**MEETING AGENDA**

**UNIVERSAL ENVRONMENTAL SOLUTIONS LLC - FLR000199802**

**AUGUST 9, 2018, 9:30 AM – Day 146 of 300**

**I. Introductions**

DEP: Elizabeth Knauss, Shannon Kennedy, Laurel Culbreth

DEP Division (by phone): Dawn Cinquino, Bheem, Elena Compton

Facility: Ed Kinley, Jim Seavy (by phone)

**II. Chronology -**Previous Inspections 8/12/14 and 7/22/16

3/16/2018 Routine Inspection

6/7/2018 Warning Letter #WL18-33HW29SWD issued

**III. Non-compliance Issues and Corrective Actions**

1. Used oil was stored in a Frac Tank without secondary containment.

Corrective Action: Completed 4/12/2018 per voice mail from Ed Kinley

1. The frac tank and several containers were not labeled “used oil” .

Corrective Action: Completed 4/12/2016

1. The facility permit does not authorize storage of used oil in the frac tank containment area. The facility has added screens and other equipment in this area without modifying its permit..

Corrective Action: - Pending Anticipated date for submittal? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. The facility contingency plan and SPCC plan must be amended to account for the additional oil storage.

Corrective Action: - Pending – must be included with the permit application

1. Halogen screening results were not recorded in all cases

Corrective Action: Discuss during meeting

1. Annual used oil training was not documented for 2017.  
     
   Corrective Action: 4/23/2018 submittal: Training records for 2018 provided.

**IV. Discussion**

Tallahassee Tanks Program Staff are reviewing the alternate procedure request

Anticipated decision date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Settlement discussion, penalty proposal

***MEETING BEGAN AT 9:28 am***

B/Beth – Beth Knauss

E/Ed – Ed Kinley

J – Jim Seavy

EC – Elena Compton

Bh – Bheem Kothur

B – intros & overview; Elena will be sending further info on permit

Bh – who put together docs

Ed – I did

EC – you complied a good packet, but we need more; frac tank #4

Ed – only 1 tank has used oil

J – it’s a used oil frac tank

EC – frac tank used for short term storage; the oil kept in the tank is stored for a while, then not

Ed – from cook tank where consolidation occurs, we cook the oil to crack out the water, then filter to tank #4 on the pad; all the piping is in secondary containment, so no the oil that goes into it today is gone by tomorrow; it is continuously be replaced

J – it’s a replacement type system

EC – this is why we need a certified document, either by UL or by practicional union

Ed – we bought tank new in 2013, but company is no longer in business; the integrity testing report was sent to DEP, metal integrity is nearly new

EC – how is it built

Ed – it has an interior epoxy lined coating; if we need an engineer to do more certifications, we can (supplied hard copy of SEA report)

J – if we provide a UL equivalent that shows it covers long term use, will that work?

EC – yes, if it is certified by a UL lab, or if it is signed and sealed

Ed – need 30 days to find someone to do certification

EC – ok

Ed – the numbers you are referring to are the serial numbers?

EC – no, it’s from the testing; what substances it is able to hold; tech or company expiration of their certificates

J – if we get the PE cert?

EC – a map would be helpful too; please send map

J – we can see if that is available

EC – add map as exhibit

Bh – secondary containment calculations

J – we updated the numbers to include

Ed – (supplied hard copy of map & secondary drawings)

Bh – actual 110% capacity met?

Ed – yes, it’s there & also in contingency plan

Bh – so you have contingency plan?

\*\*\*\*\* paused, Beth stepped out of meeting

J – contingency plan discussion now?

Beth – table of contents section of contingency

Ed – page one part 3, SPCC & also shown on page 17 in whole section of loading/unloading containment; Beth’s doesn’t match mine, Sean McGinnis got a full copy, and have it on a thumb drive; do you want me to read

Beth – what is date on that plan

Ed – revision 2, March 6, 2015

Beth – it was sent to Bheem and hand delivered to Sean McGinnis

Ed – I think there is a January submission too

Beth – yes, I have the January submission

Ed – page 8 re: SPCC & then further details on page 108 (listed as page 17 of Attachment A) – goes into frac tank, truck area; page 19 has calculations of frac tank containment pad capacity

Bh – financial assurance of those 8 tanks?

Ed – in March 2015 submittal, we go into detail of closure plan, go to page 114 is a drawing w/in the attachment A & the drawing delineates 4 frac tanks in the front of the tank farm

Bh – frac tanks are mobile tanks, the 30 gallon used oil you are proposing, don’t consider issuing as a permanent tank; 8 tanks, now modify for both containments

Ed – operation hasn’t changed since 2015

Beth – we are out there every 2 years; not sure if the 10K tank was in use at that time; when I found the extra frac tank I had questions

Ed – the one tank was beyond 35 days & not in containment = admit

Beth – ok

Ed – for compliance, this SPCC is what we have been using; there was a breakdown in communication b/w facility & DEP at some time; I understand it is my responsibility to ensure facility is permitted correctly; I want to correct this & get in compliance

