



# Florida Department of Environmental Protection

Southwest District Office  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Ryan E. Matthews  
Interim Secretary

March 24, 2017

Mr. Elliot A. Paul, President  
Synergy Recycling of Central Florida, LLC  
3800 W. Lake Hamilton Dr.  
Winter Haven, FL 33881  
[EPaul@SynergyRecycling.org](mailto:EPaul@SynergyRecycling.org)

Re: Warning Letter #WL17-02HW53SWD  
Synergy Recycling of Central Florida, LLC  
Facility ID No. FLR000053611  
Polk County

Dear Mr. Paul:

A used oil program inspection was conducted at your facility on January 27, 2017 under the authority of Section 403.091, Florida Statutes (F.S). During this inspection, possible violations of Chapter 403, F.S. and Chapter 62-710, Florida Administrative Code (F.A.C.), and 40 CFR Part 279 adopted therein were observed.

During the inspection, Department personnel noted the following:

- Records were not on site and available for inspection.
- Of the records that were on site, many were inaccurate, and did not include all the required information on the transporter and destination facility.
- Used oil filter containers were stored outdoors, open and not on pavement
- A plastic tub containing used oil was stored outside, open, with no label and without secondary containment.

On January 27, 2017, after the inspection, Department personnel notified Mr. Jeff Englin by email that potential violations existed at the facility and Mr. Englin was encouraged to take corrective action. An appointment was made to review the records that were not available the first day of the inspection.

On February 3, 2017, a follow-up visit was conducted and resolution of the potential violations was not apparent, except for the container management issues. Specifically, the Department observed the following issues, also noted on the attached inspection report:

- Required records were still not on site, including shipping records for used oil that had been shipped by rail and analytical records required by the analysis plan incorporated into the facility's operating permit. Other records were incomplete.
- Upon review of the training records, it was found that the 2016 annual training review had not taken place.
- The facility contingency plan had not been updated after an emergency coordinator had left the Winter Haven facility.
- Inspections were not being recorded as required by the permit

Many of these violations are repeat violations noted during the previous inspection in 2015. On April 23, 2015, a written Compliance Assistance Offer was issued to you as part of an agency investigation preliminary to agency action in accordance with Section 120.57(5), F.S. At that time, your representatives agreed to take corrective action, and that case was closed without formal enforcement.

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 403.121, 403.161 and 403.758, Florida Statutes.

Please contact Richard Vaughn at 813/470-5799, 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.

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,



Mary E. Yeargan, P.G.  
Southwest District  
Florida Department of Environmental Protection

MEY/ebk

cc: Jeff Englin, Synergy Recycling ([Jenglin@SynergyRecycling.org](mailto:Jenglin@SynergyRecycling.org))  
Mike Stillinger, Imperial Testing ([Mike.Stillinger@imperialtesting.com](mailto:Mike.Stillinger@imperialtesting.com))



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

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**FACILITY INFORMATION:**

**Facility Name:** Synergy Recycling of Central Florida LLC

**On-Site Inspection Start Date:** 01/27/2017      **On-Site Inspection End Date:** 02/03/2017

**ME ID#:** 47082      **EPA ID#:** FLR000053611

**Facility Street Address:** 3800 W Lake Hamilton Dr, Winter Haven, FL 33881-9262

**Contact Mailing Address:** 3800 W Lake Hamilton Dr, Winter Haven, FL 33881-9262

**County Name:** POLK

**NOTIFIED AS:**

CESQG (<100 kg/month)

Used Oil

**INSPECTION TYPE:**

Routine Inspection for CESQG (<100 kg/month) facility

Routine Inspection for Used Oil Transporter facility

Routine Inspection for Used Oil Processor facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Elizabeth Knauss, Environmental Consultant

**Other Participants:** Shannon Kennedy, ES II; Jeff Englin, General Manager; James Clements, Operations Manager; Michael Stillinger, P.E.

