FLORIDA DEPARTMENT OF
Environmental Protection

Southeast District
3301 Gun Club Road, MSC7210-1
West Palm Beach, FL 33406
561-681-6600

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

August 31, 2018

Mr. Jose Fernandez, Owner
U.S. Lubricants LLC
7855 W 2nd CT
Hialeah, FL 33014

Mr. Jose Fernandez, Owner
U.S. Lubricants LLC
3636 NW 48th Ter
Miami, FL 33142

SUBJECT: Department of Environmental Protection v. U.S. Lubricants LLC
Consent Order, OGC File No. 18-1112
Facility ID No. FLR000213777, FLR000211557
Miami-Dade County

Mr. Fernandez-

Enclosed for your review and signature is the Consent Order (Order) drafted by the Department in the above-styled case. This Order represents the resolution acceptable to the Department in this matter. Please review, sign, and return the copy before Wednesday, September 5, 2018, for final Department signature and execution. The Order will become effective once both parties execute it.

We look forward to a satisfactory resolution of this matter. For inquiries, you may contact Justin Stark, Environmental Specialist, at 561-681-6648.

Sincerely,

Jennifer K. Smith
Southeast District Director
Florida Department of Environmental Protection

Enclosure: Long Form Consent Order
Exhibit I: Final Permit Number 331801-HO-001
Exhibit II: Warning Letter with (2) inspection reports

cc: Shirley Richards, SED
Norva Blandin, SED

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION	)	IN THE OFFICE OF THE SOUTHEAST DISTRICT
v.	)	OGC FILE NO. 18-1112
U.S. LUBRICANTS LLC	)	EPA ID NO. FLR000213777, FLR000211557

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and U.S. Lubricants LLC ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("F.S."), and the rules promulgated in Chapter 62-710, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(22), F.S.

3. Respondent is a Florida for-profit corporation which operates a permitted Used Oil Processor Facility under Permit Number 331801-HO-001 (Exhibit I) on real property located at 7855 W 2nd Ct, Hialeah, FL 33014 ("UOP Facility"). Respondent also operates a Used Oil Transfer/Transporter/Marketer on real property located at 3636 NW 48th Ter, Miami, FL 33142 ("UOT Facility"). Respondent is the owner of these two facilities as defined in Rule 62-730.020, F.A.C.

4. Respondent's operations at the UOP Facility are described in Exhibit I which is attached and incorporated in this Order. The UOP Facility was inspected by the Department on March 29, 2017 and found to be out of compliance with State and Federal regulations for used oil management standards. During the inspection, the inspectors conducted a walkthrough of the UOP Facility and cited five (5) violations, which are listed in paragraph 6 of this Order. During an informal meeting conducted on July 31, 2018, the Respondent notified the Department that the permitted UOP Facility will no longer operate and shall be closed accordingly to the closure conditions described in Exhibit I.

5. On November 8, 2017 the UOT Facility was inspected by the Department and found to be out of compliance with State and Federal regulations for used oil management standards. During the inspection, the inspectors conducted a walkthrough of the UOT Facility and cited twelve (12) violations, which are listed in paragraph 6 of this Order. All violations are described in inspection reports dated March 29, 2017 and November 8, 2017 (Exhibit II).

6. The Department finds that the following violations occurred:

a) 40 CFR 279.52(a)(3), Respondent shall conduct weekly inspections at the UOP Facility to ensure safety equipment is functional during an emergency. This violation has not been resolved.

b) 40 CFR 279.52(a)(2)(iii), Respondent shall have decontamination equipment in case of an emergency. The Respondent's eye washer fluid was expired for the UOP Facility. This violation has not been resolved.

c) 40 CFR 279.52(b)(3)(ii), Respondent shall distribute its contingency plan to the local authorities. This violation was resolved on August 8, 2018.

d) 40 CFR 279.52(b)(2)(vi), Respondent did not have a contingency plan that describes evacuations routes and the location of decontamination equipment for the UOP Facility. This violation has not been resolved.

e) F.A.C. 62-710.800(6), Respondent shall update its cost estimate annually. The Respondent did not update its 2017 cost estimate for the UOP Facility. This violation was resolved on July 17, 2017.

f) 40 CFR 279.42, F.A.C. 62-710.500, Respondent shall re-notify annually as a Used Oil Transporter, Transfer and Marketer. The Respondent did not renotify in 2017 and was consequently operating the UOT Facility with an expired notification for 161 days. This violation was resolved on March 19, 2018.

g) 40 CFR 279.71, Respondent shall ensure that its used oil is offered to a registered facility. The UOT Facility previously offered its used oil to an unregistered burner facility. This violation was resolved on February 1, 2018.

h) F.A.C 62-710.850(5)(a), Respondent shall ensure all containers storing used oil or used oil filters are labeled with the words "Used Oil" or "Used Oil Filters." The UOT Facility did not have the appropriate labels for four (4) 55-Gallon drums used of used oil filters. This violation was resolved on November 8, 2018.

i) F.A.C. 62-710.510(5), Respondent shall submit its used oil and used oil filter report annually. Respondent did not summit an annual report for 2016. This was violation was resolved on August 16, 2018.

j) F.A.C 62-710.600 (2)(e), Respondent shall have a Pollution Liability Insurance Package for the UOT Facility. This violation was resolved on March 9, 2018.

k) F.A.C. 62-710.500(4), Respondent shall display the current validated used oil handling registration for the UOT Facility in a prominent place. This violation was resolved on July 8, 2018.

l) F.A.C. 62-710.600(2)(c), Respondent shall ensure that all employees handling used oil at the UOT Facility are trained annually. This violation was resolved on August 28, 2018.

m) F.A.C. 62-710.800(5), F.A.C. 62-710.800(6), 40 CFR 279.52(a)(6), 40 CFR 279.52(b), These violations were cited for the UOT Facility. However, due to improper citation, the Department will not pursue these violations.

n) F.A.C. 62-710.510(1), Respondent shall ensure that the EPA ID for the UOT Facility is included on all documentation prior to offering used oil filters for recycling. This violation was resolved on August 16, 2018.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

7. Effective immediately, Respondent shall comply with all Department rules regarding used oil management. Respondent shall correct and redress all violations within the time periods stated below and shall comply with all applicable sections in Chapter 62-710, F.A.C. and Title 40, Code of Federal Regulations ("C.F.R.") Part 279. All time periods shall run from the effective date of this Order.

a) Respondent shall comply with the Permit conditions, as described in Part VI of Exhibit I, demonstrating that the UOP Facility will be closed in a manner which satisfies the requirements of the closure standards of Sections 40 C.F.R. 279.54 (h) and in F.A.C. 62-710.800(5). Respondent shall submit a written Closure Plan ("Plan") to the Department in accordance with the aforementioned standards within thirty (30) days of the effective date of this Order.

b) Upon Department approval of the Plan, Respondent shall immediately implement and fully comply with the Plan.

c) Within 30 days of completing the Plan, Respondent shall submit a notification of closure completion to the Department that demonstrates that the UOP Facility was closed in compliance with the approved Plan.

d) Upon closure, the violations detailed in Paragraph 6., Subparagraphs a), b), and d) shall be resolved.

8. Within thirty (30) days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

9. Respondent shall pay the Department $6,750.00 in settlement of the matters addressed in this Order. This amount includes $ 700.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order and an upward adjustment of 25% ($950) for history of noncompliance. Payments shall be made in three (3) monthly installments per the following schedule: the first payment of $2,250.00 due by **October 1, 2018**; the second payment of $2,250.00 due by **November 1, 2018**; and the third and final payment of $2,250.00 due by **December 1, 2018**.

10. Respondent agrees to pay the Department stipulated penalties in the amount of $100.000 per day for each and every day Respondent fails to timely comply with any of the requirements of Paragraph 7 of this Order. A separate stipulated penalty shall be assessed for each violation of this Order, and the Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in Paragraph 11, below. Nothing in this Paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this Paragraph shall be in addition to the civil penalties agreed to in Paragraph 9 of this 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 Order in an amount greater than the stipulated penalties due under this Paragraph.

11. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: http://www.fldepportal.com/go/pay/. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before ability to make online payment is available.

12. Except as otherwise provided, all submittals and payments required by this Order shall be sent to Justin Stark, Environmental Specialist I**,** Department of Environmental Protection, Southeast District, 3301 Gun Club Road MSC 7210-1, West Palm Beach, Florida 33406**.**

13. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

14 Respondent shall use all reasonable efforts to obtain any necessary access to implement the terms of this Order. If necessary access cannot be obtained, or if obtained, is revoked by owners or entities controlling access to the properties to which access is necessary, Respondent shall notify the Department within five business days of such refusal or revocation. The Department may at any time seek to obtain access as is necessary to implement the terms of this Order. Respondent shall reimburse the Department for any damages, costs, or expenses, including expert and attorneys fees, that the Department is ordered to pay, or that the Department incurs in connection with its efforts to obtain access that is necessary to implement the terms of this Order. Respondent shall pay these sums to the Department or arrange a payment schedule with the Department within 30 days of written demand by the Department.

15. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor 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 (unless the cause of the contractor's late performance was also beyond the contractor's control) shall be considered circumstances beyond the control of Respondent. Upon occurrence of an event causing delay, or upon

becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days 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. The agreement to extend compliance must describe the provision or provisions extended, the new compliance date or dates, and the additional measures respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this Paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

16. The Department, for and in consideration of the complete and timely performance by Respondent of the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for violations outlined in this Order. This waiver is conditioned upon (a) Respondent's complete compliance with all of the terms of this Order, and (b) the remediation of contaminated areas to the applicable site rehabilitation levels. The Department's cause of action for damages accrues when the Department concludes that remediation of contaminated areas to the applicable site rehabilitation levels is not feasible or that the Respondent failed to completely implement the Department-approved remedial or corrective action plan (however designated). If the Department and Respondent fail to reach agreement on the payment of the damages, the Department may initiate appropriate legal action to recover the damages as provided by law.

17. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or the rules administered by the Department that are not specifically resolved by this Order. Nothing herein shall be construed to limit the Department's authority to take any action against Respondent in response to or to recover the

costs of responding to conditions at or from the Facility that require Department action to abate an imminent hazard to the public health, welfare, or the environment.

18. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

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

20. Respondent acknowledges and waives its right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.

21. Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order shall be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

22. The terms and conditions set forth in this 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 Order shall constitute a violation of Section 403.161(1)(b), F.S.

23. This Consent Order is a final order of the Department pursuant to Section 120.52(7), 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 Order will not be effective until further order of the Department.

