy Ricci, 8615 N.W. 6th St Apt. 203

Source of Revenue Nicky's Oil Service Inc.

Revenue Code 001056/9442 Application Number 5013-182366

By Daniela Duro

DOCUMENT APPROVAL SLIP

(Attach to Document File Copy)

PROJECT: Rickys Used Oil

LOCATION: Dade

PERMIT or CASE NO: SO13- 272639

SUBJECT: G.P. Denial

DATE: 7-7-95

DOCUMENT ORIGINATOR SIGNATURE: J. L...

APPROVED BY: [Signature]

APPROVED BY: V. Kamath

APPROVED BY: _____

FOR SIGNATURE BY DISTRICT MANAGER/ASST. DISTRICT MANAGER

GMST50 5013P80602 00

9/05/96 15.03.24

FACILITY COMMENTS

FACILITY NAME: RICKYS OIL SERVICE INC

LAST UPDATED: 03/05/96

NARRATIVE

USED OIL FUEL ACTIVITIES

SEQ.

OFF-SPEC USED OIL FUEL(B: OTHER MARKETER) HGHWY TRANSPORTATION

(500)

STATUS CHANGE TO TRANSPORTER UPON REQUEST ON 10/24/90 VH

(501)

FACILITY ADDRESS WAS CHANGED DUE TO COUNTY REDOING THE LINES

(502)

OLD ADDRESS WAS 6600 NW 72 AVE.

(503)

(504)

COPY OR TAB :

PART 279 -- STANDARDS FOR THE MANAGEMENT OF USED OIL

Subpart A -- Definitions

279.1 Definitions.

Subpart B -- Applicability

279.10 Applicability.

279.11 Used oil specifications.

279.12 Prohibitions.

Subpart C -- Standards for Used Oil Generators

279.20 Applicability.

279.21 Hazardous waste mixing.

279.22 Used oil storage.

279.23 On-site burning in space heaters.

279.24 Off-site shipments.

Subpart D -- Standards for Used Oil Collection Centers and Aggregation Points

279.30 Do-it-yourselfer used oil collection centers.

279.31 Used oil collection centers.

279.32 Used oil aggregate points owned by the generator.

Subpart E -- Standards for Used Oil Transporter and Transfer Facilities

279.40 Applicability.

279.41 Restrictions on transporters who are not also processors or re-refiners.

279.42 Notification.

279.43 Used oil transportation.

279.44 Rebuttable presumption for used oil.

279.45 Used oil storage at transfer facilities.

279.46 Tracking.

T W R
7 4 78

279.47 Management of residues.

Subpart F -- Standards for Used Oil Processors and Re-Refiners

279.50 Applicability.

279.51 Notification.

279.52 General facility standards.

279.53 Rebuttable presumption for used oil.

279.54 Used oil management.

279.55 Analysis plan.

279.56 Tracking.

279.57 Operating record and reporting.

279.58 Off-site shipments of used oil.

279.59 Management of residues.

Subpart G -- Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery

279.60 Applicability.

279.61 Restriction on burning.

279.62 Notification.

279.63 Rebuttable presumption for used oil.

279.64 Used oil storage.

279.65 Tracking.

279.66 Notices.

279.67 Management of residues.

Subpart H -- Standards for Used Oil Fuel Marketers

279.70 Applicability.

279.71 Prohibitions.

279.72 On-specification used oil fuel.

(2) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

§ 279.54 Used oil management.

Used oil processor/re-refiners are subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR part 112) in addition to the requirements of this subpart. Used oil processors/re-refiners are also subject to the Underground Storage Tank (40 CFR part 280) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this subpart.

(a) *Management units.* Used oil processors/re-refiners may not store used oil in units other than tanks, containers, or units subject to regulation under part 264 or 265 of this chapter.

(b) *Condition of units.* Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be:

- (1) In good condition (no severe rusting, apparent structural defects or deterioration); and
- (2) Not leaking (no visible leaks).

(c) *Secondary containment for containers.* Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

- (i) Dikes, berms or retaining walls; and
- (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- (iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(d) *Secondary containment for existing aboveground tanks.* Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

- (i) Dikes, berms or retaining walls; and
- (ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
- (iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(e) *Secondary containment for new aboveground tanks.* New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

(1) The secondary containment system must consist of, at a minimum:

(i) Dikes, berms or retaining walls; and

(ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or

(iii) An equivalent secondary containment system.

(2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

(f) *Labels.* (1) Containers and aboveground tanks used to store or process used oil at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

(2) Fill pipes used to transfer used oil into underground storage tanks at processing and re-refining facilities must be labeled or marked clearly with the words "Used Oil."

(g) *Response to releases.* Upon detection of a release of used oil to the environment not subject to the requirements of part 280, Subpart F of this chapter which has occurred after the effective date of the authorized used oil program for the State in which the release is located, an owner/operator must perform the following cleanup steps:

(1) Stop the release;

(2) Contain the released used oil;

(3) Clean up and manage properly the released used oil and other materials; and

(4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(h) *Closure.* - (1) *Aboveground tanks.* Owners and operators who store or process used oil in aboveground tanks must comply with the following requirements:

(i) At closure of a tank system, the owner or operator must remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.

(ii) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in paragraph (h)(1)(i) of this section, then the owner or operator

GMSNAM RICKY'S

GMS
FACILITY NAME SEARCH

09/05/96 14:58:13

SCREEN NUMBER	GMS ID	ACTN	XMIT	FACILITY NAME	FACILITY TYPE
GMST 01	5013P02766	00	—	RICKY'S OIL SERVICE INC.	SOLID WASTE
GMST 01	5013P10110	00	—	RICKYS OIL SERVICE	INDUSTRIAL
GMST 01	5013P80602	00	—	RICKYS OIL SERVICE INC	HAZ-NON-IND
GMST 01	4009P40015	00	—	RICO VELAZQUEZ	DREDGE/FILL
GMST 01	5013P75353	00	—	RICO, JESUS	DRAIN WELL
GMST 01	5013P72778	00	—	RICO, ROBERT L.	DRAIN WELL
GMST 01	3110C05520	00	—	RIDAUGHT LANDING	DOMESTIC
GMST 01	3161P10903	00	—	RIDAUGHT, KYLVE V	DREDGE/FILL
GMST 01	1017P07645	00	—	RIDDICK ESTATES	NON-PT SRCE
GMST 01	3116P00833	00	—	RIDDLE BODY SHOP	HAZ-NON-IND
GMST 01	5013P71928	00	—	RIDDLE, NOLA M.	DRAIN WELL
GMST 01	5006P00905	00	—	RIDE MOTORS	HAZ-NON-IND
GMST 01	3048P80950	00	—	RIDERS PLATING SHOP	HAZ-NON-IND
GMST 01	1046P04008	00	—	RIDES UNLIMITED	HAZ-NON-IND
GMST 01	5226P01969	00	—	RIDGDILL & SON INC	HAZ-NON-IND

ENTER SCREEN NUMBER OF 'MM' FOR MENU

ENTER SCREEN ACTION (N,B) ____

GMST51 5013P80602 00

09/05/96-15:03:08

HAZARDOUS WASTE ACTIVITY INFORMATION

EPA ID# FLD981019755

LAST UPDATED 10/12/90

FACILITY NAME RICKYS OIL SERVICE INC
FACILITY ADDR 7209 NW 66TH ST
CITY/ST MIAMI , FL

TYPE/STATUS
GENERATOR
BENEFICIAL USE
EXEMPT

FACIL CONTACT ANDY RICCI
ADDRESS 6330 W 16TH AVE
CITY/ST/ZIP HIALEAH , FL 33012
PHONE 305-887-2800

EXEMPT TREATMENT
TREATER
STORER
DISPOSER
X TRANSPORTER
NON-NOTIFIER
SMALL QTY GENERATOR
NON-HANDLER
UIC
CLOSED/MOVED
UNCONTROLLED SITE
SEE COMMENTS, (LINE 500)

LAT/LONG 25.45.00/80.11.47

OPERATION BEGUN /
CONSTRUCTION BEGUN /
INDIAN LAND (Y/N)
NATURE OF BUSINESS SEE COMMENTS, (LINE)

TAB TO HERE

FACILITY OVERVIEW - PAGE 1

FACILITY NAME: RICKYS OIL SERVICE
LOCATION: 6600 NW 52 AVENUE
SITE SUPERVISOR:
RESP.AUTH./LANDOWNER: ANDY C RICCI
ADDR: 6330 W 16 AVE
COUNTRY (IF OTHER THAN THE U.S.):

LAST UPDATED: 12/19/89
CITY: HIALEAH
PHONE: (
STATE: FL
PHONE: (
CTY/ST/ZIP: HIALEAH ,FL 33012-

FACILITY TYPE: 2 INDUSTRIAL STATUS: I INACTIVE AS OF
CLASS: TYPE TREATMENT/PROCESS:
(CONT.):

DER OFFICE: SOUTHEAST COUNTY: DADE SITE LAT/LON: 25.50.00.00/80.18.50.00
SECT-TOWN-RANGE: SEGMENT: 28.4CA QUAD: 265D HIALEAH
POP.SERVED: DESIGN CAP: DRINK SYS TYPE: UNKNOWN

DISPOSAL METHOD(S):

() SPILL, LEAK, DUMP, ETC.	() IMPOUNDMENT	(X) SURFACE WATER DISCHARGE
() BURIAL	() INJECTION WELL	() VOL. REDUCT./RECOVERY
() DRAINFIELD	() LAND APPLICATION	() OTHER:
() ENCAPSULATION	() LANDSPREADING	() REUSE OR DISPOSAL (R/D)

FACILITY OVERVIEW - PAGE 1

FACILITY NAME: RICKYS OIL SERVICE INC
LOCATION: 7209 NW 66TH ST
SITE SUPERVISOR:
RESP.AUTH./LANDOWNER: ANDY C. RICCI
ADDR:
COUNTRY (IF OTHER THAN THE U.S.):

CITY: MIAMI
PHONE: (
CTY/ST/ZIP:
STATE: FL
PHONE: (
FL

LAST UPDATED: 03/05/96

FACILITY TYPE: 7 HAZ-NON-IND STATUS: A ACTIVE AS OF 2/86
CLASS: TYPE TREATMENT/PROCESS:
(CONT.):
DER OFFICE: SOUTHEAST COUNTY: DADE SITE LAT/LON: 25.45.00.00/80.11.47.00
SECT-TOWN-RANGE: SEGMENT: QUAD: 272A KEY BISCAYNE
POP.SERVED: DESIGN CAP: DRINK SYS TYPE: UNKNOWN

DISPOSAL METHOD(S):

<input type="checkbox"/> SPILL, LEAK, DUMP, ETC.	<input type="checkbox"/> IMPOUNDMENT	<input type="checkbox"/> SURFACE WATER DISCHARGE
<input type="checkbox"/> BURIAL	<input type="checkbox"/> INJECTION WELL	<input type="checkbox"/> VOL.REDUCT./RECOVERY
<input type="checkbox"/> DRAINFIELD	<input type="checkbox"/> LAND APPLICATION	<input checked="" type="checkbox"/> OTHER: U.O. NOTIFIED
<input type="checkbox"/> ENCAPSULATION	<input type="checkbox"/> LANDSPREADING	<input type="checkbox"/> REUSE OR DISPOSAL (R/D)

FACILITY OVERVIEW - PAGE 1

FACILITY NAME: RICKY'S OIL SERVICE INC. LAST UPDATED: 08/07/90
LOCATION: 7209 N.W., 66 STREET CITY: MIAMI STATE: FL
SITE SUPERVISOR: ANDY RICCI PHONE: (305)887-2800
RESP.AUTH./LANDOWNER: RICKY'S OIL SERVICE INC. PHONE: (305)887-2800
ADDR: 7209 N.W. 66 STREET CTY/ST/ZIP: MIAMI ,FL 33166-
COUNTRY (IF OTHER THAN THE U.S.):

FACILITY TYPE: 3 SOLID WASTE STATUS: A ACTIVE AS OF 6/90
CLASS: 811 TYPE TREATMENT/PROCESS: USED OIL
(CONT.):