**LATITUDE / LONGITUDE:** Lat 28° 4' 42.4848" / Long 81° 39' 38.0584"

**SIC CODE:** 4212 - Trans. & utilities - local trucking, without storage

**TYPE OF OWNERSHIP:** Private

**Introduction:**

A routine hazardous waste program compliance inspection was conducted at Synergy Recycling of Central Florida's ("SRCF") used oil processing facility. Since the facility's previous inspection on February 27, 2015, SRCF's parent, Synergy Recycling, LLC, has acquired Ricky's Oil & Environmental Services, FLD981019755, and a number of SRCF's employees have transferred to that location or now split time between facilities. James Clements provided information on the first day of this inspection, but some of the company's records were not available until the second day of the inspection, when Jeff Englin returned from Miami. Other records were submitted after the inspection. SRCF's operating permits 292753-HO-005 and 292753-SO-006 were renewed effective March 2, 2015. During a record review prior to the inspection, it was noted that the company has not applied for coverage under the NPDES generic storm water permit applicable to used oil processing facilities, Sector N. In addition, it was noted that the contingency plan had not been updated when staff transferred to Ricky's. The contingency plans was updated after the inspection, however SRCF was also cited for this violation in 2015 and 2012.

SRCF does not have on-site rail service. The company leases a private siding in Auburndale, Florida for loading cars that are to be shipped by rail. Mr. Englin said that cars are released to CSX within 24 hours after loading. Sidings that hold used oil during the course of transport for less than 24 hours are not required to register as a used oil transfer facility or have secondary containment under 40 CFR 279.45(d). No records related to oil shipments by rail were on site at the time of the inspection. Mr. Englin said that rail shipments were arranged by the Synergy Recycling LLC office in Marietta Georgia, and that records were maintained there, rather than on site as required by FAC Rule 62-710.510(4).

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### Process Description:

SRCF's operating permit includes conditions for used oil processing, oil filter storage and solid waste material processing. Since the original permit was issued, Synergy Recycling LLC (registered as a Florida transporter - GAR000048009) opened a used oil processing facility in Kingsland, Georgia that is now receiving most of SRCF's collected oil for re-refining. During the inspection, Mr. Englin stated that SRCF had not made any on-specification claims for the previous three years, and therefore no analyses have been conducted by certified labs. However this statement was not supported by the annual reports filed for calendar years 2014 and 2015. These reports state that all the oil shipped from the facility in those years was shipped as on-specification fuel. These shipments include 280 20,000 gallon tank cars of oil shipped by rail, plus any oil transported by truck.

The report for 2016 is not yet due, however information was provided by Vertex Energy regarding the specification status of the 44 tank cars of oil shipped during 2016. According to Bryan Daniel of Vertex, the company does not accept any oil that is not certified to meet the specification parameters. No laboratory analyses for the specification parameters were on site at SRCF at the time of the inspection. Copies of the specification claim documentation were requested from Vertex, and during a follow up telephone call, Mr. Englin clarified his previous statement. When oil is being shipped to Vertex, samples are collected from the loaded rail car and shipped to Vertex overnight. Vertex conducts pre-qualification specification testing, and would reject any oil that did not meet the specification or that was a USDOT flammable liquid. Vertex also conducts confirmation testing on each rail car after it is received. None of the oil shipped to Vertex failed the specification. Failure to maintain records on site to document the specification claim is a violation of 40 CFR 279.57(a)(2)(i).

Synergy has been cited for non compliance with specification testing requirements before, most recently during the inspection of February 27, 2015. This is a violation of Specific Condition II 2 of the permit, and also does not comply with the analysis plan procedures outlined on page 2 of Attachment IV of the facility's permit application. The analysis plan follows Florida's Quality Assurance Rule, FAC 62-160 which requires the analyses to be conducted by a NELAP certified lab.

Oil that is shipped to the Synergy Recycling LLC facility in Kingsland is not sampled prior to shipment. This included a shipment of two rail cars on 9/21/15, and seven rail cars on three dates in 2016. These shipments were transferred to a non-notified transporter First Coast Railroad, in Yulee, Florida by CSX, which is a violation of 40 CFR 279.58, unless the oil has been shown to meet the specification. The records obtained from SRCF after the inspection for the 2016 rail shipments to Kingsland only followed the oil to the point where CSX transferred custody to First Coast, not to the consignment facility. In addition, the consignee identified on the 2015 shipping papers was Cumberland Transport in Kingsland, rather than Synergy Recycling. Cumberland Transport is another non- notifier.

No records were on site for transportation of the oil to the private siding where rail cars were being loaded. Records are required in accordance with 40 CFR 279.56(b), because all the specification analyses were conducted on samples collected at the siding. Mr. Englin said that each rail car held four truck loads of oil.