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

a) The OGC Number assigned to this Order;

b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

c) An explanation of how the petitioner's substantial interests will be affected by the Order;

d) A statement of when and how the petitioner received notice of the Order;

e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;

g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and

h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (<u>received</u>) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within <u>21 days</u> of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated in Paragraph 21 (h). Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Order may choose to pursue mediation as an alternative remedy under Section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right request an administrative hearing if mediation does not result in a settlement. Additional

information about mediation is provided in Section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

24. Rules referenced in this Order are available at https://softlive.dep.state.fl.us/ogc/ogc/content/rules.

FOR THE RESPONDENT:

_____

Jose Fernandez DATE
Owner of U.S. Lubricants LLC

DONE AND ORDERED this _____ day of _____, 2018, in Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

_____

Jennifer K. Smith
District Director
Southeast District

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

_____ _____

Clerk Date

Copies furnished to:
Lea Crandall, Agency Clerk
Mail Station 35

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

June 04, 2015

Sent Via E-mail
joseF@us-lubes.com

Mr. Jose Fernandez, Manager
U. S. Lubricants, LLC
7855 West 2nd Ct. Bay #2
Hialeah, Florida 33012

SUBJECT: U. S. Lubricants, LLC - Hialeah Facility
EPA ID Number: FLR 000 213 777
Operating Permit Numbers: 331801-HO-001
Miami-Dade County

Dear Mr. Fernandez**:**

Enclosed is Permit Number 331801-HO-001 issued to U.S. Lubricants, LLC, pursuant to Section 403.769, Florida Statutes (F.S.), and Chapters 62-4, 62-701, 62-710 and 62-730, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When a permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by applicable filing fees with the appropriate District Court of Appeal.

The notice of Appeal must be filed within thirty (30) days from the date the final permit is issued. If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: bheem.kothur@dep.state.fl.us.

Sincerely,

Bryan Baker

Bryan Baker, Administrator
Hazardous Waste Program & Permitting

BB/at

Enclosure

cc (with enclosures):
Brian Bastek, EPA Region 4, bastek.brian@epa.gov
Kathy Winston, FDEP Southeast District, Kathy.winston@dep.state.fl.us
Norva Blandin, FDEP Southeast district, norva.blandin@dep.state.fl.us
Mayor, City of Hialeah, mayorchernandez@hialeahfl.gov
Ashanti McBride, OGC Tallahassee, Ashanti.mcbride@dep.state.fl.us
Annie Dziergowski, U.S. Fish & Wildlife Service, annie_dziergowski@fws.gov
Florida Fish and Wildlife Conservation Planning Services, FWCConservationPlanningServices@myfwc.com
Chair, Miami-Dade, Board of County Commissioners, jemo@miamidade.gov
Tor Bejnar, FDEP Tallahassee, tor.bejnar@dep.state.fl.us
Susan Eldredge, FDEP Tallahassee, susan.eldredge@dep.state.fl.us
Nilesh Lakhlani, Geo Tech Environmental, Inc. neil@geotech-usa.com

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

PERMITTEE:

U. S. Lubricants, LLC
7855 West 2nd Court, Bay 2
Hialeah, Florida 33012

Attention:
Mr. Jose L. Fernandez, Manager

I.D. Number: FLR 000 213 777
Used Oil Permit Number: 331801-HO-001
Date of Issue: June 4, 2015
Expiration Date: June 4, 2020
County: Miami Dade
Lat/Long: 25° 53' 38.77" N / 80° 17' 18.98" W

Project: Used Oil Processing Facility

This permit is issued under the provisions of Section 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-762, and 62-780 of the Florida Administrative Code (F.A.C.), and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application dated December 08, 2014 and revised or supplemented by submissions dated March 27, 2015 and revised on March 31, 2015 that are incorporated herein and collectively referred to as the "permit application". The permit application also includes any approved closure cost estimates and financial assurance and approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereto. The facility is specifically authorized and described as follows:

To operate a Used Oil Processing Facility hereinafter referred to as the "Facility". The Facility is located on an approximately 0.03 - acre parcel of land leased by U. S. Lubricants, LLC in Miami-Dade County, at 7855 West 2nd Court, Bay 2, Hialeah, Florida, 33012. Diagrams of the site layout and tank storage area are included as Attachment A of this permit. Tank capacity and contents are shown in Attachment B (Tank Table) of this permit.

The facility is authorized to transport, store, and process used oil. The facility is permitted to market used oil.

The Facility currently consists of two (2) tanks with a capacity of 295 gallons each. The primary and secondary materials stored in these tanks are as listed in Attachment B of this permit. All tanks and piping are located within secondary containment as shown in Attachment A. The facility is authorized to store and use a total of 590 gallons of used oil in the above ground storage tank and related appurtenances currently installed at the facility. These tanks are located in the Tank Containment Pad Area.

The following documents were used in preparation of this permit:

1. DEP Compliance Assistance Letter dated July 28, 2014 and U.S. Lubricants, LLC, response letter dated August 27, 2014.

2. Used Oil Processing Facility Permit Application dated December 08, 2014, and DEP received on December 17, 2014 and subsequent information received on March 27, 2015, and March 31, 2015.

3. DEP Notice of Deficiency (NOD) dated January 28, 2015.

4. Facility 30-day Time Extension request dated February 28, 2015 in response to the First Notice of Deficiency and DEP approved on Dated February 28, 2015 to response by on or before March 28, 2015.

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ATTACHMENT A – SITE MAP 19

ATTACHMENT B – TANK TABLE 20

Part I - GENERAL AND STANDARD CONDITIONS

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the Permittee and enforceable pursuant to the authority of Sections 403.141, 403.727, or 403.859 through 403.861, Florida Statutes (F.S.). The Permittee is hereby placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in Sections 403.087 and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. This permit does not constitute a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in the permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leaseholder interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the Permittee from liability for harm or injury to human health or welfare, animal, plant or aquatic life or property and penalties therefore caused by the construction or operation of this permitted source, nor does it allow the Permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The Permittee shall at all times properly operate and maintain the facility and systems of processing and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this permit, as required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The Permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:

    a. Having access to and copying any records that must be kept under the conditions of the permit;

    b. Inspecting the facility, equipment, practices, or operations regulated or required under this permit; and

c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the Permittee does not comply with, or will be unable to comply with, any condition or limitation specified in this permit, the Permittee shall immediately notify and provide the Department with the following information:

   a. A description of and cause of non-compliance; and

   b. The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the non-compliance.

   The Permittee shall be responsible for any and all damages that may result and may be subject to enforcement action by the Department for penalties or revocation of this permit.

9. In accepting this permit, the Permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, which are submitted to the Department, may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is proscribed by Sections 403.73 and 403.111, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The Permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance, provided however, the Permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rules 62-4.120 and Form 62-701.900(8), F.A.C., as applicable. The Permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit is required to be kept at the work site of the permitted activity during the entire period of construction, operation, or closure.

13. Reserved.

14. The Permittee shall comply with the following monitoring and record keeping requirements:

   a. Upon request, the Permittee shall furnish all records and plans required under Department rules. The retention period for all records will be extended automatically, unless otherwise stipulated by the Department, during the course of any unresolved enforcement action;

   b. The Permittee shall retain at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The time period of retention shall be at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule; and

   c. Records of monitoring information shall include:

(1). The date, exact place, and time of sampling or measurements;

(2). The person responsible for performing the sampling or measurements;

(3). The date(s) analyses were performed;

(4). The person responsible for performing the analyses;

(5). The analytical techniques or methods used; and

(6). The results of such analyses.

15. When requested by the Department, the Permittee shall, within a reasonable period of time furnish any information required by law that is needed to determine compliance with the permit. If the Permittee becomes aware that relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be submitted or corrected promptly.

16. The Permittee shall comply with the following requirements during the life of this permit:

a. The facility shall comply with all applicable portions of 40 CFR Part 279 and Chapter 62-710, F.A.C.

b. This facility shall be constructed, operated and maintained and closed in accordance with all applicable requirements of Chapters 62-4, 62-701, 62-710, 62-730, 62-740, 62-762 and 62-780, F.A.C., and all other applicable requirements of Department Rules.

c. By acceptance of this permit, the Permittee certifies that they have read and understand the obligations imposed by the General and Standard Conditions contained herein, including the date of permit expiration and renewal deadlines. It is a violation of this permit to fail to comply with all conditions and deadlines.

d. Nothing contained in General and Standard Condition 10 of this permit shall be deemed to waive any right Permittee has under Florida Statutes or Department rules to oppose application of any such changes to the facility if Permittee is otherwise legally entitled to do so.

17. Except as otherwise especially provided in this permit, all submittals in response to permit conditions shall be provided as described below.

    a. One (1) hard copy and one (1) electronic copy in optical media format (CD/DVD) shall be sent to:

        Environmental Administrator
        Hazardous Waste Program & Permitting
        Florida Department of Environmental Protection
        2600 Blair Stone Road, MS 4560
        Tallahassee, Florida 32399-2400

    b. One (1) hard copy and one (1) electronic copy of all submittals in response to operating permit conditions shall be sent to:

        Hazardous Waste Supervisor
        Department of Environmental Protection
        Southeast District Office
        3301 Gun Club Road, MSC7210-1
        West Palm Beach, Florida 33406

    c. The Permittee shall submit one (1) copy of the renewal permit and/or modifications cover letter and appropriate fee to:

        Environmental Administrator
        Hazardous Waste Program & Permitting
        Florida Department of Environmental Protection
        2600 Blair Stone Road, M.S. 4560
        Tallahassee, Florida 32399-2400

        The Permittee shall submit documents related to renewal permit and/or modifications (one hard and one electronic) to the addresses in the General and Standard Condition 17 (a) and (b) of this permit.

    d. Financial Assurance Mechanism:

        The Permittee shall maintain, in good standing, the financial assurance mechanisms established to demonstrate proof of financial assurance. Supporting documentation, for proof of financial assurance and required annual adjustments, shall be submitted within the time frames specified in Rule 62-701.630, F.A.C., as adopted by reference in Subsection 62-710.800(6), F.A.C. All submittals in response to this specific condition shall be sent to:

        Florida Department of Environmental Protection
        Financial Coordinator – Solid Waste Section
        2600 Blair Stone Road, MS 4548
        Tallahassee, Florida 32399-2400

    e. Annual Closing Cost Estimate Adjustment:

The Permittee shall annually adjust the closing cost estimate for inflation using Form 62-710.901(7), F.A.C. Adjustments shall be made in accordance with Subsection 62-710.800(6), F.A.C. An owner or operator shall submit the adjusted cost estimate between January 1 and March 1 of each year. All submittals in response to this specific condition shall be sent to the addresses on the cost estimate form.

