



**Florida Department of
Environmental Protection
Hazardous Waste Inspection Report**

FACILITY INFORMATION:

Facility Name: Fuels Unlimited Inc

On-Site Inspection Start Date: 07/25/2014

On-Site Inspection End Date: 07/25/2014

ME ID#: 42065

EPA ID#: FLR000050369

Facility Street Address: 509 S French Ave, Sanford, Florida 32771-1875

Contact Mailing Address: PO Box 259, Sanford, Florida 32772-0259

County Name: Seminole

Contact Phone: (407) 302-3193

NOTIFIED AS:

Non-Handler

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Processor facility

INSPECTION PARTICIPANTS:

Principal Inspector: John E. White, Inspector

Other Participants: Karen Violet, Vice President; Whitney Chase, Investigator; Ronald Patterson, President

LATITUDE / LONGITUDE: Lat 28° 48' 27.0915" / Long 81° 16' 22.215"

SIC CODE: 5172 - Wholesale trade - petroleum products, nec

TYPE OF OWNERSHIP: Private

Introduction:

On July 25, 2014, John White, Florida Department of Environmental Protection (FDEP), and Investigator Whitney Chase, Florida Fish and Wildlife Conservation Commission (FWC), conducted an inspection at Fuels Unlimited for compliance with state and federal hazardous waste and used oil regulations. Ronald C. Patterson, Jr., President of Fuels Unlimited Inc (Fuels Unlimited), represented the facility. The facility's registration as a used oil transporter, used oil transfer facility, used oil marketer, used oil filter transporter, used oil filter transfer facility, and used oil filter processor expires on June 15, 2015.

Fuels Unlimited, Inc. d/b/a Oils Unlimited notified the Department of its hazardous waste activities as a used oil handler and a hazardous waste non-handler in a notification received on November 25, 2009. The facility was issued EPA identification number FLR000050369 on December 15, 2009. Fuels Unlimited, Inc. was issued used oil processor permit #266845-HO-002 on September 9, 2012, which expires on March 26, 2017.

Fuels Unlimited has operated at this location for nine years and is currently running three pump trucks and one tanker truck. The facility has seven employees and operates five days per week, 6:30 AM to 5:00 PM.

INSPECTION HISTORY

Fuels Unlimited was last inspected on May 11, 2011, and was not in compliance at that time. Violations cited included failure to record used oil generator EPA identification numbers on shipping papers, failure to ensure emergency coordinators are thoroughly familiar with the location of all records within the facility, failure to maintain all required documents and registrations, failure to provide a used oil storage tank with secondary containment, failure to submit required annual operating reports, and failure to complete a waste determination on all solid wastes generated on

Inspection Date: 07/25/2014

site. A Short Form Consent Order, OGC case number 12-0847, was executed on March 22, 2012, and included payment of \$7,930.00 in penalties and Department costs.

The facility was inspected by the Department's Hazardous Waste Program in October 2007 and was not in compliance. The following violations were noted: failure to label used oil containers; failure to comply with Permit Conditions II(1)(a) and II(1)(d), sampling of in-coming and out-going loads of used oil; and failure to document the EPA identification number of the used oil generator on a significant number of shipping papers. The facility was issued a non-compliance letter and the case was closed.

Process Description:

Fuels Unlimited is a used oil broker operating on 0.39 acres of land. Used oil is stored in aboveground storage tanks on site. Used oil is either picked up at generator sites by a tanker truck owned and operated by Fuels Unlimited, or it is brought to the site by a tanker truck operated by a vendor. Mr. Patterson stated the drivers test the used oil for halogens upon pick up at the generator location. The used oil in the tanker is tested again for halogens upon arrival at the facility prior to off-loading into the tanks. An outside laboratory, American Testing Technologies, Inc., located in Akron, Ohio, is used to analyze oil marketed to burners.

Fuels Unlimited does not perform any used oil processing on-site. The facility consists of an office, eight above ground tanks, an equipment shed, a spill control shed, and a used oil transfer area. Six tanks are used for storage of used oil and have a combined storage capacity of 112,000 gallons. One tank has a storage capacity of 5,000 gallons and is used for storage of oily water. One tank has a storage capacity of 5,000 gallons and is used for storage of used antifreeze. Petroleum contact water (PCW) is not managed on site.

