



Florida Department of Environmental Protection

Southwest District Office
13051 North Telecom Parkway, Suite 101
Temple Terrace, Florida 33637-0926

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

June 7, 2018

Universal Environmental Solutions, LLC
Attn: Mr. Ed Kinley, President
1650 Hemlock St.
Tampa, FL 33605
ekinley@uestampa.com

Re: Warning Letter # WL18-33HW29SWD
Universal Environmental Solutions, LLC
Facility ID No. FLR000199802
Hillsborough County

Dear Mr. Kinley:

A Hazardous Waste compliance inspection was conducted at your facility on March 16 and 21, 2018. During this inspection, possible violations of Chapter 403, Florida Statutes and Chapter 62-710, Florida Administrative Code were observed. A copy of the inspection report is attached for your records.

During the inspection, Department personnel noted the following:

- UES has modified the facility by installing additional frac tanks and a containment area without submitting an application to modify its used oil processing permit.
- UES was storing used oil at the processing facility in a frac tank that was not provided with secondary containment and was not labeled "Used Oil."
- The facility contingency plan had not been modified to address these changes in facility operation.
- Used oil management training was not conducted for some employees in 2017.
- Records of halogen screening results were not being kept consistently.

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 and 403.161, Florida Statutes.

Please contact Beth Knauss at Elizabeth.Knauss@FloridaDEP.gov or by phone at 813-470-5902, 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,

Kelley M. Bootright for:

Mary Yeargan, P.G.
Southwest District Director
Florida Department of Environmental Protection

Attachments

ec: Bheem Kothur, FDEP, Bheem.Kothur@floridadep.gov
Gerry Javier, HEPC, javier@epchc.org
Shannon Kennedy, FDEP; Shannon.Kennedy@floridadep.gov
Elizabeth Knauss, FDEP; Elizabeth.Knauss@floridadep.gov



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

FACILITY INFORMATION:

Facility Name: Universal Environmental Solutions LLC

On-Site Inspection Start Date: 03/16/2018 **On-Site Inspection End Date:** 03/21/2018

ME ID#: 108745 **EPA ID#:** FLR000199802

Facility Street Address: 1650 Hemlock St, Tampa, FL 33605-6602

Contact Mailing Address: 1650 Hemlock St, Tampa, FL 33605

County Name: Hillsborough **Contact Phone:** (813) 241-9206

NOTIFIED AS:

CESQG (<100 kg/month)

Transporter

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Elizabeth Knauss, Environmental Consultant

Other Participants: Leslie Pedigo, ES III; Ed Kinley, President; Chad Jocelyn, Plant Operations Manager; Bryan Russell, Marine Side Manager; Kevin Corchado, Supervisor

LATITUDE / LONGITUDE: Lat 27° 56' 17.0326" / Long 82° 26' 28.1097"

SIC CODE: 4212 - Trans. & utilities - local trucking, without storage

TYPE OF OWNERSHIP: Private

Introduction:

Universal Environmental Solutions, LLC is a used oil processor and waste water pretreatment facility primarily focused on managing waste from ship bilge and tank cleaning. The facility also transports oily waste generated off site to the facility, and accepts waste from other used oil transporters. The facility has notified as a hazardous waste transporter, however it is not actively soliciting this business and has not transported hazardous waste within the last three years, according to Ed. Kinley, the facility manager. The facility permit, 330300-HO-001 was issued April 7, 2015 and expires April 7, 2020. Facility operations have changed since the previous inspection, however the facility has not applied to modify its permit or increase its storage capacity. This is discussed further below.

The facility currently has about 20 employees and usually employs two drivers, but one recently resigned. The facility has water and sewer service provided by the City of Tampa.

Process Description:

Universal occupies Berth 247 at the Port of Tampa, where vessels dock for barge and bilge cleaning services. Products cleaned from barge tanks include crude oil and shale oil as well as commercial fuels. At the time of this inspection, butterworth equipment was staged on shore next to a barge, and a series of frac tanks were staged to receive the waste generated from cleaning. These were connected in series to act as oil/water separators. The last tanks in the series were not connected to the end of the pipeline leading to the waste water treatment unit. This is normally done by hose. A vacuum truck was connected to the first tank in the series. The truck pumps were being used to recirculate the tank contents; no waste was being loaded or unloaded at the time, although oil is transferred to the plant by truck.