18. The Permittee shall annually register their used oil handling activities with the Department on DEP Form 62-710.901(3), F.A.C., and in accordance with Rule 62-710.500, F.A.C.

19. The Permittee shall display the validated registration form and identification number in a prominent place at the facility location [Subsection 62-710.500(4), F.A.C].

20. The Permittee shall submit an annual report covering used oil processing facility activities conducted during the previous calendar year to the Department on DEP Form 62-710.901(3), F.A.C., by March 1 of each year in accordance with Subsection 62-710.510(5), F.A.C. The report shall summarize the records kept pursuant to Rule 62-710.510 and Subsection 62-740.300(5), F.A.C.

21. Before transferring ownership or operation of this facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Part 279 and Chapter 62-710, F.A.C. The Permittee shall also submit an application for transfer of the permit, at least thirty (30) days prior to transferring the facility, on DEP Form 62-730.900(1)(a), F.A.C., accompanied with an appropriate application fee, required pursuant to Rule 62-4.050, F.A.C.

22. Before closing or making any substantial modification to the facility, the Permittee shall submit to the Department the Used Oil Processing Facility Permit Modification Request, pursuant to Rule 62-4.080 and Subsection 62-710.800(3), F.A.C. The engineering aspects of the request must be certified by a Professional Engineer registered in the State of Florida.

23. The Department may modify, revoke, reissue, or terminate for cause, this permit in accordance with the provisions of Rule 62-710.800, F.A.C. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition. The Permittee may submit any subsequent revisions to the Department for approval. These revisions shall meet the requirements of Rules 62-4.050 and Subsection 62-710.800(3), F.A.C., and must be accompanied with an appropriate application fee.

24. The Permittee shall submit a complete application for renewal of the permit, on DEP Form 62-710.901(6), F.A.C., and in a manner prescribed by the Department, sixty (60) days before the expiration of this permit, unless the facility is to be closed prior to the expiration date of this permit per the requirements of Subsection 62-710.800(4), F.A.C.

25. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(a)(1).

26. The Permittee shall not accept or store any hazardous wastes in the permitted tanks or in any other area at the facility without receiving written approval from the Department.

27. The Permittee is allowed to store used oil only in the aboveground tanks within the secondary containment, and/or within double-walled tanks as shown in Attachment - A of this permit. The permitted units and tank capacities are shown for Tanks in Attachment - B.

28. The Permittee shall not exceed the maximum storage capacities of the permitted tanks as specified in the Operating Information section of the permit application and Attachment B of this permit.

29. To prevent overflow, the Permittee shall notify the Department when the volume of the used oil stored in any of the tanks exceeds ninety-five (95) percent of the maximum storage capacity of the tank as specified in the Operating Information section of the permit application and Attachment B of this permit.

30. Tanks installed on or after July 13, 1998 shall comply with the performance standards of Rule 62-762.501, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C. [Subsection 62-710.300(3), F.A.C.].

31. The inspection records and release detection monitoring required in Rule 62-762.601, F.A.C. for aboveground process and storage tanks and integral piping shall be maintained at the facility in the Permittee's operating record.

32. The Permittee shall prevent the release of used oil, oily waste or oily wastewater to the environment. The secondary containment systems shall be maintained in accordance with the Operating Information of the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:

    a. All new tank systems shall have secondary containment as required by parts (b) and (c) of this condition prior to being put into service;

    b. Pursuant to 40 CFR 279.54, the secondary containment system shall be:

        (1). Designed, installed and operated to prevent any migration of wastes or accumulated liquid to the soil, groundwater or surface waters;

        (2). Capable of detecting and collecting releases and run-on until the collected material is removed;

        (3). Constructed of, or lined with, materials compatible with the waste to be stored and have sufficient structural strength to sustain the stresses induced by a failure of the primary containment system as well as other stresses which may be induced by the environment;

        (4). Placed on a foundation or base capable of providing support to the secondary containment system;

        (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours;

        (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation; and

(7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.

c. All tank systems shall be provided with secondary containment that at a minimum meets the requirements of 40 CFR 279.54(d), or 40 CFR 279.54(e), and Subsection 62-710.401(6), F.A.C.

33. The Permittee shall inspect weekly the secondary containment system floor and perimeter walls for any cracks or gaps. The Permittee shall document the inspection log/reports as part of their record. If any cracks or gaps are found, the Permittee shall repair the cracks and gaps prior to beginning operation of the used oil processing facility [40 CFR 279.54(d)(2) and 40 CFR 279.54(e)(2)].

34. The Permittee shall label or mark all containers and aboveground tanks, used for storage or processing of used oil, with the words "Used Oil" [Subsection 62-710.401(6), F.A.C., and 40 CFR 279.54(f)].

35. The Permittee shall label or mark all containers or tanks which are solely used for the storage of Petroleum Contact Water with the words "Petroleum Contact Water" [Rule 62-740.100, F.A.C.].

36. The Permittee shall store used oil, PCW, used oil residues or used oil filters only in those containers or tanks which are made of or lined with materials that will not react with and are otherwise compatible with the waste to be stored.

37. If a container or tank holding used oil, PCW, used oil residues or used oil filters is not in good condition (e.g., rusting, bulging) or begins to leak, the Permittee shall transfer the waste to another container or tank which is in good condition [40 CFR 279.22].

38. As part of the general operating requirements, the Permittee shall:

a. Not place used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;

b. Use appropriate controls and practices to prevent spills and overflows;

c. Follow the operating procedures described in the permit application; and

d. Comply with the requirements of 40 CFR 279.54(g) if a leak or spill occurs.

39. The Permittee shall inspect the tank system in accordance with the permit application. These requirements include:

a. Developing and following a schedule and procedure for inspecting overfilling controls;

b. Inspecting at least once each operating day the aboveground portions of the tank system, and the construction materials and area immediately surrounding the tank storage area. However, the Permittee shall document the daily inspections at least once a week; and

c. The results of the inspections in (a) and (b) of this condition shall be maintained in the operating record at the facility.

40. The Permittee shall remove spilled or leaked waste and accumulated precipitation from the secondary containment areas within 24 hours of detection and manage the material in accordance with the Spill Prevention Control and Countermeasures Plan (SPCC) and the Contingency Plan of the permit application.

41. Pursuant to the requirements of 40 CFR 279.52(a), and the preparedness and prevention plan of the permit application, the Permittee shall:

    a. Maintain a copy of the preparedness and prevention plan, of the permit application, at the facility;

    b. Equip the facility with the required emergency equipment described in the SPCC Plan of the permit application [40 CFR 279.52(a)(2)];

    c. Test and maintain the required emergency equipment in accordance with the requirements of 40 CFR 279.52(a)(3);

    d. Provide all facility personnel involved in used oil processing operations with immediate access to an internal alarm or emergency communication device, as described in the SPCC Plan of the permit application [40 CFR 279.52(a)(4)]; and

    e. Make arrangements with the local authorities as described in the SPCC Plan of the permit application [40 CFR 279.52(a)(6)].

42. Pursuant to the requirements of 40 CFR 279.52(b), as specified in the contingency plan of the permit application, the Permittee shall:

    a. Immediately carry out the provisions of the SPCC Plan and Contingency Plan of the permit application, and follow the emergency procedures described by 40 CFR 279.52(b)(6), whenever there is a fire, explosion, or release of used oil, oily waste or oily wastewater that threatens or could threaten human health or the environment. The Permittee shall give proper notification to the Department if an emergency situation arises and within fifteen (15) days must submit to the Department a written report which includes all information required in 40 CFR 279.52(b)(6)(ix);

    b. Maintain a copy of the contingency plan at the facility and submit copies to all local police departments, fire departments, hospitals, and State and local emergency response teams pursuant to the requirements of 40 CFR 279.52(b)(3);

    c. Amend the contingency plan and submit the amended plan for Department approval within thirty days (40 CFR Part 112) of meeting any criteria listed in 40 CFR 279.52(b)(4). Any other changes to the plan must be submitted to the Department within thirty days of the change in the plan. All amended plans must be distributed to the appropriate agencies;

    d. Comply with the requirements of 40 CFR 279.52(b)(5), concerning the emergency coordinator; and

    e. Notify the Department of Environmental Protection’s 24-hour emergency telephone number, (800) 320-0519, in the case of emergency. During normal business hours, the Department's Southwest District office may be contacted at (813) 470-5700.

43. The Permittee shall maintain reports of all releases that are greater than one (1) gallon, as part of its on-site operating records. The reports shall include the amount and time of release and a schedule that details the corrective action taken. The Permittee shall submit a written report to the Department within fourteen (14) days for all the releases that are greater than fifty (50) gallons. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.

44. The Permittee shall inspect the facility operating, emergency and safety equipment in accordance with the schedules approved in the Operating Information section of the permit application. The Permittee shall remedy any deterioration or malfunction discovered by an inspection, in accordance with 40 CFR 279.52. Changes, additions, or deletions to the schedule must be approved in writing by the Department. The schedules must be maintained as part of the operating record of the facility [40 CFR 279.54].

45. Pursuant to 40 CFR 279.55, for the written analysis plan, and 40 CFR 279.56, concerning Tracking, the Permittee shall:

    a. Sample and analyze each incoming shipment by EPA Method 9077 or a Tek Mate Sniffer as set forth in the permit application, prior to accepting used oil from off-site facilities. The sampling frequency shall be in accordance with the permit application;

    b. Test all containers of the same waste stream for the parameters listed in the permit application, if any of the samples fail the analysis required by General and Standard Condition 45.(a), the Permittee may collect a representative sample from containers received from the same generator for this analysis;

    c. Reject any incoming containers of used oil which fail the analysis required by General and Standard Condition 45(a). The Permittee shall maintain documentation of any shipment of used oil which is refused due to suspected mixing with hazardous waste in the facility operating record; and

    d. Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in the permit application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if the used oil is sent to another Used Oil processor for further processing.

    e. All sampling and analysis activities shall be conducted in accordance with Chapter 62-160, F.A.C.

    f. The Permittee must keep a copy of the written analysis plan at the facility.