INSPECTION NARRATIVE

Used oil is off-loaded from trucks in a bermed area. Any releases during off-loading are contained in a secondary containment area and will be pumped into a 55-gallon drum. Used oil filters removed from trucks are placed in 55-gallon drums. Used absorbents are placed in a labeled 55-gallon drum.

Located in the off-loading area were three 55-gallon drums labeled "Used Oil." Two drums contained used oil and one drum was empty. Also in the area was one 55-gallon drum of oily rags. Mr. Patterson was asked to complete a waste determination on the oily rags prior to disposal.

Located within a storage container were eighteen 55-gallon used oil filter drums and empty drums. All of the containers were properly managed.

All tanks within the tank farm are provided with secondary containment. The secondary containment area was clean and appeared to be in good condition.

Vehicles are serviced off-site by Thomas Trucking.

According to Mr. Patterson, 95% of the used oil managed by Fuels Unlimited is shipped to FCC Environmental as off-specification oil. FCC Environmental also managed spent antifreeze.

Shipments of on-specification oil were made to Baldwin Paving #6, located in Newnan, Georgia, Noble Oil Service, located in Sanford, North Carolina, and VA Paving, located in Cocoa, Florida. Shipments to Baldwin Paving #6 ceased in March 2014 according to Mr. Patterson. There were thirty-five shipments of on-specification oil to Noble Oil Service in 2013. The last shipment to Nobel Oil Service was May 2, 2014.

According to Mr. Patterson, additional oil burners receiving used oil shipments, where Fuels Unlimited is not marketing the used oil as on-specification are; Ranger Construction, Grant, Florida, and Texpar Energy, Bainbridge, Georgia.

Permit number 266845-HO-002, Part 1 - General and Standard Conditions, condition 45.d. requires the Permittee to "Analyze, prior to shipment, all outgoing shipments of used oil for the

Inspection Date: 07/25/2014

parameters listed in the permit application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if the used oil is sent to another Used Oil Processor for further processing." Fuels Unlimited's permit application, dated January 30, 2012, Attachment 3, Analysis Plan, item 3. Product Analyses Procedures by Fuels Unlimited Inc. Prior to Transport Off-Site, identifies the following parameters: Arsenic Less than 5 ppm; Cadmium Less than 2 ppm; Chromium Less than 10 ppm; Lead Less than 100 ppm; and Sulfur Less than 0.4%. This information is also required by Part II - Used Oil Processing Conditions, specific conditions 1.b.(4) and 2.a.

On August 12, 2014, records were received from Fuels Unlimited documenting all 2013 and 2014 shipments of on-specification oil to VA Paving, located in Cocoa, Florida. Review of the shipping papers and accompanying oil analysis documenting compliance with the specification level in Table 1 of 40 CFR 279.11 found a significant number of discrepancies.

The following shipments of on-specification oil were made to VA Paving:

4/16/2013	6,930 gallons	Waste Tracking Number OD 000416
4/24/2013	6,483 gallons	Waste Tracking Number OD 002467
4/25/2013	7,194 gallons	Waste Tracking Number OD 002468
5/09/2013	7,046 gallons	Waste Tracking Number OD 002470

The sample for oil shipments identified above was collected from a Tank identified as "CSO" on 2/12/2013 and received by the testing laboratory, American Testing Technologies, on 2/26/2013. There is no Tank "CSO" identified on Fuels Unlimited's January 30, 2012 Application for a Used Oil Processing Facility Permit; however the largest tank size is 20,490 gallons. The records reviewed found Fuels Unlimited shipped 27,653 gallons of on-specification oil from this tank to VA Paving for burning.

