

Perry, Jenna D.

From: Harry Lewis, Jr [hrlewisjr@lewispetroleum.com]
Sent: Friday, October 08, 2010 11:36 AM
To: Perry, Jenna D.
Cc: 'Jerry Stapp'; tomelodge@hotmail.com
Subject: RE: P2 and In-Kind Guidelines

Jenna,

I am happy to report to you a resolution on the processor issue. Effective 10/7/2010, the additional 6,000 gallon tank in the used oil containment area (having been emptied and left that way since your e-mail to Jerry Stapp dated 2/16/2010) is cleaned and will be identified and used for the storage of water only.

Our current tank capacity for used oil storage is 24,000 gallons, guarantying that we will always be below the 25,000 gallon limit.

If you have any additional questions, please let me know.

Regards,

Harry Lewis, Jr
HR Lewis Petroleum

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Friday, September 17, 2010 8:59 AM
To: 'Harry Lewis, Jr'
Subject: RE: P2 and In-Kind Guidelines

How are things progressing with the P2 proposal and tank removal?

Thanks,
Jenna Perry

From: Harry Lewis, Jr [mailto:hrlewisjr@lewispetroleum.com]
Sent: Tuesday, September 07, 2010 12:46 PM
To: Perry, Jenna D.
Subject: RE: P2 and In-Kind Guidelines

Hey Jenna,

I am waiting on SunWorks Solar to give Energy Labs a breakdown of the components necessary to do the addition to our existing system. I apologize that I don't have it yet. I'm kind of at their mercy since they did the original install. I will call and plead for their help. Hopefully we can get the info this week.

BELIEVE ME, every load of waste oil that we sell is tested and we are keeping the records. We're not going to drop that ball again.

I will e-mail you as soon as the tank is removed and our capacity will be 24,000 gallons total.

Talk to you soon,

Harry

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Tuesday, September 07, 2010 12:09 PM
To: 'Harry Lewis, Jr'
Subject: RE: P2 and In-Kind Guidelines

Thank you for the statement from Oil Recovery, it is acceptable. As a reminder, each load of on-spec used oil marketed by Lewis Environmental should be tested and the required records kept as we discussed during our meeting on 4/20/10.

As for the P2 project, I haven't heard anything from you since your last email on 8/30 (last Monday). Please update me as soon as possible.

Processor issue – this is an acceptable solution. Please let me know when the tank has been taken out of service, and provide a statement about what the used oil storage capacity is after the tank is taken out. Also provide a statement that Lewis is below the used oil processor capacity threshold of 25,000 gallons.

Thanks.

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: Harry Lewis, Jr [mailto:hrlewisjr@lewispetroleum.com]
Sent: Monday, August 30, 2010 12:48 AM
To: Perry, Jenna D.
Subject: RE: P2 and In-Kind Guidelines

Hey Jenna,

I am close to getting the final info I need from Energy Labs on the solar system addition (specs, pricing, quantities, installation cost, etc.). It will be later on this week before I can put it all together as I am going to Orlando on business Monday through Wednesday. Let me know if this will not suffice.

I have also requested the letter from Oil Recovery covering the 3 questions relative to them. I asked that they expedite it and expect they will.

Lastly, while I believe we would like to move forward with the processor license, the timing may be too soon. Therefore, I will have the additional tank removed and taken out of service for used oil ASAP. We are trying to make do with the existing storage and turn our inventory quickly. I will discuss this with Tim Rudolph once more to be absolutely sure, and report back to you later this week.

If you have any further questions, please feel free to send them my way. Although I'll be out of town, I will have e-mail availability.

Regards,

Harry

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Tuesday, August 24, 2010 11:40 AM
To: 'Harry Lewis, Jr'
Subject: RE: P2 and In-Kind Guidelines

I just realized that there are two outstanding violations that have not yet been returned to compliance. The first is the used oil processor issue. I asked on 7/12/10 and 8/17/10 (below) what the status of your used oil processor permit was, and I have not received an answer. We need to know what you plan to do about your permit, whether you are going to apply for a processor permit or remove the tank.

