



Florida Department of Environmental Protection

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

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard, Jr
Secretary

July 13, 2011

ELECTRONIC MAIL
kav55@aol.com

WARNING LETTER
OWL-HW-11-018

Mr. Ronald C. Patterson, Jr., President
Fuels Unlimited, Inc.
Post Office Box 259
Sanford, Florida 32772

Seminole County-HW
Fuels Unlimited, Inc.
FLR000050369

Dear Mr. Patterson:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste and used oil compliance inspection was conducted at your facility located at 509 S. French Ave., Sanford, on May 10, 2011. The inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with Title 40 Code of Federal Regulations (CFR) Parts 260 - 268, adopted in Florida Administrative Code [Fla. Admin. Code] Chapter 62 - 730, and 40 CFR 279, adopted in Fla. Admin. Code Chapter 62 - 710.

During the inspection, possible violations of Florida Statutes and Rules were noted. These violations are set forth in "New Potential Violations and Areas of Concern" section of the attached inspection report.

The activities observed during the Department's field inspection and any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately.

Please contact Michael Eckoff, Hazardous Waste Section, by telephone at (407) 897-4308 or by e-mail at michael.eckoff@dep.state.fl.us within 10 days of receipt of this Warning Letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any

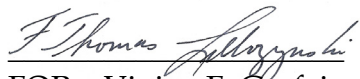
www.dep.state.fl.us

violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, dated September 2004, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



FOR Vivian F. Garfein
Director, Central District

VFG/me

Attachments: RCRA Inspection Report
Penalty Computation Worksheet

cc: Debby Valin, Pollution Prevention Coordinator, FDEP – Central District, debby.valin@dep.state.fl.us
Glen Perrigan, Hazardous Waste Regulation, FDEP – Tallahassee, glen.perrigan@dep.state.fl.us
Tom Waters, Seminole County Environmental Services, twaters@seminolecountyfl.gov



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

FACILITY INFORMATION:

Facility Name: Fuels Unlimited Inc

On-Site Inspection Start Date: 05/10/2011

On-Site Inspection End Date: 05/10/2011

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 Transporter facility

Routine Inspection for Used Oil Processor facility

Routine Inspection for Used Oil Transfer Facility

Routine Inspection for Used Oil Marketer facility

Routine Inspection for Non-Handler facility

INSPECTION PARTICIPANTS:

Principal Inspector: Michael Eckoff, Inspector

Other Participants: Janine Kraemer, Environmental Manager; Ronald C. Patterson, Jr., 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 May, 10, 2011, Michael Eckoff and Janine Kraemer, Florida Department of Environmental Protection (FDEP), accompanied by Ronald C. Patterson, Jr., Fuels Unlimited Inc (Fuels Unlimited), conducted an inspection at Fuels Unlimited for compliance with state and federal hazardous waste and used oil regulations. 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 expired on June 30, 2010 [62-710.600(2)(a), Florida Administrative Code (F.A.C.), 62-710.500(1)(a), F.A.C., 62-710.600(1), F.A.C., 62-710.500(1)(c), F.A.C., 62-710.850(3)(a), F.A.C., 62-710.850(3)(b), F.A.C., 62-710.850(3)(c), F.A.C., and 62-710.800(2), F.A.C./403.161(1)(b), Florida Statutes (F.S.)]. As of July 6, 2011, the Department has not received registration documents from the facility.

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-001 on March 26, 2007, which expires on March 26, 2012.

INSPECTION HISTORY

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

Inspection Date: 05/10/2011

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.

The facility, under a previous owner/operator, was inspected by the Department's Hazardous Waste Program in January 2005 and was not in compliance. The facility was found to have an on-site used oil storage capacity of greater than 25,000 gallons which required the facility to obtain a used oil processor permit from the Department. The following violations were cited: Rule 62-710.210(2), Florida Administrative Code (F.A.C.) / Title 40 Code of Federal Regulations (40 CFR) 279.54(f) - "Used Oil" label requirements; Rule 62-710.210(2), F.A.C. / 40 CFR 279.56(a) - Record keeping requirements; and Rule 62-710.800 F.A.C. - Failure to obtain a used oil processor permit. A Short Form Consent Order, OGC case number 05-1932, was executed on August 30, 2005, resolving violations identified during this inspection. The settlement included payment of \$4,000 in penalties.