PART II – USED OIL PROCESSING CONDITIONS

1. Pursuant to 40 CFR 279.56 (Tracking) and Subsection 62-710.510(1), F.A.C., the Permittee must comply with the following tracking requirements: the Permittee shall maintain records on DEP Form 62-710.901(2), F.A.C., or on substantially equivalent forms which contain at least the same information as the Department form.

a. Used oil processors/re-refiners must keep a record of each used oil shipment accepted for processing/re-refining. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

(1). The name, address and EPA identification number (if applicable) of the transporter who delivered the used oil to the processor/re-refiner, oil-burner or disposal facility;

(2). The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was received for processing/re-refining;

(3). The quantities of each type of used oil accepted and date of acceptance; and

(4). Waste stream approval number and the off load number.

b. Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

(1). The name, address and EPA identification number (if applicable) of the transporter delivering the used oil to the receiving facility;

(2). The name, address and EPA identification number (if applicable) of the oil-burner, processor/re-refinery or disposal facility receiving the shipment;

(3). The quantities of used oil shipped and date of shipment; and

(4). The laboratory analytical results.

c. The records described in paragraph (a) and (b) of this section must be maintained for at least three years. The records shall be kept at the permitted facility and shall be available for inspection by the Department during normal business hours.

2. Pursuant to 40 CFR 279.57, the Permittee must keep and maintain a written operating record at the Facility until closure of the Facility, which includes the following information:

a. Records and results of used oil analyses performed as described in the analysis plan required under 40 CFR 279.55; and described in the permit application.

b. Summary reports and details of all incidents that require implementation of the contingency plan as specified in 40 CFR 279.52(b).

3. The Permittee shall maintain as part of the operating record of the Facility the inspection records and release detection monitoring records required in Rule 62-762.601, F.A.C., for aboveground storage tanks, integral piping, and process tanks. Reports of releases greater than one (1) gallon shall include the amount, time of the release, time of the response and a description of the response. Reports of releases greater than fifty (50) gallons shall be submitted to the Department within fourteen (14) days. The Permittee shall inform the Department immediately if a release requires the Permittee to take any of the tanks out of service.

4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(1).

5. Pursuant to Subsection 62-710.300(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-762.501 , F.A.C., for existing shop fabricated/field erected tanks of Rule 62-762.511, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.

PART III – TANK AND CONTAINER CONDITIONS

"Tank system", for the purpose of Part III of this permit, is currently defined as storage tank(s), appurtenant equipment and secondary containment structures comprising the Permittee used oil processing facility. Typical volumes of used oil should not exceed 590 gallons in processing at any given time.

1. The Permittee shall prevent the release of petroleum contact water, used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:

    a. All new components shall have secondary containment as required by Parts (b) and (c) of this condition prior to being put into service.

    b. The secondary containment system shall meet the requirements of 40 CFR279.54 and shall be:

        (1). Designed, installed and operated to prevent any migration of waste or accumulated liquid to the soil, groundwater or surface waters.

        (2). Capable of detecting and collecting releases and run-on until the collected material is removed.

        (3). Constructed of, or lined with, materials compatible with the waste to be stored and of sufficient strength to sustain the stresses induced by failure of the primary containment system as well as other stresses that may be induced by the environment.

        (4). Placed on a foundation or base capable of providing support to the secondary containment system.

        (5). Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.

        (6). Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.

(7). Designed and operated, to contain 110% of the capacity of the largest tank within its boundary.

c. Ancillary equipment shall be provided with secondary containment.

2. The Permittee shall, in the event of a release:

a. Stop the release;

b. Contain the release;

c. Clean up and manage properly the released waste and other materials; and

d. If necessary, repair or replace any leaking storage containers or tanks prior to returning them to service.

3. The Permittee shall, as part of the general operating requirements:

a. Not place petroleum contact water, used oil, other wastes or treatment reagents in a tank system if the possibility exists that this may cause the tank system to fail;

b. Use appropriate controls and practices to prevent spills and overflows;

c. Follow the Operating Procedures described in the permit application; and

d. Comply with the requirements of 40 CFR 279.54(g) if a leak or spill occurs.

4. The Permittee shall label or mark all above ground tanks and containers used to store or process used oil, with the words “Used Oil”. [40 CFR 279.54(f) and Subsection 62-710.401(6), F.A.C.].

5. The Permittee shall store used oil only in those containers or tanks which are made of or lined with materials which will not react with and are otherwise compatible with the waste to be stored.

6. If a container holding used oil is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall either over pack the container or transfer the waste to another container or tank which is in good condition.[40 CFR 279.22].

7. The Permittee shall inspect all regulated tank systems in accordance with procedures presented in the Operating Information section of the permit application.

8. The Permittee must initiate the removal of spilled or leaked waste from the secondary containment areas within twenty-four hours of the incident and the waste should be completely removed within three (3) days [Subsection 62-762.821(1)(d), F.A.C.]. Accumulated precipitation must be removed from the secondary containment areas within twenty-four hours after a rainfall event. The above materials shall be managed in accordance with the Operating Information section of the permit application.

9. The Permittee shall keep containers closed except when adding or removing waste.

10. To prevent overflow, the Permittee shall notify the Department when the volume of used oil, oily wastewater stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.

PART IV – PETROLEUM CONTACT WATER PROCESSING CONDITIONS
This condition is not applicable at this time.

PART V – NON-HAZARDOUS, NON-USED OIL WASTE CONDITIONS
This condition is not applicable at this time.

PART VI – CLOSURE CONDITIONS

1. The Permittee shall close the facility in compliance with 40 CFR 279.54(h), and Subsection 62-710.800(5), F.A.C. and the closure plan of the permit application dated December 08, 2014, and revised or supplemented by submissions dated March 27, 2015 and March 31, 2015. The closure plan requires at a minimum the following:

    a. Testing of residue in the tanks. If the residue is hazardous, follow the closure plan in the permit application dated December 08, 2014, and revised or supplemented by submissions dated March 27, 2015 and March 31, 2015.

    b. Remove and properly dispose any non-hazardous residue.

    c. Triple rinse the tanks, piping and ancillary equipment.

    d. Remove the tanks and piping to a scrap steel dealer or document the re-use of the tanks and piping.

    e. Submit a closure report, within 30 days after closing these tanks, that describes the closure process and includes documentation of:

        (1). The weight of #1 heavy metal scrap sold.

        (2). The weight of other scrap sold, by classification.

        (3). The weight of scrap disposed and how disposed.

        (4). An inventory of the valves and fittings that were retained for future application.

        (5). A statement that the tanks and piping have been completely removed and that everything removed is included in the above listing.

2. The Permittee shall maintain an approved written closure plan and it must demonstrate how the facility will be closed in accordance with the permit application dated December 08, 2014, and revised or supplemented by submissions dated March 27, 2015 and March 31, 2015 in order to meet the following requirements that:

    a. There will be no need for further Facility maintenance;

    b. Used oil will not contaminate soil, surface water or groundwater;

c. All tanks, piping, secondary containment & ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed;

d. Aboveground storage tanks and process tanks and all integral piping will be closed pursuant to Rule 62-762.801, F.A.C.

e. Permittee who store or process used oil in above ground tanks must, pursuant to closure requirements of 40 CFR 279.54(h), remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soil, and structures and or equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11;

f. The closure plan, as described in the permit application shall be updated whenever significant operational changes occur or design changes are made;

g. The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.

h. The Permittee shall submit an updated and detailed plan to the Department at least 60 days prior to the schedule date of closing the Facility and notify the Department at least 30 days prior to the commencement of closure activities; and

i. The Permittee shall submit a certification of closure completion to the Department that demonstrates that the Facility was closed in substantial compliance with the approved closure plan, within 30 days after closing the Facility.

3. Within 90 days of determining that the Facility cannot be clean closed under this permit, the Permittee shall submit a permit application to close the tank system(s) and perform post-closure care in accordance with the closure and post-closure requirements of 40 CFR 264.310 that apply to hazardous waste landfills and in accordance with Chapter 62-780, F.A.C.

4. Pursuant to the closure requirements of 40 CFR 279.54(h), Permittee’s who store used oil in containers must comply with the following requirements:

a. At closure, containers holding used oil or residues of used oil must be removed from the site; and

b. The Permittee must remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures or equipment contaminated with used oil, and manage them as hazardous waste unless the materials are not hazardous waste as defined in 40 CFR 261 or determined, pursuant to 40 CFR 262.11.

Issued: June 4, 2015

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

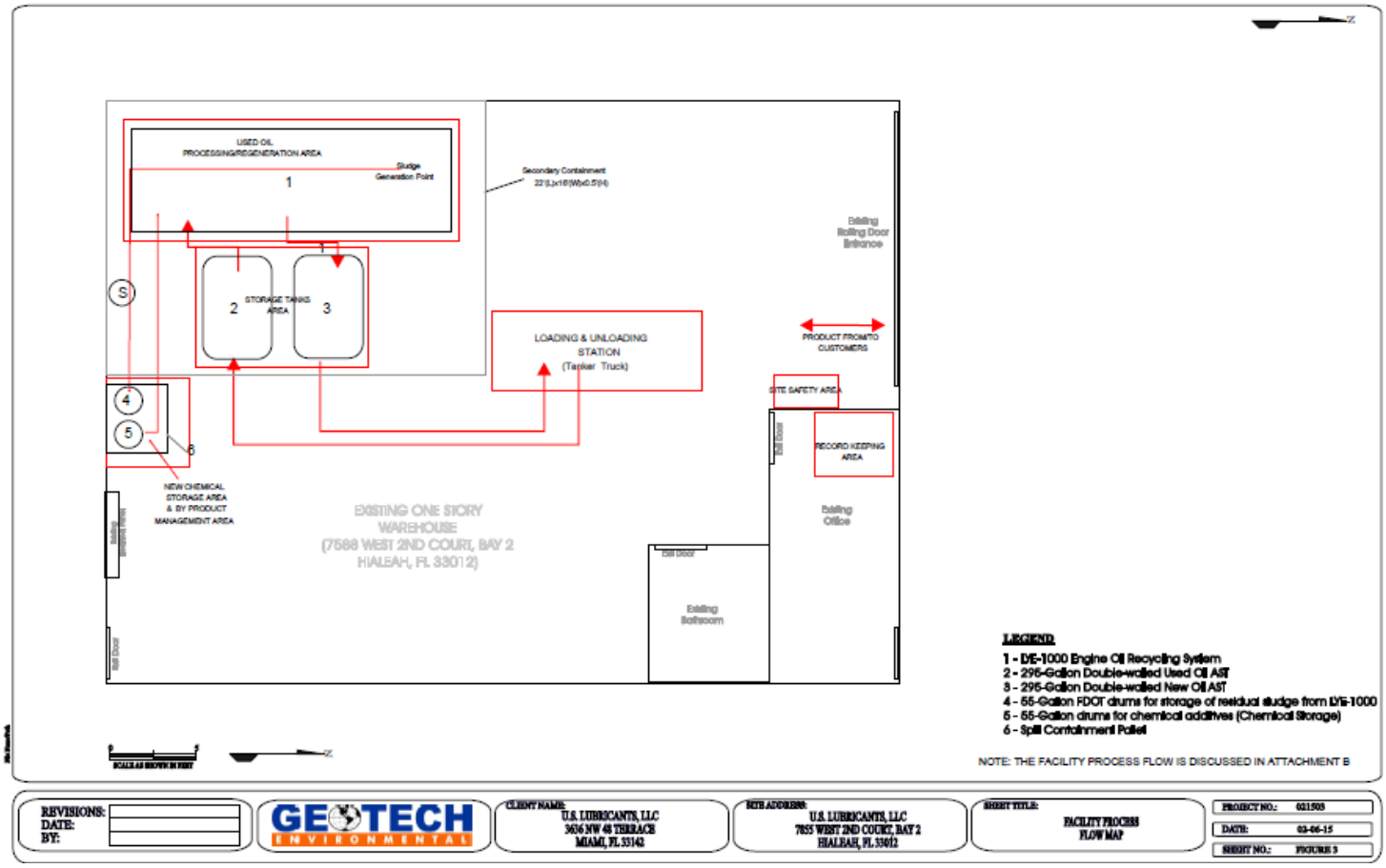
_____
Tim J. Bahr, Program Administrator
Permitting & Compliance Assistance Program

