

**From:** [Michael Folan](#)  
**To:** [Mitchell, Cheryl L](#)  
**Cc:** [Wanda Bugielski](#); [David Klotter](#); [Ly Harris](#); [Paul E. Palmer](#); [Andy Moats](#); [Michael B Trammell](#)  
**Subject:** RE: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)  
**Date:** Friday, October 14, 2022 12:40:16 PM  
**Attachments:** [image001.jpg](#)  
[image003.jpg](#)

---

Ms. Mitchell,

As requested, here is an update on the compliance efforts at the HEPACO Jacksonville facility.

Violation 1: completed

Violations 2-5: In reviewing our historical logs and our internal process when transporting petroleum contact water (PCW), HEPACO believes that the 2 used oil shipments from 2019, 4 used oil shipments from 2020 and 3 used oil shipments from 2021 fall into one of the categories defined below, making these shipments petroleum contact water vs. used oil. HEPACO is in the process of refining our procedure to improve these determinations.

- Condensate from underground and aboveground petroleum tanks.
- Water bottoms or drawdown water removed from a petroleum storage tank system as defined in Chapters 62-761 and 62-762, F.A.C.
- Spill containment and/or secondary containment areas associated with petroleum tank storage, petroleum transportation, and petroleum distribution systems which are product, or water in contact with product which displays a visible sheen; however, stormwater that displays a visible sheen in a spill containment and/or secondary containment area associated with a diesel or No. 2 fuel storage tank, transportation or distribution system is not PCW.
- Petroleum tank filler sump and dispenser sump water.
- Recovered product or water in contact with product, which does not contain hazardous constituents other than petroleum, from first response actions to petroleum spills or from petroleum contamination site cleanups conducted under Chapter 62-770, F.A.C.
- Aboveground petroleum tank seal leakage water.
- Pumpable liquids from petroleum tank cleaning operations.

When transporting PCW, HEPACO maintains the following requirements.

- HEPACO is licensed as a hazardous waste transporter.
- As a transporter, HEPACO does not store petroleum contact water for more than 35 days.
- HEPACO maintains an operating record of PCW related activities for 3 years. The information includes (a) Name and location of the person shipping the PCW. (b) Date the PCW was picked up. (c) Volume of the PCW transported. (d) Name and location of the person receiving the PCW. (e) Delivery date of the PCW. (f) A copy of the shipping paper used for the shipment of the PCW.

Violation 6: Use of the term petroleum contact water vs PCW will be addressed via waste training for all HEPACO Jacksonville personnel.

Additional actions being taken by HEPACO

- Finalize tool in the form of a flowchart to assist HEPACO personnel in determining PCW vs. used oil
- Finalize and implement updated process around waste oil transportation. This would be specific to used oil, when a material does not meet the PCW material and include necessary analytical, training and documentation.
- Training for all HEPACO Jacksonville personnel on non-hazardous manifests and proper shipping names, specifically the use of petroleum contact water vs. PCW.

We will continue to provide updates as we refine our process to ensure compliance. We will plan to provide an additional update in another 2 weeks.

Thank you and please let me know if you any questions.

---

**From:** Mitchell, Cheryl L <[Cheryl.L.Mitchell@FloridaDEP.gov](mailto:Cheryl.L.Mitchell@FloridaDEP.gov)>  
**Sent:** Thursday, October 13, 2022 1:46 PM  
**To:** Michael Folan <[mfolan@hepaco.com](mailto:mfolan@hepaco.com)>  
**Cc:** Wanda Bugielski <[wbugielski@hepaco.com](mailto:wbugielski@hepaco.com)>; David Klotter <[dklotter@hepaco.com](mailto:dklotter@hepaco.com)>; Ly Harris <[lharris@hepaco.com](mailto:lharris@hepaco.com)>; Paul E. Palmer <[ppalmer@hepaco.com](mailto:ppalmer@hepaco.com)>; Andy Moats <[AMOATS@hepaco.com](mailto:AMOATS@hepaco.com)>  
**Subject:** RE: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

Thank you!