DER OFFICE: SOUTHEAST COUNTY: DADE SITE LAT/LON: 25.50.00.00/80.18.55.00
SECT-TOWN-RANGE: 14-52S-40E SEGMENT: QUAD: 265D HIALEAH
POP.SERVED: DESIGN CAP: DRINK SYS TYPE: N NON-COM

DISPOSAL METHOD(S):

<input type="checkbox"/> SPILL, LEAK, DUMP, ETC.	<input type="checkbox"/> IMPOUNDMENT	<input type="checkbox"/> SURFACE WATER DISCHARGE
<input type="checkbox"/> BURIAL	<input type="checkbox"/> INJECTION WELL	<input checked="" type="checkbox"/> VOL. REDUCT./RECOVERY
<input type="checkbox"/> DRAINFIELD	<input type="checkbox"/> LAND APPLICATION	<input type="checkbox"/> OTHER:
<input checked="" type="checkbox"/> ENCAPSULATION	<input type="checkbox"/> LANDSPREADING	<input type="checkbox"/> REUSE OR DISPOSAL (R/D)

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

**STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,**

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. to grant an extension of time to file a petition for an administrative hearing on Application No. S013-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

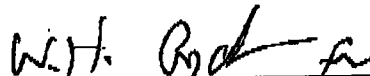
The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until July 22, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection,

Post-It® Fax Note	7671	Date	9/10/96	# of pages	8
To	Vince Peluso	From	Mariane Monahan		
Co./Dept.	WFP Dist.	Co.	OGC		
Phone #	SC 226-6613	Phone #	SC 291-9682		
Fax #	SC 226-6770	Fax #	SC 291-3000		

3900 Commonwealth Boulevard, Tallahassee, Florida
32399-3000.

DONE AND ORDERED on this 31st day of January, 1996 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314


CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed
to:

Daniel E. Taylor, Esquire
TRIPP, SCOTT, CONKLIN & SMITH
110 S.E. 6th Street, 28th Floor
Post Office Box 14245
Ft. Lauderdale, FL 33302-14245

on this 1st day of February, 1996.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Assistant General Counsel
Florida Bar No. 800996

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent,

REQUEST FOR EXTENSION OF TIME

Petitioner, Ricky's Oil Service, Inc. ("Petitioner") by and through its undersigned counsel and pursuant to Rule 62-103.070, Florida Administrative Code, hereby requests an additional extension of time within which to file a Petition for Administrative Hearing pursuant to Section 120.57(1), Florida Statutes and Rule 62-103.155, Florida Administrative Code. As grounds, Petitioner states the following:

1. By Order August 15, 1995 (copy attached), the Department granted Petitioner's Request For an Extension of Time to file a petition for hearing.

2. Petitioner is requesting this extension due to administrative delays and subsequent intervening matters in which Petitioner has had to resolve with the local government agencies, Dade County Building and Zoning, Dade County Department of Environmental Resource Management ("DERM") and the relevant city authorities, in order to obtain the requisite permits. The following has been accomplished in the intervening period:

(a) Obtained building and zoning permits for construction projects relevant to the underground and above ground storage tanks at the facility. The Dade County Building and Zoning Departments required the facility to pull permits to meet certain code standards. Petitioner hired engineers and construction coordinators to assist and timely submit the permit applications. However, the Building and Zoning Departments, due to their backlog, held the permit applications, causing a delay in construction.

(b) Petitioner installed a Modular Building which was required to meet American Disability Act standards. Dade County, therefore, required Petitioner to also install proper handicap access to the new building,

as well as handicapped parking, all which required permits to be pulled. Again, the project was delayed due to the Dade County administrative backlog.

(c) The Building and Zoning Department also required certain landscaping and parking codes in which Petitioner was required comply in order to receive a permit. This entire process took several months because of weather conditions and an erratic permit inspection process.

(d) Petitioner also removed an underground storage tank, which required several tank removal requirements from DERM. Contractors and environmental consultants were hired to perform the removal tasks.

(e) Soil and groundwater samples were obtained and analyzed. The soil analysis revealed levels which exceeded County and State guidelines. Therefore, Petitioner was unable to incinerate the soil and had to locate an available disposal facility. Additional samples had to be taken and analyzed, causing additional delay.

(f) Currently, Petitioner's engineers have drawn up plans for a new facility, the plans of which have been submitted to Building and Zoning for review. These new plans will meet all DERM and Department of Environmental Protection's rules and regulations. Again, Petitioner is waiting on local regulatory agencies in order to accomplish its goals.

3. Petitioner continues to work with the Department and the local regulatory and environmental agencies to resolve the outstanding issues. Significant progress is being made towards fully complying with Department requirements. An extension of time to file a petition will further this process and obviate unnecessary expense and effort by both the Department and Petitioner.

WHEREFORE, Petitioner respectfully requests entry of an Order granting Petitioner, Ricky's Oil Service, an additional 180 days in which to file a Petition for Administrative Hearing.

Respectfully submitted this 20th day of January 1996.

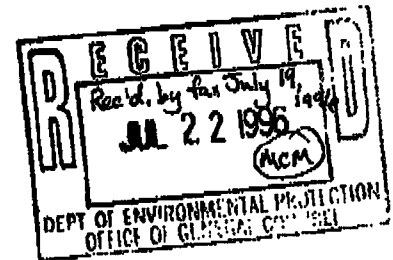
TRIPP, SCOTT, CONKLIN & SMITH
Attorneys for Petitioner
110 S.E. 6th St., 28th Floor
P.O. Box 14245
Ft. Lauderdale, FL 33302-14245
(305) 525-7500

Daniel Taylor signed in his absence
DANIEL E. TAYLOR
FL BAR NO: 109412

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Extension of Time has been sent via Federal Express to the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and copies sent via U.S. Mail and Facsimile to Mr. Jefferson M. Braswell, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, 6th Floor, Tallahassee, Florida, 32399-2400; on this 20th day of January 1996.

Daniel Taylor signed in his absence
Daniel E. Taylor, Esquire

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

OGC CASE NO. 95-1780

REQUEST FOR EXTENSION OF TIME

Petitioner, Ricky's Oil Service, Inc. ("Petitioner") by and through its undersigned counsel and pursuant to Rule 62-103.070, Florida Administrative Code, hereby requests an additional extension of time within which to file a Petition for Administrative Hearing pursuant to Section 120.57(1), Florida Statutes and Rule 62-103.155, Florida Administrative Code. As grounds, Petitioner states the following:

1. By Order dated January 31, 1988 (copy attached), the Department granted Petitioner's Request For an Extension of Time to file a petition for hearing.

2. Petitioner is requesting this additional extension in order to complete the construction phase of installing the secondary containment system. This is the final procedure necessary to be completed in order to obtain a General Permit for a Used Oil Processing Facility. Allowing this additional extension of time will alleviate the need for Petitioner to file a petition for an Administrative Hearing on this matter.

3. In response to the above request for additional time, Petitioner has accomplished the following in the intervening period of time:

- a. Petitioner, after substantive delays from Dade County Department of Environmental Resource Management ("DERM") and Dade County Department of Building and Zoning, have received permits to proceed with construction of the facility.
- b. A contract was signed and entered into with a contractor to construct a new tank farm, of which contains a secondary containment system including impervious walls and floors.
- c. Engineering Plans were submitted to Dade County Building and Zoning and DERM, and were approved after several modifications and delays.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Extension of Time has been sent via Federal Express to the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and copies sent via U.S. Mail and Facsimile to Mr. Jefferson M. Braswell, Department of Environmental Protection, Office of General Counsel, 2800 Blair Stone Road, 6th Floor, Tallahassee, Florida, 32399-2400; on this 19th day of July 1998


Daniel E. Taylor, Esquire

RICKY'S OIL SERVICE
CONSTRUCTION SCHEDULE AUGUST 27, 1996

Received 8/27/96
By JmJ

PHASE I CONSTRUCTION = RELOCATION OF TANK FARM AND SECONDARY CONTAINMENT

1. Bid and let subcontractors
2. Review site survey and obtain accurate benchmark elevations
3. Insert fill or remove fill to establish level site elevation
4. Stake layout for Phase I construction
5. Build sumps - 4 total (1 main sump and 3 small sumps in containment area)
6. Install footing for cradles
7. Install foundation steel (re-bar) for concrete floor
8. Install J-bolt placement for cradles
9. Install wire mesh throughout entire area to be concreted
10. Call Dade County Building and Zoning to obtain 1st construction inspection

Upon approval:

- 10/16
11. Schedule to pour and finish concrete slab (dimensions: 50' x 57' x 6" and \approx 40' x 22' x 6" totalling approximately 3700 square feet)

VOLUME LARGEST TANK \approx 25,000 GAL
F 69, 220 GAL

12. Install the piers which hold the cradles

Total 16 piers:

Four	- 10' x 2'
Three	- 8' x 3'
Three	- 10' x 10'
Six	- 10' x 8'

13. Begin formation of containment walls

inside containment walls	- 1 foot high
perimeter walls	- 2 feet high

14. Install foundation steel (re-bar) for containment walls
15. Call Dade County Building and Zoning to obtain 2nd construction inspection

Upon approval:

16. Pour and finish walls and piers
17. Install steel tank supports/cradles
18. Install protective rubber rest for tank to rest on cradle
19. Set cradles
20. Relocate tanks into new tank farm area (hire crane company)
 - disconnect piping
 - sand blast tanks
 - paint tanks
 - reconnect piping
- 12/15
11/30 21. Install steel straps to secure tanks

*Add 2 weeks for
Tank Certification*

AT THIS TIME IN THE CONSTRUCTION PROCESS, ALL OPERATIONAL TANKS HAVE BEEN RELOCATED AND ARE SURROUNDED BY IMPERVIOUS RETAINING WALLS AND FLOORING, SO AS TO PREVENT ANY POTENTIAL RELEASE FROM MIGRATING OUT OF THE SYSTEM TO THE SOIL, GROUNDWATER, OR SURFACE WATER.

PHASE II - CONSTRUCTION OF REMAINING HALF OF FACILITY

1. Prepare foundation of soil for 2nd phase of construction for density and compaction tests
2. Repeat above steps for Phase II

AT THIS POINT IN THE CONSTRUCTION PROCESS, THE REMAINING TANKS, CURRENTLY NON-OPERATIONAL, WILL BE CONTAINED IN IMPERVIOUS SECONDARY CONTAINMENT. UPON THE COMPLETION OF THE CONSTRUCTION, THE ENTIRE FACILITY WILL CONTAIN A CONCRETE FLOOR, INCLUDING ALL AREAS FOR VEHICLE PARKING.

RICKY'S OIL SERVICE TIMELINE

PHASE I

- | | | |
|---------------------------------------|-----------|---------|
| - Bid and Let Subcontractors | 3 WEEKS | - 9/16 |
| - 1st Part of Construction #s 2 - 11 | 30 DAYS** | - 10/16 |
| - 2nd Part of Construction #s 12 - 16 | 30 DAYS** | - 11/16 |
| - Relocation of Tanks #s 17 - 21 | 2 WEEKS** | - |

PHASE II

60 DAYS**

- ** These estimates do not take into account reasonable, unforeseen circumstances such as rain delays, hurricanes, etc. If any reasonable unforeseen circumstance arises, Ricky's Oil Service will promptly notify the Department of Environmental Protection and revise the construction schedule accordingly.



PHONE (305) 372-6600
FAX (305) 372-6545

Allen Cox

~~SENIOR~~ ~~2130120~~

INSPECTOR
HAZARDOUS FACILITIES SECTION

METROPOLITAN DADE COUNTY
ENVIRONMENTAL RESOURCES
MANAGEMENT

33 S.W. 2nd AVENUE
SUITE 600
MIAMI, FLORIDA 33130-1540

Printed on Recycled Paper

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RECEIVED
AUG 24 1995
DEPT OF ENV PROTECTION
WEST PALM BEACH

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. under rule 62-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. S013-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until January 22, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection,

3900 Commonwealth Boulevard, Tallahassee, Florida

32399-3000.