In addition, Synergy's records for off site highway shipments to the Kingsland facility only included the Kingsland location as the billing location. The company was using a pre-printed form that stated that the shipment was being transported to the Winter Haven location within the body text of the document. Synergy was using the same pre-printed form was for both incoming and outgoing shipments, and it was therefore inaccurate for outgoing loads. None of the records were clear as to whether Synergy Recycling LLC or Synergy Recycling of Central Florida was transporting the load. A number of the forms were not signed by SRCF as offeror. All of the records obtained from CSX list Synergy Recycling LLC of Marietta Ga. as the shipper, but list the EPA ID number of Synergy Recycling of Central Florida in company records as the oil provider.

Mr. Clements and Mr. Englin both stated that used oil is not accepted from independent transporters, however several shipping papers from Freehold Cartage indicate that SRCF accepted drum quantities of oil from Freehold. One of these drums, labeled as used oil, was on site at the time of the inspection.

The company uses Dexsil Q-1000 kits for determining the halogen content of incoming used oil, and is also determining water content. The results of the water content testing were being recorded, however halogen check results were not recorded in the lab record book, in violation of the facility's permit and analysis plan. It

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was recommended that a timing device be placed at the lab bench, as the Q-1000 test instructions specify that certain stages of the test be timed. A number of expired test kits were stored under the bench, and these can be used for driver training.

The company has been conducting training during monthly safety meetings, however the topics have focused on USDOT and OSHA requirements. There was no record that SRCF had conducted the annual training in used oil regulations for drivers or other staff in 2016, required under 62-710.600(2)(b) F.A.C. In addition, SRCF acquired SafeServ's assets on September 24, 2016 and now employs a former SafeServ driver, Wayne Bergeron. Mr. Bergeron has worked as a used oil transporter for a number of years, however there was no record in Synergy's files that Mr. Bergeron had completed the required company used oil management training. The facility was also not complying with its permit in relation to recording the results of daily inspections at least once per week. Inspections were being recorded on a monthly basis. The company was also cited for this violation in 2015.

During the inspection, sixteen 250 gallon bins of used oil filters were observed staged for off site transport to US Foundry. These were placed on the dirt, rather than on a man made surface. In addition, at least two of the bins did not have a lid, and the others just had a sheet of plastic on top of the bins that did not cover the entire bin opening. A plastic tub was found along the eastern fence that contained storm water, a layer of used oil and two oil filters. The tub was open, not labeled and did not have secondary containment. The tub was moved into a covered containment area during the inspection, and later emptied. The oil filter bins were shipped off site for disposal.

## New Potential Violations and Areas of Concern:

### Violations

Type:	Violation
Rule:	279.56(b), 279.56(c)
Explanation:	<p>Used oil delivery records were not maintained on site for rail shipments. In accordance with FAC Rule 62-710.510(4) used oil processors and transporters are required to keep these records on site, and available for inspection during normal business hours. Synergy transported oil to a rail siding in Auburndale and loaded it into rail cars for delivery to other used oil processors, but did not have any records related to the truck transfers to the siding or the transfers to CSX.</p> <p>Information was missing or recorded incorrectly for both rail and truck delivery records. Truck delivery records did not accurately show the delivery location, because pre-printed records for incoming oil shipments were used for outgoing shipments.</p> <p>The EPA identification number or company name for the transporter was not recorded, and it was not clear whether Synergy Recycling of Central Florida LLC or Synergy Recycling LLC was the responsible transporter for some of the shipments.</p>
Corrective Action:	<p>Ensure that all used oil delivery records are maintained on site for a minimum of three years.</p> <p>If Synergy does not choose to perform specification testing in accordance with its permit, The company must create records related to highway transport of any oil before it is loaded into a rail car, and must also maintain records related to the delivery of the rail car to CSX. If oil is stored more than 24 hours at a siding that is not notified as a used oil transfer facility, the operator must register that location as a transfer facility, and comply with the unit management standards and secondary containment requirements in accordance with 40 CFR 279.45.</p> <p>If Synergy determines that used oil batches meet the specification, the company must maintain specification used oil delivery records in accordance with 40 CFR 279.74(b) that cross reference oil analyses to oil deliveries.</p>

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Type: Violation  
Rule: 279.55(b)  
Explanation: Synergy failed to comply with the analysis plan submitted with its permit application as follows:  
  
The company did not conduct specification testing in 2015 for oil shipped to the Kingsland facility, although the oil was reported to meet the specification in the 2015 annual report.  
  