r/  
Cheryl

---

**From:** Michael Folan <[mfolan@hepaco.com](mailto:mfolan@hepaco.com)>  
**Sent:** Wednesday, October 12, 2022 8:19 PM  
**To:** Mitchell, Cheryl L <[Cheryl.L.Mitchell@FloridaDEP.gov](mailto:Cheryl.L.Mitchell@FloridaDEP.gov)>  
**Cc:** Wanda Bugielski <[wbugielski@hepaco.com](mailto:wbugielski@hepaco.com)>; David Klotter <[dklotter@hepaco.com](mailto:dklotter@hepaco.com)>; Ly Harris <[lharris@hepaco.com](mailto:lharris@hepaco.com)>; Paul E. Palmer <[ppalmer@hepaco.com](mailto:ppalmer@hepaco.com)>; Andy Moats <[AMOATS@hepaco.com](mailto:AMOATS@hepaco.com)>  
**Subject:** RE: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

Ms. Mitchell,

We will provide an update by the end of the week.

---

**From:** Mitchell, Cheryl L <[Cheryl.L.Mitchell@FloridaDEP.gov](mailto:Cheryl.L.Mitchell@FloridaDEP.gov)>  
**Sent:** Wednesday, October 12, 2022 2:46 PM  
**To:** Michael Folan <[mfolan@hepaco.com](mailto:mfolan@hepaco.com)>  
**Cc:** Wanda Bugielski <[wbugielski@hepaco.com](mailto:wbugielski@hepaco.com)>; David Klotter <[dklotter@hepaco.com](mailto:dklotter@hepaco.com)>; Ly Harris <[lharris@hepaco.com](mailto:lharris@hepaco.com)>; Paul E. Palmer <[ppalmer@hepaco.com](mailto:ppalmer@hepaco.com)>; Andy Moats <[AMOATS@hepaco.com](mailto:AMOATS@hepaco.com)>

**Subject:** RE: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

**Importance:** High

Mike – I haven't seen any responses regarding the corrective action status your acknowledgement that you were working on those in your August 1<sup>st</sup> email below. The DEP/EPA timeline for resolution of secondary violations, as those listed in HEPACO's inspection report, must be resolved no later than 240 days after the inspection which is November 18<sup>th</sup>. Otherwise, DEP may have to pursue resolution through enforcement actions and penalties.

Please provide a status on HEPACO's corrective actions this week. I will need time to review your responses and potentially request additional data. Thank you,

r/  
Cheryl  
904-256-1620

---

**From:** Michael Folan <[mfolan@hepaco.com](mailto:mfolan@hepaco.com)>

**Sent:** Monday, August 1, 2022 2:59 PM

**To:** Wanda Bugielski <[wbugielski@hepaco.com](mailto:wbugielski@hepaco.com)>; David Klotter <[dklotter@hepaco.com](mailto:dklotter@hepaco.com)>; Ly Harris <[lharris@hepaco.com](mailto:lharris@hepaco.com)>; Paul E. Palmer <[ppalmer@hepaco.com](mailto:ppalmer@hepaco.com)>; Mitchell, Cheryl L <[Cheryl.L.Mitchell@FloridaDEP.gov](mailto:Cheryl.L.Mitchell@FloridaDEP.gov)>; Andy Moats <[AMOATS@hepaco.com](mailto:AMOATS@hepaco.com)>

**Subject:** RE: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

Ms. Mitchell,

Hepaco is in receipt of the letter dated July 5, 2022, that outlines areas of concern from the March 23, 2022, compliance inspection at our Jacksonville, FL branch. Our Health, Safety and Environmental group as well as our Jacksonville operations group has reviewed, and we have ongoing corrective actions specific to the areas of concern. We will update with specifics as those items are addressed. If any additional information is needed in the interim, please feel free to contact me .

Regards,

Mike Folan

## **Mike Folan, MSPH, CIH, CHMM**

**Vice President, HSE**

**HEPACO, LLC | Corporate Office**

**9335 Harris Corners Parkway, Suite 220 | Charlotte, NC 28269**

**Main: 704.598.9782 | Direct: 704.494.2101 | Cell: 704.614.1509**

**[www.hepaco.com](http://www.hepaco.com)**

**24 Hour Emergency Response**

**1-800-888-7689**

---

**From:** Wanda Bugielski <[wbugielski@hepaco.com](mailto:wbugielski@hepaco.com)>  
**Sent:** Wednesday, July 20, 2022 12:46 PM  
**To:** David Klotter <[dklotter@hepaco.com](mailto:dklotter@hepaco.com)>; Ly Harris <[lharris@hepaco.com](mailto:lharris@hepaco.com)>; Paul E. Palmer <[ppalmer@hepaco.com](mailto:ppalmer@hepaco.com)>; Michael Folan <[mfolan@hepaco.com](mailto:mfolan@hepaco.com)>  
**Subject:** Fwd: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

