



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

November 18, 2015

Ronald Patterson, President  
Fuels Unlimited, Inc.  
Post Office Box 259  
Sanford, Florida 32772  
[Oilsunlimited@bellsouth.net](mailto:Oilsunlimited@bellsouth.net)

SUBJECT: Department of Environmental Protection v. Fuels Unlimited, Inc., OGC  
OGC File No.: 15-0669  
HW ID#: FLR000050369

Mr. Patterson:

The State of Florida Department of Environmental Protection ("Department") finds that Fuels Unlimited, Inc. ("Respondent") failed to analyze used oil shipped off-site to burners and failed to provide a rebuttal to a used oil sample that exceeded 1,000 parts per million of halogens, in violation of Florida Statutes (F.S.) 403.161(1)(b) and (1)(c) and Title 40 Code of Federal Regulations (40 CFR) 279.53(c). Before sending this letter, the Department requested that the Respondent undertake certain actions to resolve the violations. These actions have since been completed. However, due to the nature of the violations, the Respondent remains subject to civil penalties. The Respondent is also responsible for costs incurred by the Department during the investigation of this matter.

## **The Department's Offer**

Based on the violations described above, the Department is seeking \$8,000.00 in civil penalties and \$500.00 for costs and expenses the Department has incurred in investigating this matter, which amounts to a total of \$8,500.00. The civil penalty in this matter includes four violations of \$2,000.00 or more.

## **Respondent's Acceptance**

If you wish to accept this offer and fully resolve the enforcement matter pending against the Respondent, please sign this letter and return it to the Department at 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803 by November 25, 2015. The Department will then countersign it and file it with a designated clerk of the Department. Once the

document is filed with the designated clerk, it will constitute a final order of the Department pursuant to Section 120.52(7), F.S. and will be effective unless a request for an administrative hearing is filed by a third party in accordance with Chapter 120, F.S. and the attached Notice of Rights.

By accepting this offer you, Ronald Patterson:

- (1) Certify that you are authorized and empowered to negotiate, enter into, and accept the terms of this offer in the name and on behalf of Respondent;
- (2) Acknowledge and waive Respondent's right to an administrative hearing pursuant to Sections 120.569 and 120.57, F.S., on the terms of this offer, once final;
- (3) Acknowledge and waive Respondent's right to an appeal pursuant to Section 120.68, F.S.; and
- (4) Acknowledge that payment of the above amount does not constitute a waiver of the Department's right, if any, to recover emergency response related costs and expenses for this matter.

The Department acknowledges that the Respondent's acceptance of this offer does not constitute an admission of liability for the violations referenced above.

### **Respondent's Performance**

After signing and returning this document to the Department,

- (1) Respondent must pay \$8,500.00 in full by December 15, 2015.
- (2) Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order, 15-0669, and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: <http://www.fldepportal.com/go/pay/>  
It will take a number of days after this order is final and effective filed with the Clerk of the Department before ability to make online payment is available.

The Department may enforce the terms of this document, once final, and seek to collect monies owed pursuant to Sections 120.69 and 403.121, F.S.

Until clerked by the Department, this letter is only a settlement offer and not a final agency action. Consequently, neither the Respondent nor any other party may request an administrative hearing to contest this letter pursuant to Chapter 120, F.S. Once this letter is clerked and becomes a final order of the Department, as explained above, the attached Notice of Rights will apply to parties, other than the Respondent, whose interests will be substantially affected.

Electronic signatures or other versions of the parties' signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

Please be aware that if the Respondent declines to respond to the Department's offer, the Department will assume that the Respondent is not interested in resolving the matter and will proceed accordingly.

If you have any questions, please contact John White at (407) 897-4305 or at [John.White@dep.state.fl.us](mailto:John.White@dep.state.fl.us).

Sincerely,



Jeff Prather  
District Director  
Central District

FOR THE RESPONDENT:

I, \_\_\_\_\_ [Type or Print Name], **HEREBY**  
**ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: \_\_\_\_\_  
\_\_\_\_\_  
[Signature]

Date:

Title: \_\_\_\_\_  
[Type or Print]

**FOR DEPARTMENT USE ONLY**

DONE AND ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2015, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Jeff Prather  
District Director  
Central District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Attachments: Notice of Rights  
Warning Letter, SPCD-CAP-15-2646  
Inspection Report

Final clerked copy furnished to:  
Lea Crandall, Agency Clerk ([lea.crandall@dep.state.fl.us](mailto:lea.crandall@dep.state.fl.us))

## NOTICE OF RIGHTS

Persons who are not parties to this Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under Sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Order means that the Department's final action may be different from the position it has taken in the Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Order;
- d) A statement of when and how the petitioner received notice of the Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at the address indicated above. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under Sections 120.569 and 120.57, Florida Statutes. Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT  
3319 MAGUIRE BOULEVARD, SUITE 232  
ORLANDO, FLORIDA 32803-3767

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

February 10, 2015

Ronald Patterson, President  
Fuels Unlimited, Inc.  
P.O. Box 259  
Sanford, Florida 32772  
[Oilsunlimited@bellsouth.net](mailto:Oilsunlimited@bellsouth.net)

Re: Warning Letter  
Fuels Unlimited, Inc.  
HW ID#: FLR000050369  
Seminole County  
SPCD-CAP-15-2646

Dear Mr. Patterson:

An inspection was conducted at your facility on July 25, 2014, under the authority of Section 403.091, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 403, F.S., Chapter 62-710, Florida Administrative Code (F.A.C) were observed.

During the inspection, Department inspectors identified potential violations of Department rules and Florida Statutes. Analysis of a sample from the contents of Tank T-3 collected on 9/11/2012 found the used oil contained 1,258 ppm Total Halogens. No documentation was found to indicate the facility met the requirements of the rebuttable presumption that the used oil was a hazardous waste. Also, review of laboratory analysis and off-site shipments found shipments of oil were sent to a burner that were accompanied by analytical reports that were accurate. The violations are identified and more fully described in the attached Inspection Report.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.141 and 403.161 Florida Statutes.

Please contact John White of the Central District Office at (407)897-4305 or via e-mail at [john.white@dep.state.fl.us](mailto:john.white@dep.state.fl.us) within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Fuels Unlimited, Inc; Facility ID No.:FLR000050369  
SPCD-CAP-15-2646  
Warning letter  
Page 2 of 2  
February 10, 2015

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), Florida Statutes. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Prather".

Jeff Prather, District Director  
Central District  
Florida Department of Environmental Protection

JP/DH/jw

Enclosures: Inspection Report (with attachments)

cc:



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

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**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



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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

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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

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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

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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

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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.

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**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.