DONE AND ORDERED on this 15th day of August, 1995 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314

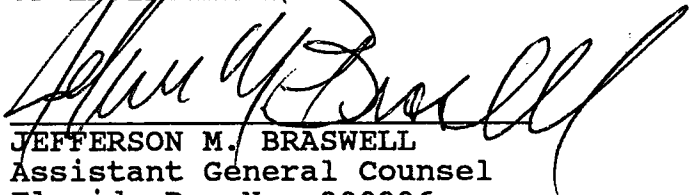
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed
to:

Andy Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, Florida 33165

on this 21st day of August, 1995.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Assistant General Counsel
Florida Bar No. 800996

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

July 24, 1995

Ms. Virginia B. Wetherell, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

and

Office of General Counsel
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

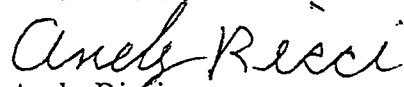
Re: DEP File No. S013-272639
Dade County
Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Ms. Wetherell:

This letter is being submitted to respectfully request an Extension of Time of 180 days pursuant to Rule 62-103.070, Florida Administration Code (F.A.C.), for the submittal of a petition for an administrative hearing, in accordance with Section 120.57, Florida Statutes (F.S.). The petition for administrative hearing will be filed in response to a Notice of Denial of Use of General Permit for the above referenced facility, dated July 11, 1995, received July 12, 1995, and issued by the Southeast District of the Florida Department of Environmental Protection.

This extension of time is being requested in order to provide sufficient time to prepare the detailed documentation required by Section 120.57, F.S.

Very truly yours,


Andy Ricci

Department of Environmental Regulation
Routing and Transmittal Slip

To: (Name, Office, Location)

1.

JEFF BRASWELL

2.

OGC / TALLAHASSEE

3.

4.

Remarks:

JEFF - PLEASED TO PROVIDE THE
COPY OF THE "GREEN CARD
RECEIPT" FOR THE PERMIT
DENIAL SENT TO RICKY'S
OIL / MIAMI.

From

KNOX MCKEE

Date

8/24/95

Phone

SC: 232-260 EX 22

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE.
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front).**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

SENDER:

Complete items 1 and/or 2 for additional services.
Complete items 3, and 4a & b.

Print your name and address on the reverse of this form so that we can return this card to you.

Attach this form to the front of the mailpiece, or on the back if space is not permit.

Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date received.

Article Addressed to:

R. Andy Ricci
CKN'S Oil Service, Inc.
109 NW 66th St.
Miami, FL 33166

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

893731604

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

7/16/95

8. Addressee's Address (Only if requested and fee is paid)

Signature (Agent)

Andy Ricci

Signature (Addressee)

102595-93-Z-047a

PS Form 3811, December 1991 *U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Is y^c SK

PS Form 3871, December 1991

U.S. GPO: 1992-342-717

TURN RECEIPT

Form 3800, June 1991



P 893 731 604

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	
Mr. Andy Ricci	
Street and No.	
7209 NW 66th St.	
P.O., State and ZIP Code	
Miami, 33166	
Postage	\$ 32
Certified Fee	1.10
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$ 33.10
Postmark or Date	7/11
RICKY'S Oil Service, Inc	
Notice of Denial	
5013-272639	
Only if requested	
urn Receipt for	
chandise	
red	
ter for fee.	
eed Delivery	
see's Address	

de? SENDER:

Additional services.

I also wish to receive the

es (for an extra

Thank you for using Return Receipt Service.

I N T E R O F F I C E M E M O R A N D U M

Date: 22-Aug-1995 10:56am EST
From: Joe Lurix WPB
LURIX_J
Dept: Southeast District Office
Tel No: 407/433-2650
SUNCOM: 232-2650

TO: Jeff Braswell TAL

(BRASWELL_J @ A1 @ DER)

CC: Knox McKee WPB

(MCKEE_K)

Subject: Rickys Oil GP

Jeff

Your secretary asked for a copy of the green card to show receipt of the denial by Rickys Oil in Miami. All of the files have been transferred to the hazardous waste section since they are now responsible for permitting, compliance and enforcement of used oil facilities in our district. You'll need to stay in contact with Knox McKee on this case.

Knox, please forward a copy of the green card to Jeff on this denial. The applicant, Mr. Ricci, petitioned the denial of his general permit application. The application was received in June 1995, there is only one file for permitting.

j1

RICKY'S OIL SERVICE INC

6330 WEST 16TH AVENUE

HIALEAH, FLORIDA 33012

PHONE# 822-2253

FAX# 822-8004

FACSIMILE TRANSMISSION

DATE: 8/8/96 TIME 11:15 AM/PM
TO: Supervisor of Hazardous Waste
ATTENTION: John M. Jones
FROM: Andy Rice
YOUR FAX # 1-561-681-6770

NUMBER OF PAGES BEING TRANSMITTED: 2 INCLUDING
THIS PAGE.

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION
PLEASE CONTACT OUR OFFICE.

COMMENTS: Mr Jones here's the
letter from our Contractor for
your info.

Dermody & Webb, Inc.

G E N E R A L C O N T R A C T O R S

#RG 0002004 (Webb) & #CGC 019696 (Metz)

3801 North 19th Avenue
HOLLYWOOD, FLORIDA 33020

Broward (305) 920-3000
Dade (305) 611-3636

August 7, 1996

Ricky's Oil Service
6330 W. 16th Avenue
Hialeah, Florida 33012

Attention: Andy Ricci

Re: Plant at 7209 N. W. 66th St.,
Miami, Fl.


Dear Andy:

We are currently in the process of meeting with potential subcontractors for the project at above referenced location. We have a meeting scheduled for Monday 8/12/96 at the site with a contractor who would be doing the foundation, forming and concrete work.

We are anticipating beginning this project within the next 30 days.

Very truly yours,

DERMODY & WEBB, INC.


H. TED WEBB, PRESIDENT

HTW/lm

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DISTRICT ROUTING SLIP

TO: John Jones/Vincent DeLuso

DATE: 8/02/96

cc To:

	PENSACOLA	NORTHWEST DISTRICT	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
	TAMPA	SOUTHWEST DISTRICT	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	ORLANDO	CENTRAL DISTRICT	
	Melbourne	Central District Satellite Office	
	JACKSONVILLE	NORTHEAST DISTRICT	
	Gainesville	Northeast District Branch Office	
	FORT MYERS	SOUTH DISTRICT	
	Marathon	South District Branch Office	
✓	WEST PALM BEACH	SOUTHEAST DISTRICT	
	Port St. Lucie	Southeast District Branch Office	

☐ Reply Optional
Date Due _____

☐ Reply Required
Date Due: _____

☐ Info Only

Comments: Re: Ricky's Oil Service, Inc.

File No. 5013-272639

This is a copy of everything from the OGC file
except for the Notice of Denial of Use of General
Permit.

From: Marianne Monahan
for Doug Beason, OGC

Tel: SC 291-9692
or SC 278-9730

July 24, 1995

Ms. Virginia B. Wetherell, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

and

Office of General Counsel
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

RECEIVED
AUG 6 - 1996
DEPT OF ENV PROTECTION
WEST PALM BEACH


Re: DEP File No. S013-272639
Dade County
Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Ms. Wetherell:

This letter is being submitted to respectfully request an Extension of Time of 180 days pursuant to Rule 62-103.070, Florida Administration Code (F.A.C.), for the submittal of a petition for an administrative hearing, in accordance with Section 120.57, Florida Statutes (F.S.). The petition for administrative hearing will be filed in response to a Notice of Denial of Use of General Permit for the above referenced facility, dated July 11, 1995, received July 12, 1995, and issued by the Southeast District of the Florida Department of Environmental Protection.

This extension of time is being requested in order to provide sufficient time to prepare the detailed documentation required by Section 120.57, F.S.

Very truly yours,


Andy Ricci

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. under rule 62-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. SO13-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:


The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until January 22, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection,

3900 Commonwealth Boulevard, Tallahassee, Florida

32399-3000.

DONE AND ORDERED on this 15th day of August, 1995 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314

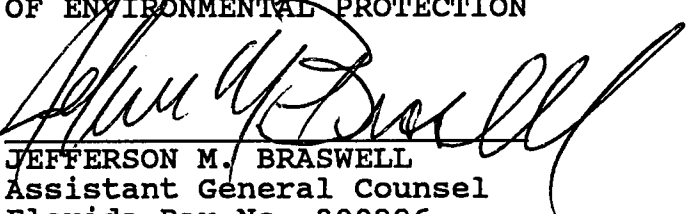
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed
to:

Andy Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, Florida 33165

on this 21st day of August, 1995.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Assistant General Counsel
Florida Bar No. 800996

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

July 24, 1995

Ms. Virginia B. Wetherell, Secretary
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

and

Office of General Counsel
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, FL 32399-2400

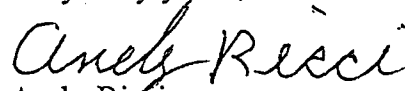
Re: DEP File No. S013-272639
Dade County
Ricky's Oil Service, Inc.
7209 N.W. 66 Street
Miami, Florida 33165

Dear Ms. Wetherell:

This letter is being submitted to respectfully request an Extension of Time of 180 days pursuant to Rule 62-103.070, Florida Administration Code (F.A.C.), for the submittal of a petition for an administrative hearing, in accordance with Section 120.57, Florida Statutes (F.S.). The petition for administrative hearing will be filed in response to a Notice of Denial of Use of General Permit for the above referenced facility, dated July 11, 1995, received July 12, 1995, and issued by the Southeast District of the Florida Department of Environmental Protection.

This extension of time is being requested in order to provide sufficient time to prepare the detailed documentation required by Section 120.57, F.S.

Very truly yours,


Andy Ricci

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR EXTENSION OF TIME

Petitioner, Ricky's Oil Service, Inc. ("Petitioner") by and through its undersigned counsel and pursuant to Rule 62-103.070, Florida Administrative Code, hereby requests an additional extension of time within which to file a Petition for Administrative Hearing pursuant to Section 120.57(1), Florida Statutes and Rule 62-103.155, Florida Administrative Code. As grounds, Petitioner states the following:

1. By Order August 15, 1995 (copy attached), the Department granted Petitioner's Request For an Extension of Time to file a petition for hearing.

2. Petitioner is requesting this extension due to administrative delays and subsequent intervening matters in which Petitioner has had to resolve with the local government agencies, Dade County Building and Zoning, Dade County Department of Environmental Resource Management ("DERM") and the relevant city authorities, in order to obtain the requisite permits. The following has been accomplished in the intervening period:

(a) Obtained building and zoning permits for construction projects relevant to the underground and above ground storage tanks at the facility. The Dade County Building and Zoning Departments required the facility to pull permits to meet certain code standards. Petitioner hired engineers and construction coordinators to assist and timely submit the permit applications. However, the Building and Zoning Departments, due to their backlog, held the permit applications, causing a delay in construction.

(b) Petitioner installed a Modular Building which was required to meet American Disability Act standards. Dade County, therefore, required Petitioner to also install proper handicap access to the new building,

as well as handicapped parking, all which required permits to be pulled. Again, the project was delayed due to the Dade County administrative backlog.

(c) The Building and Zoning Department also required certain landscaping and parking codes in which Petitioner was required comply in order to receive a permit. This entire process took several months because of weather conditions and an erratic permit inspection process.

(d) Petitioner also removed an underground storage tank, which required several tank removal requirements from DERM. Contractors and environmental consultants were hired to perform the removal tasks.

(e) Soil and groundwater samples were obtained and analyzed. The soil analysis revealed levels which exceeded County and State guidelines. Therefore, Petitioner was unable to incinerate the soil and had to locate an available disposal facility. Additional samples had to be taken and analyzed, causing additional delay.

(f) Currently, Petitioner's engineers have drawn up plans for a new facility, the plans of which have been submitted to Building and Zoning for review. These new plans will meet all DERM and Department of Environmental Protection's rules and regulations. Again, Petitioner is waiting on local regulatory agencies in order to accomplish its goals.

3. Petitioner continues to work with the Department and the local regulatory and environmental agencies to resolve the outstanding issues. Significant progress is being made towards fully complying with Department requirements. An extension of time to file a petition will further this process and obviate unnecessary expense and effort by both the Department and Petitioner.

WHEREFORE, Petitioner respectfully requests entry of an Order granting Petitioner, Ricky's Oil Service, an additional 180 days in which to file a Petition for Administrative Hearing.

Respectfully submitted this 20th day of January 1996.