Universal has a tank trailer on site that is used to transfer good fuel to the facility or shipyard holding tanks. The fuel is returned to the ship after service. The tanker is not certified to operate over the highway and is not

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used to store used oil.

Hoses, as well as empty containers and totes were stored under a pole barn next to the maintenance building. No hazardous waste is generated in the maintenance building, but a 55 gallon drum and several smaller unlabeled containers were present. The drum was located immediately next to an exterior door, and off the adjacent containment pallet.

A closed roll off for solid debris was located outside the water plant. A smaller open roll off within the building was being used to collect plant trash. Three roll offs, an open one for scrap metal and two covered C&D debris roll offs were located east of the pole barn.

A white frac tank holding used oil was staged on the north side of the oil processing plant. Mr. Corchado and Mr. Josselyn both said that the tank held excess oil from the marine side operations. The tank did not have secondary containment and was not labeled. A sample was collected after the inspection. Transfer of the material to the treatment plant was not completed until April 12, 2018. The plant also had four labeled frac tanks within a containment area on the west side of the plant. This area was designated as the "Frac Tank Containment Area (future)" on Attachment A to the facility permit. Mr. Jocelyn said that the northern two frac tanks are mainly used for oily water, and the southern two are used for materials containing more used oil. The southernmost tank is used to hold oil to be shipped off site. Spilled used oil and water were observed in the collection trench.

Open, unlabeled catch pans for used oil spills and drippage from pumps, hoses and valves were staged in the containment area. It is recommended that these be labeled. A diaphragm pump is used to pump material into an open screen filter box. Drums to collect screened solids were next to each box. A larger portable diesel pump was located between the frac tanks and plant. There was oil staining on the pavement and pumps. The secondary containment is supposed to be pumped free of spillage at least once per operating day, according to Mr. Kinley. The frac tanks, containment area and processing equipment were not included in the facility permit. In addition, the additional volume is not included with the most recent financial assurance documents filed with the Department. The units are not included in the facility's SPCC plan. The SPCC plan is not consistent with the permit in regard to the tank numbering system or volumes.

Equipment has also been added within the oil plant operation containment area since the previous inspection, to include additional wastewater treatment capacity for molybdenum removal to meet pretreatment standards. Waste water from the plant is further treated in the water side operation equipment inside the treatment plant building. Treated waste water is discharged to the City of Tampa's Howard Curran treatment plant. The white 10,000 gallon tank labeled "used oil" within the containment that was previously used to hold processed oil now holds batches of waste water after molybdenum treatment.

Records were reviewed the second day of the inspection. It was noted that halogen check records were not always recorded. Another issue was noted with respect to analyses of sludge shipped as solid waste. An analysis dated 4/27/17 by Advanced Environmental (Sample ID T1706149001) on a sample identified as Tank #1 sludge had a benzene concentration of 0.95 mg/l TCLP. The material was shipped on 12/21/17 as non hazardous after a re-analysis. After some initial discussions, it was clarified that the first sample had come from a tank within the treatment plant, and the waste was not removed until additional processing rendered the sludge non-hazardous.

Universal does not claim that any oil meets the specification. Outgoing oil is checked for flash point, halogen content and water content only. In 2017, oil was transferred to A&D Environmental Services and to Oil Recovery, GAR000054460. Oil transport records included the required information. Inspection records were up to date. Personnel training on Florida's used oil management requirements was not up to date for some staff, although elements such as HAZWOPER and confined space entry were documented. Training updates were completed by April 4, 2018.