FILING AND ACKNOWLEDGMENT

Filed on this date, pursuant to Section 120.52, Florida Statutes, with the designated Clerk, receipt of which is acknowledged.

_____ June 4, 2015
CLERK DATE

ATTACHMENT- A
SITE MAP
Figure 1



ATTACHMENT B
TANK TABLE

Table 1. STORAGE TANK INFORMATION

TANK CAPACITY (GALLONS)	TANK MATERIAL	ABOVE GROUND UNDERGROUND	MATERIAL STORED IN TANK	TANK INSTALLATION
Tank # 1 295	STEEL	AG Double-walled	Used Oil	2014
Tank # 2 295	STEEL	AG Double-walled	New Processed Oil	2014

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

Noah Valenstein
Secretary

May 31, 2018

VIA EMAIL: josef@us-lubes.com

Jose Fernandez, Owner
U.S. Lubricants, LLC
3636 NW 48th Terrace
Miami, FL 33142

Re: Warning Letter # WL18-00023HW13SED

U.S. Lubricants, LLC 3636 NW 48th Ter Miami, FL 33142 EPA ID # FLR000211557 Miami-Dade County	&	U.S. Lubricants, LLC 7855 W 2nd Ct Hialeah, FL 33014 EPA ID # FLR000213777 Miami-Dade County

Dear Mr. Fernandez:

A hazardous waste and used oil compliance evaluation inspection (CEI) was conducted on March 29, 2017 at your 7855 W 2nd Ct, Hialeah facility and on November 8, 2017 at your 3636 NW 48th Ter, Miami facility under the authority of Section 403.091, Florida Statutes (F.S.). During these inspections, possible violations of Chapter 403, F.S., Chapter 62-710, Florida Administrative Code (F.A.C.) were observed.

During the March 29 and November 8 inspections, Norva Blandin, who conducted the March 29 inspection, and Daniel Lopez, who conducted the November 8 inspection, notified the owner of both facilities, Mr. Jose Fernandez, that potential violations existed at both facilities, and Mr. Fernandez was encouraged to take corrective action within 15 days. The potential violations include but are not limited to:

> Failure to re-notify as a Used Oil Transporter, Used Oil Transfer Facility, Used Oil Filter Transporter, Used Oil Filter Transfer Facility, and Used Oil Marketer; unauthorized transport and offering of used oil to H & R paving, a facility which has not registered with the Department as a Used Oil Burner; failure to submit a 2016 Used Oil and Used Oil Filter Annual Report to the Department; failure to purchase a specific Pollution Liability

Insurance package and submit the most up-to-date Certification of Liability Insurance forms to the Department in a timely fashion; failure to provide training records detailing the used oil handling training that USL employees received over the past three (3) years; failure to update the Used Oil Transfer Facility Closing Cost Estimate Form; failure to specifically detail in a Contingency Plan how the facility would respond in a used oil fire/explosion emergency scenario, have an evacuation plan/procedure, update its contingency plan and provide a home phone number; failure to have record keeping related to used oil activities; among others violations.

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 Justin Stark, at (561) 681-6648, or Norva Blandin, at (561) 681-6728, 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

Jennifer Smith
District Director
Southeast District
Florida Department of Environmental Protection

JS/JA/NB/JS

Attachments: Hazardous Waste Inspection Report dated March 29th, 2017 and November 8th, 2017

cc: 3636 LLC, 3624 NW 48 Terrace Miami, FL 33142; Commercial MGMT Group LLC, 7901 W 25 Ave Bay 3 & 4, Hialeah, FL 33016

ec: Glen Perrigan, DWM via email, Glen.Perrigan@dep.state.fl.us
Serge Beregovoy, Miami-Dade DERM via email, beregs@miamidade.gov
Jason Andreotta, SED via email, Jason.Andreotta@dep.state.fl.us
Norva Blandin, SED via email, norva.blandin@dep.state.fl.us

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: US Lubricants LLC

On-Site Inspection Start Date: 03/29/2017 **On-Site Inspection End Date:** 03/29/2017

ME ID#: 115059 **EPA ID#:** FLR000213777

Facility Street Address: 7855 W 2nd Ct Bay 2, Hialeah, FL 33014-4332

Contact Mailing Address: 7855 W 2nd Ct, Hialeah, FL 33014-4332

County Name: MIAMI-DADE

NOTIFIED AS:

Non-Handler

Used Oil

INSPECTION TYPE:

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

Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: Norva Blandin, Environmental Specialist

Other Participants: Kathy R. Winston, Inspector; Jose Fernandez, Owner

LATITUDE / LONGITUDE: Lat 25° 53' 38.7852" / Long 80° 17' 19.6116"

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

TYPE OF OWNERSHIP: Private

Introduction:

US Lubricants LLC (USL) is a new used oil processing facility (since 2015) but operates sporadically. The plant itself is a self-contained unit installed in a single bay of a multi-unit warehouse. The facility is leased from Commercial Group LLC and is connected to city water and sewer. The facility has only two employees as the drivers are employees of USL's used oil transporter, transfer facility, and marketer site.

USL's ultimate goal is to be picking up used oil from their established clients and delivering new oil back to these same clients.

Notification history:
Notified as Used Oil Processor - 1/30/15

Inspection history:
12/16/15 - inspected by the Department; minor OC violations; CWOE was pursued.

PPE was not required to enter this facility; Department personnel were equipped with steel toe boots and safety glasses.

Process Description:

As indicated above, USL is using an all-in-one unit made by the Chongqing Zhongneng Oil Purifier Manufacturing Co. Ltd. The machine processes used oil by first centrifuging out any large particulates and then adding acids to make the metals precipitate out. The oil is then run through an oil/water separator and sent to a reactor with clay added to eliminate any gases. Following that, the system has a filter to remove the clay, and then three carbon filters of diminishing mesh sizes used for polishing. At this point, the remaining liquid is run through a filter press and the resultant liquid is the finished product. There is a 275 gallon used oil storage tank sitting inside the containment pan, which is there as feedstock for the system, and it was properly labeled. Due to processes taking place at this facility the only hazardous waste expected to be generated will be the sludge from the filter press. The facility already has a drum staged on a containment pallet for the collection of this waste stream. Besides preparing for waste collection, the facility has all required and appropriate safety and spill response equipment in place and ready for use.

The inspectors did not observe any additional used oil containers on site neither for hazardous wastes.

Preparedness and Prevention: During the inspection, the inspector observed fire extinguishers on site, eye wash area, spill kits and proper internal communication system in case of emergency. The facility must need to replace the eye wash solution because was expired. Also, evacuation map must need to be posted within the limits of the facility.

The company is only performing some very minor wet chemistry testing on the site: % water, viscosity, and specific gravity. The facility is using Penn Air Labs of Miami to do their on-spec verifications. The new plant operator that was hired to run this system appears to have a good chemistry and used oil management background and should be an asset to keeping the system performing at its' best.

Record Review:
There was only one (1) acceptance and delivery information to review (dated 9/23/15) but the logs have been created and have all the required information included. They have also already implemented a general facility inspection log. The inspectors required to maintain facility inspection logs up to date even if the facility is not operating continously. The facility's generation status remains as Conditionally Exempt Small Quantity Generator; therefore, container inspection logs are not required. The facility's active permit, closure plan, and waste analysis plan were on site and the Department's approval letter was posted. The facility received their permit on June 4, 2015, which includes the facility's approved closure and waste analysis plans; these items are on file with the Department and the facility was advised to make them readily accessible on site all the time.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
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.

Type:	Violation
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.

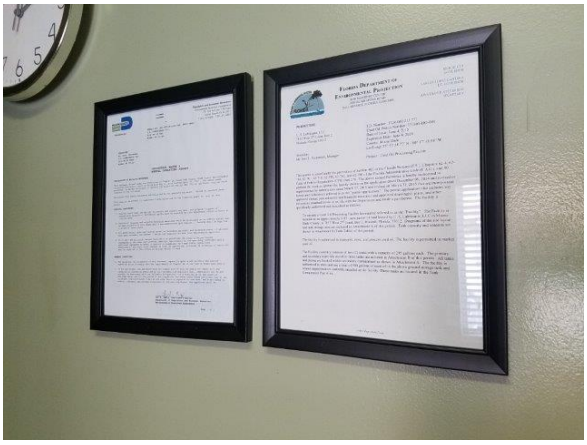
Type:	Violation
Rule:	279.52(b)(3)(ii)
Explanation:	Facility could not demonstrate that their Contngency Plan had not been distributed to local authorities.
Corrective Action:	Please distribute the Contingency Plan to local authorities and provide proof of distribution.

Type:	Violation
Rule:	279.52(b)(2)(vi)
Explanation:	Their 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.

