



# Florida Department of Environmental Protection

Southeast District Office  
400 North Congress Avenue, Suite 200  
West Palm Beach, Florida 33401-2913

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

NOV 13 2008

FLD980709075

**CERTIFIED MAIL#** 7006 27600005 5726 7835  
**RETURN RECEIPT REQUESTED**

Mr. Eric Miranda, Owner and Registered Agent  
World Petroleum Corp.  
4717 Orange Drive  
Davie, FL 33314

Broward County  
HW-World Petroleum Corp. f/k/a  
Petroleum Management, Inc.

**LETTER OF TRANSMITTAL: WARNING LETTER #WL08-0124HW06SED**

Dear Mr. Miranda:

The purpose of this correspondence is to transmit to you the above-referenced Warning Letter, which was delivered in error to the incorrect address based on the corporate records for the operation. The Department has utilized the address information provided in your most recent Used Oil Processor permit application – which does not match the corporate records for the facility – to transmit the enclosed document.

Should you have any questions, please call Ms Karen Kantor at 561/681-6670.

Sincerely,

Karen Kantor  
Environmental Manager  
Southeast District

cc: **DEP File, West Palm Beach**



# Florida Department of Environmental Protection

Charlie Crist  
Governor

Southeast District Office  
400 North Congress Avenue, Suite 200  
West Palm Beach, Florida 33401-2913

OCT 21 2008

**CERTIFIED MAIL#** 70062760000557267828  
**RETURN RECEIPT REQUESTED**

Mr. Eric Miranda, Owner and Registered Agent  
World Petroleum Corp.  
4700 G Oakes Road  
Davie, FL 33314

Broward County  
HW-World Petroleum Corp. f/k/a  
Petroleum Management, Inc.

**Subject:      Warning Letter #****WL08-0124HW06SED**  
**Hazardous Waste Compliance Evaluation Inspection at World Petroleum**  
**Corp. f/k/a Petroleum Management, Inc.**  
**3650 SW 47<sup>th</sup> Avenue, Davie, FL 33314**  
**EPA ID Number: FLD980709075**

Dear Mr. Miranda:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste and used oil compliance evaluation inspection conducted on May 17, 2007, at your used oil processing facility, indicates that a violation of Florida Statutes and Rules may exist at the above described facility. Department of Environmental Protection ("Department") personnel observed possible violations regarding used oil and hazardous waste management. The observations of the Department are in the attached inspection report.

Section 403, Florida Statutes, provides that facilities must comply with Title 40 Code of Federal Regulations (CFR), Parts 260 to 268 and 279 as adopted in Chapter 62-730, Florida Administrative Code (F.A.C.) and Chapter 62-710, F.A.C. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of the above-described statutes or rules should be ceased. The operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of penalties up to \$50,000.00 per violation per day pursuant to Section 403.727, Florida Statutes.

You are requested to contact Ms. Karen Kantor at the address above or 561/681-6670 within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the


**World Petroleum Corp.**  
**(f/k/a Petroleum Management, Inc.)**  
**Page 2 of 2**

meeting that you feel could help resolve this matter. However, we must be given the names and positions of any persons you intend to bring to the meeting and we must have the information at least five days before the meeting.

If after further investigation, the Department determines that the violations occurred, this matter may be resolved through entry of a Consent Order which will include a compliance schedule and an appropriate penalty. In accordance with the Department's July 17, 2007 "Settlement Guidelines for Civil Administrative Penalties" and the revised RCRA Civil Penalty Policy of January 11, 2005, the penalty which would be proposed in this case is \$22,294.00 plus \$500.00 for costs and expenses.

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 resolution of this matter.

Sincerely,

  
\_\_\_\_\_  
Jack Long  
District Director  
Southeast District

10/20/07  
Date

  
JL/JWL/KK

Attachments: Hazardous Waste Inspection Report  
Civil Penalty Calculation Worksheets

cc: West Palm Beach DEP File/Archboard  
Michael Redig via Oculus  
Alan Annicella, EPA Region IV via OCULUS  
Al Gomez, Broward County EPD



# Florida Department of Environmental Protection

Southeast District Office  
400 North Congress Avenue, Suite 200  
West Palm Beach, Florida 33401-2913

Charles G. ...  
Secretary

OCT 21 2008

## HAZARDOUS WASTE INSPECTION REPORT

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

Facility Name World Petroleum Corp. f/k/a Petroleum Management, Inc. EPA ID # FLD980709075

Street Address 3650 SW 47<sup>th</sup> Avenue, Davie, FL 33314

Mailing Address 4700 G Oakes Road, Davie, FL 33314

County Broward Phone 954-581-4455 Date 5/17/07 Time 8:30 am

### CURRENT STATUS

#### HW Facility Status

- ☐ Non-Notifier  
☐ Non Handler  
☒ Conditionally Exempt Small Quantity Generator (CESQG)  
☐ Small Quantity Generator (SQG)  
☐ Large Quantity Generator (LQG)  
☒ HW Transporter ☐ HW Transfer Facility  
☐ TSD Facility

#### Universal Waste Facility Status

- ☒ Batteries  
☒ Mercury Lamps/Devices  
☐ Pharmaceuticals  
☒ Transporter  
☐ Hg Processor

#### Used Oil Facility Status

- ☐ Generator  
☒ Transporter  
☒ Transfer Facility  
☒ Marketer  
☒ Processor  
☐ On-spec Burner  
☐ Off-spec Burner  
☐ Filter Generator  
☒ Filter Transporter  
☒ Filter Transfer Facility  
☐ Filter Processor

### 2. **APPLICABLE REGULATIONS:**

- |  |   |   |   |
|--|---|---|---|
| <input checked="" type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262             | <input checked="" type="checkbox"/> 40 CFR 263  | <input type="checkbox"/> 40 CFR 264             |
| <input type="checkbox"/> 40 CFR 265              | <input type="checkbox"/> 40 CFR 266             | <input type="checkbox"/> 40 CFR 268             | <input type="checkbox"/> 40 CFR 273             |
| <input checked="" type="checkbox"/> 40 CFR 279   | <input checked="" type="checkbox"/> 62-710, FAC | <input checked="" type="checkbox"/> 62-737, FAC | <input checked="" type="checkbox"/> 62-730, FAC |