6/11/2013	6,908 gallons	Waste Tracking Number OD 002479
6/19/2013	6,535 gallons	Waste Tracking Number OD 002481
6/28/2013	7,114 gallons	Waste Tracking Number OD 002488
7/02/2013	6,770 gallons	Waste Tracking Number OD 002489

The sample for oil shipments identified above was collected from a Tank identified as "CSO" on 6/1/2013 and received by the testing laboratory, American Testing Technologies, on 6/9/2013. There is no Tank "CSO" identified on Fuels Unlimited's January 30, 2012 Application for a Used Oil Processing Facility Permit; however the largest tank size is 20,490 gallons. The records reviewed found Fuels Unlimited shipped 27,327 gallons of on-specification oil from this tank to VA Paving for burning. Also, there is no record in information provided to the Department by American Testing Technologies that identifies a sample received for analysis on 6/9/2013.

7/15/2013	6,761 gallons	Waste Tracking Number OD 002492
7/17/2013	6,988 gallons	Waste Tracking Number OD 002495
7/23/2013	7,283 gallons	Waste Tracking Number OD 002496
8/01/2013	6,667 gallons	Waste Tracking Number OD 002499

The sample for oil shipments identified above was collected from a Tank identified as "CSO" on 7/1/2013 and received by the testing laboratory, American Testing Technologies, on 7/9/2013. There is no Tank "CSO" identified on Fuels Unlimited's January 30, 2012 Application for a Used Oil Processing Facility Permit; however the largest tank size is 20,490 gallons. The records reviewed found Fuels Unlimited shipped 27,699 gallons of on-specification oil from this tank to VA Paving for burning. Also, there is no record in information provided to the Department by American Testing Technologies that identifies a sample received for analysis on 7/9/2013.

8/05/2013	7,009 gallons	Waste Tracking Number OD 002502
8/13/2013	6,690 gallons	Waste Tracking Number OD 002504
8/15/2013	7,641 gallons	Waste Tracking Number OD 002506
8/23/2013	7,214 gallons	Waste Tracking Number OD 002510
8/23/2013	7,313 gallons	Waste Tracking Number OD 002511

Inspection Date: 07/25/2014

The sample for oil shipments identified above was collected from a Tank identified as "CSO" on 7/26/2013 and received by the testing laboratory, American Testing Technologies, on 7/31/2013. There is no Tank "CSO" identified on Fuels Unlimited's January 30, 2012 Application for a Used Oil Processing Facility Permit; however the largest tank size is 20,490 gallons. The records reviewed found Fuels Unlimited shipped 35,867 gallons of on-specification oil from this tank to VA Paving for burning. Also, there is no record in information provided to the Department by American Testing Technologies that identifies a sample received for analysis on 7/31/2013.

6/17/2014	7,120 gallons	Waste Tracking Number OD 002633
6/20/2014	7,577 gallons	Waste Tracking Number OD 002634
6/23/2014	7,068 gallons	Waste Tracking Number OD 002635
7/03/2014	7,000 gallons	Waste Tracking Number OD 002637

The sample for oil shipments identified above was collected from Tank T6 on 5/1/2014 and received by the testing laboratory, American Testing Technologies, on 5/7/2014. Tank T6 is identified on Fuels Unlimited's January 30, 2012 Application for a Used Oil Processing Facility Permit as a 20,490 gallon above ground storage tank. The records reviewed found Fuels Unlimited shipped 28,765 gallons of on-specification oil from this tank to VA Paving for burning.

Review of information provided by Fuels Unlimited found shipments of on-specification oil to VA Paving between the period 4/16/2013 and 8/23/2013 appeared to use the same analytical results but with different sample collection dates. Information provided by American Testing Technologies regarding samples analyzed during this time period found they had no record of the samples and had not provided the analysis. At least 124,474 gallons of used oil was shipped using the same analytical results during this time period. The facility's Permit, number 266845-HO-002, Attachment B Tank Table identifies the following permitted tanks as containing used oil; AST #1, AST #2, AST #3, AST #4, AST #5, and AST #6. These six tanks have a combined capacity of 110,014 gallons. This is 14,460 gallons less than the volume shipped off-site during that time period using the same analytical results.