Type:	Violation
Rule:	62-710.800(6)
Explanation:	U.S Lubricants did not update the cost estimate for 2017 as required by 62-710.800(6).
Corrective Action:	Please, provide to the Department a copy of your cost estimate for the current year and send original to Tallahassee. *** Violation was corrected via submittal of documentation on July 17, 2017. ***

PHOTO ATTACHMENTS:

UOP Permit displayed on site



Fire extinguisher on site



UOP machine with secondary containment



Spill kits



Conclusion:

The facility was not in compliance at the time of inspection and was given 30 days to comply with all requirements as Used Oil processor.

Follow up emails for the noncompliance items were submitted to the facility on 4/5/17.

On 7/17/17, the Department received a submittal of compliance documentation related to the estimates for closures 2016-2017.

1.0 - Pre-Inspection 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.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.12	✔		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✔
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11			✔

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.

Norva Blandin	Environmental Specialist
PRINCIPAL INSPECTOR NAME	**PRINCIPAL INSPECTOR TITLE**
	FDEP
	ORGANIZATION

Kathy R. Winston	Inspector	
Inspector NAME	**Inspector TITLE**	
	DEP	
Inspector SIGNATURE	**ORGANIZATION**	**DATE**

Jose Fernandez	Owner
Representative NAME	**Representative TITLE**
	US Lubricants
	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.

Report Approvers:

Approver: _____ **Inspection Approval Date:** 07/17/2017

Florida Department of

Environmental Protection

Hazardous Waste Inspection Report

FACILITY INFORMATION:

Facility Name: U.S. Lubricants, LLC.

On-Site Inspection Start Date: 11/08/2017 **On-Site Inspection End Date:** 11/08/2017

ME ID#: 113536 **EPA ID#:** FLR000211557

Facility Street Address: 3636 NW 48th Ter, Miami, FL 33142-3924

Contact Mailing Address: 3636 NW 48th Ter, Miami, FL 33142-3924

County Name: Miami-Dade

NOTIFIED AS:

Non-Handler

INSPECTION TYPE:

Routine Inspection for Used Oil Marketer facility
Routine Inspection for Used Oil Transfer Facility facility
Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector:	Daniel G Lopez, Inspector
Other Participants:	Norva Blandin, Environmental Manager; Kayla Acosta, Environmental Specialist I; Jose Fernandez, Site Manager

LATITUDE / LONGITUDE: Lat 25° 49' 5.6352" / Long 80° 15' 21.7224"

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

TYPE OF OWNERSHIP: Private

Introduction:

On November 8, 2017, three (3) representatives of the Florida Department of Environmental Protection (DEP) conducted a hazardous waste and used oil compliance evaluation inspection at U.S. Lubricants, LLC.

During the inspection, U.S. Lubricants was represented by Mr. Jose Fernandez, the owner of the facility. The DEP was represented by Ms. Norva Blandin (an Environmental Manager), Ms. Kayla Acosta (an Environmental Specialist I), and Mr. Daniel Lopez (an Environmental Specialist I).

U.S. Lubricants, LLC (USL) is situated on an approximately 11,000 square foot property in a light commercial area. The facility has been in operation on this site for approximately 6 years. More specifically, USL has operated as a distributor or petroleum and petroleum products to wholesalers since 2011, and has operated as a used oil handler since January of 2014. The facility currently has four (4) employees. The entire facility is connected to city water and sewer.

The facility's most recent Used Oil Handler Notification was filed with the Department on 01/06/2016, which characterized USL as a Used Oil Transporter, a Used Oil Transfer facility, a Used Oil Marketer, a Used Oil Filter Transporter, and a Used Oil Filter Transfer facility. However, the Notification Form registration expired on 06/30/2017, and - as of the date of the inspection - the facility had not re-notified the Department of its used oil and used oil filter handling activities.

The facility was most recently inspected by the DEP on 07/28/2016. No violations were observed, and the facility was therefore in compliance at the time of the inspection. The facility was also inspected on 05/27/2015 and 07/28/2014. During the 07/28/2014 inspection, seven (7) violations were observed. The facility was then determined to be in a state of Significant Non-Compliance (SNC), and enforcement was thus pursued. The enforcement case was settled through the execution of a Short Form Consent Order on 04/28/2015.

PPE (Personal Protective Equipment) was not required to enter this facility. The inspectors wore safety boots throughout the inspection.

Process Description:

Prior to the expiration of its used oil handler notification status on 06/30/2017, USL was a permitted facility authorized to handle, transport, and market used oil and used oil filters. The facility consists of one (1) 4,685 square-foot office warehouse building (within which USL's on-site office operates), and an approximately 6,315 square foot outdoor operations area (in which USL parks/maintains its used oil transport trucks and stores its various used oil and used oil filter storage tanks/drums). The facility is entirely surrounded by a fifteen (15) to twenty (20) foot security fence. The outdoor operations area is surrounded by warehouse buildings on three sides, and by a portion of the aforementioned chain-link security fence on the side of the property facing the street. The facility is also equipped with a properly constructed security gate, a proper lighting system, and various security cameras, thereby complying with the Department's Safety and Preparedness regulations pertaining to Used Oil Transfer Facilities.

Mr. Jose Fernandez accompanied the inspectors throughout the used oil compliance evaluation inspection of the USL facility.

USL maintains a fleet of seven (7) transport/tanker trucks. Four (4) of these transport trucks are used to transport fuel/gasoline products to USL's wholesaler customers. In addition, two (2) transport trucks are used to transport and temporarily store used oil. The largest of these two (2) used oil transport trucks has a capacity of 2,800 gallons. Lastly, USL has one (1) tanker truck, which contains storm water and is used to clean clients' storm water sewer systems. When the transport/tanker trucks are at the facility, USL personnel park the trucks within USL's outdoor operations area.

Facility personnel use this fleet of transport trucks to transport off-spec used oil, used oil filters, and oily rags of USL's used oil generating clients (most of which are auto shops and auto dealerships) to the main USL facility. USL operates this main facility as a Used Oil Transfer Facility (UOTF), at which USL temporarily stores off-spec used oil for a period of time between 24 hours and 35 days. Within thirty-five (35) days of all used oil shipments' initial transport to its UOTF, USL markets and transports the off-spec used oil off-site for disposal via burning. In terms of its used oil filter handling/transport procedures, USL picks up used oil filters (which are uncrushed and not drained when provided to USL for transport) from its used oil generating clients, and transports them to its UOTF. At the UOTF, the used oil filters are neither crushed nor drained on-site, but rather are stored as they were received from used oil generating clients in closed and oil-impermeable containers. Within thirty-five (35) days of all used oil filters' initial transport to its UOTF, USL transports the used oil filters as scrap metal to U.S. Foundry, a permitted facility that is authorized to recycle used oil filters.

USL also has three (3) used oil above ground storage tanks (ASTs), which serve as additional temporary used oil storage for up to 9,000 gallons of off-spec used oil. More specifically, USL personnel pipe off-spec used oil from the two (2) used oil transport trucks into these three (3) used oil ASTs, which then hold the used oil for a period of time between 24 hours and 35 days. The three (3) ASTS are made of steel, and each have a capacity of 3,000 gallons. All three (3) of the ASTs are double-walled, thereby complying with the Department's secondary containment regulations for used oil storage tanks (i.e. each double-walled tank can hold 110% of the volume of used oil stored within the tank's interior compartment). At the time of the inspection, all three (3) of the used oil ASTs were observed to be closed and properly labeled with the words "Used Oil."

In the facility's outdoor operations area, USL also maintains two (2) oily water above ground storage tanks (ASTs), each of which have a total capacity of 300 gallons. The two (2) ASTs are situated under a slanted roof, and are placed within an additional containment structure. This containment structure is a twelve (12) foot by eight and one half (8.5) foot by one half (0.5) foot metal "box,", which serves to contain any small oily water spills that may occur during the insertion of oily water into and/or the removal of oily water from the two (2) ASTs. The two (2) ASTs are made of steel, and are single-walled. The two (2) oily water ASTs were observed to be closed and properly labeled with the words "Oily Water" at the time of the inspection. The inspectors also observed one (1) 55-gallon oily water storage drum, which was situated outside of the aforementioned additional containment structure. At the time of the inspection, the one (1) 55-gallon drum of oily water was observed to be closed and properly labeled with the words "Oily Water."

The inspectors also observed thirteen (13) used oil filter storage containers in the outdoor operations area. All thirteen (13) used oil filter storage containers were observed to be properly closed. At the time of the

inspection, nine (9) of these used oil filter storage containers were also observed to be empty. Nine (9) of the used oil filter containers were observed to be properly labeled with the words "Used Oil Filters." However, four (4) of the used oil filter containers were observed to be unlabeled at the time of the inspection. The inspectors informed USL personnel of these four (4) unlabeled used oil filter storage drums, which facility personnel then proceeded to label with the words "Used Oil Filters" during the inspection.

The facility's three (3) used oil ASTs appeared to be adequately sized and in good condition. In addition, the facility's two (2) oily water ASTs and one (1) oily water storage drum appeared to be adequately sized and in good condition. The facility's thirteen (13) used oil filter drums also all appeared to be adequately sized and in good condition. No used oil spills or active used oil releases were observed from any of USL's seven (7) transport trucks, three (3) used oil ASTs, or three (3) oily water ASTs/drums. Furthermore, the inspectors did not observe any used oil leaking from the facility's thirteen (13) used oil filter storage containers. USL's seven (7) transport trucks and nineteen (19) storage tanks/containers were also all situated on an adequately sized oil-impermeable surface (i.e. the concrete floor built underneath the facility's entire outdoor operations area).

The inspectors also observed that USL maintained multiple Safety Preparedness Areas throughout the outdoor operations area of the facility, in which four (4) fire extinguishers and spill kits were present and available for use.

DOT (Department of Transportation) placards were displayed (US DOT# 2058143) on the side of all seven (7) transport trucks, and USL kept copies of the permits, notifications (albeit expired), contingency plan (in case of an emergency) on each truck. The trucks are also properly identified as Used Oil Transporters (i.e. by having USL's EPA ID# FLR000211557 painted on them), and have onboard fire extinguishers and spill kits that are easily accessible and available for use in any emergency situation that may occur during the transportation/handling of used oil.

The transport trucks also all had halogen screening devices, which are used by the facility's transport vehicle drivers (all of whom are trained to use these halogen screening devices) to test the halogen content of any potential used oil shipments prior to their transportation to the main USL facility. According to Mr. Fernandez, USL's transport vehicle drivers will test all used oil shipments with a "Dexsil" Clor-D-Tect 1000 sample testing kit. If the halogen content is found to be over 1,000 ppm (parts per million), USL will not accept the used oil shipment. However, if the halogen content is found to be under 1,000 ppm, USL will transport the used oil to its central facility. For any subsequent used oil shipments from the these used oil generating clients, USL's transport truck drivers will instead test samples of used oil shipments with a Tek-Mate halogen tester, which will beep if the halogen content of the sample is over 1,000 parts per million (ppm). If the Tek-Mate Leak Detector beeps - i.e. if the device detects a halogen content level of over 1,000 ppm - USL will not accept the used oil shipment. However, if the Tek-Mate Leak Detector does not beep, USL will accept the used oil shipment from the used oil generating client.