Process Description:

Fuels Unlimited is a used oil broker operating on 0.39 acres of land. Oil is stored in aboveground storage tanks on site. Used oil is either picked up 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. Fuels Unlimited has three collection drivers. Mr. Patterson stated the drivers test the used oil for halogens upon pick up at the generator, test the used oil again for halogens upon arrival at the facility, and test the used oil for halogens with an outside laboratory prior to shipping off-site. Mr. Patterson stated the drivers have "sniffers" and Dexsil kits on their trucks.

NOTE: The inspectors asked Mr. Patterson if used oil analytical testing was still being conducted on-site, Mr. Patterson stated it was not and that a contract laboratory was conducting the analysis. Please provide documentation of how the facility is fulfilling the requirements of Specific Conditions, Part II, Number 1 of the permit.

Fuels Unlimited does not perform any used oil processing on-site. The facility consists of an office, nine above ground tanks, an equipment shed, a spill control shed, and a used oil transfer area. The facility previously had eleven above ground tanks on-site, two have been removed. Of the nine above ground storage tanks, eight are active. Six active tanks have a combined storage capacity of 112,000 gallons of used oil. One active tank has the storage capacity of 5,000 gallons of Petroleum Contact Water (PCW). One active tank has the storage capacity of 5,000 gallons of used antifreeze.

NOTE: While reviewing records, the inspectors asked Mr. Patterson about the management of PCW. Mr. Patterson stated he does not manage PCW but oily wastewater. The inspectors informed Mr. Patterson that PCW and oily wastewater are not the same and to properly identify wastes. The reference to PCW in the above paragraph is actually oily wastewater and will be identified as such in the remainder of this report.

On-specification (on-spec) used oil is shipped to Baldwin Paving, an asphalt plant, for use. Oily wastewater is shipped to LES in Jacksonville. Used antifreeze is shipped to MMT in Lakeland for recycling.

INSPECTION NARRATIVE

Used oil is off-loaded from trucks in a bermed area. Any releases during off-loading are placed in a labeled 55-gallon drum. Filters removed from trucks are placed in one of two labeled 55-gallon drums. Used absorbents are placed in a labeled 55-gallon drum.

A 900-gallon two compartment tanker truck was stationed near the off-loading area. The tanker truck was properly labeled but was not provided with secondary containment [62-710.401(6), F.A.C.]. Mr. Patterson stated the tank is used to separate oil from antifreeze. The tanker is being used to process used oil; therefore, the Department considers this a tank. The stationary tanker truck did not meet Chapter 62-762, F.A.C., and permit requirements [62-762.401(1)(a), F.A.C. and 62-710.800(2), F.A.C./Specific Conditions Part I No. 12/403.161(1)(b), F.S.].

Inspection Date: 05/10/2011

Spill Control Trailer

Located within the trailer were three labeled 55-gallon drums of used oil filters, ten unlabeled 55-gallon drums of sludge from clean up sites, and one labeled 55-gallon drum of used absorbents. Mr. Patterson stated there were analyticals for the drums of sludge but could not cross reference analytical results with the drums [40 CFR 262.11]. Please provide the Department with any analytical results.

Tank Farm

All tanks are provided with secondary containment.

Tanks 1-6, as listed in the permit, are used to store used oil and were properly labeled. Tanks 7 and 8 are listed in the permit as "Not in Use" [62-710.800(2), F.A.C./General Conditions No. 2/403.161(1)(b), F.S.], but one tank was storing spent antifreeze and the other oily wastewater. Tank 9, as listed in the permit, is still not in use. Tanks 10 and 11 have been removed from the property.

Records

Eight tanks are currently registered with an expiration date of June 30, 2011.

The facility had posted an expired used oil registration [62-710.500(4), F.A.C.].

Emergency spill response procedures was posted.

In-bound shipments of used oil from generators did not have the generator EPA Id No. for facilities who had received an EPA ID No. from FDEP [40 CFR 279.46(a)(2) and 62-710.510(1)(b), F.A.C.].