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

World Petroleum Corp.: Eric Miranda

### 4. **INSPECTION PARTICIPANTS:**

World Petroleum Corp.: Judd Gilbert

DEP: Karen Kantor, Richard Beauman

Broward County EPD: Didier Dupuy

5. **SIC Code:** 4959

6. **TYPE OF OWNERSHIP:** ☒ Private ☐ Federal ☐ State ☐ County ☐ Municipal

7. **LATITUDE/LONGITUDE:** 26° 04' 35.1355" / 80° 12' 34.7251"

8. **PERMITS:** 0054228001HO

## **INTRODUCTION**

On May 17, 2007, a hazardous waste and used oil compliance evaluation inspection was conducted at Petroleum Management, Inc. (PMI), presently known as World Petroleum Corp. (WPC), 3650 SW 47th Avenue, Davie, Florida, 33314. PMI is a permitted Used Oil Processor, permit number 0054228-HO-002, expiration date October 12, 2008. The facility is situated on a one-acre site in an industrial area. At the time of the inspection, the facility was connected to city water and served by portable toilet, and employed approximately twelve people. The facility has been in operation at this location since 1985.

The site inspection and record review were hosted by Mr. Judd Gilbert, owner and operator of the PMI facility at the time of the inspection. Department of Environmental Protection (Department) personnel conducting the inspection were Karen Kantor and Richard Beauman. Didier Dupuy of the Broward County Environmental Protection Department (EPD) was also present during the inspection.

For the purposes of this report, references to the facility are made in the name of the operation at the time of the inspection, PMI.

## **BACKGROUND**

Based on the observations made during an inspection of the facility on September 8, 2005, a Warning Letter was issued on October 10, 2005, for failure to properly label used oil containers and failure to properly manage universal waste lamps and batteries. The facility returned to compliance for these issues on March 29, 2006, and the case was settled through a Short Form Consent Order and the payment of penalties on April 21, 2006.

The Department took enforcement against PMI for the release of used oil that occurred on or about August 11, 2006, and for failure to provide closure cost estimates and subsequent financial assurance (FAC 62-710.800); a Warning Letter for this case was issued on September 22, 2006. The release occurred at the fault of the facility's tenant at the time, WPC; the tenant WPC was also subject to enforcement in the matter, and reached a separate settlement through a Short Form Consent Order and penalty payment. PMI corrected the outstanding violations, and settled the case through a Short Form Consent Order and payment of penalties on August 29, 2007. Source removal activities were conducted, and the existing petroleum contamination at the facility is being addressed under the authority of Broward County Environmental Protection & Growth Management Department (formerly known as the Broward County Environmental Protection Department).

## **SITE INSPECTION**

At the time of the inspection, the facility was operating as PMI. The facility is authorized by permit to process used oil, oily wastewater, petroleum contact water, oily solid waste, and used



oil filters. In addition to these activities, the facility is a registered hazardous waste transporter and a handler of universal waste (mercury-containing lamps and devices). The facility includes used oil/oily water collection and processing tanks, used oil filter and oily solid waste storage, designated areas for empty container storage, and parking for tankers, box trucks and vacuum trucks.

The property is concrete-paved, except for the unpaved and grassy areas in the eastern and southwestern portions of the site. The property is bounded by chain-link fencing and concrete block walls. A fire hydrant is located onsite at the facility entrance.

At the beginning of the inspection, inspectors observed standing rainwater in a majority of the paved area of the facility (Photograph 1). Vehicle parking for employees and visitors is located along the northwest edge of the site. Eastward, this area is followed by tanker and box truck parking areas; this location is sloped toward the north boundary wall and is equipped with a sump for the removal of puddled rainwater (Photograph 2). At the time of the inspection, Mr. Gilbert reported to Department personnel that WPC was a tenant to PMI that utilized storage tank space and parked their used oil transporter vehicles at the facility (Photograph 2).



Photograph 1



Photograph 2

**Tank farm/offloading/processing area:** Used oil and oily wastewater are received in the tank farm area located in the southeast portion of the site. The tank farm consists of three-foot high, concrete-block secondary containment wall enclosing thirteen aboveground storage tanks (ASTs), one 4,700-gallon overflow tank, one 30,000-gallon boiler tank, and the various pumps and apparatus to transfer used oil and oily waters for processing. The tanks' piping is equipped with locks and safeguards to prevent unauthorized discharges. At the time of the inspection, the following information was obtained regarding the facility's ASTs:

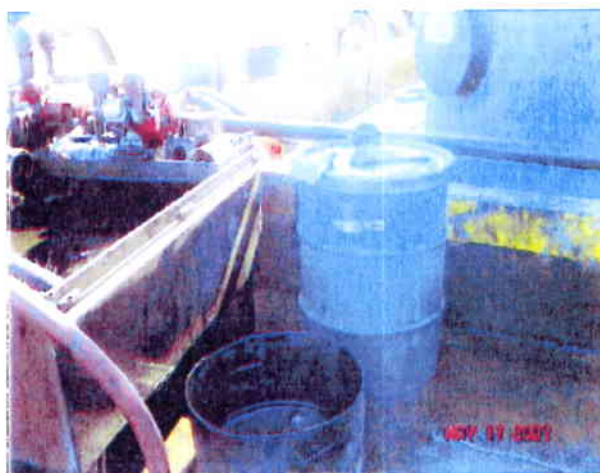
Tank #	Volume (Gallons)	Material Stored In Tank	Installation Date	Comments
F-13	13,000	Used Oil	1/83	Leased by tenant WPC
B-13	13,000	Used Oil	1/83	Leased by tenant WPC; no "Used Oil" label
F-20	20,000	Used Oil	1/83	Leased by tenant WPC
B-20	20,000	Oily Water	1/83	Leased by tenant WPC
F-10	10,000	Used Oil	1/83	Leased by tenant WPC
B-10	10,000	Used Oil	1/83	Leased by tenant WPC
F-4	4,000	Used Oil	1/83	
B-4	4,000	Used Oil	1/83	
F-8	8,000	Used Oil/Oily Water	1/83	
B-8	8,000	Used Oil/Oily Water	1/83	
F-30	30,000	Used Oil/Oily Water	9/94	
F-30B	30,000	Used Oil/Oily Water	9/94	
B-20B	20,000	Used Oil/Oily Water	9/94	
Overflow	4,700	Used Oil/Oily Water	9/94	
Process Vessel	30,000	Not For Storage	3/03	Owned by WPC

