



Department of Environmental Protection

Jeb Bush
Governor

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

David B. Struhs
Secretary

CERTIFIED MAIL
7000 0360 0000 6784 8833

Mr. John Feagle
Atlantic Industrial Services, Inc.
359 Cypress Road
Ocala, Florida 34472

OWL-HW-C-E-01-0022

Marion County – UO/HW
FLR000060301 & FLR000050054
Atlantic Industrial Services

Dear Mr. Feagle:

A hazardous waste and used oil inspection was conducted at your Ocala facility on July 13, 2001. On July 27, 2001, a similar inspection was attempted at the Atlantic Fuels Services facility in Reddick. The inspections were conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes, in order to determine the compliance status of your facilities with Title 40 Code of Federal Regulations (CFR) Parts 260 through 268, as adopted in Florida Administrative Code Chapter 62-730, and Part 279, adopted in Florida Administrative Code 62-710.

During the inspections, possible violations of rules regarding hazardous waste and used oil management were noted. These possible violations are set forth in the "Summary of Potential Noncompliance Items" section of the attached inspection reports.

You are advised that any activity at your facilities that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties pursuant to Sections 403.727, Florida Statutes.

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations and/or civil penalties for which you may be responsible. If, after further investigation, the Department determines that the violations occurred, you may resolve the violations by correcting the violations, or in some cases, by providing an acceptable time schedule within which the violations will be corrected.

This matter may be resolved through the entry of a Consent Order, which includes a compliance schedule and may include an appropriate penalty. Under the Department's agreement with the United States Environmental Protection Agency (EPA), a formal administrative complaint or "Notice of Violation" (NOV) must be issued within 180 days of the date of the inspection report. In order to avoid the issuance of a NOV a Consent Order must be entered well in advance of that date.

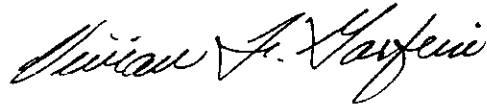
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Please be aware that in cases involving violations of RCRA hazardous waste rules, the Department is required to seek civil penalties in accordance with the EPA RCRA Civil Penalty Policy, dated October 26, 1990 and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Leah Proffitt (regarding AIS, Ocala) or John White (regarding AFS, Reddick) in the Hazardous Waste Section, at (407) 893-3323 within 10 days of your receipt of this letter to schedule an informal conference concerning resolution of this matter.

Sincerely,



Vivian F. Garfein
Director of District Management

Date Sept. 10, 2001

VFG/wmb/mlb/lp *4.0*

Enclosures: RCRA Inspection Reports

cc: FDEP, Tallahassee
EPA Region IV



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HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME Atlantic Fuel Services, Inc EPA ID # FLR000050054

STREET ADDRESS 3951 W Hwy 329 B, Reddick, FL 34478

MAILING ADDRESS 1411 NW 13th Avenue, Pompano Beach, FL 33069

COUNTY Marion PHONE 954-971-9010 DATE 7-27-01 TIME 1120

NOTIFIED AS: ☐ N/A

CURRENT STATUS:

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Processor

- ☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil: Processor

2. **APPLICABLE REGULATIONS:**

- ☐ 40 CFR 261.5 ☐ 40 CFR 262
☐ 40 CFR 265 ☐ 40 CFR 266
☒ 40 CFR 279 ☒ 62-710, FAC

- ☐ 40 CFR 263 ☐ 40 CFR 264
☐ 40 CFR 268 ☐ 40 CFR 273
☐ 62-737, FAC ☐ 62-730, FAC

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

Michael Levitsky, President

4. **INSPECTION PARTICIPANTS:**

John White, FDEP

5. **LATITUDE:** 29° 19' 54.07"

LONGITUDE: 82° 11' 24.10"

6. **SIC Code:** 5172 - Petroleum Products

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** HO06-308108 **ISSUE DATE:** May 28, 1998 **EXP. DATE:** May 28, 2003

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9. Introduction

On July 27, 2001, John White of the Florida Department of Environmental Protection, Hazardous Waste Program, attempted to inspect Atlantic Fuel Services, Incorporated for compliance with used oil processing permit number HO06-308108. The Atlantic Fuel Services, Incorporated used oil processing facility is located at 3951 West Highway 329, Reddick, Florida, 32686. Permit number HO06-308108 was issued on May 13, 1998 to MFM Environmental Corporation and transferred to Atlantic Fuel Services, Incorporated on October 22, 1998.