New Potential Violations and Areas of Concern:

Violations

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Type:	Violation
Rule:	279.54(c)
Explanation:	Used oil was being stored in a white frac tank that was not provided with secondary containment. A used oil container in the maintenance building was not stored on the adjacent containment pallet. (corrected)
Corrective Action:	Ensure that used oil is only stored in containers or tanks that are provided with secondary containment.
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Type:	Violation
Rule:	279.54(f)(1)
Explanation:	A white frac tank and several drip collection containers storing used oil were not labeled with the words "used oil." (corrected)
Corrective Action:	Ensure that all used oil tanks and containers at the facility are labeled with the words "used oil."
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Type:	Violation
Rule:	62-710.800(3)
Explanation:	UES has substantially modified the facility by adding storage capacity, a new containment area and processing equipment without applying for a permit modification.
Corrective Action:	Submit an application for an after-the-fact permit modification, with the appropriate application fee and updated closure cost estimates to the Department within 30 days.
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Type:	Violation
Rule:	279.52(b)(4)(iii)
Explanation:	Failure to amend the facility contingency plan to reflect changes in its design and operation.
Corrective Action:	Submit a copy of a revised facility contingency plan to the Department within 30 days. Distribute the revised plan to local authorities in accordance with 40 CFR 279.52(b)(3)(ii).
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Type:	Violation
Rule:	279.57(a)(2)(i)
Explanation:	Results of halogen screening were not being consistently recorded in the facility operating record.
Corrective Action:	Ensure that a written record is maintained of the halogen screening for all used oil transported by or accepted by the facility.
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Type:	Violation
Rule:	62-710.600(2)(b)4
Explanation:	Failure to conduct annual used oil training for some employees in 2017. (corrected)
Corrective Action:	Ensure that the used oil training program includes an annual refresher in Florida's used oil management requirements.

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Conclusion:

Universal Environmental Solutions was not in compliance with used oil processor regulations at the time of the inspection.

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6.0 - Transporters Checklist**Requirements:**

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Note: Checklist items with shaded boxes are for informational purposes only.

Item No.	Transporter Requirements (62-730.170 & 40 CFR 263)	Yes	No	N/A
6.1	Has the transporter notified the Department as a transporter and received an EPA identification number? 62-730.150(2)(a), 263.11(a)	✓		
6.2	Does the transporter repackage wastes with different USDOT shipping descriptions?			
6.3	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.4	Does the transporter transport waste into the US from abroad?			
6.5	If YES, does the transporter comply with 40 CFR 262 Generator Standards? 263.10(c)			✓
6.6	Does the transporter obtain a signed and dated manifest prior to accepting a hazardous waste for transport?			
6.7	If NO, is the waste exempt from the manifest requirement? 263.20(a)(1) <input type="checkbox"/> Exemption Type - Tolling Agreement <input type="checkbox"/> Exemption Type - CESQG Bill-of-Lading			✓
6.8	Does the transporter sign and date the manifest upon acceptance? 263.20(b)			✓
6.9	Does the transporter leave a signed copy of the manifest acknowledging acceptance of the waste? 263.20(b)			✓
6.10	Does the transporter ensure the manifest and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(c)			✓
6.11	Does the transporter obtain the signature and date of delivery of the receiving (designated) facility or other transporter upon transferring custody of the waste? 263.20(d)(1)			✓
6.12	Does the transporter retain one copy of the manifest signed and dated by the designated facility or other transporter? 263.20(d)(2)			✓
6.13	Does the transporter give the remaining copies of the manifest to the designated facility or accepting transporter? 263.20(d)(3)			✓
6.14	If the entire quantity of hazardous waste cannot be delivered, does the transporter contact the generator for further direction and revise the manifest in accordance with the generator's instructions? 263.21(b)(1)			✓
6.15	For a partial load rejection, while the transporter is on the facility's premises, does the transporter obtain a new manifest for the rejected material, accompanied by a copy of the original manifest that includes the manifest tracking number of the new manifest? 263.21(b)(2)			✓
6.16	Does the transporter retain a copy of the manifest signed by the generator, himself, and the next designated transporter or designated facility for a period of three years from the date the hazardous waste was accepted by the initial transporter? 263.22(a)			✓
Item No.	Rail Transporters	Yes	No	N/A
6.17	If initial rail transporter, when accepting hazardous waste from a non-rail transporter does the rail transporter sign and date the manifest acknowledging receipt of the hazardous waste? 263.20(f)(1)(i)			✓
6.18	If initial rail transporter, does the rail transporter return a signed copy of the manifest to the non-rail transporter? 263.20(f)(1)(ii)			✓
6.19	If initial rail transporter, does the rail transporter forward at least three copies of the manifest to the next designated non-rail transporter or facility? 263.20(f)(1)(iii)			✓
6.20	If initial rail transporter, does the rail transporter retain one copy of the manifest and rail shipping paper? 263.20(f)(1)(iv)			✓
6.21	Does the rail transporter ensure the shipping paper and, in the case of exports the Acknowledgment of Consent, accompany the waste during transport? 263.20(f)(2)			✓
6.22	Does the final rail transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(f)(3)(i)			✓
6.23	Does the final rail transporter retain a copy of the manifest or signed shipping paper? 263.20(f)(3)(ii)			✓
6.24	When delivering hazardous waste to a non-rail transporter, does the rail transporter obtain the date of delivery and handwritten signature of the next non-rail transporter on the manifest and retain one copy of the manifest? 263.20(f)(4)			✓