The second issue is about the used oil marketing testing. You stated during our meeting on 4/20/10, that nothing is being shipped to Atlantic Coast Asphalt anymore, that everything is going to Oil Recovery. You also stated that analyticals are being run on everything now. I need a written statement about your current process for testing, whether it is on-spec or off-spec, and a confirmation of where it is going. Also, on 4/28/10 (below) I asked for some information on Oil Recovery that I never received. This is what I asked for:

“Regarding Oil Recovery – if you could please have them put in writing the following information:

1. Whether the used oil they currently accept from Lewis is on-spec or off-spec.
2. Whether the used oil they previously (pre-inspection) accepted from Lewis was on-spec or off-spec.
3. Whether they process the used oil on site or send the used oil onto another handler.”

Thanks,

Jenna Perry

Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: Perry, Jenna D.
Sent: Tuesday, August 24, 2010 10:36 AM
To: 'Harry Lewis, Jr'
Subject: RE: P2 and In-Kind Guidelines

Thanks Harry. What is the legal name for Lewis Environmental? I tried to look it up, but all I can find registered in Florida is HR Lewis Petroleum Co.

Thanks,

Jenna Perry

Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: Harry Lewis, Jr [mailto:hrlewisjr@lewispetroleum.com]
Sent: Tuesday, August 24, 2010 9:11 AM
To: Perry, Jenna D.
Subject: RE: P2 and In-Kind Guidelines

Hey Jenna,

Thanks for the detail in this e-mail. I am working with Energy Labs and SunWorks Solar to put together the scope and sequence of the addition to our existing solar system. I am working toward the September 1st date but it is taking them a little time because of existing projects they are currently wrapping up. If necessary, I'll compile what you are looking for and get it to you asap.

Thanks again for the guidance.

Harry

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Tuesday, August 17, 2010 3:09 PM

To: 'hrlewisjr@lewispetroleum.com'
Subject: RE: P2 and In-Kind Guidelines

Mr. Lewis,

I haven't heard from you on this matter, and since our time is short I thought I would go ahead and make a list of what we would like to see in your proposal. This list is not all inclusive, and we may have other questions/concerns depending upon what's in the proposal.

The proposal shall include three sections:

Project Description: include details such as the specific equipment to be installed or the actual changes to be made to the processes. You should include a date by which the project will be completed. You should include manufacturer or vendor information and specifications. Be sure to include a description of the solar unit – manufacturer, power output, etc

Environmental and Economic Benefits: a summary of benefits to the environment and an estimate of the savings in energy consumption. Figures quoted should represent volumes annually and should be equalized for production rate changes. Associated cost savings should be included. This section can summarize the benefits either in descriptive or table format.

Project Cost: include the projected cost for *each component* of the project

If you have any questions, please let me know. If possible, we would like to see your P2 proposal by September 1.

Also, what's the status on the used oil processor permit? Have you decided which direction you are going to go?

Thanks. Take care.

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: Patel, Ashwin
Sent: Thursday, August 05, 2010 11:32 AM
To: 'hrlewis7@comcast.net'
Cc: Perry, Jenna D.
Subject: RE: P2 and In-Kind Guidelines

Mr. Lewis,

Addition of a new unit is acceptable. You do need to submit a proposal. Please work with Jenna to figure out what information should be in the proposal.

Have a nice day!

Ashwin

From: hrlewis7@comcast.net [mailto:hrlewis7@comcast.net]
Sent: Thursday, August 05, 2010 10:28 AM
To: Patel, Ashwin
Subject: Re: P2 and In-Kind Guidelines

Ashwin,

We will add to the existing system (build an additional system that can be tied together) whatever the amount is for the P2 project. Does this need to come to you in a proposal form?

Regards,

Harry

Sent from my BlackBerry® smartphone with Nextel Direct Connect

From: "Patel, Ashwin" <Ashwin.Patel@dep.state.fl.us>
Date: Thu, 5 Aug 2010 09:01:35 -0400
To: 'hrlewis7@comcast.net' <hrlewis7@comcast.net>
Cc: Perry, Jenna D. <Jenna.D.Perry@dep.state.fl.us>
Subject: FW: P2 and In-Kind Guidelines

Mr. Lewis,

I am very sorry to hear about the unfortunate damaging incidents at your business and death in your family.