TRIPP, SCOTT, CONKLIN & SMITH
Attorneys for Petitioner
110 S.E. 6th St., 28th Floor
P.O. Box 14245
Ft. Lauderdale, FL 33302-14245
(305) 525-7500

Daniel Taylor signed in his absence
DANIEL E. TAYLOR
FL BAR NO: 109412

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Extension of Time has been sent via Federal Express to the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and copies sent via U.S. Mail and Facsimile to Mr. Jefferson M. Braswell, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, 6th Floor, Tallahassee, Florida, 32399-2400; on this 20th day of January 1996.

Daniel Taylor *signed in his absence*
Daniel E. Taylor, Esquire

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. under rule 62-103.070 of the Florida Administrative Code to grant an extension of time to file a petition for an administrative hearing on Application No. S013-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:


The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until January 22, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection,

3900 Commonwealth Boulevard, Tallahassee, Florida

32399-3000.

DONE AND ORDERED on this 15th day of August, 1995 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314

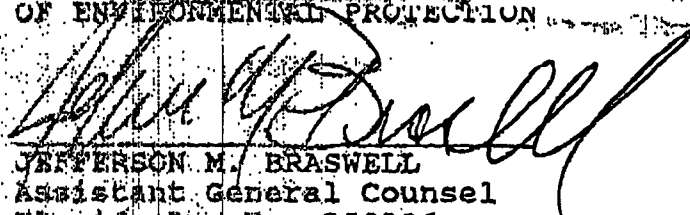
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed
to:

Andy Ricci
Ricky's Oil Service, Inc.
7209 N.W. 86th Street
Miami, Florida 33165

on this 21st day of August, 1995.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Assistant General Counsel
Florida Bar No. 800996

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

**ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING**

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. to grant an extension of time to file a petition for an administrative hearing on Application No. S013-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until July 22, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection,

3900 Commonwealth Boulevard, Tallahassee, Florida

32399-3000.

DONE AND ORDERED on this 31st day of January, 1996 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314

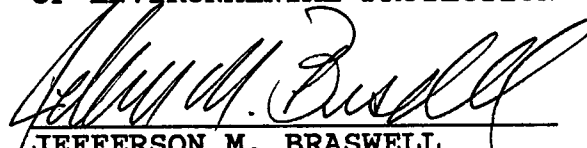
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed
to:

Daniel E. Taylor, Esquire
TRIPP, SCOTT, CONKLIN & SMITH
110 S.E. 6th Street, 28th Floor
Post Office Box 14245
Ft. Lauderdale, FL 33302-14245

on this 1st day of February, 1996.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Assistant General Counsel
Florida Bar No. 800996

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR EXTENSION OF TIME

Petitioner, Ricky's Oil Service, Inc. ("Petitioner") by and through its undersigned counsel and pursuant to Rule 62-103.070, Florida Administrative Code, hereby requests an additional extension of time within which to file a Petition for Administrative Hearing pursuant to Section 120.57(1), Florida Statutes and Rule 62-103.155, Florida Administrative Code. As grounds, Petitioner states the following:

1. By Order August 15, 1995 (copy attached), the Department granted Petitioner's Request For an Extension of Time to file a petition for hearing.

2. Petitioner is requesting this extension due to administrative delays and subsequent intervening matters in which Petitioner has had to resolve with the local government agencies, Dade County Building and Zoning, Dade County Department of Environmental Resource Management ("DERM") and the relevant city authorities, in order to obtain the requisite permits. The following has been accomplished in the intervening period:

(a) Obtained building and zoning permits for construction projects relevant to the underground and above ground storage tanks at the facility. The Dade County Building and Zoning Departments required the facility to pull permits to meet certain code standards. Petitioner hired engineers and construction coordinators to assist and timely submit the permit applications. However, the Building and Zoning Departments, due to their backlog, held the permit applications, causing a delay in construction.

(b) Petitioner installed a Modular Building which was required to meet American Disability Act standards. Dade County, therefore, required Petitioner to also install proper handicap access to the new building,

as well as handicapped parking, all which required permits to be pulled. Again, the project was delayed due to the Dade County administrative backlog.

(c) The Building and Zoning Department also required certain landscaping and parking codes in which Petitioner was required comply in order to receive a permit. This entire process took several months because of weather conditions and an erratic permit inspection process.

(d) Petitioner also removed an underground storage tank, which required several tank removal requirements from DERM. Contractors and environmental consultants were hired to perform the removal tasks.

(e) Soil and groundwater samples were obtained and analyzed. The soil analysis revealed levels which exceeded County and State guidelines. Therefore, Petitioner was unable to incinerate the soil and had to locate an available disposal facility. Additional samples had to be taken and analyzed, causing additional delay.

(f) Currently, Petitioner's engineers have drawn up plans for a new facility, the plans of which have been submitted to Building and Zoning for review. These new plans will meet all DERM and Department of Environmental Protection's rules and regulations. Again, Petitioner is waiting on local regulatory agencies in order to accomplish its goals.

3. Petitioner continues to work with the Department and the local regulatory and environmental agencies to resolve the outstanding issues. Significant progress is being made towards fully complying with Department requirements. An extension of time to file a petition will further this process and obviate unnecessary expense and effort by both the Department and Petitioner.

WHEREFORE, Petitioner respectfully requests entry of an Order granting Petitioner, Ricky's Oil Service, an additional 180 days in which to file a Petition for Administrative Hearing.

Respectfully submitted this 20th day of January 1996.

TRIPP, SCOTT, CONKLIN & SMITH
Attorneys for Petitioner
110 S.E. 6th St., 28th Floor
P.O. Box 14245
Ft. Lauderdale, FL 33302-14245
(305) 525-7500

Daniel Taylor signed in his absence
DANIEL E. TAYLOR
FL BAR NO: 109412

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Extension of Time has been sent via Federal Express to the Department of Environmental Protection, Office of General Counsel, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and copies sent via U.S. Mail and Facsimile to Mr. Jefferson M. Braswell, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, 6th Floor, Tallahassee, Florida, 32399-2400; on this 20th day of January 1996.

Daniel Taylor *signed in his absence*
Daniel E. Taylor, Esquire

TSCS

TRIPP, SCOTT, CONKLIN & SMITH

**110 SOUTHEAST 6TH STREET
28TH FLOOR
FORT LAUDERDALE, FL 33301
PHONE NO. (305) 525-7500
FAX NO. (305) 761-8475**

RETURN CONFIRMATION TO: DET/AJL

PLEASE DELIVER FAX TRANSMISSION TO:

NAME: Jefferson M. Braswell
Office of General Counsel
Department of Environmental Protection

FAX NO: (904) 921-3000

TRANSMISSION SENT BY:

NAME: Daniel E. Taylor, Esquire

DATE: July 19, 1996

FILE NO.: 950530.0001

NUMBER OF PAGES INCLUDING COVER SHEET: 6

HARD COPY WILL BE MAILED

MESSAGE:

=====

The information contained in this facsimile is attorney-privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone. Thank you.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

REQUEST FOR EXTENSION OF TIME

Petitioner, Ricky's Oil Service, Inc. ("Petitioner") by and through its undersigned counsel and pursuant to Rule 62-103.070, Florida Administrative Code, hereby requests an additional extension of time within which to file a Petition for Administrative Hearing pursuant to Section 120.57(1), Florida Statutes and Rule 62-103.155, Florida Administrative Code. As grounds, Petitioner states the following:

1. By Order dated January 31, 1996 (copy attached), the Department granted Petitioner's Request For an Extension of Time to file a petition for hearing.

2. Petitioner is requesting this additional extension in order to complete the construction phase of installing the secondary containment system. This is the final procedure necessary to be completed in order to obtain a General Permit for a Used Oil Processing Facility. Allowing this additional extension of time will alleviate the need for Petitioner to file a petition for an Administrative Hearing on this matter.

3. In response to the above request for additional time, Petitioner has accomplished the following in the intervening period of time:

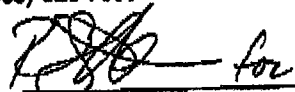
- a. Petitioner, after substantive delays from Dade County Department of Environmental Resource Management ("DERM") and Dade County Department of Building and Zoning, have received permits to proceed with construction of the facility.
- b. A contract was signed and entered into with a contractor to construct a new tank farm, of which contains a secondary containment system including impervious walls and floors.
- c. Engineering Plans were submitted to Dade County Building and Zoning and DERM, and were approved after several modifications and delays.

- d. The removal of an underground storage tank was conducted under the guise of DERM. DERM required several tests and analyses of the soils, of which were contaminated. Soils were properly disposed of and excavation was replaced with clean fill.
- e. Soils are still being removed and tested at the facility. Presently, delays in soil removal have been caused by inclement weather.
- f. Environmental consultants are currently addressing DERM's requests in preparing the Contamination Assessment at the facility.
- g. Construction of the new tank farm and associated secondary containment was to begin last month. However, contractor has been delayed in laying the concrete for the new tank farm, due to the inclement weather. Construction will begin as soon as practicable.
4. Petitioner is working closely with the Department, DERM and Dade County Building and Zoning, to comply with all necessary regulations, so that it can construct its new facility and continue to be in compliance. Again, the construction phase is the last significant part of Petitioner's procedures in implementing the new tank farm and system, and by granting this extension of time, the Department will enable the project to be completed.

WHEREFORE, Petitioner respectfully requests entry of an Order granting Petitioner, Ricky's Oil Service, an additional 180 days in which to file a Petition for Administrative Hearing. This extension of time will alleviate the need to file a petition for Administrative Hearing, which will delay this project and create unnecessary expense and effort by both the Department and Petitioner.

Respectfully submitted this 19th day of July 1996.

TRIPP, SCOTT, CONKLIN & SMITH
Attorneys for Petitioner
110 S.E. 6th St., 28th Floor
P.O. Box 14245
Ft. Lauderdale, FL 33302-14245
(305) 525-7500


DANIEL E. TAYLOR
FL BAR NO: 109412

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Petition for Extension of Time has been sent via Federal Express to the Department of Environmental Protection, Office of General Counsel, 3800 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000, and copies sent via U.S. Mail and Facsimile to Mr. Jefferson M. Braswell, Department of Environmental Protection, Office of General Counsel, 2600 Blair Stone Road, 6th Floor, Tallahassee, Florida, 32399-2400; on this 14th day of July 1996.


Daniel E. Taylor, Esquire

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICKY'S OIL SERVICE, INC.,

Petitioner,

vs.

OGC CASE NO. 95-1780

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

Respondent.

ORDER GRANTING REQUEST FOR EXTENSION
OF TIME TO FILE PETITION FOR HEARING

This cause has come before the Florida Department of Environmental Protection (Department) on receipt of a request made by Petitioner RICKY'S OIL SERVICE, INC. to grant an extension of time to file a petition for an administrative hearing on Application No. SO13-272639. See Exhibit 1.

Petitioner's representative has discussed this request with counsel for the Respondent State of Florida Department of Environmental Protection, which has no objection to it. Therefore,

IT IS ORDERED:

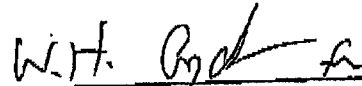
The request for an extension of time to file a petition for administrative proceeding is granted. Petitioner shall have until July 22, 1996, to file a petition in this matter. Filing shall be complete on receipt by the Office of General Counsel, Department of Environmental Protection,

3900 Commonwealth Boulevard, Tallahassee, Florida

32399-3000.

DONE AND ORDERED on this 31st day of January, 1996 in
Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


KENNETH J. PLANTE
General Counsel

Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9314

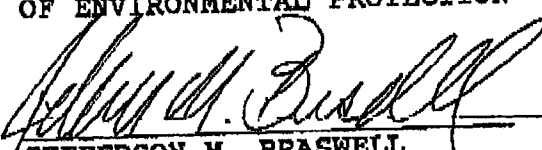
CERTIFICATE OF SERVICE

I CERTIFY that a true copy of the foregoing was mailed
to:

Daniel E. Taylor, Esquire
TRIPP, SCOTT, CONKLIN & SMITH
110 S.E. 6th Street, 28th Floor
Post Office Box 14245
Ft. Lauderdale, FL 33302-14245

on this 1st day of February, 1996.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


JEFFERSON M. BRASWELL
Assistant General Counsel
Florida Bar No. 800996

3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000
Telephone: (904) 488-9730













96 8 2





I N T E R O F F I C E M E M O R A N D U M

Date: 28-Jul-1995 09:22am EST
From: Joe Lurix WPB
LURIX_J
Dept: Southeast District Office
Tel No: 407/433-2650
SUNCOM: 232-2650

TO: Marjane Monahan TAL

(MONAHAN_M@A1@DER)

CC: Jeff Braswell TAL

(BRASWELL_J@A1@DER)

CC: Joe Kahn WPB

(KAHN_J)

Subject: RE: Ricky's Oil Service, Inc.

