



# Florida Department of Environmental Protection

Northeast District Office  
7825 Baymeadows Way, Suite 200B  
Jacksonville, Florida 32256-7590

File 12/23

Charlie Crist  
Governor

Jeff Kottkamp  
Lt. Governor

Michael W. Sole  
Secretary

DEC 23 2008

Mr. Ken Graden, Owner  
Independent Waste Oil, Inc.  
343 Dennard Ave  
Jacksonville, Florida 32254

**Re: Independent Waste Oil, Inc.**  
**EPA/DEP ID: FLR 000 009 563**  
**Duval County - Hazardous Waste**

Dear Mr. Graden:

Thank you for your assistance during the hazardous waste compliance inspection conducted by the Florida Department of Environmental Protection (DEP) at your facility on September 3, 2008. Enclosed is the report that documents this inspection.

Based on this inspection, your facility was found to be in violation of Florida Statutes and Rules concerning used oil management. Subsequent to the inspection, your facility submitted information stating that the violations have been corrected. Since your facility has returned to compliance, no enforcement action will be taken.

Your continued cooperation is appreciated. If you have any questions regarding this report or hazardous waste regulation in general, please contact me at 904.807.3382.

Sincerely,

Jenna Perry  
Environmental Specialist II  
Hazardous Waste Section

Enclosure

## HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Compliance

FACILITY NAME: Independent Waste Oil, Inc.

DEP/EPA ID #: FLR 000 009 563

STREET ADDRESS: 343 Dennard Ave, Jacksonville, Florida 32254

MAILING ADDRESS: same as above

COUNTY: Duval PHONE: 904.781.8903 DATE: 9/3/08 TIME: 10:30 a.m.

### HW Facility Status

- ☒ Non-handler
- ☐ CESQG
- ☐ SQG
- ☐ LQG
- ☐ Transporter
- ☐ Transfer facility
- ☐ TSD
- ☐ SQH
- ☐ LQH

### Used Oil Facility Status

- ☒ Generator
- ☒ Transporter
- ☒ Transfer facility
- ☐ Marketer
- ☐ Processor
- ☐ On-spec. burner
- ☐ Off-spec. burner
- ☐ Filter generator
- ☒ Filter transporter
- ☒ Filter transfer facility
- ☐ Filter processor

### Hg Facility Status

- ☐ Exempt
- ☐ Generator
- ☐ Transporter
- ☐ Hg recovery facility
- ☐ Hg reclamation facility

### PCW facility status

- ☐ Producer
- ☐ Transporter
- ☐ Recovery facility

2. RESPONSIBLE OFFICIAL: Ken Graden, Owner

3. INSPECTION PARTICIPANTS: Ken and Suzi Graden - IWO

Jenna Perry - FDEP

Tami Applebee - FDEP

4. LATITUDE/LONGITUDE: N 30° 19' 6" / W 081° 46' 0"

5. TYPE OF OWNERSHIP: private

6. SIC CODE: 4214

7. GLOSSARY OF TERMS:

CFR - Code of Federal Regulations

F.A.C. - Florida Administrative Code

F.S. - Florida Statutes

**PROCESS DESCRIPTION (Potential Violations Listed in Bold):**

Independent Waste Oil, Inc. (IWO) was inspected on September 03, 2008, as an unannounced hazardous waste compliance inspection. Mr. Kenneth Graden, Owner, participated in the inspection.

The facility is currently operating as a used oil transporter/transfer facility and used oil filter transporter/transfer facility. The facility also transports antifreeze, oil-contaminated solids and oily wastewater. IWO operates four belly tanker trucks and several cargo trucks. The belly tanker trucks are used for pick-ups of used oil, antifreeze and oily wastewater. The tankers have separate, dedicated compartments for oil waste and antifreeze. IWO has four employees and has been at its present location since 1995. The facility consists of an office, the tank farm, a tool house, an empty drum house, and storage trailers.

