



Florida Department of Environmental Protection

Southeast District Office
3301 Gun Club Road, MSC 7210-1
West Palm Beach, Florida 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

April 25, 2016

VIA EMAIL: hjasph@bellsouth.net

Humberto Lorenzo, Jr., President and Registered Agent
H & J Asphalt, Inc.
4310 NW 35th Ave
Miami, FL 33142-4323

Re: Warning Letter # WL16-00011HW13SED
H & J Asphalt, Inc.
4310 NW 35th Ave.
Miami, FL 33142-4323
EPA ID # FLD984205765
Miami-Dade County

Dear Mr. Lorenzo:

A hazardous waste and used oil compliance inspection was conducted at your facility on December 16, 2015, under the authority of Section 403.091, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 403, F.S. and Chapter 62-710, Florida Administrative Code (F.A.C.) were observed.

During the inspection on December 16, 2015, Jay Choi and Kathy Winston, Department inspectors, notified facility representative Mr. Marvin Mondragon, Plant Manager, that potential violations existed at the facility, and Mr. Mondragon was encouraged to take corrective action within 21 days. In addition, Inspector Choi was in contact with you following the inspection via telephone and email for updates on the status of the requested corrective actions. The report for the inspection is attached. The potential violations included, but are not limited to:

- Failure to properly label used oil containers; failure to properly respond to releases of used oil; and failure to maintain used oil acceptance records.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.141, 403.161, and 403.727, Florida Statutes.

Please contact Juchan Choi, at (561) 681-6632, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Jennifer K. Smith
District Director
Southeast District



JS/KK/jc

Attachments: Hazardous Waste Inspection Report dated December 16, 2015

Ec: Glen Perrigan, DWM, via email Glen.Perrigan@dep.state.fl.us
Juchan Choi, FDEP/WPB via email Juchan.choi@dep.state.fl.us
Kathy Winston, FDEP/WPB via email Kathy.Winston@dep.state.fl.us
Lucas Barroso-Giachetti, Senior Engineer/GLE via email lucas@gleassociates.com



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

FACILITY INFORMATION:

Facility Name: H & J Asphalt Inc

On-Site Inspection Start Date: 12/16/2015

On-Site Inspection End Date: 12/16/2015

ME ID#: 7334

EPA ID#: FLD984205765

Facility Street Address: 4310 NW 35th Ave, Miami, Florida 33142-4323

Contact Mailing Address: 4310 NW 35th Avenue, Miami, Florida 33142

County Name: Miami-Dade

Contact Phone: (305) 634-3342

NOTIFIED AS:

Non-Handler

INSPECTION TYPE:

Routine Inspection for Used Oil facility

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

Routine Inspection for Used Oil Generator facility

INSPECTION PARTICIPANTS:

Principal Inspector: Juchan Choi, Inspector

Other Participants: Kathy, Winston; Marvin Mondragon, Operations Plant Manager

LATITUDE / LONGITUDE: Lat 25° 48' 54.1" / Long 80° 15' 10.1"

SIC CODE:

TYPE OF OWNERSHIP: Private

Introduction:

H & J Asphalt Inc. (H & J) is an asphalt batch plant and provide services including resurfacing and overlays, asphalt sealcoating and parking lot maintenance. The facility has been located at this site for approximately 26 years and is connected to city water and sewer. The facility employs approximately 50 people and has a fleet of ten commercial trucks for various uses and six pick-up trucks. The facility is a burner of off-spec used oil.

H & J was previously inspected on July 28, 2014, had multiple violations of used oil regulations, including but not limited to failure to properly label used oil containers; failure to ensure that used oil is not a hazardous waste under the rebuttable presumption; failure to maintain adequate used oil acceptance records; failure to provide adequate secondary containment for used oil; and failure to annually register their used oil activities as a burner of off-specification used oil. The facility completed the required corrective actions to return to compliance, and reached a settlement with the Department through entry into a Consent Order on April 14, 2015.

Pursuant to the Department's annual federal fiscal year commitments to the United States Environmental Protection Agency (USEPA), the facility was inspected as a follow-up investigation to the formal enforcement action during the previous fiscal year.

Process Description:

On December 16, 2015, Department inspectors Jay Choi and Kathy Winston inspected the facility. Operations plant manager Marvin Mondragon participated in the inspection.

At the time of inspection, it was noted that several major and minor used oil spills or used oil staining spots were visible throughout the facility; this issue was also observed during the facility's

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previous inspection in 2014.

The mechanics maintenance area or facility maintenance shed is located center of facility along the side of west wall. This area is used for heavy equipment and truck repairs. Inspector observed a spot of antifreeze spill and several used oil spilled areas. The shop had one 30-gallon parts washer that contained diesel fuel. Next to the parts washer, three 5-gallon buckets and two non-measurable (approximately 10-gallon & 30 gallon) buckets were placed without proper closure. These buckets were unlabeled but filled with used oil.

