



Orlando Paving Company

A Division of Hubbard Construction Company

P.O. Box 547186 • Orlando, FL 32854-7186 • (407) 740-5779

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MAR 06 2003

3:00 PM

March 4, 2003

Ms. Nancy McKee
Florida Department of Environmental Protection
3319 Maguire Blvd.
Orlando, Florida 32803

RE: Presumed Hazardous Waste Inclusion in Oil in storage at Orlando Paving Plant #3

Dear Ms. McKee

We submit the enclosed reports to rebut the presumption of hazardous waste inclusion in our referenced oil as allowed under 40 C.F.R. 279.10 (b)(1). As you will note on the enclosed report, the total halogenated hazardous constituents are less than 380 parts per million. We therefore request that this oil be treated and classified as on-spec used oil per 40 C.F.R. 279 Rule 1200-1-11.

Additionally, we have enclosed an independent analysis confirming that the other criteria required by 40 C.F.R. 279 have been met in order to classify this oil as E.P.A. On-Specification oil.

We appreciate your patience and assistance in resolving this matter.

Sincerely,

Orlando Paving Company

R. Lewis Tillery
Division Manager

Enclosures (2)

cc: Wayne Evans
Dave Gannon
File

**Oil Analysis Report**

6729 Edgewater Commerce Parkway - Orlando, Florida - 32810-4278 - Phone 407 298-0846 - Fax: 407 299-7053

Sample Received From: Orlando Paving (Oviedo)
1694 West Broadway
Oviedo, FL

Lab Control Number: 46451
Project No. 1502

Sample Identification: Used Oil (Big Tank)
Date Received: January 30, 2003
Date Reported: February 7, 2003
Sample Type: Used Oil

Parameter	Analysis Method	Reporting Units	Method Detection Limit	Analysis Date	Analyst	Result
Arsenic	EPA 7061	ppm	0.4	2/5/03	KB	0.84
Cadmium	EPA 7131	ppm	0.05	2/5/03	KB	0.89
Chromium	EPA 7191	ppm	0.1	2/4/03	KB	5.40
Lead	EPA 7421	ppm	0.05	2/4/03	KB	12.64
Sulphur	ASTMDI29	%	0.10	2/4/03	KB	0.77
Flash Point	ASTM D93	F	100	2/7/03	KB	155
Total Halogens	EPA 9056	ppm	300	2/4/03	KB	5752
PCB-1016	EPA 8080	ug/kg	44	2/7/03	KB	<44
PCB-1221	EPA 8080	ug/kg	44	2/7/03	KB	<44
PCB-1232	EPA 8080	ug/kg	44	2/7/03	KB	<44
PCB-1242	EPA 8080	ug/kg	44	2/7/03	KB	<44
PCB-1248	EPA 8080	ug/kg	44	2/7/03	KB	<44
PCB-1254	EPA 8080	ug/kg	44	2/7/03	KB	<44
PCB-1260	EPA 8080	ug/kg	44	2/7/03	KB	<44
Density	API	lb/gal	n/a	2/7/03	KB	7.36

Data Release Authorization

The sample integrity and reliability was verified by Laboratory personnel prior to analysis. Analysis method used are in accordance with F.A.C. 62-160 and applicable EPA protocols. Laboratory Quality Assurance is in accordance with Bottorf Associates Comprehensive Quality Assurance Plan No. 910102.

Kent D. Bottorf
Laboratory Director

Kent D. Bottorf
Signature

2/7/03
Date

PC&B Environmental Laboratories, Inc.
210 Park Road
Oviedo, FL 32765-8801
PHONE: 407-359-7194
FAX: 407-359-7197

Report of Analysis
Volatile Organics by GCMS

CLIENT NAME: Orlando Paving
PROJECT NAME: Plant 3
PROJECT NUMBER: 0503
DATE RECEIVED: 02/21/2003
ANALYTICAL PROTOCOL: EPA 8260