The facility (Figure 1) consists of five 15,000-gallon receiving tanks; one 20,000-gallon receiving tank; one 7,500-gallon diesel tank, and eight 30,000-gallon processing tanks all located within the secondary containment unit identified in the application as the Aboveground Storage Tank (AST) facility. Also in the AST facility is a filtration unit, chemical mixing cell, a heat exchange unit and hot oil-heating unit.

The facility is located on approximately a 0.8-acre parcel of land owned by MFM Industries Inc. MFM Industries Inc. is a clay processing plant that began operation in 1965, along with the Recycled Fuels Operation, which initially marketed recycled used oil beginning approximately in 1981. The AST facility was constructed in 1986 and has been in operation since.

10. Narrative

I. Inspection

No personnel working for Atlantic Fuel Services, Incorporated were on site. Mark Teixeira, who works for MFM Industries, indicated that Atlantic Fuel Services' staff left the site in April, 2001; however, trucks continue to deliver and remove materials from the tank farm on an infrequent basis.

Inspection of the tank farm found several of the tanks contain waste (Figures 4, 5, and 6). The type of waste could not be determined since no personnel were on site.

Two "frac-tanks" were located adjacent to the tank farm. It is not known what is being stored in these tanks.

II. Waste Management Practices

Waste would only be generated at this site during cleanout of tanks or containers or as a result of a spill.

III. Record Review

No records were available as no Atlantic Fuel Services, Incorporated personnel are located on this property.

11. Summary of Potential Noncompliance Item(s) and Corrective Actions

a) Regulation: Permit - General Condition 13

This permit or a copy thereof is required to be kept at the work site of the permitted activity for the entire period of construction or operation.

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property, therefore, the permit was not available to the inspector at the time of inspection

Corrective Action:

Atlantic Fuel Services, Incorporated must post a copy of the permit at the work site for the entire period of operation. Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with the location of the permit at the facility site.

b) Regulation: Permit - General Condition 14

The permittee shall comply with the following monitoring and record keeping requirements:

The permittee shall hold at the facility or other location designated by this permit records of all monitoring information (including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation) required by this permit, copies of all reports required by this permit, and records of all data used to complete the application for this permit. These materials shall be retained at least three years from the date of the sample, measurement, report or application unless otherwise specified by Department rule.

Records of monitoring information shall include:

1. The date, exact places, 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
6. The results of such analyses

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property, therefore, monitoring records were not available to the inspector at the time of inspection.

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with monitoring records for this site for the years 1999, 2000, and 2001. Also, Atlantic Fuel Services, Incorporated must provide the Department with the location of these records at the facility site.

- c) Regulation: Permit - Specific Conditions, I. Standard Requirements Condition 4
The permittee shall operate, modify, or close the facility only pursuant to a permit issued by the Department in accordance with Rule 62-710, F.A.C.

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property, therefore, the facility is not operating in accordance with the permit.

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with proof that the facility is being operated in accordance with the permit. Or, within 30 days of receipt of this inspections report, Atlantic Fuel Services, Incorporated must provide the Department with a permit modification that ensures the facility is operated in a safe, efficient manner that meets the requirements for a facility of this nature.

- d) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 1
Pursuant to 40 CFR §279.56 (Tracking) and Rule 62-710.510(1), the permittee must comply with the following tracking requirements: (The Permittee shall maintain records on DEP Form 62-701.900 (13) or on substantially equivalent forms which contain at least the same information as the Department form).

Paragraph (a) Acceptance: 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;
2. The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was sent for processing/re-refining;
3. The quantity of used oil accepted and date of acceptance.