**INSPECTION:**

Tank Farm

IWO services five counties in Northeast Florida and will go to its customer's facility and pick-up the wastes that it handles. When IWO picks up used oil, the driver analyzes the used oil for halogens with a Dexel Q-4000 testing unit. If the used oil is hot for halogens, IWO does not pick-up the used oil. There have been occasions when the used oil was hot for halogens and IWO instructed the facility that they must contract with a hazardous waste hauler to properly test and dispose of the waste.

IWO transports all of the wastes that it picks-up from its customers to its Jacksonville facility. The IWO property has two 18,500-gallon aboveground storage tanks (AST) for used oil, one 6,000-gallon AST for oily wastewater, one 6,000-gallon AST for antifreeze, and two 8,200-gallon tanker trailers. All four of the ASTs were labeled with the words "Used Oil." The facility operates a pumping station with a dedicated line connected to each tank. Beneath the pumping station was a release of used oil. Oil dry had been applied to the release but had not been cleaned up (*Photo 1*), **which is a violation of 40 CFR 279.45(h)**. After the inspection, the facility submitted documentation on 10/9/08, stating that this release had been cleaned up and properly disposed of.

Adjacent to the pump station were three 55-gallon drums. One of the drums was labeled with the words "Used Filters" but contained trash. **The DEP recommends that the drum be re-labeled to reflect its contents.** Another of the drums had no label but contained new oil dry and a five-gallon bucket of used oil. According to Mr. Graden, the bucket is used to catch used oil drippings from the pump line as used oil is being pumped into one of the ASTs. Mr. Graden said that the bucket contained mostly used oil dry, but it was observed to contain some used oil liquid as well. The bucket was not properly labeled, **which is a violation of 40 CFR 279.45(g)**. After the inspection, the

facility submitted documentation on 10/9/08, stating that the container had been properly labeled.

All of the storage tanks are within concrete secondary containment that will contain 110% of the volume of the largest tank. Water collected in the secondary containment is collected and disposed of with the oily wastewater. Used oil is transported at least once a week to Howco Environmental Services (FLD152764767). The oily wastewater is shipped to Industrial Water Services (IWS) as needed.

Antifreeze is stored in the dedicated 6000-gallon AST. Antifreeze is recycled by Safeway.

#### Tool House

The Tool House is a small building, which is within a bermed area that is used to store the facility's tools and equipment. Adjacent to the Tool House and under a roof was a product oil tank. The tank had an oil release on the concrete surrounding the tank (*Photo 2*). No efforts had been made to clean up the release [40 CFR 279.45(h)]. After the inspection, the facility submitted documentation on 10/9/08, stating that this release had been cleaned up and properly disposed of.

#### Empty Drum House

This small building, which was within a bermed area, is adjacent to the Tool House and is used to store empty 55-gallon drums. Also inside the building was a 55-gallon drum with a circular draining device attached to it. According to Mr. Graden, oily debris is placed inside the device and oil from the debris leaches out and into the drum. The outside of the drum was oily and was not labeled with the words "Used Oil" (*Photo 3*) [40 CFR 279.45(g)]. There was oily debris and a small amount of used oil on the concrete surrounding the drum [40 CFR 279.45(h)]. After the inspection, the facility submitted documentation on 10/9/08, stating that the container has been properly labeled and that the release had been cleaned up and properly disposed of.

Adjacent to the drum was a 5-gallon bucket of oily debris waiting to be emptied into the drainer. The bucket was unlabeled (*Photo 4*). **The DEP recommends labeling this container with the words "Oily Debris" or some other words that reflect the contents of the container.** Mr. Graden stated that, once drained, the oily debris is taken to the Trail Ridge Landfill for disposal.