The solar system you have installed would have been a good pollution prevention (P2) project, however, according to the DEP and EPA P2 policy it does not qualify as the funds have already been committed for it prior to entering in to a Consent Order authorizing such project. According to the P2 policy, if facility either enters in to a contract, makes a commitment for the project or even pays some cost of the project then it does not qualify for P2 credit.

Jenna is currently working on drafting a Consent Order that has a time frame for submittal of a qualified P2 project. As discussed before, this provision gives you limited time to come up with a qualified P2 project after the Consent Order is executed. If you come up with another P2 project by August 18th, and if it qualifies, we will include it in the draft Consent Order otherwise Jenna will send you the draft Consent Order.

Please contact Jenna or me if you have any questions.

Ashwin B. Patel
Hazardous Waste Supervisor
FL Dept. of Env. Prot. - NE District
Phone: 904-807-3378
Fax: 904-448-4362
Email: Ashwin.Patel@DEP.state.fl.us

<http://www.dep.state.fl.us/northeast/waste/default.htm>

Please Note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

 Please consider the environment before printing this email.

From: Comcast E-Mail [mailto:hrlewis7@comcast.net]
Sent: Wednesday, July 28, 2010 1:00 AM
To: Perry, Jenna D.
Subject: RE: P2 and In-Kind Guidelines

Jenna,

I know my life must seem like a catastrophe. Our business has been robbed twice (\$7500 stolen) and I had to leave town last week when my aunt died. When you inspected our facilities back in October, we were actually considering the purchase and installation of a solar system. It is a \$40,000 dollar system. We still are working through bugs with the JEA and when they came 3 weeks ago to connect it to the grid, our building caught on fire. Once it is functioning, we will have a viable, significant energy alternative. Is there any way we could apply this expenditure to our P2 project? Pretty

please? Our consideration for this began before we originally discussed this as an option, and it would be wonderful if you could accept this expense as our completed P2 project.

Thanks for considering it. With all the craziness lately, we must be due for a hurricane or something. It's about the only other thing that could go wrong (I hope).

Regards,

Harry Lewis

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Monday, July 12, 2010 1:52 PM
To: 'hrlewis7@comcast.net'
Subject: FW: P2 and In-Kind Guidelines

Mr. Lewis,

If possible, we would like to see your P2 proposal by the end of the month. Hopefully we can agree on a project and sign a short form consent order (2 pages). If we still have not come to an agreement at that time, I will draft a long form consent order (10+ pages) for your signature which will basically say that we are continuing to talk about P2 projects and that one will be implemented shortly.

Also, what's the status on the used oil processor permit? Have you decided which direction you are going to go?

Thanks.

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

Please Note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Perry, Jenna D.
Sent: Wednesday, July 07, 2010 8:01 AM
To: 'hrlewis7@comcast.net'
Subject: RE: P2 and In-Kind Guidelines

Hi Mr. Lewis, sorry about the delay, for some reason I thought I had already responded. The solar system may work as an in-kind project if you are still looking into it. Congratulations on the new baby!

Take care,

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: hrlewis7@comcast.net [mailto:hrlewis7@comcast.net]
Sent: Friday, June 25, 2010 9:52 AM
To: Perry, Jenna D.
Subject: Re: P2 and In-Kind Guidelines

Hey Jenna,

My life is such a wild ride. I just got my wife home from the hospital. She delivered our 9th child on Tuesday.

I'll be back to work in some capacity on Monday. We're talking to SunWorks Solar about putting in a solar system as a way of reducing our carbon footprint. You guys seemed interested in that when I mentioned it. Is that still the case. If so, we can discuss the details further next week.

Thanks for working with us,

Harry

Sent from my BlackBerry® smartphone with Nextel Direct Connect

From: "Perry, Jenna D." <Jenna.D.Perry@dep.state.fl.us>
Date: Fri, 25 Jun 2010 09:28:15 -0400
To: 'Comcast E-Mail' <hrlewis7@comcast.net>
Subject: RE: P2 and In-Kind Guidelines

Mr. Lewis,

How is the P2 discussion progressing on your end? If you have any more ideas, we can discuss them and let you know if they are a viable option. We would like to get this case rapped up here soon, so please let me know where you guys are on this issue.

Thanks, and take care.