One 13,000 gallon storage tank leased by tenant WPC, #B-13, was labeled with only the faded word "USED" (Photograph 3). Inspectors observed puddled rainwater within the tank farm's secondary containment from a recent storm; no iridescent sheen or floating oil was noted. Inspectors observed fire extinguishers and spill response kits in accessible locations within the tank farm area.

Adjacent to the tank farm to the west is a bermed offloading area. Tanker trucks back into this area and the loads are transferred to the designated storage tanks via a pump housed in a metal secondary containment box. One 55-gallon drum of oily solid waste (oily gloves, soiled absorbent pads and booms generated from offloading activities) was observed next to this transfer pump box, covered but not labeled as to its contents (Photograph 4).



Photograph 3



Photograph 4

Inspectors also observed in the transfer area two 5-gallon buckets, used to hold the end of the transfer hose between offloading; the buckets contained used oil, and were open and unlabeled (Photographs 5 and 6).



Photograph 5



Photograph 6

Outside the secondary containment wall for the tank farm on the north side, inspectors observed two closed 55-gallon drums of oily solid waste (oily gloves, soiled absorbent pads); one was labeled as both "trash only" and "used oil filters" (Photograph 7), and the other was labeled as "oily waste". A third closed 55-gallon drum, also labeled as "oily waste", was observed midway between the other two drums but situated within the secondary containment wall of the tank farm (Photograph 8).



Photograph 7



Photograph 8



Adjacent to the south and southwest of the offloading area is the boiler tank and associated filtration equipment and pumps. According to Mr. Gilbert, gravity separation and filtration are the primary processing mechanisms for used oil at the facility.

Used oil and oil-containing water are filtered, then transferred to the boiler tank where it is heated to 180° F to facilitate further oil/water separation, and then the process is shut down. After a standing period of eight hours, the separated water is pumped to a truck for delivery to Cliff Berry, Inc., and the processed oil is diverted to a holding tank. The processed oil is tested for compliance with "on-specification" standards for market sale. According to Mr. Gilbert, the boiler tank is owned by his tenant WPC. Mr. Gilbert reported that all of the used oil and oily water brought to the facility by the former PMI and his tenant WPC is processed and tested for on-specification standards by tenant WPC under the former PMI's UOP permit. One 55-gallon drum of oily solid waste (filter screen solids) in the boiler tank area was not labeled (Photograph 9).



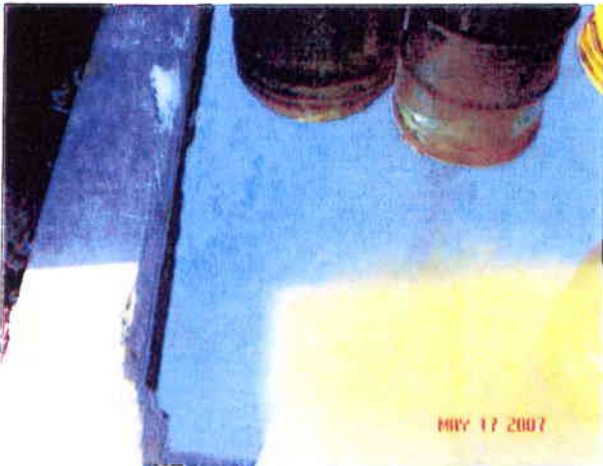
Photograph 9

**Used oil filter and oily solid waste storage:**

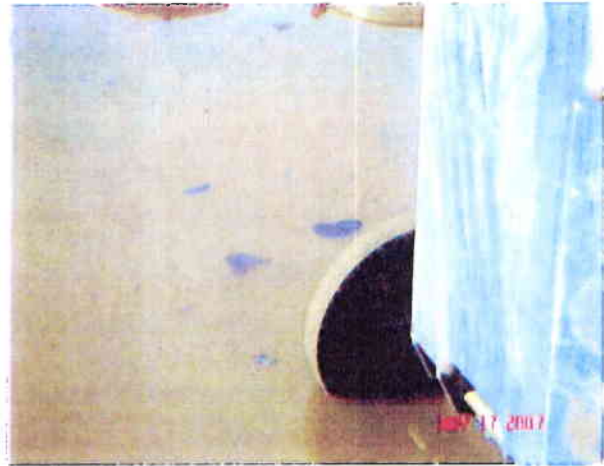
The used oil filter and oily solid waste storage area was observed along the southern property boundary, immediately west of the tank farm's boiler tank and cooling tower (Photograph 10). The storage area is bounded by a concrete berm, and inspectors observed puddled rainwater with an iridescent sheen and floating oil within the containment berm from a recent rainstorm (Photographs 11 and 12). According to Mr. Gilbert, the standing rainwater is pumped to one of the oily water tanks.



Photograph 10



Photograph 11



Photograph 12

Inspectors observed several labeled 55-gallon and 68-gallon generator containers, awaiting consolidation into the one of the two designated 20-yard rolloff dumpsters stored in this area. Inspectors noted that many of the emptied containers in this area were open (without caps; punctured tops) (Photographs 13 and 14).