IWO stores used oil filters outside of the Empty Drum House. Used oil filters are no longer processed on-site by crushing and the crushers have been drained of oil and will be sold. Used oil filters are now collected in 55-gallon drums. There were 17 55-gallon drums of used oil filters present at the time of the inspection. Of these 17 drums, six had no label and one drum had a label which read "Used Absorbents" (*Photo 5*).

**Failure to label containers of used oil filters with the words "Used Oil Filters" is a violation of 62-710.850(5)(a), FAC.** The rest of the drums were labeled "Used Filters." The used filters are placed into a roll-off for transport and are taken by Iowa Gold for processing. At the time of the inspection, some used oil filters were being stored in the roll-off container, which was labeled with the words "Used Oil Filters." Iowa Gold collects the filters approximately every three weeks. After the inspection, the facility submitted documentation on 10/9/08, stating that the seven used oil filter containers have been properly labeled.

#### Storage Trailers

IWO has two storage trailers on-site. One is used for the storage of absorbent material and the second is used as the facility's painting trailer. Mr. Graden stated that he uses this trailer to store paint and painting materials that are used to paint drums. IWO uses Rustoleum Professional High Performance Protective Enamel, which is an oil-based paint (104°F flash point), on a roller. According to the facility, dirty rollers and empty paint cans are placed into a plastic bag which is then taken to St John's County Solid Waste Department.

Also in this trailer was a 5-gallon container of Industrial Maintenance Coating 1661600 Mineral Spirits (flash point of 105°F) (*Photo 6*). Mr. Graden stated that IWO now offers parts washer servicing to its customers with this mineral spirits; however IWO only had one customer, Vac Con, using this service as of the time of the inspection. Mr. Graden also stated that IWO services the parts washer once a month and generates approximately 5 gallons of waste mineral spirits from the process. Mr. Graden said that the waste mineral spirits is brought back to IWO and then added to the waste oil tank. The mineral spirits used by IWO is a D001 hazardous waste when spent and IWO was not a certified hazardous waste transporter at the time of the inspection. **Failure to notify the Department as a hazardous waste transporter is a violation of Rule 62-730.150(2)(a), FAC.** After the inspection, IWO submitted documentation on 10/22/08, stating that it is now using ZEP Dyna 170 solvent in its customer's parts washer instead of mineral spirits. The ZEP is non-hazardous when spent. In addition, IWO also stated that upon the next servicing of Vac Con's parts washer, IWO will contact Perma Fix for disposal of the remaining mineral spirits waste.

#### **RECORD REVIEW:**

IWO has records for the previous three years on-site and available. IWO has records documenting the quantity of used oil picked-up at generator facilities and the quantity of used oil dropped-off at used oil-processing facilities. The volume of waste in appears to equal the volume of waste being delivered to various processing/disposal facilities. Several used oil acceptance records were found that had no driver and/or customer signatures, **which is a violation of 40 CFR 279.46(a)(5).** One acceptance record was found (Manifest # 13126) that did not have a unit listed for the amount of used oil

collected, **which is a violation of 40 CFR 279.46(a)(3)**. Several acceptance records were found that did not have documentation of halogen screening, **which is a violation of 40 CFR 279.44(d)**. After the inspection, the facility submitted documentation on 10/09/08, stating that IWO will include these missing items on all manifests in the future.

In addition to the above, all of the used oil delivery records did not list an EPA ID number for the receiving facility (Howco) on the manifest, as required by 40 CFR 279.46(b)(2). The facility did have the EPA id number for the receiving facility on an attached sheet for all of the records except one from 4/4/08. **This is an area of concern. The facility should place the EPA id number of the used oil destination facility on the delivery manifest.**

IWO has \$1,000,000 in liability insurance. The coverage is provided by Progressive Insurance Company and documentation was on-site. IWO is a certified used oil transporter/transfer facility and a registered used oil filter transporter/transfer facility. The facility registration form was on-site and available.

IWO has submitted an annual report summarizing the on-site records for the previous calendar year. This was on-site and available for review.