The Contingency Plan needs to be updated: Karen Dennis is listed as a current employee, she no longer works for the facility; two drivers are listed, the facility has three drivers; and eleven tanks are listed, the facility only has nine tanks. [62-710.800(2), F.A.C./Specific Conditions Part I No. 28(c)/403.161(1)(b), F.S.].

Proof of notification to local authorities was not available [40 CFR 279.52(a)(6) and 62-710.800(2), F.A.C./Specific Conditions Part I No. 27(e)/403.161(1)(b), F.S.].

Emergency coordinators, Mr. Patterson or Karen Violet, did not know the location of all records within the facility [40 CFR 279.52(b)(5) and 62-710.800(2), F.A.C./Specific Conditions Part I No. 28(d)/403.161(1)(b), F.S.].

Records reviewed from Con-Way Freight indicated PCW was picked up by Fuels Unlimited. The inspectors asked Mr. Patterson how the PCW was managed. Mr. Patterson stated it was oily wastewater from a truck washing operation. Records reviewed from LES indicated PCW was shipped to them for treatment. The inspectors informed Mr. Patterson that PCW is not the same as oily wastewater and that the terms are not interchangeable [40 CFR 262.11]. Please provide the Department with documentation that Fuels Unlimited did not transport or store PCW.

Daily inspections, documented at least weekly, of the aboveground portions of the tank system as required by the permit were not available [62-710.800(2), F.A.C./Specific Conditions Part I No. 25(b)/403.161(1)(b), F.S.].

Records of shipments of used oil to asphalt plants were not available [40 CFR 279.56(b) and 62-710.800(2), F.A.C./Specific Conditions Part II No. 3(f)/403.161(1)(b), F.S.]. In addition, analytical testing of the used oil shipped off-site was not available [62-710.800(2), F.A.C./Specific Conditions Part II No. 1(d)/403.161(1)(b), F.S.].

Documentation of annual training for employees was not available [62-710.800(2), F.A.C./Specific Conditions Part II No. 7/403.161(1)(b), F.S.].

Annual reports for used oil processing facility activities, PCW activities, and used oil filter processing facility activities were not received by the Department [62-710.510(5), F.A.C., 62-

Inspection Date: 05/10/2011

740.300(5), F.A.C., 62-710.850(4)(c), F.A.C., and 62-710.800(2), F.A.C./Specific Conditions Part I No. 4/403.161(1)(b), F.S.].

New Potential Violations and Areas of Concern:**Checklist Independent Potential Violations and Areas of Concern**

Type:	Violation
Rule:	62-710.510(1), 279.46(a)(2)
Explanation:	Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information: (b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one. Specifically, Fuels Unlimited failed to list generator EPA identification numbers, for the generators who have notified and received an EPA ID number, on the used oil manifest left with the generator.
Corrective Action:	Fuels Unlimited shall list generator EPA identification numbers, for the generators who have notified and received an EPA ID number, on the used oil manifest left with the generator. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.
<hr/>	
Type:	Violation
Rule:	279.52(b)(5)
Explanation:	At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with the location of all records within the facility. Specifically, Fuels Unlimited failed to ensure the emergency coordinators are thoroughly familiar with the location of all records within the facility.
Corrective Action:	Fuels Unlimited shall ensure the emergency coordinators are thoroughly familiar with the location of all records within the facility. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.
<hr/>	
Type:	Violation
Rule:	62-710.800(2), 403.161(1)(b)
Explanation:	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. An owner or operator of a used oil processing facility shall operate, modify, or close such a facility only pursuant to a permit issued by the Department in accordance with this chapter. Specifically, Fuels Unlimited failed to annually register its used oil activities, ensure the emergency coordinators are thoroughly familiar with the location of all records within the facility, document out-bound shipments of used oil, document analytical testing of out-bound shipments of used oil, document annual training for employees, document notification to local authorities, submit annual reports for used oil processing facility activities and PCW activities, register an above ground

Inspection Date: 05/10/2011

storage tank, modify the permit prior to using tanks 7 and 8, and document weekly the daily inspections of the aboveground tank systems as required in the permit.

Corrective Action: Fuels Unlimited shall comply with all the requirements in the permit. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 279.56(b)

Explanation: Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Specifically, Fuels Unlimited failed to keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents.

Corrective Action: Fuels Unlimited shall keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Please provide documentation of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility to the Department within 30 days from the date of your receipt of this Warning Letter. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents.