Jeff is on the cc list of the denial. If you didn't receive it, let us know, we'll mail you another copy.

We probably won't receive a proof of publication for the denial for this General Permit since it is not required by rule or part of this General Permit language of the denial standard format.

I N T E R O F F I C E M E M O R A N D U M

Date: 27-Jul-1995 04:59pm EST
From: Marjane Monahan TAL
MONAHAN_M@A1@DER
Dept: Office General Counsel
Tel No: 904/488-9730
SUNCOM:

TO: Joe Lurix WPB (LURIX_J@A1@WPB1)
CC: Jeff Braswell TAL (BRASWELL_J@A1@DER)
Subject: Ricky's Oil Service, Inc.
Re: Ricky's Oil Service, Inc.
File No. SO13-272639

Yesterday, July 26th, we received a request for a 180 day extension of time to file a petition regarding the above captioned matter. Jeff Braswell is the OGC attorney assigned to the case.

Please send a copy of the Notice of Denial of Use of General Permit, and a copy of the proof of publication. If you have any objections to granting an extension of time, or have any other questions, you can contact Jeff at SunCom 291-9625 or by e-mail. Thank you.

I N T E R O F F I C E M E M O R A N D U M

Date: 03-Jul-1995 02:17pm EST
From: Joe Kahn WPB
KAHN_J@A1@WPB1
Dept: Southeast District Office
Tel No: 407/433-2650
SUNCOM:

TO: Joan Flint TAL

(FLINT_J@A1@DER)

CC: Joe Lurix WPB

(LURIX_J@A1@WPB1)

CC: Teresa Rahrig WPB

(RAHRIG_T@A1@WPB1)

Subject: RE: FWD: Used Oil Question

It is OK with me if you issue the registrations for Ricky's Oil. We will have no choice but deny the GP. They will have to install a slab to complete the containment, perhaps after they perform some work to verify the area is not presently contaminated. They may then re-file the GP notice. In the meantime, they can still transport to another facility.

I N T E R O F F I C E M E M O R A N D U M

Date: 28-Jun-1995 10:50am EST
From: Chris McGuire TAL
MCGUIRE_C@A1@DER
Dept: Office General Counsel
Tel No: 904/488-9730
SUNCOM:

TO: Joe Kahn WPB

(KAHN_J@A1@WPB1)

CC: Joan Flint TAL

(FLINT_J@A1@DER)

CC: Joe Lurix WPB

(LURIX_J@A1@WPB1)

CC: Nick Kadivar WPB

(KADIVAR_N@A1@WPB1)

CC: Teresa Rahrig WPB

(RAHRIG_T@A1@WPB1)

Subject: RE: Used Oil Question

62-710.800(1) specifically incorporates the requirements of 40 CFR 279 as a condition of the general permit. 40 CRF 279.54(c) and (d) require secondary containment for all containers and aboveground tanks used to store or process used oil at processing facilities. This must consist of dikes, berms or retaining wall, and a floor (or equivalent), all of which must be sufficiently impervious to prevent spills from migrating out of the system. 40 CFR 279 is a new requirement in Florida, so I don't think the applicant can make anything out of the fact that our tanks section may have ignored him in the past.

INTEROFFICE MEMORANDUM

Date: 28-Jun-1995 10:16am EST
From: Joe Kahn WPB
KAHN J
Dept: Southeast District Office
Tel No: 407/433-2650
SUNCOM: 232-2650

TO: Chris McGuire TAL (MCGUIRE_C @ A1 @ DER)
CC: Joan Flint TAL (FLINT_J @ A1 @ DER)
CC: Joe Lurix WPB (LURIX_J)
CC: Nick Kadivar WPB (KADIVAR_N)
CC: Teresa Rahrig WPB (RAHRIG_T)

Subject: Used Oil Question

We have in house a notification for a GP (a renewal, so to speak) for an existing used oil recycling (now "processing") facility, Ricky's Oil. We inspected this facility several months ago and found that the above-ground storage tanks were within a walled area with a dirt floor, so it has no secondary containment. I do not find that the used oil rule explicitly states that tanks have to be in containment, but we were considering denying this GP because there is no protection from contamination from oil spilled within the walls. The owner of this facility does not plan to install a slab for two years. We have referred this to our tanks section, who has referred this to the local program for follow up. According to the facility owner the local program has known about this lack of containment for years and has taken no action. Can we deny this GP? Should we instead issue this GP and let the tanks section follow up on this?

I am not in the office today, but apparently Joan Flint has a time concern regarding this facility, so I would appreciate your opinion as soon as you can. Thanks.

I N T E R O F F I C E M E M O R A N D U M

Date: 28-Jun-1995 02:31pm EST
From: Teresa Rahrig WPB
RAHRIG T
Dept: Southeast District Offi
Tel No: 407-433-2650
SUNCOM: 232-2650 ext. 236

TO: Joe Kahn WPB

(KAHN_J)

CC: Vivek Kamath WPB

(KAMATH V)

CC: Joe Lurix WPB

(LURIX_J)

Subject: RE: Used Oil Question

STATUS OF RICKY'S OIL:

DERM considers the facility to require secondary containment based on DADE County Policy. Ricky's Oil had resolved a dispute with the owner to install the secondary containment but had experienced delays with City of Medley and Metro Dade regarding zoning and building permission. The industrial waste inspector Roxanna Rivera has not noted any surface spill on her site visits, but any documentation on this forwarded to her would be helpful for enforcement support through DERM.

State rules requires containmment for tanks installed after March 12, 1991, and for existing facilities not until December 1999. I will search our database for the age of the tanks.

Roxanna can be reached at 305-372-6600 and the gentleman reviewing the permit process for secondary containment is Mohammed Taha 305-375-3330. That's all for now!

8. Attach a description of the operation of the facility including how and where the used oil will be tested, stored and processed.

9. Attached the Closure Plan for the facility. This plan must demonstrate that:

1. There will be no need for further facility maintenance;
2. Used oil will not contaminate surface or ground water; and
3. All soils will be free of oil and equipment will be emptied and cleaned or dismantled.

Any modification to this plan must be submitted to the Waste Program Administrator at the appropriate District Office of the Department.

10. Certification:

To the best of my knowledge and belief, I certify the information provided in this notification is true, accurate and correct.

I agree that any duly authorized representative of the Department may at any reasonable time enter and inspect, for the purpose of ascertaining the state of compliance with the law or rules and regulations of the Department, the property, premise or place identified on this form.

ANDY RICCI

(Name of Authorized Agent)

Andy Ricci

(Signature of Authorized Agent)

5/23/95

(Date)

RICKY'S OIL SERVICE INC.

GENERAL PERMIT NOTIFICATION

8. DESCRIPTION OF THE OPERATION OF THE FACILITY.

THE USED OIL IS STORED IN ABOVE GROUND TANKS IN A CONTAINMENT AREA. THE OIL IS SETTLED, FILTERED AND BLENDED AS INDUSTRIAL FUEL. THE OIL IS TESTED BY ON-SITE FIELD KITS AND BY INDEPENDENT LABORATORIES.

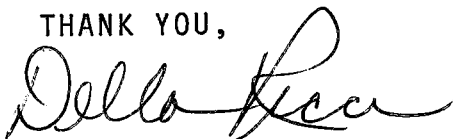
Memo from:

DELLA RICCI
Ricky's Oil Service

ATTENTION: MR. LURIX

WHEN I SENT THE GENERAL
PERMIT PACKAGE IN TO YOU, I
FORGOT YO PUT THE CHECK IN ALSO.
ENCLOSED, PLEASE FIND THE CHECK
THAT GOES WITH THAT PACKAGE.

THANK YOU,

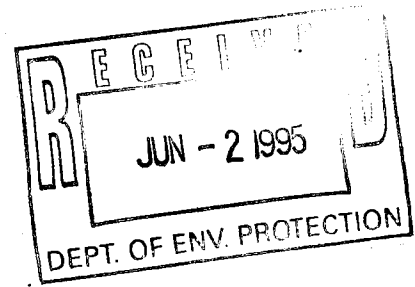


DELLA RICCI

RECEIVED

JUN 14 1995

DEPT OF ENV PROTECTION
WEST PALM BEACH



**CLOSURE PLAN
FOR
RICKY'S OIL SERVICE
7209 N.W. 66 STREET
MIAMI, DADE COUNTY, FLORIDA**

MAY 26, 1995

RECEIVED

JUN 14 1995

**DEPT OF ENV PROTECTION
WEST PALM BEACH**

**PREPARED BY:
AB₂MT CONSULTANTS, INC.
9400 SOUTH DADELAND BOULEVARD
SUITE 370
MIAMI, FLORIDA 33156**

**CLOSURE PLAN
FOR
RICKY'S OIL SERVICE
7209 N.W. 66 STREET
MIAMI, DADE COUNTY, FLORIDA**

MAY 26, 1995

1.0 INTRODUCTION

Ricky's Oil Service, Inc. is a company engaged in the collection, transport and storage of used oil and oily wastewater. The Ricky's Oil Service facility is located at 7209 N.W. 66 Street, Miami, Dade County, Florida. The site is situated on the north side of N.W. 66 Street, approximately 160 feet west of N.W. 72 Avenue, and falls within Section 14, Township 53 South, Range 40 East. A Location Map for the site is included on the 24" x 36" plan attached as Appendix I. Ricky's Oil Service also maintains administrative offices at 6330 West 16 Avenue, Hialeah, Florida.

The following Closure Plan has been prepared for Ricky's Oil Service pursuant to the permitting requirements set forth in Rule 62-710.800(3)(a), Florida Administration Code (FAC). In accordance with the Rule, this closure plan is being submitted to the Florida Department of Environmental Protection (FDEP) as part of its general permit notification. A copy of this Closure Plan will also be maintained on file at the Ricky's Oil Service facility, in accordance with the record keeping requirements set forth in Rule 62-710.500, FAC.

2.0 PROCESS DESCRIPTION

Ricky's Oil Service does not handle any hazardous wastes as defined by 40 CFR 260. The facility maintains a fleet of vacuum trucks for the collection and transport of used oil and oily wastewater. The type, capacity and number of vehicles in the Ricky's Oil Service fleet is summarized in Table 1.

Table 1. Ricky's Oil Service Fleet Information

Type	Capacity (Gal.)	Number of Vehicles
Tank Truck	2,200	6
Tractor Trailers	7,000	3

Used oil and oily wastewater are collected from Ricky's Oil Service customers and transported to the Ricky's Oil Service main facility at 7209 N.W. 66 Street. The liquid wastes are temporarily stored in aboveground tanks located at the facility. A site plan showing the layout of the tanks is included on the 24" x 36" plan attached as Appendix I. Pertinent data on the aboveground tanks, including capacity, construction material, contents and age, are summarized in Table 2.

Table 2. Aboveground Tank Details

Tank Designation No.	Capacity (Gal.)	Material of Construction	Age	Contents
1	25,000	Steel	14 years	Used Oil
2	25,000	Steel	14 years	Used Oil
3	12,000	Steel	12 years	Used Oil
4	25,000	Steel	12 years	Used Oil
5	10,000	Steel	10 years	Oily Water
6	10,000	Steel	10 years	Oily Water
7	4,000	Steel	14 years	Oily Water
8	4,000	Steel	14 years	Oily Water
9	4,000	Steel	14 years	Oily Water

Accumulated liquid wastes are ultimately pumped out of the aboveground tanks and are transported by Ricky's Oil Service for disposal at Rinker Environmental Services, located at 1200 N.W. 137 Avenue, Miami, Florida 33182.