Bh – facility never came back with tank 5 (10k gallon) after issuing the variance of poly clean material & facility didn’t come back to do AP

Ed – I thought it was approved

Bh – not approved; instead of 10K used oil, it was used for something else

Ed – yes, we are not using it to store used oil anymore; that tank is now a final batch discharge tank, which is more appropriate for a poly tank for wastewater; sparkling wastewater

Bh – make modification in permit& we can set another conference call after submitting

Ed – not trying to be deceitful; we have other process changes that we need to review and amend

J – plan is to update the permit, ID the tanks, and submit the mods

Ed – yes

J – need to add those 4 tanks so it is clear

Ed – do I need to disconnect those tanks & remove from pad & roll them around & bring them back? What is the portability angle?

Beth – that is what the consent order would be for during the permitting process; until a final decision is made with the AP, gives us an extension of time & open potential for spill

Ed – 4 tanks, 1 def has oil that we send off from our process, the other 3 are oily waters & a combo of 90 water/10 oil; just used as storage & are emptied daily; must get all tanks tested

Beth – 10 % oil is estimation?

Ed – cannot say, but generally yes 10%

J – we will clarify in discussion of tanks

Ed – can we go to our closure plan, attachment 10, page 148

Bh – closure plan of plan of application?

Ed – closure plan that goes with bond; we have included the frac tank area, page 149 bulk storage area truck loading and containment and the 4 frac tanks; then goes into detail on whole area, closure sampling etc., which is added into Jim’s estimate

J – mistake was that it should not have said “future” b/c rest of document says that it is included; we should have put the actual design in there; in the entire permit submittal, it was assumed that it was being built, but it should have been in the plan drawing & that was my bad on the submission of a “future expansion” instead of actually installed; rest of document references it, but it just wasn’t included in first section

Ed – registered tanks – 4 registered now, insurance for 4, paid for 4, shown containment for the 4th, and we will get the UL certification & will update our process currently going on;

Bh – cost estimates; permit issued with 8 tanks; once you are ready to modify the permit, we will have a conference call

J – yes, specifics of that issue

Ed – we aren’t dumping cooking oil in the back of Lakeland; we want to do this right & we provide an important activity at the port; let’s get this right

Beth – are we don’t w/ the permitting & AP issues? Setting permit schedule on the review of the AP request and the engineering certification; will Tally be sending a list or will Tally wait for PE/UL?

Ed – Tally wants UL or PE certification

EC – please send timeline

J – action item list with submission date summary will be provided

EC – add the certification and calculations of 110% secondary

Ed – Bheem has the drawing

EC – we want the calculations

Ed – we will show you that

Beth – how long does the decision take for a completed submittal when sent to Tally

EC – statute says 60 days; please send email outlining what you will be sending for the application

J – yes, we will send it

Ed – ill draft the email & we will get it over

EC – the application was dated July 10th, but received on July 27th

Beth - \*\*\* ended conference call with Tally, Jim Consultant stayed on line

SK – reviewed permitting discussion; word “future” was not supposed to be included on map;

Ed – the rouge tank was stored for 45 days w/o secondary; barge oil with water

Beth – WL discussion, penalty approval by Tally; we have drafted a proposed penalty

SK- sent Jim a copy of agenda & penalty authorization [jimseavy@seavyassociates.com](mailto:jimseavy@seavyassociates.com)

Beth – it appears that the updated Cont. Plan is in OCULUS; how is your staff documenting?

Ed – in manifests

Beth – the main issue is the secondary containment of the frac tank that was there more than 35 days & without being in the permit

Ed – how did you arrive at these numbers

Beth – it’s an estimation based upon knowledge; if you can show that our estimates are inaccurate, please give us another amount for economic benefit

Ed – once the material is processed, and sold, there is negligible economic gain; it was in a tank that was not leaking; so this is rebuttable;

Beth – economic benefit can be refuted; if you have a diff number for that, give us that info & we can review and use as an alternate; the matrix amounts came from potential for harm based on moderate based upon size and quantity involved, the 10K penalty is single day gravity based instead of multiday; we will need to do a long form consent order, we are 146 days out from inspection, need final action by day 300; the CO must go to OGC for approval; we are not requiring you to change operations, but we need a final date for the permit mod & the final revised permit issued which will be part of the final CO.

Ed – what are we looking at, 60 days/

Beth – no, we would propose something more like 6-12 months; ensure we give you ample time for permitting b/c of the AP for keeping the frac tanks needed

Ed – Jim start googling UL engineering certifications

Beth – you will submit your proposed penalty w/in 2 weeks, due August 23rd, b/c Mgmt. must review counter-offer

Ed – I know $0 won’t work; per LEPC, can we do supplemental environmental projects

Beth – we have an SEP policy, we can send you the documents for SEP’s or P2 projects; P2’s have a 1-1 amount & SEP’s is 1.5x the penalty; we will send you a link to the EPA guidance

Ed – do you have any idea for projects?

Beth – not at this time, but we will send you P2/SEP docs