Specification analyses were not being conducted by a laboratory certified under NELAP.  
Corrective Action: Specification claims must be supported by a laboratory analysis. Ensure that records of all analyses of incoming and outgoing oil are maintained on site for a minimum of three years. Specification analyses must be trackable to oil delivery records.

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Type: Violation  
Rule: 279.57(a)(2)(i)  
Explanation: The company did not maintain any analytical records on site for oil that was shipped to Vertex Energy as on-specification.  
  
The company was not recording the results of Dexsil Q-1000 halogen screening, as required by the analysis plan and this rule.  
Corrective Action: Ensure that all analytical records for incoming and outgoing oil are maintained on site for a minimum of three years. These analyses must be trackable to the acceptance or delivery record.

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Type: Violation  
Rule: 62-710.850(5)(a)  
Explanation: Sixteen used oil filter bins were not stored on a man made surface. Two of the containers were not covered, and several others did not have covers that would protect the contents from rainfall.  
Corrective Action: Ensure that all used oil filter containers are sealed or otherwise protected from the weather. In addition, they must be stored on an oil-impermeable surface. (corrected)

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Type: Violation  
Rule: 62-710.401(6)  
Explanation: Used oil was stored in an open, unlabeled plastic tub next to the facility's east fence line. The tub was not provided with secondary containment and also held at least two oil filters. This is also a violation of 40 CFR 279.54(c) and 279.54(f) (Corrected)  
Corrective Action: The tub was moved into a roofed containment area and prepared for pumping at the time of the inspection. Any container stored outside should be inspected to ensure that oil is not present in the container before placement.

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Type: Violation

Inspection Date: 01/27/2017

Rule: 62-710.600(2)(b)4., 62-710.600(2)(c)

Explanation: Synergy's transporter training records did not indicate that an annual review of used oil management regulations was conducted by the company for the drivers, management personnel or office staff responsible for maintaining records. In addition, no training records were available for a driver hired as a result of the acquisition of SaveServ.

Corrective Action: Ensure that all staff complete a training review of used oil management regulations as well as Synergy's used oil screening procedure, recordkeeping procedures and emergency response procedures within 30 days.

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Type: Violation

Rule: 279.52(b)(4), 279.52(b)(4)(iv)

Explanation: The facility's contingency plan had not been updated since the permit application was deemed complete, and one of the emergency coordinators was no longer working at the facility. (Corrected)

Corrective Action: Ensure that the contingency plan is kept up to date, and that the updated plan is distributed to local authorities in accordance with 49 CFR 279.52(b)(3).

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Type: Violation

Rule: 403.161(1)(b)

Explanation: Noncompliance with General Condition 39 of the facility permit by failing to record inspections at least once per week.

Corrective Action: Create a written record of the daily tank system inspections at least once per week in accordance with the permit.

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Type: Violation

Rule: 62-710.510(1)(d)

Explanation: The facility does not provide a space on its acceptance records to record the source code applicable to the oil. Incoming oil was all classified as automotive by default on the company's annual reports.

Corrective Action: Collect the source code information from the oil provider as required by this rule, and ensure that the information is reported accurately on the facility's annual report.

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**Conclusion:**

Synergy Recycling of Central Florida is not operating in compliance with the requirements of the company's permit or with Florida's used oil management regulations.

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**1.0 - Pre-Inspection Checklist**

## Requirements:

The requirements listed in this section provide an opportunity for the Department's inspector to indicate the conditions found at the time of the inspection. A "Not Ok" response to a requirement indicates either a potential violation of the corresponding rule or an area of concern that requires more attention. Both potential violations and areas of concern are discussed further at the end of this inspection report.

Item No.	Pre-Inspection Review	Yes	No	N/A
1.1	Has the facility notified with correct status? 262.12	✓		
1.2	Has the facility notified of change of status? 62-730.150(2)(b)			✓
1.3	Did the facility conduct a waste determination on all wastes generated? 262.11	✓		



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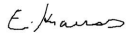
**Signed:**

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.