In the asphalt production area, what a place where appeared to be control area located between baghouse and supply oil tank, there was a heavy equipment system with a motor pump, heater, and control panel installed approximately 1 ft. above the ground. A strong evidence of notable oil leakage on the pump area was found, two unlabeled 5-gallon buckets were placed underneath the pump. Both buckets were full of oil and were overflowing.

A 5,000-gallon black used oil supplier tank labeled #3 was located south of control area. Inspector observed leakage originating at the pipe fitting near tank labeled #3 and a 5-gallon unlabeled capture bucket beneath the leak filled with oily water.

Another 5,000-gallon used oil tank within secondary containment was located little further south than observed 5,000-gallon black used oil supplier tank labeled #3. There was an oil pipe connected between these two 5000 gallon tanks. Inspector observed additional leakage originating at the pipe fitting near secondary containment and three unlabeled 5-gallon capture buckets filled with oily water

Oil tanker truck labeled 947 was located on opposite side of asphalt production area along the west fenced wall. There was evidence showing oil leaking from the top of oil tanker, which created a small puddle beneath the tanker. Behind the tanker truck there were five 5-gallon buckets and one black 55-gallon drum, all containing oily water.

South to the asphalt batcher and conveyor belt, inspectors observed approximately 2 x 5 ft. paved pit filled with oily liquid inside.

Also, at the east entrance along the fence line, there was pile of oily rags left on the ground.

During the records review, the facility could not provide recent used oil acceptance log and parts washer disposal log. The facility has provided copies of manifest for the time between July, 2014 and January, 2015. However; the facility couldn't provide any disposal records for after January 23, 2015.

New Potential Violations and Areas of Concern:

Violations

| | |
|--------------|--|
| Type: | Violation |
| Rule: | 279.22(c)(1) |
| Explanation: | <p>In the mechanics maintenance area, buckets storing used oil were not properly labeled. This violation was observed at the facility's previous inspection on July 28, 2014.</p> <p>Used oil generators are required to label containers and tanks storing used oil and fills pipes to underground storage tanks containing used oil with the words "Used Oil." The labeling on container, tank or fill pipe should be legible and clearly visible by approaching individuals. The facility should inspect their shop, maintenance areas, or any areas where used oil would be generated or stored looking for containers holding used oil to ensure that all containers, tanks, or fill pipes are properly marked.</p> |

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Corrective Action: In the mechanics maintenance area please label buckets storing used oil.

Please provide photos demonstrating return to compliance.

This item was corrected by submittal of proper documentation and photos on 3/10/2016.

Type: Violation

Rule: 279.22(d)

Explanation: The facility failed to clean up and properly managed releases of used oil.

At the time of inspection, there were several areas around the facility where used oil had impacted the ground.

Corrective Action: Please address all areas impacted by leaks, drips, and spills from equipment and overflowing capture containers.

Please remove all buckets of oily water.

Please pump out the pit in front of conveyor belt.

Please address spill under tanker labeled 947 and remove the five 5-gallon buckets and one black 55-gallon drum of oily water behind the same tanker.

Please remove pile of oily rags next the back gate and properly dispose it.

Please establish a container for dirty oil dry.

Please Provide a copy of receipts for proper disposal.

Please provide photos demonstrating return to compliance for all requests mentioned above.

These items were corrected by submittal of proper documentation and photos on 2/23/2016, 3/10/2016, and 3/18/2016.

Type: Violation

Rule: 279.65(a)

Explanation: At the time of the inspection, the facility could not provide recent records for the used oil it was accepting for burning. The information should include name and address of transporter, name of generator or processor where used oil originated, the EPA ID of the transporter, the EPA ID number of the processor or generator (if they have one), the quantity of the used oil accepted and the date of acceptance.

The facility had provided manifest records prior to January 2015. However, no records were available after this period. This violation was observed at the facility's previous inspection on July 28, 2014.

Corrective Action: Please provide the Department with records the facility has pertaining to the used oil that has been accepted in the year 2015.

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Please establish a used oil acceptance log and provide copies demonstrating return to compliance.

This item was corrected by submittal of proper documentation on 2/18/2016 and 3/18/2016.

Conclusion:

Overall, H & J Asphalt Inc. was not operating in compliance with state and federal hazardous waste regulations. The facility was given 21 days to correct all requested non-compliance items.

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Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

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

Juchan Choi

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

Juchan Choi

PRINCIPAL INSPECTOR SIGNATURE

FDEP

ORGANIZATION

4/5/2016

DATE

Supervisor: Karen Kantor

Inspection Approval Date: 04/08/2016

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.