Photograph 13



Photograph 14

According to Mr. Gilbert, used oil filters are consolidated into the western rolloff dumpster and transported to US Foundry in Medley, Florida, for processing (Photograph 15). Oily solid wastes are consolidated into the eastern rolloff container for disposal to the Central Broward landfill in Davie (Photograph 16). Neither of these rolloff containers was covered or labeled. Two used lead-acid batteries were observed sitting on top of one solid waste drum (Photograph 16); Mr. Gilbert reported that they were discovered in a generator container of oily solid waste during the



consolidation process and were to be moved to the designated battery storage area and properly recycled.



Photograph 15



Photograph 16

According to Mr. Gilbert, the used oil residues that collect in these rolloffs is pumped out daily for processing (Photograph 17). Mr. Gilbert reported that his tenant WPC is responsible for management of used oil filters and solid waste, and arranges for the disposal of these wastes to the designated offsite facilities. Fire extinguishers were noted in accessible locations in this area.



Photograph 17

**Empty container storage areas:** WPC stores its empty containers for redistribution to customers adjacent to the used oil filter and oily solid waste storage area. This area includes a three-walled, elevated storage pad. Inspectors observed two empty containers without lids.

**Storage trailer area:** Located along the north side of facility, this area houses four storage trailers and a mobile office trailer. Within and around the storage containers, inspectors observed various supplies and equipment, including industrial hoses and connects, pump parts, generators, a small forklift, spill response equipment, and a tool shop. One used battery was observed adjacent to a

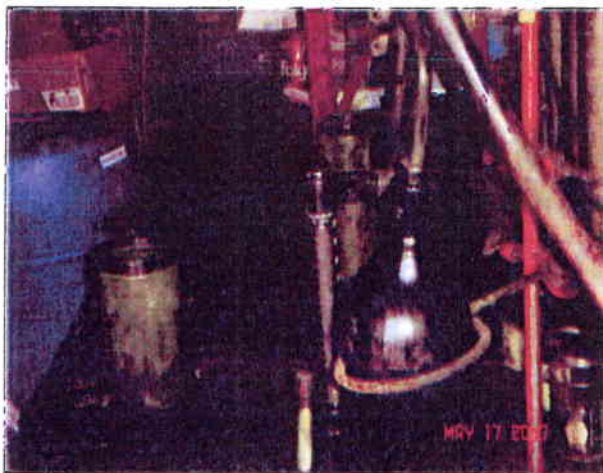
storage trailer on the concrete pavement without protection from the weather elements (Photograph 18).



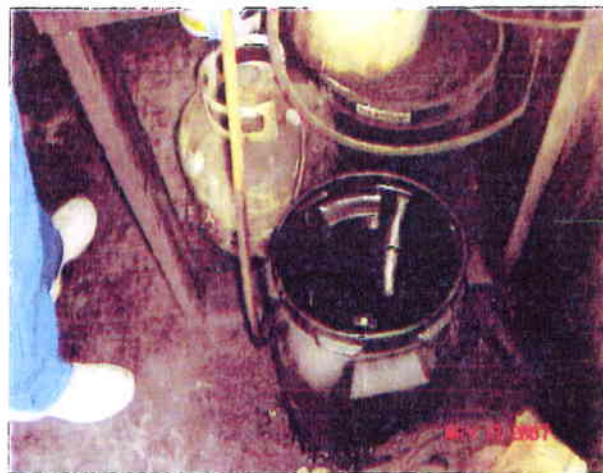
**Photograph 18**

The facility's onsite laboratory is located in one of these trailers, where water content and additional halogen screening of representative samples is performed (Photograph 19). The facility uses xylene to fraction samples for water content. Inspectors observed a 5-gallon bucket used for the collection of the samples after testing is performed (Photograph 20); this waste appeared to be a potentially hazardous waste generated in Conditionally Exempt Small Quantity Generator (CESQG)

amounts. Mr. Gilbert reported that this waste was mixed with the used oil processed at the facility for disposal.



**Photograph 19**



**Photograph 20**

**East portion of the site:** This area is unpaved with some patches of overgrown grass and vegetation (Photograph 21; the tank farm for the neighboring Perma-Fix facility is viewed in the background). Puddled rainwater from the previous night's storm was observed in this area. In this area inspectors observed the following:



- four ASTs (two 550 gallons in size and two 1,000 gallons in size) in good condition and intended for customer use/purchase
- one 2,000 gallon steel AST (blue) and one dump truck to be scrapped
- one 3,200 gallon steel AST to be rebuilt
- a trailer containing emergency response supplies and equipment

The area immediately to the east of the tank farm was the location of the used oil release that occurred on or about August 11, 2006; inspectors observed that the area had been restored and no evidence of surficial releases of used oil were noted in the area.



Photograph 21

**Truck and trailer storage area:** To the west of the empty container storage area is trailer and box truck parking and storage. Parked in this area were two unhitched box trailers; two box trucks labeled "Petroleum Management Inc."; one tanker truck engine labeled "World Petroleum Corp."; and one 6,000 gallon tanker truck labeled "World Petroleum Corp." (Photographs 22 and 23).



Photograph 22



Photograph 23

Inspectors observed six containers labeled as hazardous waste sitting in the rear of one of the "Petroleum Management Inc." box trucks (Photographs 24 and 25). Inspectors noted that the accumulation start date entered on four of the containers was "5/15/07". Upon inquiry as to why

there were containers of hazardous waste present onsite, Mr. Gilbert explained that the box truck the containers were currently sitting in was not in operation, and that one of his employees must have moved them from the one operating transport truck (not onsite during the inspection) for pick-up by EQ Florida (Transporter 3 and the destination facility). Mr. Gilbert further stated that EQ Florida was scheduled to pick-up the containers the previous day, May 16, 2007, but their truck broke down. Based on these statements, it appears that the containers had been at the facility for greater than twenty-four hours.