In addition to the aboveground tanks listed above, one (1) 4,000 gallon underground used oil tank currently exists at the site. However, plans are currently being prepared for the removal of this tank and performance of associated closure assessment activities pursuant to Rule 62-761, FAC. The tank removal activities are being regulated by the Dade County Department of Environmental Resources Management (DERM).

3.0 FACILITY CLOSURE PROCEDURES

In accordance with Rule 62-710.800(3)(a), FAC, in the event that the Ricky's Oil Service facility is closed, steps will be taken to ensure that: (1) there will be no need for further facility maintenance; (2) used oil will not contaminate surface or groundwater; (3) all soils will be free of oil; and (4) all equipment will be cleaned and dismantled.

The above requirements will be met by closing the aboveground storage tank system and assessing the site in accordance with Rule 62-762.800(5), FAC. These activities will include:

1. Notification of DERM and FDEP at least 30 days prior to closure of the storage tank system;
2. Removal of all liquid and sludge from the tanks and integral piping and off-site disposal of the contents at properly licensed and permitted disposal/recycling facilities;
3. Removal and off-site disposal of the empty tanks and integral piping at permitted facilities; and
4. Collection of representative soil samples from around and beneath the tank area, and visual inspection for evidence of contamination. Should evidence of contamination be present, then soil and groundwater contamination assessment and possibly remedial activities will be conducted in accordance with Chapter 62-770, FAC.

4.0 RICKY'S OIL SERVICE GENERAL INFORMATION

Facility Owner and Operator: Andy Ricci

Mailing Address: Ricky's Oil Service
6330 West 16 Avenue
Hialeah, Florida 33012

Business Telephone: (305) 822-2253

Emergency Telephone: (305) 822-2253

FDEP Facility No.: 5013P02766

EPA Facility No.: FLD-981-019-755

APPENDIX I

APPLICATION TRACKING SYSTEM

06/27/90

APPL NO:182366

APPL RECVD:06/19/90 TYPE CODE:SO SUBCODE:15

LAST UPDATE:06/27/90

DER OFFICE RECVD:WFB DER OFFICE TRANSFER TO:___ APPLICATION COMPLETE:06/19/90

DER PROCESSOR:DEGRACIA, J.

APPL STATUS:GP DATE:06/26/90 (ACTIVE/DENIED/WITHDRAWN/EXEMPT/ISSUED/GENERAL)

RELIEF:___ (SSAC/EXEMPTIONS/VARIANCE)

(Y/N) N MANUAL TRACKING

DISTRICT:50 COUNTY:13

(Y/N) N OGC HEARING REQUESTED

LAT/LONG:___/___

(Y/N) N PUBLIC NOTICE REQD?

BASIN-SEGMENT:___

(Y/N) N GOV BODY LOCAL APPROVAL REQD?

CODE #:

(Y/N) Y LETTER OF INTENT REQD? (I/ISSUE D/DENY)

ALT#:GMN-S5013P0276

PROJECT SOURCE NAME:RICKY'S OIL SERVICE INC

STREET:7209 N. W. 66TH STREET

CITY:MIAMI

STATE:FL

ZIP:33166

PHONE:305-822-2253

APPLICATION NAME:ANDY RICCI

STREET:8615 N.W. 8TH ST. APT 203

CITY:MIAMI

STATE:FL

ZIP:33126

PHONE:305-266-6252

AGENT NAME:_____

STREET:_____

CITY:_____

STATE:___

ZIP:_____

PHONE:_____

FEE #1 DATE PAID:06/19/90

AMOUNT PAID:00025

RECEIPT NUMBER:00155955

B DATE APPLICANT INFORMED OF NEED FOR PUBLIC NOTICE	- - -	___/___/___
C DATE DER SENT DNR APPLICATION/SENT DNR INTENT	- - -	___/___/___
D DATE DER REQ. COMMENTS FROM GOV. BODY FOR LOCAL APP.	- - -	___/___/___
E DATE #1 ADDITIONAL INFO REQ--REC FROM APPLICANT	- - -	___/___/___
E DATE #2 ADDITIONAL INFO REQ--REC FROM APPLICANT	- - -	___/___/___
E DATE #3 ADDITIONAL INFO REQ--REC FROM APPLICANT	- - -	___/___/___
E DATE #4 ADDITIONAL INFO REQ--REC FROM APPLICANT	- - -	___/___/___
E DATE #5 ADDITIONAL INFO REQ--REC FROM APPLICANT	- - -	___/___/___
E DATE #6 ADDITIONAL INFO REQ--REC FROM APPLICANT	- - -	___/___/___
F DATE LAST 45 DAY LETTER WAS SENT	- - -	___/___/___
G DATE FIELD REPORT WAS REQ--REC	- - -	___/___/___
H DATE DNR REVIEW WAS COMPLETED	- - -	___/___/___
I DATE APPLICATION WAS COMPLETE	- - -	06/19/90
J DATE GOVERNING BODY PROVIDED COMMENTS OR OBJECTIONS	- - -	___/___/___
K DATE NOTICE OF INTENT WAS SENT--REC TO APPLICANT	- - -	___/___/___
L DATE PUBLIC NOTICE WAS SENT TO APPLICANT	- - -	___/___/___
M DATE PROOF OF PUBLICATION OF PUBLIC NOTICE RECEIVED	- - -	___/___/___
N WAIVER DATE BEGIN--END (DAY 90)	- - -	___/___/___

COMMENTS:EXPIRATION DATE 6/26/95

SOUTHEAST DISTRICT PERMIT PROCESSING WORKSHEET

LOGGING

NAME OF PROJECT Picky's Oil Service, Inc.
 PROJECT LOG NO. 3013-182366 COUNTY dade
 DATE APPLICATION RECEIVED 6-19-90 30-DAY (HW 60-DAY) DATE 7-17-90
 AMOUNT OF FEE PAID 25⁰⁰ COPIES OF PLANS _____
 COPIES OF APPLICATION 1 COPIES OF SPECIFICATIONS _____
 COPIES TO: CORPS ___; LOCAL PROGRAM ___; TALLAHASSEE ___; DNR ___; OTHER ___

PERMIT REVIEW

PERMIT ASSIGNED TO Javier Degroot AMOUNT OF FEE REQ'D \$ 25
 DISCHARGE TO OR LOCATED IN AQUATIC PRESERVE: Yes ___ No ___ N/A ✓

PERMIT STATUS AND CHRONOLOGY

DATE	REVIEWER'S INITIALS	COMMENTS
<u>6-19-90</u>	<u>Jury</u>	<u>Intent to Deny Intent to Issue</u>

(continue on reverse side)

FIELD INSPECTION BY: _____ DATE _____; N/A ✓
 WATER MANAGEMENT COMMENTS (DATE) _____; N/A ✓
 LOCAL PROGRAM APPROVAL (DATE) _____; N/A ✓
 GPSI, APIS, OR PWS UPDATE DRAFTED: Yes ___; N/A ✓
 PUBLIC NOTICE LETTER ISSUED/PUBLISHED (DATES) _____; N/A _____
 APPLICATION COMPLETION DATE _____ > DEFAULT DATE 7-19-90

>> D.A.S. 90+ DAYS INACTIVITY AUTHORIZATION: ___ OK ___ DENY <<

COMMENTS:

PERMIT, EXEMPTION, DENIAL DRAFTED BY: J. Jury DATE: 6-19-90
 INTENT: PROGRAM HEAD _____ PROGRAM ADM. _____
 FINAL DRAFT REVIEWED BY: V. Kamath DATE: 6/25
 FINAL DRAFT APPROVED BY: [Signature] DATE: 6-25

FINAL PROCESSING

DISTRIBUTION BY: R. Heilman DATE: 6-26
 PATS UPDATED BY: Barb DATE: 6/27
 GPSI, APIS OR PWS UPDATED BY: Barb DATE: 6/27
 WORD PROCESSOR: R. Heilman

6-19-90 Permit Data Form

Project Source Name Ricky's Oil Service Inc.

Type Code: SO Subcode 15 Check in: ☒ GP ☐ Exempt

Correct Fee 25.-

Amount Received 25.-

Permit Processor's Initial LED

Date Entry Operator's Initial DD

Amount Refund _____

Comments:

8013-182366

RICKY'S OIL SERVICE, INC.
6330 WEST 16TH AVENUE
HIALEAH, FL 33012

9442

63-398
670

Pay to the order of Florida Department of Environmental Regulation \$ 25.00
THE SUM 25 DOLS 00 CTS

Dollars

Barnett
Bank

037
1 East 49th Street
Hialeah, Florida, 33013

Della Ricci

For General Permit

CUST-ID

part
Need CMS ID #
Please

ADD	CODE
UPDATE	01
DELETE	02
	99

FACILITY OVERVIEW - PAGE 1

5013 P02766

FACILITY NAME:

Rader Oil Service Inc.

LOCATION:

7009 NW 66 Street

SUPERVISOR:

Randy Reese

RESP. AUTHORITY:

James

ADDR:

James

COUNTRY (IF OTHER THAN THE U.S.):

USA

FACILITY TYPE:

3 STATUS: #

CLASS: 510 TYPE TREATMENT/PROCESS:

Woodall

(CONT.):

BATS LAT/LONG: 25.50.00 / 80.18.55

DEPT-TOWN-RANGE: 14 - 52 - 40 SEGMENT:

POP. SERVED:

DESIGN CAP:

DRINKING WEL. ON SITE? N

DISPOSAL METHOD (9):

☐ ACC. OPITD, LEAK ETC.

☐ INFILTRATION

☐ BURIAL

☐ INJECTION

☐ DRAINFIELD

☐ LAND APPLICATION

☐ INCINERATION

☐ LANDSPREADING

☐ SURFACE WATER DISCHARGE

☐ VOL. REDUCT./RECOVERY

☐ VOL. REDUCT./RECOVERY

☐ VOL. REDUCT./RECOVERY

5013 P02766

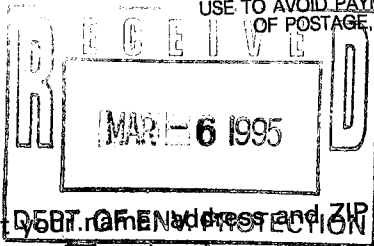
Rich

UNITED STATES POSTAL SERVICE



Official Business

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Print your name, address and ZIP Code here

Joe Lurix
F.D.E.P., SOUTHEAST DISTRICT
P.O. BOX 15425
WEST PALM BEACH FL 33416

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Andy Ricci
RICKY'S Oil Service, Inc.
7209 NW 66th St.
Miami, FL 33166

5. Signature (Addressee)

6. Signature (Agent)

Andy Ricci

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P893 732 588

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

3/2/95

8. Addressee's Address (Only if requested and fee is paid)

80 MIAMI, FL 03/02/95

Certified Mail
R.L.R.

Site # 56573

Florida Department of Environmental Protection (SE District)
Used Oil (Chapter 17-710) Inspection Report

GMS I.D. NO. 5013 P02766 Inspection Date: 2-23-95
Facility Name: Rickey's Oil Service Inc.
Address (or location by section, township, range): 7209 NW 66th Street
City: Miami State: FL ZIP: 33166
Permittee or Operating Authority: Andy Ricci
Address (Mailing): 7209 NW 66th Street
City: Miami State: FL ZIP: 33166
Telephone No. (Permittee or Operator): (305) 266-8252
Inspection Participants: Luis DBP-III, Harrison E-III & Andy Ricci

17-710.200 Definition

Facility Type: Transporter ☒ Collection Facility ☒ Recycler ☒
Reprocessing ☐ Reclaiming ☐ Rerefining ☐ Filter Processing ☐

17-710.400 Prohibitions

Evidence of discharge or improper disposal Yes, on ground around storage tanks
Mixing with Solid or Hazardous Wastes No

17-710.500 Registration and Notification

Properly registered:

Transporter > 500 Gallons/Year (see also 710.600) Yes

Collection Facility > 6,000 Gallons/Year Yes

Recycler > 10,000 Gallons/Year Yes

Registration Form current Yes Registration Form prominently displayed Yes

17-710.510 and .520 Recordkeeping and Reporting

Records being kept Yes
(records include source, type, amount, date of receipt, and end use or disposal)

Records available Yes

Records retained for three years Yes

Annual report provided (Form 17-710.900(3)) Yes

17-710.600 Transporters

Certified Yes
Registered ☒, Training Program ☐, Training Record ☐, Liability Insurance ☒

Annual Statement ☐

Certification Numbers Properly Displayed on Vehicles ☒

17-710.800 Recycling Facilities

Possess Valid General Permit ☒ Permit Number 5013-182366

Notification of Operation, Closure, or Modification ☒

Closure Plan available with records ☒

General Site Conditions

How is incoming waste oil measured? estimated

Are Groundwater wells present? Yes Potable supply wells? No

Groundwater sampling and testing? Yes Mixing of oil and storm water prevented? No

Oily areas within containment? No, no containment horizontally

Liquids within containment? Yes on sandy Type sandy soils

Tanks registered? unknown

Comments:

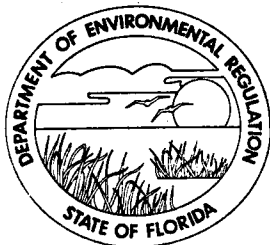
Facility has vertical concrete containment, but no horizontal containment below storage tanks. Oil evidence of spilling onto ground. One 4,000 gal. tank is buried @ 3/4' into ground/no containment for "Do-It-Yourself" disposal.