The Used Oil Processor Permit, 266845-HO-002, issued to Fuels Unlimited, Inc. on September 19, 2012, Part I - General and Standard Conditions, Condition 45.d. requires the facility "Analyze, prior to shipment, all outgoing shipments of used oil for the parameters listed in the permit application to determine whether the used oil is on-specification or off-specification. However, the testing is not required if the used oil is sent to another Used Oil processor for further processing." Fuels Unlimited, Inc. failed to analyze used oil shipped to VA Paving for burning as fuel to verify it was on-specification, as required.

On 9/11/2012 a sample was collected from Tank Farm tank T-3. The used oil was found to contain a Total Halogens concentration of 1,258 ppm. Based on a total halogen content greater than 1,000 ppm the contents of Tank T-3 at the time it was sampled are presumed to be a hazardous waste. 40 CFR 279.53(c) states "If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste. Fuels Unlimited must provide the Department with a hazardous waste manifest documenting the removal of the used oil as a hazardous waste or the results of a rebuttable presumption documenting the used oil did not contained a listed waste.

Review of additional analytical documentation provided by American Testing Technologies identified off-specification on the following dates:

Sample Date Collected 8/27/2012
Client ID T-1
Lead 200 ppm

Sample Date Collected 8/26/2012
Client ID T-3

Inspection Date: 07/25/2014

Flashpoint 97 degrees Fahrenheit

Sample Date Collected 2/18/2013

Client ID Tank 2

Lead 120 ppm

There is no indication that the above off-specification used oil was processed and reanalyzed to ensure it met the specification requirements for on-specification oil identified in 40 CFR 279.11.

New Potential Violations and Areas of Concern:**Violations**

Type: Violation

Rule: 279.53(c)

Explanation: If the used oil contains greater than or equal to 1,000 ppm total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in subpart D of part 261 of this chapter. The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter).

Specifically, analysis of a sample the contents of Tank T-3 collected on 9/11/2012 found the used oil contained 1,258 ppm Total Halogens.

Corrective Action: Within 30 days of receipt of this report, Fuels Unlimited must provide either a hazardous waste manifest documenting proper removal of the entire contents of Tank T-3, as of 9/11/2012, as hazardous waste or the results of a rebuttable presumption documenting the used oil did not contain hazardous waste.

Type: Violation

Rule: 403.161, 403.161(1)(b)

Explanation: Prohibitions, violation, penalty, intent.-- To fail to obtain any permit required by this chapter or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by the department pursuant to its lawful authority.

Specifically, Fuels Unlimited failed to comply with Permit number 266845-HO-002, Part 1 - General and Standard Conditions, condition number 45.d. and Part II - Used Oil Processing Conditions, conditions 1.b.(4) and 2.a. which require the facility to analyze used oil shipped off-site and maintain the results of used oil analyses performed.

Multiple shipments of oil designated as on-specification by Fuels Unlimited were made to VA Paving, located in Cocoa, Florida. Review of analytical results provided by the analytical laboratory contracted by Fuels Unlimited found many of the results were false.

Corrective Action: Within 30 days of receipt of this report, Fuels Unlimited must provide the Department with a written plan documenting how the facility is going to lock out used oil storage tanks, once full, sample the tank(s), provide a copy of the sample results to the burner accepting oil for burning, and maintain the results in the facility's file.

Inspection Date: 07/25/2014

Type:	Violation
Rule:	403.161, 403.161(1)(c)
Explanation:	<p>Prohibitions, violation, penalty, intent.-- To knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter, or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required to be maintained under this chapter or by any permit, rule, regulation, or order issued under this chapter.</p> <p>Specifically, Fuels Unlimited provided used oil burners with false analytical results documenting used oil met the oil specifications identified in Table 1 of 40 CFR 279.11.</p>
Corrective Action:	Within 30 days of receipt of this report, Fuels Unlimited must provide the Department with written assurances that the facility will not falsify oil analyses for any purpose.

Conclusion:

Fuels Unlimited was inspected as a used oil transporter, marketer, and processor and was not in compliance at the time of this inspection.

Inspection Date: 07/25/2014

Signed:

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

John E. White

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

FDEP

ORGANIZATION**Supervisor:**Aaron Watkins

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.