



Florida Department of Environmental Protection

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Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Noah Valenstein
Secretary

March 16, 2018

VIA ELECTRONIC MAIL

Michael Schorr, Environmental, Health and Safety Manager
Avista Oil Group
411 Dividend Drive
Peachtree City, Georgia 30269
E-mail: mschorr@universalenviro.com

Re: Warning Letter
Universal Environmental Services LLC – Fort Myers
Facility ID No. FLR000225029
Lee County

Dear Mr. Schorr:

A used oil program inspection was conducted at your facility on February 13, 2018 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:

- Universal Environmental Services LLC (UES) operated a used oil transfer facility from October 2017 to January 23, 2018 prior to being registered with the Department.
- The impervious coating/sealant on the concrete floor and walls of the used oil storage tanks concrete secondary containment structure was worn off; and there were cracks in the floor and walls.

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 Karen Bayly at 239/344-5616, 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.

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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 "J. Iglehart", with a horizontal line extending to the right.

Jon M. Iglehart
Director of District Management

JMI/KB

ec: Kent Rittscher, UES, Area Manager – Florida Region (krittischer@universalenviro.com)
Pat McCaig, Edison Oil Company (patm@edisonoil.com)



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

FACILITY INFORMATION:

Facility Name: Universal Environmental Services LLC
On-Site Inspection Start Date: 02/13/2018 **On-Site Inspection End Date:** 02/13/2018
ME ID#: 127125 **EPA ID#:** FLR000225029
Facility Street Address: 6940B Mission Ln, Fort Myers, FL 33916-4862
Contact Mailing Address: 411 Dividend Dr, Peachtree City, GA 30269-1940
County Name: Lee **Contact Phone:** (678) 544-2915

NOTIFIED AS:

Non-Handler

Used Oil

INSPECTION TYPE:

Routine Inspection for Used Oil Transfer Facility facility
Routine Inspection for Used Oil Transporter facility

INSPECTION PARTICIPANTS:

Principal Inspector: Karen R. Bayly, Environmental Consultant
Other Participants: Nereida Hernandez, Environmental Specialist II; Michael Schorr, EHS Manager; Kent Rittscher, Area Manager; Pat McCaig, Project Manager

LATITUDE / LONGITUDE: Lat 26° 38' 34.404" / Long 81° 49' 57.1728"

SIC CODE: 5093 - Wholesale trade - scrap and waste materials

TYPE OF OWNERSHIP: Private

Introduction:

A compliance evaluation inspection was conducted at Universal Environmental Services LLC [UES/facility] on February 13, 2018 to verify the facility's compliance status with state and federal used oil rules and regulations. This is the first FDEP hazardous waste/used oil inspection conducted at UES. The following is a summary of my observations.

UES submitted an initial 8700-12FL notification on 11-17-17 as a used oil transporter (UOT) and used oil transfer facility (UOTF) and was issued a registration certificate and associated EPA ID# on 1-23-18. According to the notification, UES began operating at this location on 10-1-17. As part of their registration, UES submitted an annual report for 2017 which reflects 117,097 gallons of used oil was transported to/from the facility October - December 2017. The current registration expires 6-30-19.

The property is owned by Edison Oil Company (EOC). EOC is a bulk oil storage facility. UES leases three 15,000 gallon aboveground storage tanks from EOC to operate a UOTF. The storage tank system (Facility ID 8519437) is registered to EOC. The tank registration reflects the three leased tanks (#s1,2 and 4) contain 'new/lube oil' and should be revised to 'used oil'. The tank system was last inspected by Lee County Division of Natural Resources on 5-7-15 and determined to be in compliance. EOC maintains financial assurance for the tank system and was verified to be current [3-21-17 to 3-21-18] at the time of the inspection. UES also maintains financial assurance and verified to be current [1-1-18 to 1-1-19].