J. Luis
DEP Representative

2-23-95
Date

Site is spilling 16 years. Install horizontal containment within 90 days from date of inspection.

FILE



Florida Department of Environmental Regulation

Southeast District • 1900 S. Congress Ave., Suite A • West Palm Beach, Florida 33406 • 407-964-9668

Bob Martinez, Governor

Dale Twachtmann, Secretary

John Shearer, Assistant Secretary
Scott Benyon, Deputy Assistant Secretary

JUN 26 1990

GMS I.D. No.: 5013PO2766
General Permit No.: SO 13-182366
County: Dade
Project: Ricky's Oil Service, Inc.
Expiration Date: JUN 26 1995

Mr. Andy Ricci
Ricky's Oil Service, Inc.
7209 N.W. 66th Street
Miami, FL 33166

Dear Mr. Ricci:

This letter acknowledges receipt of your notice requesting the use of a General Permit. Based upon the representation submitted to the Department, this project appears to qualify for the operation of a Used Oil Processing Facility located at 7209 N.W. 66 Street, Miami, FL.

This facility shall be operated in accordance with the applicable paragraphs set forth in Florida Administrative Code Rules 17-710.

This General Permit is subject to the General Conditions of Florida Administrative Code Rules 17-4.510 through 17-4.540 (see backside).

If you need further information, please call Mr. Joseph Lurix or Mr. Javier DeGracia of this office, telephone number 407/433-2650 or after hours 904/488-1320 for an emergency.

Sincerely,


J. Scott Benyon
Deputy Assistant Secretary

JSB:jl:jd:rh/4

cc: Chris McGuire, OGC/Tlh.
Bill Hinkley, SW/Tlh.
Bob Johns, DERM
Carol Meeds, DER/WPB

17-4.540-General Conditions for All General Permits.

(1) The terms, conditions, requirements, limitations, and restrictions set forth in this Part are "general permit conditions" and are binding upon the permittee. The conditions are enforceable under Chapter 403, F.S.

(2) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. The permittee is placed on notice that violation of the permit may result in suspension or revocation of the permittee's use of the general permit and may cause the Department to begin legal proceedings.

(3) The general permit does not convey any vested rights or any exclusive privileges. It does not authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state or local laws or regulations. It does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.

(4) The general permit does not relieve the permittee from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the permittee to cause pollution in contravention of Florida Statutes and Department rules.

(5) The general permit conveys no title to land or water, nor does it constitute State recognition or acknowledgement of title. It does not constitute authority for reclamation of submerged lands. Only the Board of Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

(6) No general permit shall authorize the use of state owned land without the prior consent of the Board of Trustees of the Internal Improvement Trust Fund pursuant to Section 253.77, F.S.

(7) The general permit may be modified, suspended or revoked in accordance with Chapter 120, Florida Statutes, if the Secretary determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.

(8) The general permit shall not be transferred to a third party except pursuant to Fla. Admin. Code Rule 17-4.120.

(9) The general permit authorizes construction and where applicable operation of the permitted facility.

(10) The permittee agrees in using the general permit to make every reasonable effort to conduct the specific activity or construction authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources of the area, water quality or air quality.

(11) The permittee agrees in using the general permit to allow a duly authorized representative of the Department access to the permitted facility or activity at reasonable times to inspect and test upon presentation of credentials or other documents as may be required by law to determine compliance with the permit and the Department rules.

(12) The permittee agrees to maintain any permitted facility, or activity in good condition and in accordance with the plans submitted to the department under Rule 17-4.530(1).

(13) A permittee's use of a general permit is limited to five years. However, the permittee may request continued use of the general permit by notifying the Department pursuant to Rule 17-4.530(1). However, the permittee shall give notice of continued use of a general permit thirty days before it expires.

Specific Authority: 403.814(1), F.S.

Law Implemented: 253.123, 253.124, 403.061, 403.087, 403.088, 403.702-403.73, 403.814, 403.851-403.864, F.S.

History: New 7-8-82. Amended 8-31-88. Previously numbered as 17-5.54.

6-20-90

Rich please
do by 6-29-80
Jse

GMS I.D. No.: _____
General Permit No.: SO 13-182 366
County: Dade
Project: Ricky's Oil Service, Inc.
Expiration Date: _____

Mr. Andy Ricci
Ricky's Oil Service, Inc.
7209 NW. 66 Street
Miami, Fla. 33166

Dear Mr. Ricci:

This letter acknowledges receipt of your notice requesting the use of a General Permit. Based upon the representation submitted to the Department, this project appears to qualify for the operation of a Used Oil Processing Facility located at 7209 NW. 66 Street, Miami.

This facility shall be operated in accordance with the applicable paragraphs set forth in Florida Administrative Code Rule 17-710.800.

This General permit is subject to the General Conditions of Florida Administrative Code Rules 17-4.510 through 17-4.540 (see backside).

If you need further information, please call Mr. Joseph Lurix or Mr. Javier DeGracia of this office, telephone number (407) ~~964-9668~~ or after hours (904) 488-1320 for an emergency.

Sincerely,

J. Scott Benyon
Deputy Assistant Secretary

JSB:jl:jed:rh:4

cc: Chris McGuire, OGC, Tlh.
Bill Hunkley, SW, Tlh.

Bob Johns, DORM

Carl Meeds, WPB



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

8013-182366

DER Form #	17-710.800(5)
Form Title	Used Oil Recycling Facility Gen. Perm. Notification
Effective Date	January 17, 1990
DER Application No.	(Filed in by DER)

Used Oil Recycling Facility General Permit Notification

Pursuant to Rule 17-710.800, Florida Administrative Code, the owners or operators of a used oil recycling facility shall submit the following information to the Waste Program Administrator at the appropriate District Office of the Department and to the Used Oil Coordinator in Tallahassee at the address above. A fee of \$25.00 shall also be submitted.

1. Status of operation: Existing ☒ Proposed ☐
2. Type of notification: Operation ☒ Closure ☐ Modification ☐
3. Date of beginning operation 1953
4. a. Facility name: Ricky's Oil Service Inc.
b. Facility Used Oil Registration Number 50080-U0
c. Facility telephone number: (305) 887-2800 Office (305) 822-2253
d. Facility location:
Street address (main entrance): 7209 N. W. 66th Street
City Miami, County Dade, Zip Code 33166
Section 14, Township 52, Range 40 E
Latitude 25° : 50' : 00" N, Longitude 80° : 18° : 55" W
e. Name of Facility Owner or Operator: Andy Ricci
f. Address of Facility Owner or Operator: 8615 N. W. 8th St. Apt 203
City Miami State Fla. Zip Code 33126
g. Telephone number of Facility Owner or Operator: (305) 266-6252
5. a. Name of Property Owner (if different than facility owner or operator): _____
b. Address of Property Owner: _____
City _____ State _____ Zip Code _____
c. Telephone number of Property Owner: (____) _____
6. Attach a description of how the state and federal used oil management requirements of Rule 17-710, F.A.C. and 40 CFR Part 266 will be met.
7. Attach a description and general layout of the facility and equipment.
8. Attach a description of the operation of the facility including how and where the used oil will be tested, stored and processed.
9. Attach the Closure Plan for the facility. This plan must demonstrate that:
 1. There will be no need for further facility maintenance;
 2. Used oil will not contaminate surface or ground water; and
 3. All soils will be free of oil, and equipment will be emptied and cleaned or dismantled.

Any modifications to this plan must be submitted to Waste Program Administrator at the appropriate District Office of the Department and to the Used Oil Coordinator in Tallahassee.

DER Form #	17-710.900(5)
Form Title	Used Oil Recycling Facility Gen. Perm. Notification
Effective Date	January 17, 1990
DER Application No.	
	(Filed in by DER)

10. Certification

To the best of my knowledge and belief, I certify the information provided in this notification is true, accurate, and correct.

I agree that any duly authorized representative of the Department may at any reasonable time enter and inspect, for the purpose of ascertaining the state of compliance with the law or rules and regulations of the Department, the property, premises, or place, identified on this form.

Andy Ricci, President
Name of Authorized Agent

Andy Ricci
Signature of Authorized Agent

6/14/90
Date

RICKY'S OIL SERVICE INC.

ATTACHMENTS FOR GENERAL PERMIT NOTIFICATION

6. Registration

State and Federal Used Oil Requirements will be met by Ricky's Oil Service Inc. by notifying DER of our activities as a recycler, collector and transporter.

Recordkeeping

The source of used oil to be transported or recycled or collected is manifested to include the name and address of each generator and amount of gallons collected and date. Records are kept of the total number of gallons received yearly including waste water which maybe an integral part of used oil received and includes the destination and end use of used oil and oily waste water.

Reporting

A monthly manifest of all products collected with generator's name and address is submitted to the county EPA offices. A summarized annual report is submitted to the state no later than June 30th of each year.

Certification of Used Oil

Each employee of Ricky's Oil Service Inc. handling or transporting used oil must successfully complete a training program and the company will maintain records of training.

Each transport vehicle will have a folder with proof of Liability insurance, and all County and State Licences.

The State I.D. number will be visibly displayed at the rear of each vehicle.

RICKY'S OIL SERVICE INC.

ATTACHMENTS FOR GENERAL PERMIT NOTIFICATION

7. Description

The description of the plant is ten above ground storage tanks with containment wall, testing lab, receiving office and equipment storage trailer enclosed in an eight foot security fence. See enclosed map.

8. Operation Description

When oil is collected by the tank truck, the used oil is tested at storage facility laboratory or sent to a certified laboratory for further testing if necessary. Oil is stored and processed at the facility and shipped to Industrial Burners.