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: Comcast E-Mail [mailto:hrlewis7@comcast.net]
Sent: Tuesday, June 08, 2010 2:18 PM
To: Perry, Jenna D.
Subject: RE: P2 and In-Kind Guidelines

Hey Jenna,

I have been out of town dealing with some family matters.

Thank you for the guidelines. We are going to discuss these and hopefully get back to you next week with some viable options.

Talk to you soon,

Harry

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Thursday, May 06, 2010 9:11 AM
To: 'hrlewis7@comcast.net'
Subject: P2 and In-Kind Guidelines

Mr. Lewis,

I'm attaching our Pollution Prevention (P2) and In-Kind Guidelines, which are extracted from our Settlement Guidelines for Civil Penalties - DEP Directive 923 document. The entire document, should you wish to view it, can be found here: http://www.dep.state.fl.us/legal/penalty/files/update_DEP_923_civil_penalty_directive_July_2007.pdf

The relevant parts of the attached document are numbers 9 (In-Kind Penalties) and 10 (Pollution Prevention Credits). Ashwin misspoke yesterday when he said it was only a couple pages long, it's actually 7 pages.

I'm leaving the office mid-day today and won't be back until Monday. Should you have any questions or wish to discuss any further ideas, please feel free to call Ashwin.

Have a great weekend,

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: hrlewis7@comcast.net [mailto:hrlewis7@comcast.net]

Sent: Tuesday, May 04, 2010 5:18 PM

To: Perry, Jenna D.

Subject: Re: Used Oil Secondary Containment

No need to apologize Jenna. I've been swamped too. Why don't you call my cell phone (904-703-7839) around 10AM tomorrow if that will work for you.

Regards,

Harry

Sent from my BlackBerry® smartphone with Nextel Direct Connect

From: "Perry, Jenna D." <Jenna.D.Perry@dep.state.fl.us>

Date: Tue, 4 May 2010 16:37:31 -0400

To: 'Harry Lewis Jr' <hrlewis7@comcast.net>

Subject: RE: Used Oil Secondary Containment

I apologize for not getting back to you sooner, I've been out in the field a lot since Friday. Ashwin and I are planning to give you a call tomorrow (Wednesday) in the morning sometime. What would be a good time for you?

Thanks,

Jenna Perry
Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

From: Comcast E-Mail [mailto:hrlewis7@comcast.net]

Sent: Friday, April 30, 2010 12:41 AM

To: Perry, Jenna D.

Subject: RE: Used Oil Secondary Containment

Thank you so much Jenna for the information. This will be a great help.

I have done some research myself into everything you have asked for and would like to discuss my findings. When would be a good time to call you Friday?

Regards,

Harry Lewis, Jr

From: Perry, Jenna D. [mailto:Jenna.D.Perry@dep.state.fl.us]
Sent: Wednesday, April 28, 2010 4:42 PM
To: hrlewisjr@lewispetroleum.com
Subject: Used Oil Secondary Containment

Mr. Lewis,

As promised during our telephone conversation this afternoon, here are some helpful documents relating to used oil secondary containment requirements. As always, if you have any questions or need further clarification on anything, please let me know.

[Chapter 62-710, Florida Administrative Code \(Florida used oil regulations\)](#) – the secondary containment requirement is in Rule 62-710.401(6)

(6) No person may store used oil in tanks or containers unless they are clearly labeled with the words “used oil” and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area.

Link to the rule: http://www.dep.state.fl.us/waste/quick_topics/rules/documents/62-710.pdf

FDEP Guidance on the secondary containment requirement is attached [Final Guidance 12.9.05_Secondary Containment.pdf].

Also, I’m attaching a flow chart that we frequently use to help generators determine whether they need secondary containment [UO Flowchart.pdf].

Regarding Oil Recovery – if you could please have them put in writing the following information:

4. Whether the used oil they currently accept from Lewis is on-spec or off-spec.
5. Whether the used oil they previously (pre-inspection) accepted from Lewis was on-spec or off-spec.
6. Whether they process the used oil on site or send the used oil onto another handler.

Take care,

Jenna Perry

Environmental Specialist III - Hazardous Waste
Florida Department of Environmental Protection
office: 904-807-3382 | fax: 904-448-4362

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