The facility did not have training records on-site and available for review due to a re-organization that has been undertaken by the facility. This is an area of concern. **IWO should submit its training records to the Department for the past three years.**

Based on the inspection, IWO is operating as a used oil transporter/transfer facility and a used oil filter transporter/transfer facility. IWO has notified the Department of these activities and has been issued the EPA identification number FLR 000 009 563.

#### **SUMMARY OF POTENTIAL VIOLATIONS AND CORRECTIVE ACTIONS:**

1. 40 CFR 279.44(d) – Failure to Maintain Records that Used Oil is not Hazardous Waste  
**VIOLATION:**

The facility failed to maintain several records documenting that the halogen content in the used oil has been checked and that the used oil IWO is transporting is not a hazardous waste.

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/9/08.

**2. 40 CFR 279.45(g)(1) – Used Oil Labels (Transfer Facility)**

**VIOLATION:**

The facility failed to label the following containers storing used oil with the words "Used Oil": a 5-gallon bucket near the tank farm and a 55-gallon drum in the Empty Drum House.

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/9/08.

**3. 40 CFR 279.45(h) – Failure to Respond to Release of Used Oil**

**VIOLATION:**

The facility failed to clean up releases of used oil in the following areas: beneath the pumping station, around the product oil tank at the Tool House, and around the used oil drum in the Empty Drum House.

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/9/08.

**4. 40 CFR 279.46(a)(3) – Used Oil Records Requirements**

**VIOLATION:**

Used oil acceptance record # 13126 did not have a unit listed for the amount of used oil collected.

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/9/08.

**5. 40 CFR 279.46(a)(5) – Used Oil Records Requirements**

**VIOLATION:**

The facility failed to include the signature of the IWO driver on several used oil acceptance records.

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/9/08.

**6. Rule 62-710.850(5)(a), FAC – Used Oil Filter Storage**

**VIOLATION:**

The facility failed to label seven containers of used oil filters with the words "Used Oil Filters."

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/9/08.

7. Rule 62-730.150(2)(a), FAC – Hazardous Waste Transporter Notification

**VIOLATION:**

The facility failed to notify the Department as a hazardous waste transporter.

**CORRECTIVE ACTION:**

No further action is required. The facility returned to compliance on 10/22/08.

Area of Concern - No EPA ID Number for Destination Facility

All of the used oil delivery records did not list an EPA ID number for the receiving facility (Howco) on the manifest. The facility did have the EPA ID number for the receiving facility on an attached sheet for all of the records except one from 4/4/08. The facility should place the EPA ID number of the used oil destination facility on the delivery manifest.

Area of Concern - No Documentation of Training On-Site

IWO did not have training records on-site and available for review during the inspection. The facility should submit training records for the past three years.

Site Inspector:

Jenna Perry 12/19/08  
Jenna Perry Date  
Environmental Specialist II  
Hazardous Waste Section

Approved by:

Vicky G. Valade 12/19/08  
Vicky G. Valade Date  
Environmental Manager  
Hazardous Waste Section

Site Inspector:

Tami Applebee 12-22-08  
Tami Applebee Date  
Environmental Specialist I  
Hazardous Waste Section

Approved by:

Ashwin B. Patel 12/19/08  
Ashwin B. Patel Date  
Hazardous Waste Supervisor  
Hazardous Waste Section