Type: Violation

Rule: 62-710.401(6)

Explanation: No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area. Specifically, Fuels Unlimited failed to provide the stationary tanker truck with secondary containment.

Corrective Action: Fuels Unlimited shall provide the stationary tanker truck with secondary containment. Please provide documentation of the stationary tanker truck provided with secondary containment to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.600(1), 62-710.500(1)(c), 62-710.600(2)(a), 62-710.500(1)(a)

Explanation: Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become certified pursuant to this section. To become certified and to maintain certification, used oil transporters shall: (a) Register annually with the Department and comply with the annual reporting and record keeping requirements pursuant to

Inspection Date: 05/10/2011

Rules 62-710.500 and 62-710.510, F.A.C. The following persons shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), "8700-12FL, Florida Notification of Regulated Waste Activity," effective date January 4, 2009, which is hereby adopted and incorporated by reference. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. (a) Used oil transporters and transfer facilities; (c) Used oil fuel marketers who sell used oil fuel. Specifically, Fuels Unlimited failed to annually register as a used oil transporter, used oil transfer facility, and used oil marketer.

Corrective Action: Fuels Unlimited shall annually register as a used oil transporter, used oil transfer facility, and used oil marketer. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.500(4)

Explanation: Each registered person shall display the validated registration form and identification number in a prominent place at each facility location. Specifically, Fuels Unlimited failed to display the validated registration form and identification number in a prominent place at the facility.

Corrective Action: Fuels Unlimited shall display the validated registration form and identification number in a prominent place at the facility. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 62-710.510(5), 62-740.300(5), 62-710.850(4)(c)

Explanation: No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3). The report shall summarize the records kept pursuant to this section. No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(5). This report shall summarize the records kept pursuant to paragraph (a) of this subsection. A recovery facility shall maintain records documenting quantities of product recovered from PCW and submit a report to the Department by March 1 of each year. The report shall include the total quantity of the PCW received and an estimate of the total quantity of product recovered from the PCW during the previous calendar year. Specifically, Fuels Unlimited failed to submit annual reports for used oil processing facility activities, PCW activities, and used oil filter processing facility activities.

Corrective Action: Fuels Unlimited shall submit the required annual reports as noted above. Please provide documentation that this requirement is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Inspection Date: 05/10/2011

Rule: 62-710.850(3)

Explanation: The following persons shall register with the Department in accordance with the requirements of subsections 62-710.500(2) and (4), F.A.C.: (a) Used oil filter transporters; (b) Used oil filter transfer facilities; (c) Used oil filter processors. Specifically, Fuels Unlimited failed to annually register as a used oil filter transporter, used oil filter transfer facility, and used oil filter processor.

Corrective Action: Fuels Unlimited shall annually register as a used oil filter transporter, used oil filter transfer facility, and used oil filter processor. Please provide documentation that this requirements is being fulfilled to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 262.11

Explanation: A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, Fuels Unlimited failed to conduct a proper waste determination on the ten 55-gallon drums of sludge from spill clean up and the PCW not properly identified as oily wastewater.

Corrective Action: Fuels Unlimited shall conduct a proper waste determination on the ten 55-gallon drums of sludge from spill clean up and the PCW not properly identified as oily wastewater. Please provide the results of the waste determination to the Department within 30 days from the date of your receipt of this Warning Letter. If any of these wastes are known to be hazardous waste, please indicate this and when available, provide a copy of the manifest documenting removal of these wastes from the property.

Type: Violation

Rule: 62-762.401(1)(a)

Explanation: The owner or operator of any facility, or the owner or operator of a storage tank system, aboveground hazardous substance tank, or compression vessel, shall register the storage tank system, aboveground hazardous substance tank, or compression vessel with the Department on Form 62-761.900(2). Specifically, Fuels Unlimited failed to register the stationary tanker truck as an above ground storage tank.

Corrective Action: Fuels Unlimited shall register the stationary tanker truck as an above ground storage tank. Please provide documentation of the stationary tanker truck registered as an above ground storage tank to the Department within 30 days from the date of your receipt of this Warning Letter.