Photograph 24



Photograph 25

**Covered storage area:** This area is located in the southwest corner of the site, and consists of roofed open storage for miscellaneous equipment, universal wastes, and spent lead-acid batteries for recycling. Under the covered storage area, inspectors observed parked vehicles, miscellaneous equipment, employees' portable toilet, and small transport trailers. Inspectors also observed several unlabeled boxes of spent mercury lamps, and one open and unlabeled trash can of broken lamps. A majority of the universal waste were stored beneath a tarp (Photograph 26).



Photograph 26

## RECORD REVIEW

Department personnel reviewed the following documents associated with the facility's permitted used oil activities and hazardous waste transporter activities:

- Used Oil Processor Permit, expiration October 12, 2008

- Contingency plan and SPCC plan. Inspectors noted that the contingency plan required update of the emergency coordinator's name, and subsequent re-distribution of the plan to the local authorities.
- Documentation of emergency response arrangements with local authorities
- Rebuttal Presumption and Analysis Plan
- Closure plan and closure financial assurance
- Used oil processor on-specification analytical reports. Inspectors noted that PMI's tenant, WPC, was listed as the client on the used oil specification analytical reports. According to Mr. Gilbert, the boiler tank is owned by his tenant, WPC, and WPC conducts the actual processing and testing for on-specification standards under PMI's used oil processing permit.
- Hazardous waste transporter manifests. Inspectors noted that the facility's transporter copies of hazardous waste manifests indicated that four of the hazardous waste containers observed in the back of the inoperable truck were delivered to the facility on May 15, 2007, establishing that the containers had been present and awaiting pick-up by transporter 3 for greater than 24 hours.
- Used oil transporter financial assurance.
- Used oil acceptance records. Inspectors observed that used oil acceptance records did not record the EPA ID number of the generator facility where applicable. Mr. Gilbert reported that all or most of his customers were Conditionally Exempt Small Quantity Generators (CESQGs) of hazardous waste, and therefore did not have EPA ID numbers to record.
- Used oil delivery records (delivered to tenant WPC as "on-specification" oil).
- Used oil filter delivery records from PMI to tenant WPC, and delivery records from tenant WPC to US Foundry. Inspectors noted that PMI's tenant, WPC, was listed as the client on the used oil filter delivery manifests to US Foundry.
- Disposal/recycling receipts for spent lead-acid batteries to Dania Scrap Metal
- Disposal/recycling records for spent mercury-containing lamps to AERC Recycling Solutions

Not available for inspector review was documentation of employee training on the halogen screening requirements for used oil transporters.

### **DEPARTMENT FINDINGS**

PMI notified the Department on February 28, 1983 as a hazardous waste transporter, and as of the date of this inspection is permitted as a used oil processor, marketer, and transporter. Based upon the record review and inspection, PMI appears to generate less than 100 kg of hazardous waste per month and would be classified as a Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste as defined in 40 CFR 261.5.

An exit interview was conducted at the conclusion of the inspection, and the following areas of concern and potential violations were discussed:



1. Properly store/dispose of used batteries observed in used oil filter/oily solid waste drum containment area (2 units), and next to storage trailer area (1 unit); send photographs and documentation.
2. "Used oil filters" and "oily solid waste" rolloffs must be labeled and covered; send photographs.
3. Properly label (a) 5-gallon "used oil" container in lab trailer; (b) "oily solid waste" drum in used oil processing area; (c) 5-gallon bucket of "used oil" used to hold hose end (next to transfer pump area); (d) "oily solid waste" drum next to transfer pump outside the tank farm containment; (e) universal wastes; and (f) "used oil" AST number B-13. Send photographs. \*All used oil containers must be covered and within secondary containment with proper labels\*
4. Containerize mercury-containing lamps and properly label; send photographs.
5. Provide training documentation (hazardous waste management and used oil transporter halogen screening).
6. Update contingency plan; provide copies/updates to DEP and local authorizes, and document such (copies of certified mail receipts).
7. Record EPA ID numbers (if applicable) of used oil generators on pick-up receipts.
8. Provide copies of hazardous waste manifests and photos demonstrating pick-up of hazardous waste drums (4) onsite for greater than 24 hours.

Also during the exit interview, Department personnel inquired about the anticipated removal of the four containers of hazardous waste in the back of an inoperable box truck. Mr. Gilbert reported that EQ Florida had rescheduled their pick-up of the containers for May 18, 2007. Department personnel discussed with Mr. Gilbert the prior issues the facility had with less-than-24-hour-storage of hazardous waste in transport, and that the removal of the containers from the transport truck to the inoperable vehicle at the facility conflicted with his previously reported "truck-to-truck" transfer operations. Department personnel informed Mr. Gilbert that PMI was not registered as a Transfer facility (less than 10-day storage), and was subject to the limit of less than 24 hours storage of hazardous waste in transport.

In June 2007, the Department received copies of manifests indicating that the four drums of hazardous waste stored onsite for greater than 24 hours were picked-up from PMI on May 18, 2007, and delivered to the destination facility, EQ Florida Inc., on May 21, 2007 (Exit Interview Item 7).

On July 5, 2007, the Department received via electronic mail the following documentation of the facility's corrective actions:

1. Two photographs of rolloff dumpsters labeled as "used oily solids" (Exit Interview Item 2). No photographs depicting the proper labeling of the "used oil filter" rolloff or the cover of either rolloff was provided.
2. Photographs of one open 5-gallon bucket next to transfer pump area labeled as "used oil" (Exit Interview Item 3c); one drum next to the transfer pump area outside the tank farm



containment labeled as “used oily solids” (Exit Interview Item 3d); and AST number B-13 labeled as “used oil” (Exit Interview Item 3f).