Photo 1



Photo 4



Photo 2



Photo 5

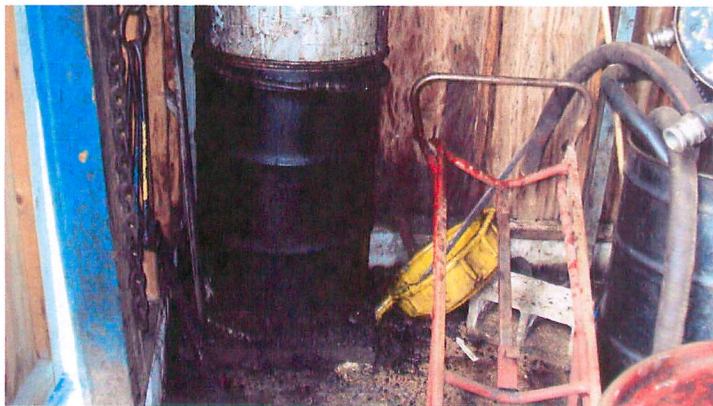


Photo 3

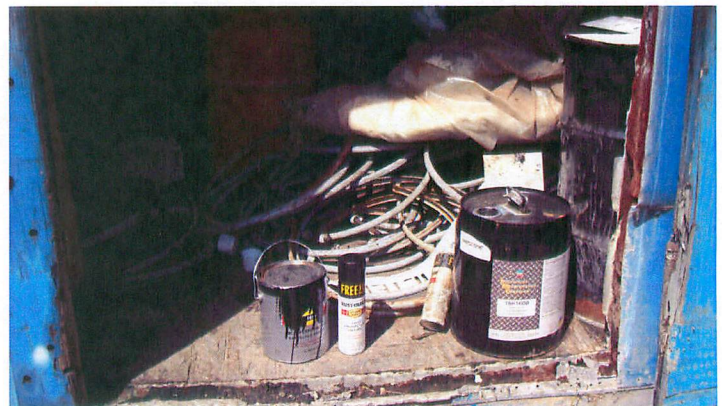


Photo 6



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### HAZARDOUS WASTE INSPECTION CHECK LIST

#### Pre-Inspection Checklist

##### Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

Pre-Inspection Review Completed		Ok	Not Ok	Unk	N/A
26.1	Facility failed to notify with the correct status.	✓			
26.2	Facility failed to notify change of status.	✓			
26.3	Did the facility conduct a waste determination on all wastes generated?	✓			



## FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

### HAZARDOUS WASTE INSPECTION CHECK LIST

#### Used Oil Transporter

Requirements:

This section provides an opportunity for the department inspector to add a narrative explaining any requirements identified as "Not Ok" at the time of the inspection. Some requirements may be identified as "Ok" but are discussed further in the "areas of concern" portion of the narrative section.

40 CFR279 Subpart E --Transporter Standards Completed		Ok	Not Ok	Unk	N/A
29.1	Is the facility exempt under any of the following? On site transport? Generator transporting < 55 g /time to a collection center? Transporter of < 55 g /time from generator to aggregation point owned by same	✓			
29.2	If the transporter also transports hazardous waste in the same trucks as are used to transport used oil, are the vehicles emptied per 261.7 after HW shipments? (If not, the used oil must be managed as hazardous).				✓
29.3	Does the transporter process used oil beyond what would be considered incidental to transport?	✓			
29.3.1	If 'yes' are they in compliance with 279 Subpart F?				✓
29.4	Has the facility notified of used oil activities? Check EPA form 8700-12.	✓			
29.5	Does the transporter only deliver used oil to other transporters, oil processors, off specification used oil burners with EPA ID numbers?	✓			
29.6	Does the transporter comply with DOT requirements?	✓			
29.7	If any oil is discharged during transport, does the transporter:				
29.7.1	Notify National Response Center and State Warning Point and Coast Guard per 33 CFR 153.203, as applicable?	✓			
29.7.2	Report to DOT in writing per 49 CFR 171.16?	✓			
29.7.3	Clean up any discharges until the discharge poses no threat?	✓			
29.8	Does the facility also transport used oil filters?	✓			
29.8.1	If so, are the filters stored in above ground containers which are:				
29.8.1.1	In good condition?	✓			
29.8.1.2	Closed or otherwise protected from weather?	✓			
29.8.1.3	Labeled "Used Oil Filters"?		✓		
29.8.1.4	Stored on an oil impervious surface?	✓			