Record Review:

>Acceptance and delivery records for the facility's last three years of used oil transport activities were available for review. Mr. Fernandez provided the inspectors with three (3) folders, which contained documents detailing USL's transport activities between January of 2015 and October of 2017. Since USL had not renewed its used oil registration status since its current status expired on 06/30/2017, the inspectors specifically requested the acceptance and delivery records corresponding to used oil shipments that had occurred since June of 2017. The inspectors reviewed ten (10) acceptance and delivery records (dated 06/15/2017, 06/30/2017, 07/31/2017, 07/31/2017, 08/30/2018, 08/31/2017, 09/29/2017, 09/29/2017, 10/31/2017, and 10/31/2017), which all appeared to be complete and in order. However, the five (5) acceptance and delivery records dated after 06/30/2017 demonstrated that USL continued to transport off-spec used oil, used oil filters, and oily rags in the months following the expiration of its used oil registration status (i.e. 06/30/2017). More specifically, these five (5) acceptance and delivery records showed that USL had transported 2,637 gallons of off-spec used oil, ten (10) 55-gallon drums of used oil filters, and one (1) 55-gallon drum of oily rags since 06/30/2017. Furthermore, the ten (10) aforementioned acceptance and delivery records illustrated that USL had transported two (2) drums of used antifreeze (one on 06/30/2017, and one on 08/30/2017), a transport activity in which USL specifically stated in its most recent Used Oil Transfer Facility permit (i.e. the one whose final version was received by the Department on 08/27/2015) would not engage.

Records of USL's halogen content testing process were also available for review by the inspectors. On the ten (10) aforementioned used oil acceptance and delivery records provided by Mr. Fernandez, the inspectors

observed a section on the form designated for the halogen content testing results for the used oil shipments. According to the observations of the inspector, this halogen testing results section had been filled out on all ten (10) acceptance and delivery records by USL personnel, who had measured the halogen content of the used oil shipments listed on the records to be under 1,000 ppm.

Records of the facility's used oil disposal activities were also available for review. However, the ten (10) disposal records provided by Mr. Fernandez indicated that - in October of 2017 - USL transported a total of 26,071 gallons of off-spec used oil (for disposal via burning) to H & R Paving, a facility in Miami that has not registered with the Department as a Used Oil Burner.

According to Mr. Fernandez, all of USL's oily water waste is handled by Eco Services DBR, Inc., a company in Davie that is a registered Used Oil Transporter (EPA ID # FLR000197939). Furthermore, Mr. Fernandez informed the inspectors that all of USL's oily solids waste (i.e. oily rags and used oil absorbents) is completely drained of any free liquid used oil, and then disposed of as solid waste for pick-up by Waste Management. Lastly, Mr. Fernandez informed the inspectors that all of USL's used oil filters are shipped as scrap metal to US Foundry (EPA ID # FLD004128336), a permitted facility in Miami that is authorized to recycle used oil filters.

Records of the facility's used oil filter and oily water disposal activities were also available for review. According to the ten (10) used oil filter disposal records provided by Mr. Fernandez, USL transported a total of fifty-five (55) 55-gallon drums of used oil filters to U.S. Foundry in October of 2017 for disposal via recycling. In addition, according to the facility's most recent oily water disposal record (dated 03/21/2017), Eco Services DBR Inc. received a total of 400 gallons of USL's oily water for disposal. However, on all ten (10) of the used oil filter disposal records and the one (1) oily water disposal record provided by Mr. Fernandez, the inspectors noted that USL did not include the EPA ID numbers of either U.S. Foundry or Eco Services, DBR Inc. (respectively).

> The facility's Used Oil and Used Oil Filter Annual Reports from the last three years were not available for review at the time of the inspection.

>Records of the facility's Used Oil Handler Certification of Liability Insurance forms from the last three years were also not available for review at the time of the inspection. More specifically, while all available Certification of Liability Insurance forms appeared to be complete and in-order, the facility did not have a copy of the Certification of Liability Insurance form indicating that the facility had specifically purchased a Pollution Liability insurance package.

According to the most recent Certification of Liability Insurance form (dated 06/30/2017) that was available for review, USL worked with Gulfshore Insurance, Inc. - SFL to purchase four (4) liability insurance packages (including Commercial General Liability and Excess Liability insurance packages) as a means to cover any possible accident liability costs . USL's current Commercial General Liability insurance package (Policy # EGGCD000041017) was issued on 07/02/2017, and is set to expire on 07/02/2018. USL's current Excess Liability insurance package (Policy # EXAGD000041017) was issued on 07/02/2017, and is set to expire on 07/02/2018.

According to the observations of the inspector, these insurance packages outlined in the facility's most recent Certification of Liability Insurance form appeared to be up-to-date and to meet the Department's minimum Commercial General Liability and Excess Liability insurance coverage requirements.

> Records of the facility's yearly financial reports (specifically its Used Oil Transfer Facility Closing Cost Estimate Forms) from the last three years were also not available for review.

>All employees receive initial and annual used oil training, which includes training concerning the facility's proper used oil handling, storage, and spill cleanup procedures. However, the facility did not have records of the employee training that had occurred in the three (3) years prior to the inspection for its four (4) employees.

>Records indicating that USL personnel were conducting weekly inspections of the facility's ASTs and various used oil, oily wastewater, and used oil filter storage areas were not available for review at the time of the inspection.

>The facility's Used Oil Transfer Facility Closure Plan was not available for review at the time of the

inspection.

>The facility's Spill Prevention, Control, and Countermeasure (SPCC) Plan was available for review. According to the observations of the inspector, the facility's SPCC Plan appeared to be complete and in-order.

>The facility's Contingency Plan was not available for review at the time of the inspection.

>All DEP permits, forms, and inspection reports were available for review, but were not prominently displayed in accessible locations on-site. In addition, while the facility's various DEP-issued documents appeared to be complete, the facility's most recent Used Oil Handler Registration form had had not been renewed (i.e. as of the time of the inspection) since the facility's registration status had expired on 06/30/2017.

>Records of the facility's DOT Hazardous Materials Certificates of Registration were available for review. Mr. Fernandez provided the inspectors with a copy of USL's 2015-2018 DOT Hazardous Materials Certificate of Registration (Registration #2058142, and set to expire on 07/15/2018). According to the observations of the inspectors, this copy of USL's most recent DOT Hazardous Materials Certificate of Registration appeared to be complete and in-order.

>The facility is registered as a Non-Handler of hazardous waste. The inspectors did not observe any accumulated hazardous waste on-site during the inspection.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	279.42, 62-710.500
Explanation:	The facility failed to re-notify as a Used Oil Transporter, Used Oil Transfer Facility, Used Oil Filter Transporter, Used Oil Filter Transfer Facility, and Used Oil Marketer with the Department by March 1, 2017. However, since its current notification status expired on 06/30/2017, the facility had transported/marketed used oil and used oil filters without having received a valid notification status from the Department.
Corrective Action:	Please re-notify as a Used Oil Transporter, Used Oil Transfer Facility, Used Oil Filter Transporter, Used Oil Filter Transfer Facility, and Used Oil Marketer with the Department with the Department. Also, do not transport/market any additional quantities of used oil and used oil filters until the facility has received a valid notification status from the Department.

Type:	Violation
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.

Type:	Violation

Rule: 62-710.850(5)(a)

Explanation: Four (4) drums of drained used oil containers were observed to be unlabeled at the time of the inspection.

Corrective Action: Please label the four (4) used oil filter storage containers with the words "Used Oil Filters."

The violation was corrected via labeling of the four (4) used oil filter containers by facility personnel during the inspection.

Type: Violation

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.

Type: Violation

Rule: 62-710.600(2)(e)

Explanation: While the facility had acquired various liability insurance packages for its used oil handling activities, the facility appeared to have not purchased a specific Pollution Liability Insurance package. The facility also failed to submit its most up-to-date Certification of Liability Insurance forms to the Department in a timely fashion.

Corrective Action: Please submit the facility's most up-to-date Certification of Liability Insurance form - including evidence that the facility has purchased an adequate Pollution Liability Insurance package - to the Department.

Type: Violation

Rule: 62-710.500(4)

Explanation: The facility failed to display its most up-to-date validated Used Oil Handling Registration form in a prominent place at the facility.

Corrective Action: Please display the facility's most up-to-date Used Oil Handling Registration form in a prominent place at the facility, and submit photographs to the Department illustrating that this corrective action has been undertaken.

Type: Violation

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.

Type: Violation

Rule:	62-710.800(5), 62-710.800(5)(a)
Explanation:	The facility failed to provide the inspectors with USL's most up-to-date Used Oil Transfer Facility Closure Plan. The facility also failed to update its Used Oil Transfer Facility Closure Plan.
Corrective Action:	Please update and submit the facility's Used Oil Transfer Facility Closure Plan to the Department.

Type:	Violation
Rule:	62-710.800(6)
Explanation:	The facility did not comply with the Department's Used Oil Transfer Facility regulations by failing to provide the inspectors with USL's most up-to-date Used Oil Transfer Facility Closing Cost Estimate Form. The facility also failed to update its Used Oil Transfer Facility Closing Cost Estimate Form.
Corrective Action:	Please update and submit USL's most up-to-date Closing Cost Estimate Form to the Department.

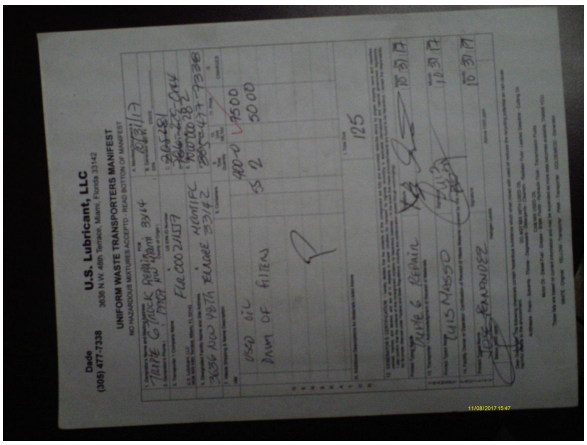
Type:	Violation
Rule:	279.52(a)(6)
Explanation:	The facility failed to provide documentation to the Department demonstrating the facility had notified local emergency authorities of both its Spill Prevention, Control, and Countermeasures (SPCC) and its Contingency Plan.
Corrective Action:	After updating both the SPCC and Contingency Plans, please notify local emergency authorities of the facility's updated SPCC and Contingency Plans. Please then submit documentation to the Department illustrating that local emergency authorities have been notified.

