



# Florida Department of Environmental Protection

3301 Gun Club Road  
West Palm Beach FL 33406

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Noah Valenstein  
Secretary

Date: Friday, February 9, 2018

Location: Southeast District Office (Biscayne Bay Conference Room) – Teleconference

Case: Ricky's Oil & Environmental Services LLC

EPA ID: FLD981019755

## Agenda

- Introduction
  - o Introduction of SED and Ricky's Oil & Environmental Services LLC representatives present in the teleconference meeting
  - o Review the 02/09/2018 teleconference meeting agenda
  
- Summary of the Case
  - o Review the non-compliance issues observed by the inspector during the 08/03/2017 inspection
  - o Review the efforts of the SED and Ricky's Oil & Environmental Services LLC to address and resolve the non-compliance issues that have occurred prior to the 02/09/2018 teleconference meeting
  - o Review the Department's characterization of the non-compliance issues observed during the 08/03/2017 inspection
  
- Current Situation/Department Interests
  - o Review and discuss the contents of the Warning Letter sent on 01/03/2018
  - o Review and discuss the contents of the penalty calculations spreadsheet
  - o Agree upon the future steps which will be taken by the SED and Ricky's Oil & Environmental Services LLC to resolve the case



## MEETING DOCUMENTATION

Attendees:	Location:	Date/Time:
<p data-bbox="284 478 573 510"><b>DEP Representatives</b></p> <p data-bbox="329 552 529 657">Daniel Lopez Norva Blandin Bridjette Bucell</p> <p data-bbox="224 699 634 762"><b>Ricky's Oil &amp; Environmental Services LLC Representatives</b></p> <p data-bbox="302 804 553 909">Marc Lefebvre Elliott Paul Montinique Buquoi</p>	<p data-bbox="686 478 1089 583">Southeast District (SED) Office Biscayne Bay Conference Room (Teleconference)</p>	<p data-bbox="1122 478 1442 541">Friday, February 9, 2018 10:00 AM EST</p>

Meeting Requested by: FDEP

Meeting Objectives:

- Discussion of the case
- Discussion of the non-compliance issues observed during the inspection
- Agreement upon further steps to take to resolve the case

Notes:

- Ricky's Oil & Environmental Services, LLC (ROES) wishes to discuss the violations that DEP observed during the 08/03/2017 inspection
  - ROES' acceptance and delivery records were missing the EPA ID numbers of its used oil generating clients
  - Emergency Coordinator contact information was not up-to-date in ROES' contingency plan
    - ROES informed the Department that Rick Smerkers serves as the facility's primary Emergency Coordinator
    - ROES informed DEP that local emergency authorities often do not know what to do with the contingency plans that ROES submits to them
  - ROES did not notify local authorities of the facility's updated contingency plan
  - Used oil filter roll-off container was not properly labeled with the words "Used Oil Filters," and was not properly covered/protected from the elements



## MEETING DOCUMENTATION

- ROES detailed its daily used oil filter operations to the Department
  - Seven collection trucks come into ROES facility with used oil and used oil filters (from ROES clients) throughout the afternoon
  - 7-10 drums of used oil filters are brought to the facility on the backs of trucks
  - Contents of the drums (i.e. the used oil filters) are deposited directly into the roll-off container
  - However, facility personnel do not drain the used oil filters prior to their placement in the roll-off container
  - Before the used oil filters are sent to US Foundry, the used oil is drained out of the bottom of the roll-off container
  - Used oil filters are deposited into the roll-off seven times a day, with a total of 60-70 drums of used oil filters placed into the roll-off container each day
- ROES will research other options for structures that could cover roll-off container (e.g. a tarp that can be moved on/off the roll-off more easily)
- DEP informed ROES that the SED's decisions involving the facility's violations are based upon the Department's desire for consistency across the state
- ROES will tarp the roll-off when not in active use
- ROES is concerned about ECHO's classification of the facility as a "Significant Non-Complier"
  - ROES informed the Department that the facility handles the used oil and used oil filters of 60-70% of the auto dealers in the state of Florida
  - Therefore, ROES is concerned that this classification will damage the facility's reputation (i.e. in the eyes of the facility's customers)
  - DEP explained to ROES that the classification is the standard classification for any facilities with which the Department is pursuing enforcement
  - ROES is concerned about the facility's competitors being able to avoid complying with regulations
  - DEP ensured ROES that the Department holds all Used Oil Transporters/Processors operating in the state of Florida are held to the same regulatory standards
  - ROES informed the Department that the facility is a Used Oil Processor due to its total tank capacity of 25,000+ gallons
    - All oil collected at the facility is eventually shipped to ROES' main processing facility in Georgia



## MEETING DOCUMENTATION

- Mr. Paul wishes to resolve the case, but is concerned about the penalty amounts
  - ROES is working with the personnel working at the Miami facility to ensure that generator EPA ID numbers are on manifests
  - DEP informed the inspectors that regulatory updates will come into effect soon, but the updates will mainly involve hazardous waste
  - Wishes to reduce the penalties to \$2,000 total (a 30% reduction, and the amount includes the Department costs)
  - Before any adjustments, DEP explained to ROES that the penalties are already low
    - The Department is using ELRA (Environmental Litigation Reform Act) base penalties, which are reduced penalties that can be applied to used oil violations involving Used Oil Transporters/Processors
  - Therefore, based upon the fact that ROES' ELRA penalties were already quite low, the Department argued that the cumulative penalty amount could not be reduced below \$2,600
  - ROES responded that the \$2,600 total penalty amount is acceptable, but the facility wishes that the Significant Non-Complier classification be removed from ECHO as quickly as possible
  - DEP informed ROES that any penalty reductions must be based upon justifiable reasons
  - ROES then requested if the Violations #2 and #3 can be combined, and – as a consequence of the combination – that the total penalty amount be \$550
  - Department agreed that Violations # 2 and #3 (which both involved the facility's Contingency Plan) can be justifiably combined, as the two (2) violations involve the same document
    - Violation penalty amounts for these two (2) violations will be combined into a total of \$1,000 (which is a \$550 reduction from the original \$3,150 proposed penalty amount)
      - Violation #3 penalty amount of \$550 was removed (via the violation's combination with Violation #2)

### Agreements/Conclusions:

- ROES and the Department agreed upon a final penalty amount of \$2,600 (which includes \$500 in Department Costs/Expenses)
- DEP will send a Short Form Consent Order (SFCO) to ROES by February 13, 2018
- Upon receiving the SFCO, ROES can pay the penalties (via submittal of a check to the Department)



## **MEETING DOCUMENTATION**

- Once the check is received by the Department, the enforcement case will be officially resolved
  - Once resolved, the enforcement case can be formally closed, and ROES' classification as a Significant Non-Complier can then be removed from ECHO
- Mr. Paul ensured the Department that all the violations observed during the inspection have been corrected, and that all efforts will be made to ensure that none of these violations will occur at the facility again
  - Mr. Paul also assured the Department that the agreed-upon penalties will be promptly paid

### Follow-up Actions/Dates:

- DEP informed ROES that the Department is planning a regulatory refresher seminar for all Used Oil Transporters/Processors that operate in the SED
- Enforcement case will be resolved by next week (i.e. by 02/13/2018)

### Enforcement Meeting with Ricky's Oil

Timestamp	First Name	Last Name	Position/title	Email	Phone Number
2/9/2018 9:35	marc	lefebvre	Engineer	mlefebvre@mas-env.com	954 520-3766
2/9/2018 10:15	Elliott	Paul	Managing Member	epaul@synergyrecycling.org	954 6164101