All records associated with UES are maintained by Michael Schorr, Avista Oil Group Environmental Safety & Health Manager, in Peachtree City, Georgia. Prior to the inspection, Mr. Schorr was contacted regarding this inspection. Upon arriving at the facility, I reviewed the purpose of the inspection with Mr. Schorr and Ken Rittscher, UES Florida Area Manager. Mr. Schorr and Mr. Rittscher provided us access to conduct the inspection and were present throughout the inspection. Mr. Pat McCaig of EOC was also present and participated in the inspection.

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Process Description:

UES operates as a used oil transporter and transfer facility. Used oil is picked up from generators, Monday - Friday, and transported to this facility for consolidation and eventual transport to the UES re-refinery facility in Peachtree City, Georgia [EPA ID# GAR000020131]. According to the UES representatives, this facility maintains one truck and one driver for pick-ups from generators. The truck has two compartments: 3,900-gallons and 500-gallons for a total capacity of 4,400-gallons. Mr. Schorr indicated that they primarily pick up used oil but may occasionally pick up used antifreeze and oily water. No used oil filters are transported or stored at this facility.

At the time of the inspection, the truck and driver were not at the facility. According to UES representatives, the transporter registration form and EPA Identification number are maintained in the truck, as well as proper emergency response and spill equipment. Halogen leak detectors (sniffers) are used at every generator location. If the sniffer detects the presence of halogenated compounds, a Chlor-D-Tect test is conducted. UES representatives indicated they have not detected any exceedances greater than 1000 ppm at any generators. According to Mr. Schorr, the sniffer is checked each morning as a part of the driver's pre trip inspection. Employees receive hands on ride along training by a UER trainer upon hire that include testing requirements for used oil, use of the sniffer and Chlor-D-Tect kits.

The driver maintains a daily Route Truck Load Report which documents the date, customer name and gallons of used oil, used antifreeze and oily water picked up. According to the UES representatives, upon returning at the end of the day, the driver will test the used oil before off-loading. A 'daily oil report' is maintained documenting the date, truck number, gallons off-loaded, halogen results, percent water, tank # loaded and the driver initials. The truck is off-loaded at the end of each day and parked at the other EOC location at 2612 Edison Ave., Fort Myers.

An 'Outbound Transfer Report' is maintained documenting the date/volume of bulk used oil removed from the facility and transported to the UES Georgia facility. Records reflect approximately 6,000-gallons of used oil is transported to Georgia 1-2 times a week where it is re-refined.

Bermed visqueen is maintained outside the containment structure where the truck parks to off/on-load used oil (see photo 5). What appeared to be petroleum staining was evident on plywood situated on the visqueen (see photo 6). It was discussed that at some point, the bermed visqueen will accumulate rain and the oily water will need to be properly managed and disposed. It was also discussed that all trucks should be properly maintained to prevent oil drips; and any spills or releases occurring from off/on-loading used oil outside of the containment area should be addressed immediately. A spill kit containing absorbent, gloves, etc. is maintained in the containment area (see photo 7). Oily absorbent pads are collected in a closed container labeled used oil filters only. The container is transported to the UES Ocala facility via the Ft. Lauderdale UES facility's box truck.

Each storage tank has a designated fill port and drain port (see photo1). The ports are labeled with the associated tank number and 'in' and 'out' (see photo 2). Directly beneath the ports is a grated containment tray and metal cover. The tray is situated within the tank containment structure. The cover is moved when off/on-loading used oil to collect any incidental drips, spills, etc. in the tray. At the time of the inspection, the tray appeared to contain several inches of used oil (see photo 3). Used oil is pumped out of the tray as needed into a 250-gallon closed/labeled storage tote situated within the tank containment structure (see photo 4).

Each storage tank is an aboveground, horizontal mounted, single-walled tank that is 15,000-gallon in capacity (see photo 13). The tanks and piping are labeled used oil, UES and numbered. Each tank is equipped with a gauge to visually determine the tank volume.