Get [Outlook for iOS](#)

---

**From:** Mitchell, Cheryl L <[Cheryl.L.Mitchell@FloridaDEP.gov](mailto:Cheryl.L.Mitchell@FloridaDEP.gov)>  
**Sent:** Wednesday, July 20, 2022 12:43:31 PM  
**To:** Andy Moats <[AMOATS@hepaco.com](mailto:AMOATS@hepaco.com)>  
**Cc:** Patricia Tubby <[ptubby@hepaco.com](mailto:ptubby@hepaco.com)>; Wanda Bugielski <[wbugielski@hepaco.com](mailto:wbugielski@hepaco.com)>; Michael B Trammell <[mtrammell@hepaco.com](mailto:mtrammell@hepaco.com)>  
**Subject:** RE: DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

Hey Andy - I just wanted to follow-up w/you on the report and the req'd corrective actions. The 30-days listed in the cover letter is just for you to let me know y'all are working on the actions. You don't have to complete the actions w/in that time, just let me know you're working on them. You have several months to work on completing the actions, at least through mid-October if needed. I can review the report and req'd actions w/you and/or whoever is responding as needed, just let me know when is convenient. Thank you,

r/  
Cheryl  
904-256-1620

---

**From:** DEP\_NED <[DEP\\_NED@dep.state.fl.us](mailto:DEP_NED@dep.state.fl.us)>  
**Sent:** Tuesday, July 5, 2022 8:13 AM  
**To:** [amoats@hepaco.com](mailto:amoats@hepaco.com)  
**Cc:** DEP\_NED <[DEP\\_NED@dep.state.fl.us](mailto:DEP_NED@dep.state.fl.us)>; [ptubby@hepaco.com](mailto:ptubby@hepaco.com); [wbugielski@hepaco.com](mailto:wbugielski@hepaco.com); [mtrammell@hepaco.com](mailto:mtrammell@hepaco.com); Richards, Jean <[JeanR@coj.net](mailto:JeanR@coj.net)>; Petry, Joni <[Joni.Petry@FloridaDEP.gov](mailto:Joni.Petry@FloridaDEP.gov)>; Bradshaw, Bonnie M. <[Bonnie.Bradshaw@floridadep.gov](mailto:Bonnie.Bradshaw@floridadep.gov)>; Mitchell, Cheryl L <[Cheryl.L.Mitchell@FloridaDEP.gov](mailto:Cheryl.L.Mitchell@FloridaDEP.gov)>; Ammon, Pamela <[Pamela.Ammon@FloridaDEP.gov](mailto:Pamela.Ammon@FloridaDEP.gov)>  
**Subject:** DEP Mail / INSPECTION REPORT FINAL - CAOW (HEPACO, LLC)

Greetings,

The Department of Environmental Protection is using electronic correspondence rather than paper mail to deliver documents faster while reducing costs and waste. Please click on the link below to access the above referenced document in OCULUS, the Department of Environmental Protection's electronic document management system.

[https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&\[guid=2.480992.1\]&\[profile=Discovery\\_Combpliance\]](https://depdms.dep.state.fl.us:443/Oculus/servlet/shell?command=getEntity&[guid=2.480992.1]&[profile=Discovery_Combpliance])

**To access the documents in OCULUS:**

1. Click on the link to open OCULUS at the Login screen.
2. Click on PUBLIC OCULUS login to view the search results screen.
3. Click the arrow button next to *view* in the Operations drop-down menu to open and view the document in its native format. Most OCULUS documents are in .pdf format. Acrobat Reader is required to read the document. The free reader can be downloaded from <http://www.adobe.com/products/reader.html>.
4. Please save the document instead of opening directly; please note large files may take longer to load if you open directly

If you are interested in reviewing documents from the Department's Information Portal, you can access the portal at <http://webapps.dep.state.fl.us/DepNexus/public/search-portal>. Thank you for your attention to this matter. .

Sincerely,

Florida Department of Environmental Protection  
Northeast District Office

***PLEASE NOTE:*** Florida has a very broad public records law. Electronic communications regarding state business are public records available upon request. Your e-mail communications may therefore be subject to public disclosure.