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Item No.	Water (Bulk) Transporters	Yes	No	N/A
6.25	Does the water (bulk) transporter obtain the date of delivery and handwritten signature of the designated facility on the manifest or shipping paper? 263.20(e)(3)			✓
6.26	Does the water (bulk) transporter retain a copy of the manifest or signed shipping paper? 263.20(e)(5)			✓
Item No.	SQG Waste	Yes	No	N/A
6.27	For SQG waste, if a manifest is not used is the waste being transported pursuant to a recalculation (tolling) agreement per 262.20(e)? 263.20(h)(1)			✓
6.28	Is the following information recorded on a log or shipping paper for each shipment? (Check items below that are NOT in compliance): 263.20(h)(2) <input type="checkbox"/> Name, address, and EPA identification number of the generator of the waste <input type="checkbox"/> Quantity of waste accepted <input type="checkbox"/> All DOT-required shipping information <input type="checkbox"/> The date the waste is accepted			✓
6.29	Does the transporter carry the shipping paper/log when transporting waste to the reclamation facility? 263.20(h)(3)			✓
6.30	Does the transporter retain shipping papers/logs for a period of at least three years after termination or expiration of the tolling agreement? 263.20(h)(4)			✓
6.31	If hazardous waste was discharged during transport, did the transporter give notice, if required by 49 CFR 171.15, to the National Response Center (800-424-8802)? 263.30(c)(1)			✓
6.32	If hazardous waste was discharged during transport, did the transporter report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590? 263.30(c)(2)			✓
6.33	If hazardous waste was discharged during transport, did the transporter clean up the discharge so that it no longer presents a hazard to human health or the environment? 263.31			✓
6.34	Has the transporter demonstrated the financial responsibility required under 62-730.150(2)? 62-730.150(2)			✓
6.35	Does the transporter verify the evidence of financial responsibility annually? 62-730.150(3)			✓

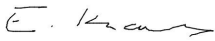
Inspection Date: 03/16/2018

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.

Elizabeth Knauss

Environmental Consultant

Principal Inspector Name**Principal Inspector Title**

FDEP - SWD

05/09/2018

Principal Inspector Signature**Organization****Date**

Leslie Pedigo

ES III

Inspector Name**Inspector Title**

FDEP - SWD

Organization

Ed Kinley

President

Representative Name**Representative Title**

Universal Environmental

Organization

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

Kevin Corchado

Supervisor

Representative Name**Representative Title**

Universal Environmental

Organization

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Chad Jocelyn

Plant Operations Manager

Representative Name**Representative Title**

Universal Environmental

Organization

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Bryan Russell

Representative Name

Marine Side Manager

Representative Title

Universal Environmental

Organization

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Report Approvers:**Approver:**

Elizabeth Knauss

Inspection Approval Date:

05/09/2018