The tanks are situated within a concrete block secondary containment structure. Cracks were noted in the floor and walls of the containment structure (see photos 8-10, 14-16)). It also appeared that the sealant has worn off the floor and walls of the structure. Mr. McCaig indicated that the containment structure was recently pressured washed. Rainwater that collects in the containment structure is discharged via a drain sump located in the southwest corner of the containment structure (see photo 11). The drain port/valve is maintained closed and is located outside the containment structure (see photo 12). If the rainwater has a sheen, absorbent pads are used to remove the sheen prior to discharging. It was not discussed during the inspection however it is recommended to routinely inspect/ensure the drain port/valve is in the closed position

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when not discharging rainwater and to maintain a lock on the drain port/valve to ensure it remains closed.

Acceptance/delivery records, Used Oil Compliance Training manual, training records and Transporter Contingency Plan were reviewed subsequent to the inspection. UES drivers issue a receipt to generators from their phone at the time of the pick-up. Generators can also print a complete receipt from the UES portal. It was noted that receipts issued in December 2017 noted 'UES - Ft Myers, FL EPA: FLR000225029' as the designated destination facility. Mr. Schorr indicated that he had checked the FDEP database after submitting the initial 8700-12FL notification and that an EPA ID# had been generated and the facility was listed on the FDEP registered used oil handlers list; therefore began using the number. The facility's Spill Prevention, Control and Countermeasure is maintained at the facility and not reviewed at the time of the inspection.

New Potential Violations and Areas of Concern:

Violations

Type:	Violation
Rule:	62-710.500(1)(a)
Explanation:	Used oil transporters and transfer facilities are required to annually register their used oil handling activities with the Department. UES began operating a used oil transporter and transfer facility at this property in October 2017 and failed to register with the Department.
Corrective Action:	UES submitted an initial 8700-12FL notification on 11-17-17 as a UOT and UOTF and was issued a registration certificate and associated EPA ID# on 1-23-18.
<hr/>	
Type:	Violation
Rule:	279.45(e)(2)
Explanation:	The entire containment system, including walls and floors, must be sufficiently impervious to use oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water. The coating/sealant on the concrete floor and walls of the storage tank containment structure has worn off; and there are cracks in the floor and walls.
Corrective Action:	The cracks and entire containment structure needs to be resealed with an impervious sealant. See photos 8-10 and 14-16. Subsequent to the inspection, Mr. McCaig provided specs for the sealant/primer to be used to re-seal the containment structure; and will be completing the corrective actions.

PHOTO ATTACHMENTS:

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Photo 1 - tank fill/drain ports



Photo 2 - tank #4 ports



Photo 3 - containment tray



Photo 4 - used oil tote



Photo 5 - bermed visqueen



Photo 6 - stained plywood



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Photo 7 - spill kit



Photo 8 - cracks in containment floor



Photo 9 - crack in containment wall



Photo 10 - crack in containment wall



Photo 11 - drain sump



Photo 12 - drain port/valve



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Photo 13 - storage tanks



Photo 14 - cracks in containment floor



Photo 15 - cracks in containment floor



Photo 16 - cracks in containment floor



Conclusion:

The current tank registration reflects the three leased tanks #1,2 and 4 contain 'new/lube oil'. EOC should revise their tank registration to accurately reflect the contents of the storage tanks [including tank #3].

It is recommended to routinely inspect/ensure the drain valve is in the closed position when not discharging rainwater and to maintain a lock on the drain valve to ensure it remains closed.

The container storing oily absorbent pads should be labeled according to its contents.

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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.

Note: Checklist items with shaded boxes are for informational purposes only.

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.

Karen R. Bayly

Principal Inspector Name

Environmental Consultant

Principal Inspector Title**Principal Inspector Signature**

DEP

Organization

03/15/2018

Date

Nereida Hernandez

Inspector Name

Environmental Specialist II

Inspector Title

FDEP

Organization

Michael Schorr

Representative Name

EHS Manager

Representative Title

UES

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.

Kent Rittscher

Representative Name

Area Manager

Representative Title

UES

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.

Pat McCaig

Representative Name

Project Manager

Representative Title

Edison Oil

Organization

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Inspection Date: 02/13/2018

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Report Approvers:**Approver:** Karen R. Bayly**Inspection Approval Date:** 03/15/2018