In addition, the facility provided photographs of the labeling of several other containers not identified or requested at the time of inspection:

- the two tank farm drums (depicted in Photograph 8 of the inspections report) labeled as “used oily solids”
- one blue 5-gallon bucket and two 3 gallon drain pans labeled as “used oil sludge” and “nonhazardous waste”; these containers had no covers and were not depicted to show their contents or whether they were situated within secondary containment, if required
- the transfer pump area containment box labeled as “nonhazardous waste”
- one 55-gallon blue poly drum and one 55-gallon steel drum, both lidded and labeled “used oily solids”
- one open trash can and one open flip top trash bin labeled as “used oily solids”
- the six ASTs in the east portion of the site labeled as “nonhazardous waste, empty – last contained used oil”

Photographs depicting the proper labeling of the 5-gallon “used oil” container in the lab trailer (Exit Interview Item 3a), and the “oily solid waste” drum in the used oil processing area (Exit Interview Item 3b) were not provided.

3. Three photographs depicting the proper storage and management of mercury-containing lamps (Exit Interview Items 3e and 4).
4. Employee training documentation on used oil transporter halogen screening requirements (Exit Interview Item 5).
5. Updated contingency plan (Exit Interview Item 6).

On September 27, 2007, the Department received documentation of the distribution of the facility’s contingency plan updates to the local authorities (Exit Interview Item 6).

The Department did not receive documentation that the EPA ID numbers (if applicable) of used oil generators were being recorded on pick-up receipts. The Department also did not receive documentation that the used batteries observed in used oil filter/oily solid waste drum containment area (2 units), and next to storage trailer area (1 unit) were moved to an appropriate storage location and ultimately disposed.

Subsequent to the Department’s inspection of May 17, 2007, described above, the facility changed its name from PMI to Petro-Serve, Inc. effective December 7, 2007. Petro-Serve, Inc. (operations and property) was then purchased by tenant WPC on December 7, 2007. The facility’s request to transfer the Used Oil Processing Permit from Petro-Serve, Inc. to WPC was approved by the Department on January 28, 2008. The facility currently operates under the name WPC, whose owner is Mr. Eric Miranda.

On February 12, 2008, the Department performed a used oil and hazardous waste compliance inspection of the facility under its current ownership, WPC. The inspection was led by Judd Gilbert, environmental operations representative for WPC and former owner of PMI. The

following compliance issues were identified on the exit interview conducted at the conclusion of the inspection:

1. Send photograph depicting proper labeling on universal waste lamp containers.
2. Clean-up stained soil behind the three-walled cement containment in the drum storage area.
3. Provide a copy of the facility's waste analysis plan.
4. Provide a comprehensive acceptance and delivery log for used oil.
5. Provide job descriptions for employees handling used oil and hazardous waste.
6. Update contingency plan with (a) information on closest fire station, police station, and hospital; (b) map that has evacuation routes and locations of emergency response equipment; and (c) written explosion response procedures per 40 CFR 279.52(b)(6). Provide documentation of the issue of the updates to the local authorities and the Department (copies of certified mail receipts).

The Department received documentation of the correction of these items on February 22 and March 6, 2008.

The facility's current registration as a used oil processor/transporter/transfer facility was verified through the Department's electronic data management system; having a current registration also indicates that the facility was operating in accordance with insurance and annual reporting requirements for used oil activities at the time of renewal. Also verified through this means was the expiration of WPC's Hazardous Waste Transporter registration on July 7, 2008. According to Department records, WPC is registered as a Transporter/Handler of mercury-containing devices and lamps.

Hazardous waste management rules may have been violated, as noted below ("Summary of Potential Violations"). The Department expects the potential violations to be corrected in an expeditious and safe manner. The Department's Enforcement Section is willing to provide assistance within the Department's capabilities, limitations, time constraints, and workload. In addition, if not already done, the Department suggests that a copy of the hazardous waste regulations (40 CFR 260-268 and 279) be obtained from local public, college, or law libraries or EPA Region IV or US Government Printing Office. Please be advised that the Department does not have copies of 40 CFR 260-268 and 279 to hand out.

#### SUMMARY OF POTENTIAL VIOLATIONS AND CORRECTIVE ACTIONS

1. Regulation: 62-710.850(5)(a), FAC - Used Oil Filter Labeling And Cover  
PMI stored used oil filters in a 20-yard rolloff container without proper labeling and cover.  
Corrective Action: Effective immediately, PMI should properly label and cover all used oil filter containers.

2. Regulation: 62-710.401(6), FAC - Used Oil Storage, Secondary Containment, and Labeling Requirements  
PMI failed to properly label the 5-gallon container in lab trailer, the 5-gallon bucket next to transfer pump area, and AST number B-13 with the words "used oil". In addition, PMI failed to properly store the 5-gallon "used oil" container in the lab trailer and the 5-gallon "used oil" bucket next to the transfer pump area with proper cover.  
Corrective Action: Effective immediately, PMI should properly label and cover all used oil containers.
3. Regulation: 62-737.400(5), FAC - Management Standards for Handlers and Transporters of Spent Universal Wastes  
PMI failed to properly label boxes spent mercury lamps with the words "Spent Mercury-Containing Lamps for Recycling", "Universal Waste Mercury Lamps", "Waste Mercury Lamps" or "Used Mercury Lamps", and failed to properly containerize and label one open and unlabeled trash can of broken universal waste lamps.  
Corrective Action: Effective immediately, PMI should properly containerize and label universal waste lamps.
4. Regulation: 62-737.400(4), FAC - Mercury-Containing Device Handler Training  
PMI failed to meet the training requirements for transporters of spent universal wastes by allowing broken lamps to remain unlabeled and without proper containers, and by allowing containers of spent universal waste lamps to remain unlabeled.  
Corrective Action: Effective immediately, PMI should provide a written universal waste lamps training plan to the Department, and document employee training.
5. Regulation: 62-710.600(2)(c) FAC, - Used Oil Transporter Training  
PMI was unable to provide documentation of Used Oil Transporter certification personnel training at the time of inspection.  
Corrective Action: Effective immediately, PMI should provide documentation of personnel training for used oil transporter certification.
6. Regulation: 40 CFR 279.52(b)(4)(iv) - Contingency Plan Updates  
PMI failed to update their Contingency Plan and distribute to the Department and local authorities when the list of emergency coordinators changed.  
Corrective Action: Effective immediately, PMI should update Contingency Plan with new emergency coordinator information, and distribute to DEP and local

authorities.