Paragraph (b) Delivery: 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 who delivered the used oil to the processor/re-refiner;
2. The name, address and EPA identification number (if applicable) of the generator or processor/re-refinery from whom the used oil was sent for processing/re-refining;
3. The quantity of used oil accepted and date of acceptance.

Record retention: 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.

d) Regulation: Permit - Specific Conditions, II Operating Requirements Condition 1 (Continued)

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property, therefore, no records were available for inspection and the facility is not operating in accordance with the permit.

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with copies of all documents required to be maintained under Permit Specific Conditions, II. Operating Requirements #1, paragraphs (a) and (b) for calendar years 1999, 2000, and 2001 through August 1, 2001.

e) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 2

Pursuant to 40 CFR §279.57, the permittee must keep a written operating record at the Facility and maintained until closure of the Facility which includes the following information:

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

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

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property, therefore, no records were available for inspection and the facility is not operating in accordance with the permit.

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with copies of all documents required to be maintained under Permit Specific Conditions, II. Operating Requirements #2, paragraphs (a) and (b) for calendar years 1999, 2000, and 2001 through August 1, 2001.

f) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 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 62-762.600, F.A.C. for aboveground storage tanks, integral piping, and process tanks.

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property, therefore, no records were available for inspection and the facility is not operating in accordance with the permit.

f) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 3 (Continued)

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with copies of inspection records and release detection monitoring records required in Rule 62-762.600, F.A.C. for aboveground storage tanks, integral piping, and process tanks for calendar years 1999, 2000, and 2001 through August 1, 2001.

g) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 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, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR §279.52 and Rule 62-710.800(1), F.A.C.

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property. No staff are available to minimize damage in case of a fire, or any unplanned sudden or non-sudden release of used oil, sludges, residues or constituents to air, soil, or surface water which could threaten human health or the environment.

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with documentation on how the facility is going to meet the requirements of 40 CFR §279.52 and Rule 62-710.800(1), F.A.C. and Permit Specific Conditions, Section II Operating Requirements Condition number 4.

h) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 5

The permittee shall prevent the release of 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:

b) The secondary containment system shall meet the requirements of 40 CFR §279.54 and shall be:

1. Provided with 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.

Potential Violation:

Atlantic Fuel Services, Incorporated no longer maintains an office on the property and does not have staff on the property. Atlantic Fuel Services, Incorporated has no means available to detect a release to the secondary containment system within 24 hours.

h) Regulation: Permit - Specific Conditions, II. Operating Requirements Condition 5 (Continued)

Corrective Action:

Within 30 days of receipt of this inspection report, Atlantic Fuel Services, Incorporated must provide the Department with documentation on how the facility is going to meet the requirements of the Permit Specific Conditions, Section II Operating Requirements Condition number 5.

12. Conclusion

At the time of this inspection Atlantic Fuel Services, Incorporated was regulated as a Used Oil Processing facility and was not in compliance with the requirements of Used Oil Permit HO06-308108.

Atlantic Fuel Services, Incorporated closed its office on this site in approximately April 2001 and failed to notify the Department of this fact.

Report Prepared By:

[Signature]
Inspector Name
Title EST III

SEPTEMBER 4, 2001
Date

jw

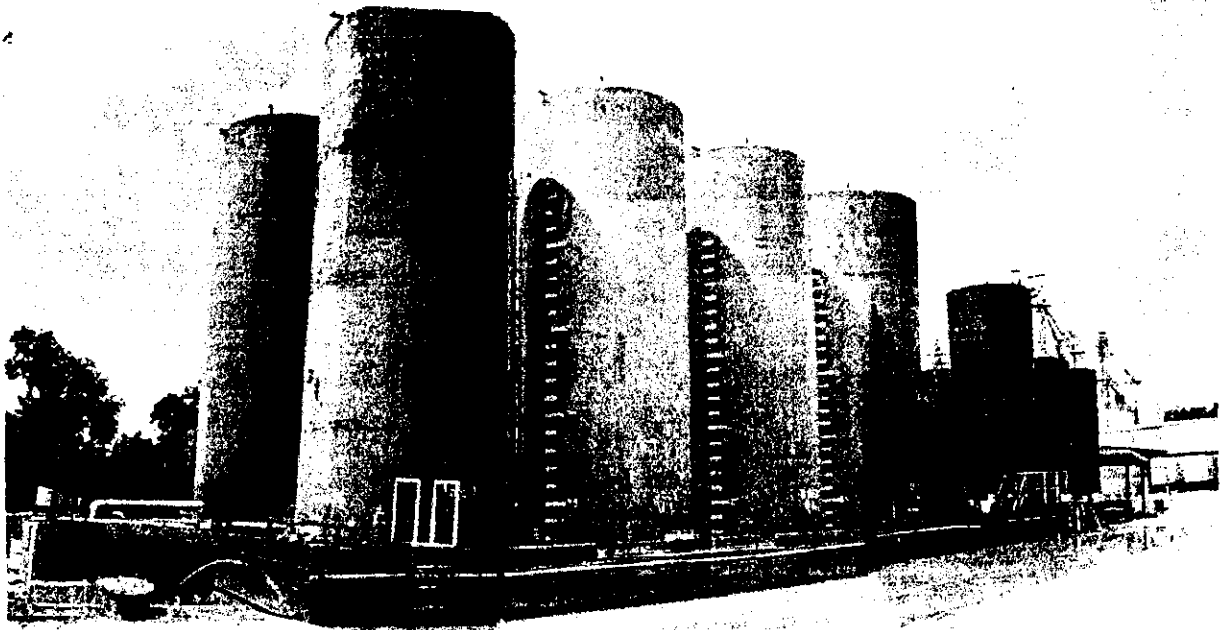


Figure 1. Composite photograph of Tank Farm

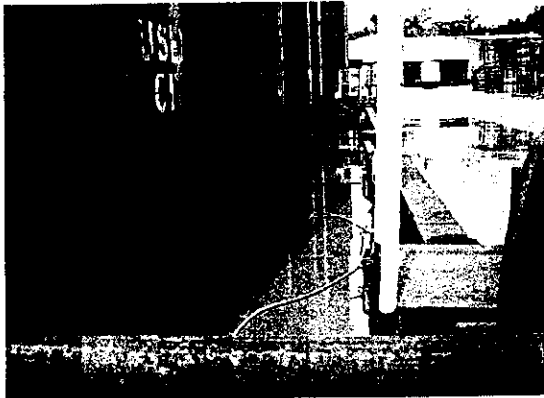


Figure 2. Water in secondary containment



Figure 3. Water in secondary containment

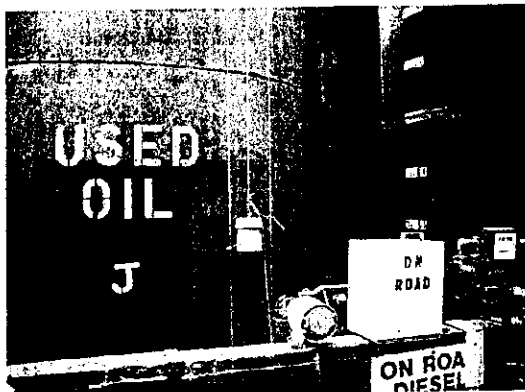


Figure 4. Float indicates tank contains waste

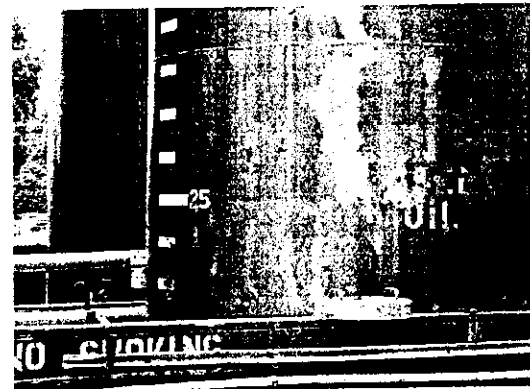


Figure 5. Float indicates tank contains waste



Figure 6. Float indicates tank contains waste