Lab Reference Number	203020159-1
Client Sample ID	OIL SAMPLE
Date/Time Sampled	02/20/2003
Date/Time Extracted	02/25/2003
Date/Time Analyzed	02/26/2003 01:01
Sample Matrix (as Received)	Oil
Analysis Confirmed	GCMS
Dilution Factor	2500
Result Units	ug/kg
Benzene	59000
Bromobenzene	12500 U
Bromochloromethane	12500 U
Bromodichloromethane	12500 U
Bromoform	12500 U
Bromomethane	12500 U
n-Butylbenzene	12500 U
sec-Butylbenzene	126300
tert-Butylbenzene	32500
Carbon tetrachloride	12500 U
Chlorobenzene	12500 U
Chloroethane	12500 U
Chloroform	12500 U
Chloromethane	12500 U
2-Chlorotoluene	12500 U
4-Chlorotoluene	12500 U
Dibromochloromethane	12500 U
1,2-Dibromo-3-chloropropane	12500 U
1,2-Dibromoethane	12500 U
Dibromomethane	12500 U
1,2-Dichlorobenzene	12500 U
1,3-Dichlorobenzene	12500 U
1,4-Dichlorobenzene	12500 U
Dichlorodifluoromethane	12500 U
1,1-Dichloroethane	12500 U
1,2-Dichloroethane	12500 U
1,1-Dichloroethane	12500 U
cis-1,2-Dichloroethane	12500 U
trans-1,2-Dichloroethane	34260
1,2-Dichloropropane	12500 U
1,3-Dichloropropane	12500 U
2,2-Dichloropropane	12500 U
1,1-Dichloropropane	12500 U
Ethylbenzene	170300
Hexachlorobutadiene	12500 U
Isopropylbenzene	26760
p-Isopropyltoluene	12500 U
Methylene chloride	12500 U
Naphthalene	202000
n-Propylbenzene	196000
Styrene	12500 U
1,1,1,2-Tetrachloroethane	12500 U
1,1,2,2-Tetrachloroethane	12500 U
Tetrachloroethane	327600
Toluene	817500
1,2,3-Trichlorobenzene	12500 U
1,2,4-Trichlorobenzene	12500 U
1,1,1-Trichloroethane	12500 U
1,1,2-Trichloroethane	12500 U
Trichloroethane	17250
Trichlorofluoromethane	12500 U
1,2,3-Trichloropropane	12500 U
1,2,4-Trimethylbenzene	886000 J
1,3,5-Trimethylbenzene	238800
Vinyl chloride	12500 U

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Control Pkg.

PC&B Environmental Laboratories, Inc.
210 Park Road
Oviedo, FL 32765-8801
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FAX: 407-359-7197

Report of Analysis
Volatile Organics by GCMS

CLIENT NAME: Orlando Paving
PROJECT NAME: Plant 3
PROJECT NUMBER: 0503
DATE RECEIVED: 02/21/2003
ANALYTICAL PROTOCOL: EPA 8260

Lab Reference Number	203020159-1
Client Sample ID	OIL SAMPLE
Date/Time Sampled	02/26/2003
Date/Time Extracted	02/25/2003
Date/Time Analyzed	02/26/2003 01:01
Sample Matrix (as Received)	Oil
Analysis Confirmed	GCMS
Dilution Factor	2500
Result Units	ug/kg
m&p-Xylenes	730000
o-Xylene	262500
cis-1,2-Dichloropropene	12500 U
trans-1,2-Dichloropropene	12500 U
MTBE	85500
(Surr) 1,2-Dichloroethane-d4 (%)	93
(Surr) Toluene-d8 (%)	84
(Surr) 4-Bromofluorobenzene (%)	84

U = Undetected. The value preceding the 'U' is the RL for the analyte, based on dilution. Results reported on a Wet Weight basis.

NELAP- FDOH Certification # E83239

Reviewed by : _____

PC&B Environmental Laboratories, Inc.
210 Park Road
Oviedo, FL 32765-6801
PHONE: 407-359-7194

Report of Analysis

CLIENT NAME: Orlando Paving
PROJECT NAME: Plant 3
PROJECT NUMBER: 0503
DATE RECEIVED: 02/21/2003

Lab Reference Number

203020159-1

Client Sample ID

OIL SAMPLE

Date/Time Sampled

02/20/2003

Sample Matrix (as Received)

Oil

ASTM E203

Water by Karl Fisher

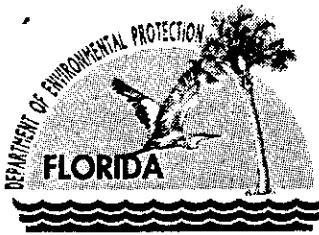
%

1.200

U = Undetected. The value preceeding the "U" is the RL for the analyte. Results reported on a Wet Weight basis.