Elizabeth Knauss

**PRINCIPAL INSPECTOR NAME**

Environmental Consultant

**PRINCIPAL INSPECTOR TITLE****PRINCIPAL INSPECTOR SIGNATURE**

FDEP - SWD

**ORGANIZATION**

02/28/2017

**DATE**

Shannon Kennedy

**Inspector NAME**

ES II

**Inspector TITLE**

FDEP - SWD

**ORGANIZATION**

Michael Stillinger

**Representative NAME**

P.E.

**Representative TITLE**

Imperial Testing

**ORGANIZATION**

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.

Jeff Englin

**Representative NAME**

General Manager

**Representative TITLE**

Synergy Recycling of Central Florida

**ORGANIZATION**

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.

James Clements

**Representative NAME**

Operations Manager

**Representative TITLE**

Synergy Recycling of Central Florida

**ORGANIZATION**

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.

Inspection Date: 01/27/2017

**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.

**Report Approvers:****Approver:** Elizabeth Knauss**Inspection Approval Date:** 02/28/2017

## PENALTY COMPUTATION WORKSHEET

Violator's Name: Synergy Recycling of Central Florida, LLC

Identify Violator's Facility: 3800 W Lake Hamilton Dr. Winter Haven FLR000053611

Name of Department Staff Responsible for the Penalty Computations: Elizabeth Knauss

Warning Letter #: #WL17-02HW53SWD Date: 2/28/2017

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Adjustment	Total
1.	279.56(b)&(c) used oil delivery records not created, inaccurate and/or not on site; delivery by non-notifier	UO 39	Moderate	Major	\$4,599-\$3,200		\$4,599.00
2.	279.55(b) failure to conduct specification testing, failure to comply with the QA rule for testing conducted	UO 164	Moderate	Major	\$4,599-\$3,200	EB= \$2,450.25	\$7,049.25
3.	279.57(a)(2)(i) – analytical records not on site, halogen screening results not recorded	UO 42 UO 161	Moderate	Major	\$4,599-\$3,200		\$3,200.00
4.	62-710.850(5)(a) Sixteen bins of oil filters not closed, not on pavement	UO 130	Minor	Major	\$1,199-\$500	Repeat 2015	\$1,199.00
5.	62-710.401(6) tub with used oil open, outside, not labeled and without containment	UO 103	Minor	Major	\$1,199-\$500	Repeat 2015	\$1,199.00
6.	62-710.600(2) – No annual training in 2016, no documented training for new driver	UO 61	Moderate	Moderate	\$3,199-\$2,000	EB = \$792	\$2,792.00
7.	279.52(b)(4)(iv) – outdated contingency plan	UO 113	Minor	Moderate	\$500	Repeat 2015, 2012	\$500.00
8.	403.161(1)(b) – General Condition 39 inspections not recorded weekly	UO 49	Minor	Minor	\$500	Repeat 2015	\$500.00
9.	62-710.510(1)(d) oil source codes not recorded – automotive by default	UO 38	Minor	Minor	\$500		\$500.00
SUB-TOTAL							\$21,538.25
DEPARTMENT COSTS							\$500.00

**Total Penalties Including Department Costs:** **\$ 22,038.25**

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Mary E. Yeargan, P.G.  
Southwest District Director  
Florida Department of Environmental Protection

\_\_\_\_\_  
Date

WORKSHEET  
RANKING SYSTEM FOR HARM DETERMINATION

FACILITY NAME: Synergy Recycling of Central Florida Date: 2/28/2017

EPA ID No.: FLR000053611 Case #: #WL17-02HW53SWD

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Threats	Total
	279.56(b)	Shipping records	3	8	0	4	2	17
	279.55(b)	Specification testing	3	8	0	4	2	17
	279.57(a)(2)	Analysis Records	3	8	0	4		15
	62-710-850(5)	Oil filter bins	2	8		2		12
	62-710.401(6)	Oil tub	3	1	0	2		6
	62-710.600(2)&(3)	Training	3	8	0	2		13