7. Regulation: 62-710.510(1)(b) – Used Oil Transporter Recordkeeping  
PMI failed to record EPA ID numbers of generator facilities, if applicable, on their pick-up receipts, and their receipts did not include a blank to record that information.  
Corrective Action: Effective immediately, PMI should record EPA ID numbers (if applicable) of used oil generators on pick-up receipts.
8. Regulation: 62-730.171(3), FAC - Hazardous Waste Transfer Facility Requirements  
PMI held hazardous waste in transport at the facility for greater than 24 hours without notifying the Department.  
Corrective Action: Effective immediately, PMI should provide copies of hazardous waste manifests and photos demonstrating pick-up of hazardous waste drums (4) onsite for greater than 24 hours.

Please be advised that the findings in this report are based on the information available to the Department to date. Future information provided to the Department may affect the applicability of the citations referenced above and any pending agency action in accordance with Section 120.57(5), F.S.

Report prepared by: [Signature] Date: [Signature]  
Karen Kantor, PG  
Environmental Manager, Hazardous Waste C&E  
Florida Department of Environmental Protection  
Southeast District Office

Report Reviewed by: [Signature] Date: [Signature]  
Kathy Winston  
Environmental Consultant, Hazardous Waste C&E  
Florida Department of Environmental Protection  
Southeast District Office

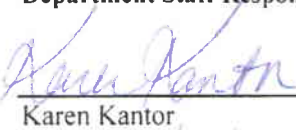
Report Approved by: [Signature] Date: 10/20/08  
Joe Lurix  
Waste Program Administrator  
Florida Department of Environmental Protection  
Southeast District Office




## PENALTY COMPUTATION WORKSHEET

Facility Name: World Petroleum Corp. f/k/a Petroleum Management Inc.  
 Facility Address: 3650 SW 47 Avenue, Davie, FL 33314

Department Staff Responsible for the Penalty Computations:

  
 Karen Kantor

  
 Kathy Winston

  
 Jowana Knight

Date: 10/15/08

### PART I - Class A Penalty Determinations

	Alleged Violation Type	Potential for Harm	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Economic Benefit Calculation	Total
1	62-710.850(5)(a), FAC - Used Oil Filter Labeling And Cover	Moderate*	Major	\$4,599				\$4,599
2	62-710.401(6), FAC - Used Oil Storage, Secondary Containment, and Labeling Requirements	Moderate*	Major	\$4,599				\$4,599
3	62-737.400(5), FAC - Management Standards for Handlers and Transporters of Spent Universal Wastes	Moderate (Release)	Moderate (10-100 lamps)	\$3,199				\$3,199
4	62-737.400(4), FAC - Mercury-Containing Device Handler Training	Minor (Small Quantity Handler)	Moderate (no training)	\$599				\$599
5	62-710.600(2)(c) FAC, - Used Oil Transporter Training	Pursuant to s. 403.121(4)(f), F.S.		\$500				\$500
6	40 CFR 279.52(b)(4)(iv) - Contingency Plan Updates	Pursuant to s. 403.121(4)(e), F.S.		\$1,000				\$1,000
7	62-710.510(1)(b) - Used Oil Transporter Recordkeeping	Moderate*	Moderate	\$3,199				\$3,199
8	62-730.171(3), FAC - Hazardous Waste Transfer Facility Requirements	Moderate	Major	\$4,599				\$4,599
* Refer to the attached Ranking System for Potential for Harm worksheet(s)							<b>Total:</b>	\$22,294

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing RCRA Violations" and "Guidelines for Characterizing Used Oil Violations", both revised as of May 2008 (<http://www.dep.state.fl.us/legal/Enforcement/enforcement.htm#civil>). Certain violations require Potential for Harm Ranking System characterization and have been utilized where applicable (indicated by an \*); refer to the attached Ranking System for Potential for Harm worksheet(s). The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.

  
 Jack Long

10/22/08  
 Date

District Director  
 Florida Department of Environmental Protection Southeast District

## **PENALTY COMPUTATION WORKSHEET**

Facility Name: World Petroleum Corp. f/k/a Petroleum Management Inc.

Facility Address: 3650 SW 47 Avenue, Davie, FL 33314

### **Part II - Multi-day Penalties and Adjustments**

#### **Adjustments:**

**Dollar Amount:**

Good Faith/lack of good Faith prior to Discovery:

Justification:

Good Faith/lack of good Faith after Discovery:

Justification:

History of Non-Compliance:

Justification:

Economic Benefit of Non-Compliance:

Justification:

Ability to pay:

Justification:

#### **Multi-Day Penalties:**

**Dollar Amount:**

Number of days adjustment factor(s) to be applied:

Justification:

Number of days matrix amount is to be multiplied:

Justification:

### **Part III-Other Adjustments Made After Meeting With Responsible Party**

#### **Adjustments:**

**Dollar Amount:**

Relative Merits of the Case:

Resource Consideration:

Other Justification:

\_\_\_\_\_  
Jack Long

\_\_\_\_\_  
Date

District Director

Florida Department of Environmental Protection Southeast District

# RANKING SYSTEM FOR POTENTIAL FOR HARM WORKSHEET FOR USED OIL VIOLATIONS

**FACILITY NAME:** World Petroleum Corp. f/k/a Petroleum Management Inc.

	Alleged Violation Type	Nature of Waste	Amount of Waste	RECEPTORS		Total Score
				Discharges	Affected Population	
1	62-710.850(5)(a), FAC - Used Oil Filter Labeling And Cover	2	8	4	2	16
2	62-710.401(6), FAC - Used Oil Storage, Secondary Containment, and Labeling Requirements	4	8	4	2	18
7	62-710.510(1)(b) - Used Oil Transporter Recordkeeping	4	8	1	4	17

Assigned by:

Karen Kantor  
Karen Kantor

Kathy Winston  
Kathy Winston

Jowana Knight  
Jowana Knight

Date:

10/15/08

## USED OIL SCORING SYSTEM

Nature of Waste	Amount of Waste	Receptors	
		Discharges	Affected Population
Category 1 Used Oil = 4	> 10 drums = 8	Discharge = 6	> 1000 People = 4
	3 - 10 drums = 5	Potential Discharge = 4	100 - 1000 People = 3
Category 2 Used Oil Filters = 2	< 3 drums = 2	No Discharge = 1	10 - 100 People = 2
			< 10 People = 1

If the Total Score is

19-24

13-18

6-12

Then the Potential for Harm is

MAJOR

MODERATE

MINOR



MEETING SUBJECT: WL- World Petroleum

MEETING ROOM: Waste NO. OF PARTICIPANTS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ VOICE POINT: \_\_\_\_\_

[illegible]





## MEETING DOCUMENTATION

Attendees: (see attached sheet)	Location: WPA office - waste conf.	Date/Time: 11/24/08 0900
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Meeting Requested by: John Jones SRC Global

Meeting Objectives: discuss WL for world ~~Petroleum~~ <sup>World</sup> Petroleum

Notes: John - Eric shouldn't be responsible for

Judd's problems - Karen explained GH's view - still penalties - Am I not off hook now is World Petro. - Between them but we need issues resolved. Used oil filter box labeled ~~at~~ <sup>at</sup> 2/12/08 inspection, but that responsible at first inspection - good faith effort, was better than Judd then, brought

Agreements/conclusions: pictures of facility - Judd hosted 2/12/08 - <sup>wpc</sup> employee The permit entity is on the hook!! Eric would like split the two inspections!!

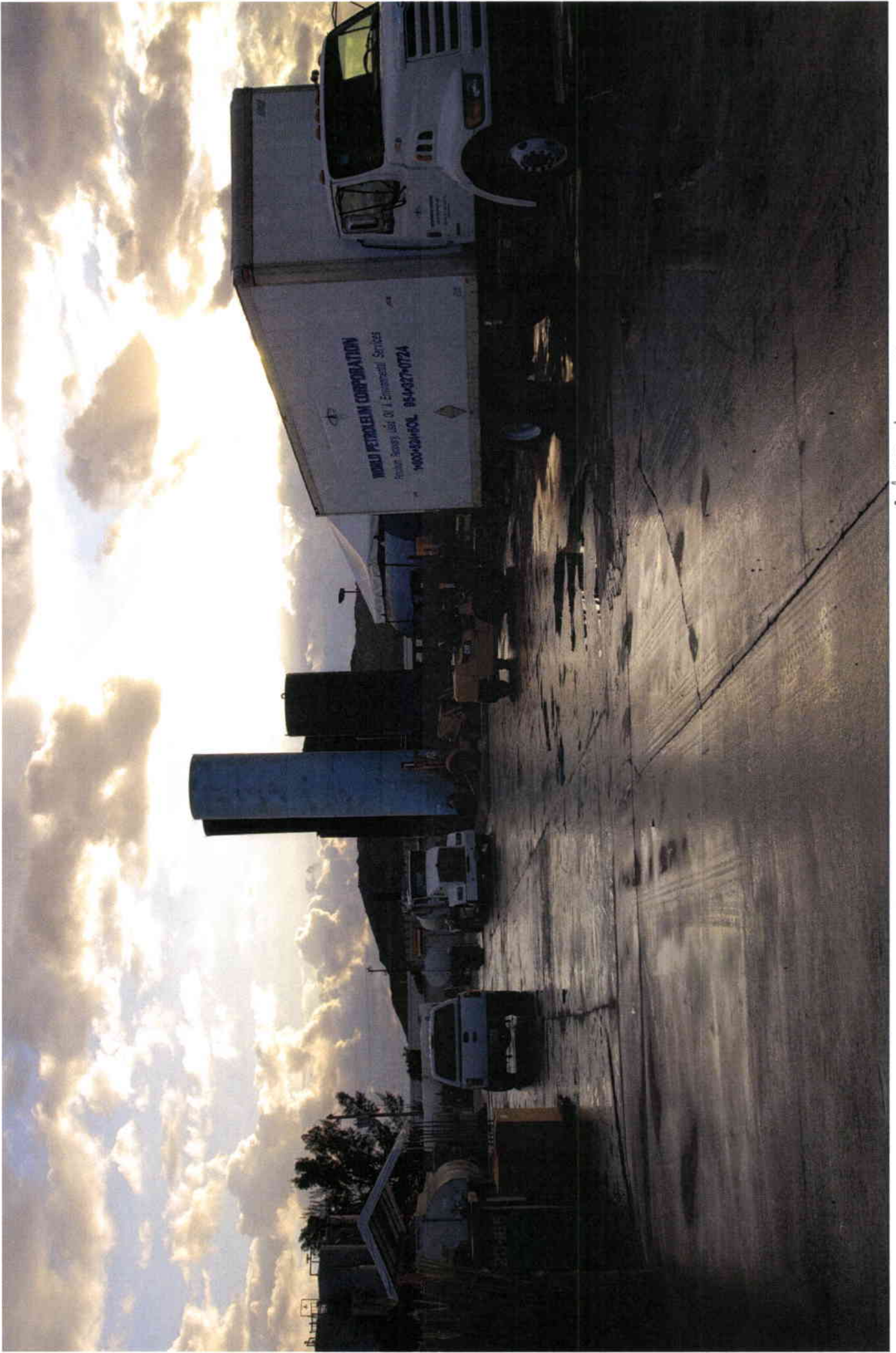
Violations 3, 6, & 7 are repeats - would they consider 1/2 of each one of these as Judd is still on the hook for same violations

Follow-up Actions/Dates: Made an offer of \$3700 → John asked about numbers - we told top of box because that is are guidance now - Get back by Dec 5<sup>th</sup>, 2008









world pet corp