NELAP FDOH Certification # E63239

Reviewed by: _____



Jeb Bush
Governor

Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767
February 24, 2003

David B. Struhs
Secretary

CERTIFIED MAIL

7001 0360 0000 6784 7553

Dave Gannon, Project Manager
Asphalt Plants
Orlando Paving Company
P.O. Box 547186
Orlando, FL 32854-7186

OCD-HW-C-03-0064

Seminole County- HW
Inspection Summary

Dear Mr. Gannon,

A hazardous waste compliance inspection was conducted at your facility on January 30, 2003. The inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes. The inspection was designed to ascertain the compliance status of your facility with 40 CFR 260-268, adopted in Florida Administrative Code Chapter 62-730. The inspection was initiated due to a complaint received by the Department alleging strong odors and health complaints occurring in conjunction with the operation of the plant.

Orlando Paving Company (Orlando Paving) is a Division of Hubbard Construction Company. Orlando Paving manufactures asphalt for retail sale.

The asphalt is manufactured from virgin and recycled aggregate material, which is heated and mixed with liquid asphalt. The final product is stored in two large silos on the property.

Orlando Paving uses used oil as a fuel for heat generation. The used oil is supplied by Oils Unlimited, Inc. (Oils Unlimited) of Sanford, Florida. Orlando Paving receives an oil analysis with each shipment of used oil from Oils Unlimited. During the inspection, six months worth of used oil analysis were reviewed. It was noted that Orlando Paving had several shipments with duplicated used oil analysis because the used oil originated from the same Oils Unlimited batch. Orlando Paving received duplicate analysis (one batch) that reported a high level of cadmium (3.67 PPM), exceeding the 2 ppm specification level for used oil, for the following shipments: 1/7/03, 1/10/03, 1/13/03, 1/14/03, 1/23/03, and 1/29/03.

During the inspection out-briefing, the Department recommended additional laboratory testing be conducted on the used oil with the reported high level of cadmium. Specifically, the Department requested that semi-volatiles, volatiles, and 8 RCRA metals be conducted on the used oil.

On February 10, 2003, the Department received test results. The analysis conducted included 4 metals (arsenic, cadmium, chromium, and lead), flashpoint, and total halogens. The results indicated that cadmium was 0.89 PPM (on-spec); however, total halogens were 5,752 PPM.

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On February 10, 2003, a meeting was held at the Department to discuss the test results. At that time, it was stated that Orlando Paving had pumped out and segregated the "hot" used oil and was currently using natural gas as a fuel for heat generation. Also, it was stated that Orlando Paving would be starting a new procedure to ensure that it would not receive hot used oil in the future.

During the meeting, the Department requested that additional testing be conducted on the hot used oil prior to disposal. During a subsequent telephone conversation with Orlando Paving, the Department was told that testing could not be performed because the used oil had been taken away.

On February 19, 2003, the Department conducted an additional complaint inspection at Orlando Paving. During the time of the inspection, it was observed that the hot used oil in question was being stored in a large tank at Orlando Paving's facility.

The Department conducted a site inspection of Oils Unlimited on February 17, 2003. Oils Unlimited stated that the used oil analysis that was reported to be high in cadmium was a type error and that corrected analysis would be redistributed.

Also, Oils Unlimited had researched the origin of the hot used oil reported at Orlando Paving and found, using a Dexil 1400, that all of their used oil and used oil that was delivered to other clients (which was the same batch delivered to Orlando Paving) was on-spec.

Within 10 days of your receipt of this letter, Orlando Paving should make arrangements to have the hot oil disposed of as hazardous waste or have additional testing conducted on the oil to make a claim that the oil is non-hazardous. The testing must include volatiles, semi-volatiles, and 8 RCRA metals.

Within 30 days your receipt of this letter, provide the Department with the following information:

1. The names of your used oil suppliers, other than Oils Unlimited.
2. If the oil in question is determined to be hazardous waste, provide disposal receipts and an explanation of how the contamination is suspected to have occurred.
3. If the oil in question is determined to be non-hazardous waste, provide the laboratory analysis documenting the non-hazardous claim.

If you have any questions or comments please address them to Nancy McKee at (407) 893-3323.

Sincerely,



Lu Burson
Environmental Manager
Hazardous Waste Section

NM

CC: Lewis Tillery, Division Manager, Orlando Paving Company (email)
Calvin Patterson, Oils Unlimited, Inc.
John Turner, Compliance Supervisor, Air Resource Management (email)
Caroline Shine, Enforcement Supervisor, Air Resource Management (email)