From: Stark, Justin
To: "josef@us-lubes.com"
Cc: Blandin, Norva; "Mabel Ortiz"
Subject: Post Informal Meeting and Closing the Remaining Violations
Date: Friday, August 3, 2018 11:39:00 AM
Attachments: image002.png
image003.png
Form 62-710.901(7).pdf
710_6_Instructions.pdf
Form 62-710.901(6) (1).pdf

Mr. Jose Fernandez,

1. According to the informal meeting you had with the Department the following was done:

    a. Open violations: a total of seven (7) violations are still open after day 265. During your meeting with the Department, the ways of rectifying were discussed and is included in this email.
    b. Penalties: There was a total of seventeen (17) violations for both of your facilities. Twelve (12) for your Used Oil Transporter/Transfer/Marketer facility and five (5) for your Used Oil Processor. As discussed, eight (8) violations for your Used Oil Transporter/Transfer/Marketer were calculated for penalties, the remaining four (4) were not pursued because they applied to a Used Oil Processor. Finally all five (5) violations for the Used Oil Processor were pursued. In total, thirteen (13) violations were pursued. The initial amount was $7,250 which included Department costs and adjustments for history of noncompliance. Violations number 3, 4 and 5 were combined because they are related to good safety practices. Additionally, Violations number 9, 10 and 11 were combined because they relate to Contingency Plans. During the meeting, it was agreed that violation number 8 and 1 would be combined because they relate to registration. This change the amount of the penalties to $6,750 which includes Department costs and adjustments for history of noncompliance. This was agreed upon on by both you and the Department.
    c. Short Form Consent Order (SFCO): This form discusses the penalty amount that was agreed upon on at the meeting. The amount agreed on was $6,750 which includes Department costs and adjustments for history of noncompliance. Three monthly installments of $2,250 was agreed upon. The SFCO will not be sent until the remaining seven (7) violations are closed.

2. As discussed above, corrective action needs to be done before the SFCO can be signed and processed. Please close the remaining seven (7) violations within 14 days of receiving this email (8/17/2018). No more time will be given due to the fact that your facilities have been out of compliance for two hundred and sixty-five days (265) and this case needs to be resolved by day three hundred (300).

3. The following seven (7) violations with the corrections are as follow:

I. Corrective actions must be taken at the Facility located at: 3636 NW 48th Ter, Miami, FL 33142

Rule: 279.71, 279.71(a)

Explanation: According to the facility's used oil disposal records, the facility has transported at least
26,071 gallons of used oil to H & R Paving, a facility which has not registered with the Department as a Used Oil Burner.

Corrective Action: Please do not transport any used oil to H & R Paving for disposal until H & R Paving has
officially registered as a Used Oil Burner.

In addition to number two (2), please send all of your used oil manifests (what was sent to a burner) from November 8th, 2017 to March 18th, 2018.

2. Rule: 62-710.510(5)

Explanation: The facility failed to submit its 2016 Used Oil and Used Oil Filter Annual Report to the
Department by March 1, 2017.
Corrective Action: Please submit the facility's 2016 Used Oil and Used Oil Filter Annual Report to the
Department.

As discussed in the meeting, the used oil filter part was missing. Please redo and submit this form for 2016. The link to the form is down below.

https://floridadep.gov/waste/permitting-compliance-assistance/forms/annual-report-used-oil-and-used-oil-filter-handlers

3. Rule: 62-710.600(2)(c)

Explanation: The facility failed to provide training records detailing the used oil handling training that
USL employees had received over the past three (3) years.

Corrective Action: **Please provide training records detailing the used oil handling training that USL
employees has received over the past three (3) years.**

4. Rule: 62-710.510(1)

Explanation: The facility's used oil filter disposal records did not include the EPA ID number of the
facility responsible for the recycling of the facility's used oil filter waste. In addition, the facility did not include its EPA ID number on its oily water disposal records.

Corrective Action: Please include the EPA ID number of the used oil filter recycling facility on all future
used oil filter disposal records. Please also include USL's EPA ID number on all future oily water disposal records.

In addition to number twelve (12), please send all of your used oil filter and oily water manifests from November 8th, 2017 to March 18th, 2018.

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II. Corrective actions must be taken on the Facility located at: 7855 W 2nd Ct Bay 2, Hialeah, FL 33014

As discussed during the informal meeting, you are planning on closing this facility down. The three (3) open violations below can be rectify by closing down the facility in accordance with F.A.C. 62-710.800. Below are the forms that must be completed (Highlighted in yellow). Additionally, the processor machine must be removed and a photo will need to be sent to the Department showing this.

https://floridadep.gov/waste/permitting-compliance-assistance/forms/8700-12fl-florida-notification-regulated-waste-activity (you will have to renotify the facility but this time as closing it)

Closing cost estimate form must be filled out. This document is attached as "Form 62-710.901(7).pdf"

Closure plan must be completed. The attachment "Form 62-710.901(6)(1).pdf" needs to be filled out and if you have any questions about it, the attachment named "710_6_Instructions.pdf" can help you.

If you need any help during this process, Bheem Kothur can assist you. His point of contact is below.

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Bheem.Kothur@FloridaDEP.gov
850-245-8781

Again, the three (3) open violations below can be rectify if what is described above is done.

1. Rule: 279.52(a)(3)

Explanation: Facility was not maintaining general facility inspection logs.

Corrective Action: Please fill out a compliant general facility inspection log for a week and then send a
copy to the Department.

2. Rule: 279.52(a)(2)(iii)

Explanation: The facility's eye wash fluid was expired.

Corrective Action: Please send Department pictures of new eye wash fluid; one of bottle and one of new
expiration date.

3. Rule: 279.52(b)(2)(vi)

Explanation: There is no map of facility's evacuation routes or locations of emergency and/or decontamination equipment in Contingency Plan.

Corrective Action: Please either find the page in the facility's Contingency Plan with the information
requested above or create a map and submit it to the Department.

Finally, If you decide to change the status the facility located at 3636 NW 48th Ter, Miami, FL 33142, you will have to renotify with the link to the form below.

https://floridadep.gov/waste/permitting-compliance-assistance/forms/8700-12fl-florida-notification-regulated-waste-activity

If you have any questions please feel free to contact me. As discussed in the meeting, you have until August 17th, 2018 to close all seven (7) open violations. I will CC Mabel since I know she is helping you with this matter.

Thank you,

Justin Stark
Environmental Specialist I

Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Justin.Stark@floridadep.gov
Office: 561.681.6648