Harm Ranking Tool	
Nature of Waste	Score
High Hazard (acutely toxic or reactive)	6
Other HW/Universal Waste	4
Used Oil	3
Used Oil Filters	2
Waste Volume	
> 5,000 kg (25 drums) of waste	8
1,000 to 5,000 kg (5 to 25 drums) of waste or > 2.2 lb. of acute HW	5
>100 to 1,000 kg (5 drums) of waste or < 2.2 lb. acute HW	2
< 100 kg/ <25 gal of waste	1
Discharge	
To Surface Water Body or Off Site	12
To Ground Water	8
To Soil or Air	6
To Impervious Surface or Containment	8
De Minimis / Cleanup per 62-780 completed	6
No Discharge	4
Potential Exposures	
>1,000 people	4
101 - 1,000 people	3
10 - 100 people	2
<10 people	1
Additional Threat Factors (select all that apply - use if no discharge observed)	
1. Fire or Explosion Risk	0-4
2. Incompatible Waste Storage	0-4
3. Risk of Employee Exposure above PELs	0-4
4. Container Integrity	0-4
5. Inadequate Provisions for Detecting and Preventing Releases	0-4
Harm Rankings	
SUBSTANTIAL (Major)	Over 20
SIGNIFICANT (Moderate)	13-20
MINIMAL (Minor)	Under 13

## PENALTY JUSTIFICATION / DEVIATION WORKSHEET

FACILITY NAME: Synergy Recycling of Central Florida Date: 3/1/17

EPA ID No.: FLR000053611 Case #: #WL17-02HW53SWD

*Use this worksheet to explain all deviations from the program specific guidelines for characterizing violations and for all violations that do not have a specific penalty guideline included within the Enforcement Manual.*

1. Failure to create shipping records, keep copies of records or fill out records accurately

Although it could be argued that this violation occurred on a minimum of 185 separate days for rail car loading in the past 3 years, a multi day penalty is not being sought for this violation, as alternate records were available off site to enable tracking the company's oil to the ultimate destination.

However, due to the number of days of violation, the District recommends assessing these related violations at the top of the matrix cell range.

- 2 62-710.401(6), 62-710.850(5) Used Oil and Oil Filter Container Management

These violations were cited in 2015 and resolved through informal enforcement. Because of this, and the number of filter containers involved, the District recommends assessing these violations at the top of the matrix cell range.

Potential for Harm - Minor - Based upon the RCRA Program guidelines for ranking harm from violations based on the nature and quantity of waste involved, releases and the number of people potentially affected

Deviation from the Rule - Major - Based upon program guidelines for failure to comply

## ECONOMIC BENEFIT WORKSHEET

FACILITY NAME: Synergy Recycling of Central Florida Date: 3/1/17

EPA ID No.: FLR000053611 Case #: #WL17-02HW53SWD

Economic Benefit = Avoided Costs (1-C) + Delayed Costs (T)

C = Current Corporate Tax Rate = .34

T = IRS Interest Rate = 3% per year

Violation: Failure to comply with Analysis Plan (no analysis is required unless a specification claim is made)

Avoided Costs: Based on Synergy's tank capacity and analysis plan, the maximum size of one batch of oil that could be tested for the used oil specification oil is 85,000 gallons.

Per the 2015 annual report stating the quantity of oil shipped in 2015 as specification fuel, a minimum of 60 analyses should have occurred.

Per the 2016 annual report stating the quantity of oil shipped in 2016 as specification fuel, a minimum of 15 analyses should have occurred.

Vertex Energy's lab is not certified in accordance with the Department's QA rule, or by Louisiana's Environmental Laboratory Accreditation Program. It is not known whether Vertex billed Synergy for analytical services. One commercial lab quoted a price of \$175.00 per sample for a specification analysis

Minimum economic benefit was calculated based on the Department's Central Lab costs

\$49.50 Department cost per analysis (4 metals @ \$8.00 each plus \$17.50 flash point)

X 75 samples  
\$3,712.50

Delayed Costs = \$0

$$EB = (\$3,712.5)(1-.34) + (\$0) = \$2,450.25$$

Violation: Failure to conduct 2016 training in used oil management regulations in Florida

Avoided Costs – Minimum staff, 9 drivers, operations manager, facility manager, office manager = 12

4 hours of class time based on FDEP driver training class @ estimated Avg. \$25.00/hr.

Estimated avoided costs (personnel time) = \$1,200

Delayed Costs = \$0

$$EB = (\$1,200)(1-.34) + (\$0) = \$792$$