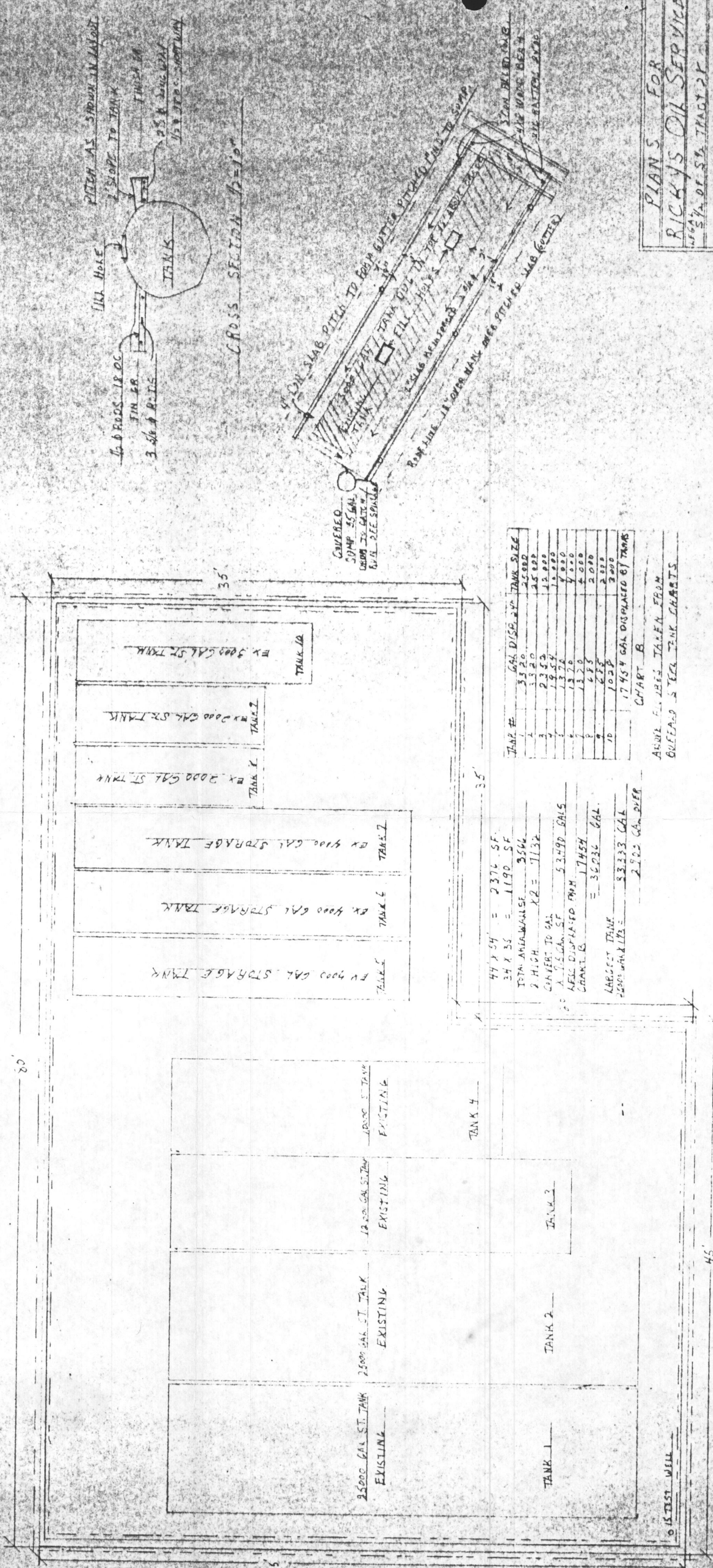
9. Closure Plan

If Ricky's Oil Services Inc. decides to close the Plant, we will apply for a closure permit. All soils shall be free of oil and equipment shall be emptied, cleaned and dismantled for resale. There will be no further need for facility maintenance and no oils shall contaminate surface or ground waters. All agencies shall be notified.

AREA IS ENCLOSED WITH CHAIN LINK FENCE

LAB

OFFICE



TANK #	GAL. DISP. BY TANK SIZE
1	3520
2	3520
3	2352
4	1952
5	1320
6	1320
7	1320
8	672
9	1024
10	1024
11	1744
TOTAL GAL. DISP. BY TANKS	
17454	

44' x 54' = 2376 SF.
 34' x 35' = 1190 SF.
 TOTAL AREA AVAILABLE = 3566
 8 HIGH X 2 = 1132
 CEMENT TO GAL
 1.5 GAL. SF
 53490 GAL.
 17454
 36236 GAL.
 LARGEST TANK
 25000 GAL. X 1.5 = 37500 GAL.
 25000 GAL. X 1.5 = 37500 GAL.
 25000 GAL. X 1.5 = 37500 GAL.

CHART B
 ABOVE FIGURES TAKEN FROM
 GUESS 5 TANK CHARTS

PLANS FOR
 RICKY'S OIL SERVICE
 15401 DE. ST. TRACY, CA

State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION

Interoffice Memorandum

DEPARTMENT OF ENVIRONMENTAL REGULATION
STATE OF FLORIDA

FILE

FOR ROUTING TO OTHER THAN THE ADDRESSEE

To: _____ LOCTN: _____
To: _____ LOCTN: _____
To: _____ LOCTN: _____
From: _____ DATE: _____

TO: Mike Redig/David Kelley, DER/Tallahassee

FROM: Charles Ouseph/Jeff Tobergte, SEFD

DATE: February 12, 1987

SUBJECT: Letter from Ricky's Oil Service.

Attached is a February 5, 1987 letter from Ricky's Oil Service, a waste oil hauler that sells used oil to asphalt plants for use as a fuel. Most of Ricky's business involves conditionally exempt SQGs. However, a question has arisen regarding a customer which is a "large quantity" generator of hazardous waste. Among other hazardous wastes which are handled separately, the generator has mineral spirits (D001) which was previously mixed with waste oil (at the generator's site); the resultant mixture had a flash point of 124° F, and so we said that the mixture must be manifested to a permitted TSDF. Subsequently, Ricky's has proposed alternative handling methods.

To clarify Ricky's letter, Mr. Ricci has asked if the following scenario would be subject to hazardous waste regulations:

The waste oil hauler's tanker truck arrives at the generator's site and pumps the mineral spirits (D001) into the truck. Due to dilution with waste oil from other customers, the resultant mixture is no longer ignitable, and thus is no longer a hazardous waste [§261.3(d)].

What, if any, RCRA requirements will apply to (a) the waste oil hauler; (b) the generator? Most importantly, is this mixing subject to treatment permitting requirements as a result of rendering the mineral spirits non-hazardous, or is this considered a normal, legitimate combination of wastes? So long as other hazardous wastes such as toxic metals and halogenated organics are not in the spent mineral spirits or in the subsequent mixing process, we believe this is a legitimate, beneficial use and mixture of spent mineral spirits and therefore is not subject to treatment permitting requirements.

Please respond to this memo with your opinion so that we may respond to Mr. Ricci's letter.

CO:jts/wl56

Attachment

Ricky's Oil Service

RMC
GRS
FILE

PHONE: 822-2253

6330 WEST 16th AVENUE

RECEIVED
HIALEAH, FLORIDA 33012

'87 FEB 9 PM 2 26

February 5, 1987 DEPARTMENT OF
ENVIRONMENTAL REG.
WEST PALM BEACH

Mr. Jeff Tobergte
Hazardous Waste Section
P. O. Box 3858
West Palm Beach, Fla. 33402

Dear Mr. Tobergte:

In reference to our recent telephone conversation regarding the collection of Mineral Spirits below 140% Fahrenheit. Mineral Spirits, that is not contaminated with chlorinated solvents, is only hazardous due to having a flash point below 140% Fahrenheit. However, when it is collected with waste oil, which I proposed, will be eight parts oil to one part mineral spirits, this automatically brings the flash point above 140% Fahrenheit.

On November 29, 1985 the EPA promulgated a final rule on the burning of used oil fuel. Florida has adopted this rule by reference. The rule establishes specifications for used oil fuel that can be burned in industrial boilers with a flash point of 100% Fahrenheit minimum.

Since our product is used as Industrial fuel, it will be no problem for us to meet this flash point of 100% Fahrenheit minimum.

We urge you to review the decision of declaring mineral spirits a hazardous waste because it would be extremely costly to generators.

Please advise us in the near future regarding your decision on this proposal.

Sincerely,

Andy Ricci

Andy Ricci, President
RICKY'S OIL SERVICE, INC.

ACR:dmr

ENK
GDS

Ricky's Oil Service

PHONE: 822-2253

6330 WEST 16th AVENUE

HIALEAH, FLORIDA 33012

February 5, 1987

Mr. Jeff Tobergte
Hazardous Waste Section
P. O. Box 3858
West Palm Beach, Fla. 33402

Dear Mr. Tobergte:

In reference to our recent telephone conversation regarding the collection of Mineral Spirits below 140° Fahrenheit. Mineral Spirits, that is not contaminated with chlorinated solvents, is only hazardous due to having a flash point below 140° Fahrenheit. However, when it is collected with waste oil, which I proposed, will be eight parts oil to one part mineral spirits, this automatically brings the flash point above 140° Fahrenheit.

On November 29, 1985 the EPA promulgated a final rule on the burning of used oil fuel. Florida has adopted this rule by reference. The rule establishes specifications for used oil fuel that can be burned in industrial boilers with a flash point of 100° Fahrenheit minimum.

Since our product is used as Industrial fuel, it will be no problem for us to meet this flash point of 100° Fahrenheit minimum.

We urge you to review the decision of declaring mineral spirits a hazardous waste because it would be extremely costly to generators.

Please advise us in the near future regarding your decision on this proposal.

Sincerely,



Andy Ricci, President
RICKY'S OIL SERVICE, INC.

State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION



Interoffice Memorandum

M.R.
TO: Mike Redig/David Kelley, DER/Tallahassee
FROM: Charles Ouseph/Jeff Tobergte, SEFD
DATE: February 12, 1987
SUBJECT: Letter from Ricky's Oil Service.

FOR ROUTING TO OTHER THAN THE ADDRESSEE	
TO: _____	LOCN: _____
TO: _____	LOCN: _____
TO: _____	LOCN: _____
FROM: _____	DATE: _____

RECEIVED

FEB 19 1987

Hazardous Waste

Attached is a February 5, 1987 letter from Ricky's Oil Service, a waste oil hauler that sells used oil to asphalt plants for use as a fuel. Most of Ricky's business involves conditionally exempt SQGs. However, a question has arisen regarding a customer which is a "large quantity" generator of hazardous waste. Among other hazardous wastes which are handled separately, the generator has mineral spirits (D001) which was previously mixed with waste oil (at the generator's site); the resultant mixture had a flash point of 124° F, and so we said that the mixture must be manifested to a permitted TSDF. Subsequently, Ricky's has proposed alternative handling methods.

To clarify Ricky's letter, Mr. Ricci has asked if the following scenario would be subject to hazardous waste regulations:

The waste oil hauler's tanker truck arrives at the generator's site and pumps the mineral spirits (D001) into the truck. Due to dilution with waste oil from other customers, the resultant mixture is no longer ignitable, and thus is no longer a hazardous waste [§261.3(d)].

What, if any, RCRA requirements will apply to (a) the waste oil hauler; (b) the generator? Most importantly, is this mixing subject to treatment permitting requirements as a result of rendering the mineral spirits non-hazardous, or is this considered a normal, legitimate combination of wastes? So long as other hazardous wastes such as toxic metals and halogenated organics are not in the spent mineral spirits or in the subsequent mixing process, we believe this is a legitimate, beneficial use and mixture of spent mineral spirits and therefore is not subject to treatment permitting requirements.

Please respond to this memo with your opinion so that we may respond to Mr. Ricci's letter.

CO:jts/wl56

Attachment

State of Florida
DEPARTMENT OF ENVIRONMENTAL REGULATION



Interoffice Memorandum

FOR ROUTING TO OTHER THAN THE ADDRESSEE	
To: _____	LOCN: _____
To: _____	LOCN: _____
To: _____	LOCN: _____
From: _____	DATE: _____

TO: Charles Ouseph/Jeff Tobergte, SEED

FROM: *CMR* Mike Redig/David Kelley, DER-Tallahassee *CHK*

DATE: March 10, 1987

SUBJECT: Letter from Ricky's Oil Service - Response

This is in response to your February 12, 1987 memo requesting our interpretation of the RCRA regulations governing the proposed scenario offered by Mr. Ricci of Ricky's Oil Service.

Paragraph (c) of 40 CFR 262.12 states that "A generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number." Also, paragraph (a) of 40 CFR 263.20 says that "A transporter may not accept hazardous waste from a generator unless it is accompanied by a manifest, signed by the generator in accordance with the provisions of 40 CFR Part 262." Finally, paragraph (2) of Section 17-30.170, Florida Administrative Code, requires that hazardous waste transporters "have and maintain financial responsibility for sudden accidental occurrences in a minimum amount of \$1,000,000 per occurrence". These citations indicate that hazardous waste can only be offered via a manifest to authorized hazardous waste transporters, of which Ricky's Oil Service is not (although it does have an EPA I.D. # as a marketer of used oil fuel). Therefore, a hazardous waste generator offering mineral spirits (D001) to a used oil hauler not authorized to transport hazardous waste appears to be contrary to RCRA rules.

However, a generator may mix mineral spirits with used oil at his facility so that the flash point is elevated above the 140° Fahrenheit level used to define a D001 waste. Then, this mixture may be offered to a used oil transporter legally as a used oil. If the flash point of this mixed waste is still less than 140° Fahrenheit, then all of it would have to be handled as a hazardous waste.

If you have any further questions or comments about this matter, please let us know.

MXR/dks