Type:	Violation
Rule:	279.52(b), 279.52(b)(4)
Explanation:	In its Contingency Plan, the facility failed to specifically detail how the facility would respond in a used oil fire/explosion emergency scenario. In addition, the facility's Contingency Plan fails to specifically detail USL's evacuation plan/procedures. The facility also failed to update its Contingency Plan. The facility's Contingency Plan also failed to provide the home phone number and home address of its emergency coordinator.
Corrective Action:	Please edit the facility's Contingency Plan so that it includes the facility's used oil fire/explosion response procedures and the facility's evacuation plan. In addition, please edit the Contingency Plan so that it addresses how the facility will respond to an emergency involving the storm water vacuum truck. Please also include the home phone number and home address of the facility's emergency coordinator in the updated Contingency Plan. Please then submit this updated Contingency Plan to the Department.

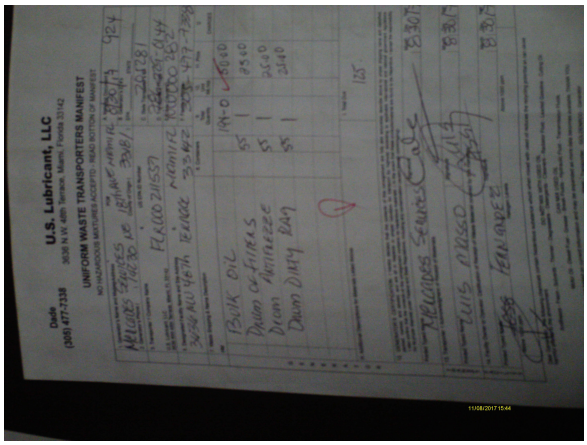
Type:	Violation
Rule:	62-710.510(1)
Explanation:	The facility's used oil filter disposal records did not include the EPA ID number of the facility responsible for the recycling of the facility's used oil filter waste. In addition, the facility did not include its EPA ID number on its oily water disposal 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.

PHOTO ATTACHMENTS:

Used Oil Transporter Acceptance and Delivery Record 1



Used Oil Transporter Acceptance and Delivery Record 2



DOT Placard Displayed on Used Oil Transport Truck



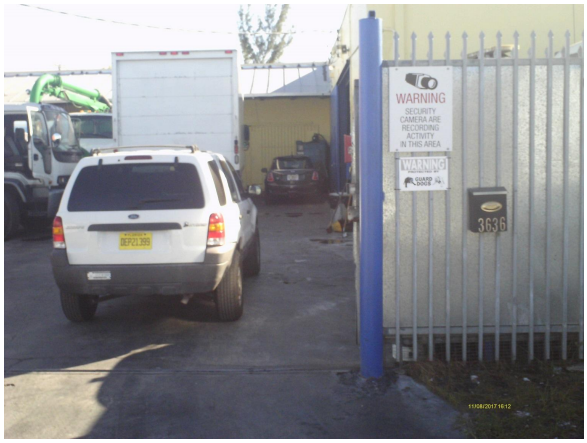
Used Oil Transport Trucks



Used Oil Transfer Facility Outdoor Operations Area



Used Oil Transfer Facility Outdoor Operations Area 2



Used Oil Above-Ground Storage Tank (AST) 1



Used Oil Above-Ground Storage Tank (AST) 2



Oily Water Above-Ground Storage Tank (AST) 1



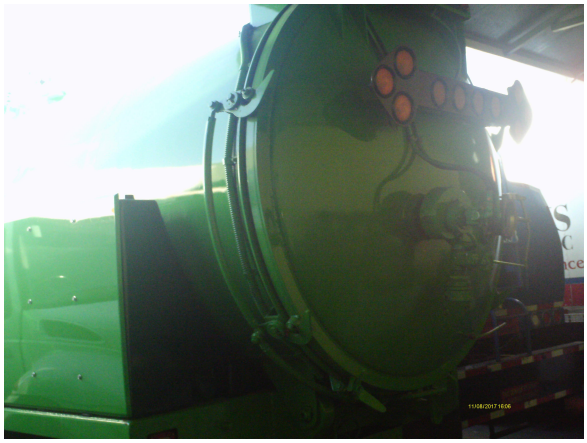
Oily Water ASTs Secondary Containment Structure



Oily Water Storage Drum



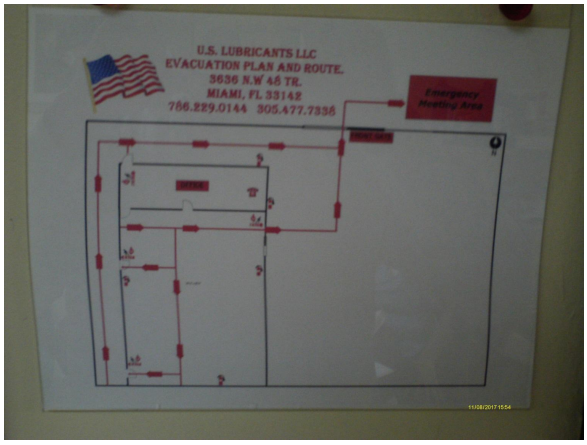
Storm Water Vacuum Truck



Used Oil Transfer Facility Safety Preparedness Area



Used Oil Transfer Facility Evacuation Map



Used Oil Transport Truck Emergency Response Kit



Used Oil Filter Storage Containers



Properly Labeled Used Oil Filter Container 1



Properly Labeled Used Oil Filter Container 2



Properly Labeled Used Oil Filter Container 3



Properly Labeled Used Oil Filter Container 4



Conclusion:

According to the observations of the inspector, USL transports, transfers/temporarily stores, and/or markets used oil, used oil filters, used antifreeze, and oily rags. Therefore, the facility appears to be a Used Oil Transporter//Marketer/Transfer Facility and a Used Oil Filter Transporter/Transfer Facility. All records required of Used Oil Transporters/Marketers/Transfer Facilities and Used Oil Filter Transporters/Transfer Facilities were reviewed by the inspector, and twelve (12) violations were observed.

An exit interview was provided via email to Mr. Fernandez on 11/16/2017. In this exit interview email, the Department requested that USL renew its Used Oil Handler Registration Form by submitting all required documentation to the Department. Furthermore, the Department requested that USL cease and desist all used oil transport activities until the facility's current Used Oil Registration status had been renewed by the Department. In addition, the Department requested that Mr. Fernandez submit training records for all employees responsible for handling/transporting used oil. Lastly, the Department requested that USL submit all of the aforementioned requested documentation to the Department within fourteen (14) days of the date of the inspection.

After conducting an additional file review of USL's used oil transport records, the Department contacted Mr. Fernandez via telephone on 12/18/2017, and requested that USL provide records (via mail) of both its used oil disposal shipments and its used oil filter disposal shipments that had occurred in October of 2017. In this telephone call to Mr. Fernandez, the Department also requested that USL provide records (via mail) corresponding to USL's most recent shipment of oily water for disposal.

In the telephone call to Mr. Fernandez on 12/18/2017, Mr. Fernandez informed the inspector that - due to USL's recent purchase of an oily water vacuum tanker truck - the facility will in the future transport all of its oily water shipments to Raider Environmental Services (EPA ID # FLR000143891) for final disposal. According to the Department's records, Raider Environmental Services, Inc. is a permitted facility in Opa Locka authorized to transport oily water.

The Department also sent a follow-up email to Mr. Fernandez on 12/18/2017, in which the inspector additionally requested that USL submit (via email) the training records for all USL employees responsible for handling/transporting used oil, used oil filters, oily rags, and used antifreeze.

The inspector requested that USL submit all of the requested documentation to the Department within three (3) days (i.e. by 12/20/2017).

The inspector contacted Mr. Fernandez via telephone on 12/20/2017 in order to inquire if Mr. Fernandez had sent the aforementioned records to the Department. Mr. Fernandez informed the inspector that USL had sent the requested acceptance and delivery records to the Department via mail, but had not scanned and sent the facility's training records.

At the end of this call, the inspector requested that Mr. Fernandez scan and send records of all training that had occurred for USL employees in 2017 by 12/22/2017.

In addition, the Department also sent another email to Mr. Fernandez on 12/21/2017. In this follow-up email, the inspector once again reminded Mr. Fernandez to scan and send the facility's 2017 employee training records by 12/22/2017, and requested that Mr. Fernandez also gather and prepare USL's 2015 and 2016 employee training records for submittal to the Department by 12/29/2017.

On 12/27/2017, the Department received USL's used oil, used oil filter, and oily water disposal records via mail. However, according to the used oil disposal records provided by Mr. Fernandez, all of USL's used oil shipments in October of 2017 were disposed of via burning by H & R Paving, a facility in Miami which has not registered with the Department as a Used Oil Burner/Processor.

Due to H & R Paving's status as an unregistered Used Oil Burner/Processor, the Department will conduct a separate compliance evaluation inspection at this facility.

As of 12/28/2017, USL has still not notified with the Department as a Used Oil Transporter/Marketer/Transfer Facility and a Used Oil Filter Transporter/Transfer Facility. In addition, as of 12/28/2017, USL has not submitted the facility's employee training records for the last three years to the Department for review. Lastly, as of 12/28/2017, USL has not resolved all of the facility's open violations within the Department's set timeframe (i.e. 30 days). Therefore, due to the facility's history of noncompliance, the Department has decided to pursue an enforcement case.

1.0 - Pre-Inspection 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.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.12	✔		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)	✔		
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✔		

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.

Daniel G Lopez	Inspector	
Principal Inspector Name	**Principal Inspector Title**	
	DEP	12/28/2017
Principal Inspector Signature	**Organization**	**Date**

Norva Blandin	Environmental Manager
Inspector Name	**Inspector Title**
	DEP
	Organization

Kayla Acosta	Environmental Specialist I
Inspector Name	**Inspector Title**
	DEP
	Organization

Jose Fernandez	Site Manager
Representative Name	**Representative Title**
	U.S. Lubricants, LLC
	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.

Report Approvers:

Approver: Norva Blandin **Inspection Approval Date:** 12/28/2017