Transporter Recordkeeping -279.46 Completed		Ok	Not Ok	Unk	N/A
29.9	Do used oil acceptance records include:				
29.9.1	Name & Address of facility providing the oil for transport?	✓			
29.9.2	EPA ID # of oil provider?				✓
29.9.3	Quantity of oil shipped?		✓		
29.9.4	Date of acceptance?	✓			
29.9.5	Signature of oil provider, dated upon receipt?		✓		



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

## HAZARDOUS WASTE INSPECTION CHECK LIST

Transporter Recordkeeping -279.46 Completed		Ok	Not Ok	Unk	N/A
29.9.5			✓		
29.10	Do used oil delivery records include:				
29.10.1	Name & Address of receiving facility or transporter?	✓			
29.10.2	EPA ID # of receiving facility or transporter?		✓		
29.10.3	Quantity of oil delivered?	✓			
29.10.4	Date of delivery?	✓			
29.10.5	Signature of oil receiver, dated upon receipt?	✓			
29.11	Do the above records also include:				
29.11.1	State required information on the type of oil?	✓			
29.11.2	Destination or end use?	✓			
29.12	Does the facility keep records on DEP Form 62-710.901(2) or equivalent?	✓			
29.13	Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year?	✓			
29.13.1	If not, is the facility an electric utility transporting only self generated used oil for recycling, which is exempt from state registration and reporting requirements?	✓			
29.14	Does the transporter keep copies of the record and reports for three years at the street address of the facility?	✓			

Transporter Certification (62-710 F.A.C.) Completed		Ok	Not Ok	Unk	N/A
29.15	Is the transporter certified? (local governments, and < 55g/time transporters are exempt)	✓			
29.16	Does the facility maintain training records?		✓		
29.17	Does the facility maintain insurance or financial assurance of \$100,000 combined single limit?	✓			
29.18	Is the facility registration form and ID number displayed?	✓			

Transfer Facility Standards -279.45 Completed		Ok	Not Ok	Unk	N/A
29.19	Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F.	✓			
29.19.1	Is the transfer facility registered per 62-710.500(1)(a) F.A.C?	✓			
29.20	Does the transporter determine whether used oil stored at a transfer facility has total halogen content above or below 1,000 ppm?	✓			
29.20.1	Is this done by testing?	✓			
29.20.2	Is this done by process knowledge?  Describe basis				✓
29.20.3	Are test records or copies of records providing basis for determination kept for 3 years?		✓		
29.21	Have any analyses showed Exceedence of the 1,000 ppm level?	✓			
29.21.1	If so, was the oil managed as hazardous waste?				✓
29.21.2	If not, was the oil exempt?				✓



# **FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION** **HAZARDOUS WASTE INSPECTION CHECK LIST**

Transfer Facility Standards -279.45 Completed		Ok	Not Ok	Unk	N/A
29.21.2	Describe				✓
29.22	Is used oil stored only in tanks or containers, or units subject to 264 and 265?	✓			
29.23	If the facility has tanks, do they comply with 62.761 and 62.762 rules?			✓	
29.23.1	Describe, including number and size of tanks, noting registration numbers if applicable, and compliance status. Two 18500-gallon above ground storage tanks for used oil. Two 6000-gallon above ground storage tanks for oily water and spent antifreeze.				
29.23.2	Is secondary containment provided and adequate?	✓			
29.24	Are containers and tank trailers in good condition and not leaking?	✓			
29.25	Are containers provided with secondary containment with minimum requirements?	✓			
29.25.1	Is the containment system impervious to oil so as to prevent migration?	✓			
29.26	Are ASTs, UST tank fill lines and containers labeled "used oil"?		✓		
29.27	Are used oil filters generated off-site stored more than 10 days?	✓			
29.27.1	If so, is the facility a registered used oil filter transfer facility?	✓			
29.28	Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable?		✓		