Type: Violation

Rule: 279.52(a)(6)

Explanation: (i) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; (B) Where more than one

Inspection Date: 05/10/2011

police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. Specifically, Fuels Unlimited failed to attempt to make arrangements with the above organizations.

Corrective Action: Fuels Unlimited shall attempt to make arrangements with the above organizations. Please provide documentation of attempts to make arrangements with the above organizations to the Department within 30 days from the date of your receipt of this Warning Letter.

Summary of Potential Violations and Areas of Concern:

Potential Violations

Rule Number	Area	Date Cited	Explanation
Checklist Independent Violations			
62-710.510(1), 279.46(a)(2)		05/10/2011	Each registered person shall maintain records on DEP Form 62-710.901(2) or on substantially equivalent forms which contain at least the same information as the Department form. These records shall include the following information: (b) The source of the used oil, including the name and street address of each source, and the EPA identification number of the source if the generator has one. Specifically, Fuels Unlimited failed to list generator EPA identification numbers, for the generators who have notified and received an EPA ID number, on the used oil manifest left with the generator.
279.52(b)(5)		05/10/2011	At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with the location of all records within the facility. Specifically, Fuels Unlimited failed to ensure the emergency coordinators are thoroughly familiar with the location of all records within the facility.
62-710.800(2), 403.161(1)(b)		05/10/2011	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. An owner or operator of a used oil processing facility shall operate, modify,

Inspection Date: 05/10/2011

Rule Number	Area	Date Cited	Explanation
			<p>or close such a facility only pursuant to a permit issued by the Department in accordance with this chapter. Specifically, Fuels Unlimited failed to annually register its used oil activities, ensure the emergency coordinators are thoroughly familiar with the location of all records within the facility, document out-bound shipments of used oil, document analytical testing of out-bound shipments of used oil, document annual training for employees, document notification to local authorities, submit annual reports for used oil processing facility activities and PCW activities, register an above ground storage tank, modify the permit prior to using tanks 7 and 8, and document weekly the daily inspections of the aboveground tank systems as required in the permit.</p>
279.56(b)		05/10/2011	<p>Used oil processor/re-refiners must keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Specifically, Fuels Unlimited failed to keep a record of each shipment of used oil that is shipped to a used oil burner, processor/ re-refiner, or disposal facility. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents.</p>
62-710.401(6)		05/10/2011	<p>No person may store used oil in tanks or containers unless they are clearly labeled with the words "used oil" and are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area. Specifically, Fuels Unlimited failed to provide the stationary tanker truck with secondary containment.</p>
62-710.600(1), 62-710.500(1)(c), 62-710.600(2)(a), 62-710.500(1)(a)		05/10/2011	<p>Any used oil transporter that transports over public highways more than 500 gallons of used oil annually, not including oily waste, shall become</p>

Inspection Date: 05/10/2011

Rule Number	Area	Date Cited	Explanation
			<p>certified pursuant to this section. To become certified and to maintain certification, used oil transporters shall: (a) Register annually with the Department and comply with the annual reporting and record keeping requirements pursuant to Rules 62-710.500 and 62-710.510, F.A.C. The following persons shall annually register their used oil handling activities with the Department using Form 62-730.900(1)(b), "8700-12FL, Florida Notification of Regulated Waste Activity," effective date January 4, 2009, which is hereby adopted and incorporated by reference. This Form can be obtained on the internet at http://www.dep.state.fl.us/waste/quick_topics/forms/pages/62-730.htm or by contacting the Hazardous Waste Regulation Section, MS 4560, Division of Waste Management, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. (a) Used oil transporters and transfer facilities; (c) Used oil fuel marketers who sell used oil fuel. Specifically, Fuels Unlimited failed to annually register as a used oil transporter, used oil transfer facility, and used oil marketer.</p>
62-710.500(4)		05/10/2011	<p>Each registered person shall display the validated registration form and identification number in a prominent place at each facility location. Specifically, Fuels Unlimited failed to display the validated registration form and identification number in a prominent place at the facility.</p>
62-710.510(5), 62-740.300(5), 62-710.850(4)(c)		05/10/2011	<p>No later than March 1 of each year, each person required to register in accordance with Rule 62-710.500, F.A.C., shall submit an annual report for the preceding calendar year to the Department on DEP Form 62-710.901(3). The report shall summarize the records kept pursuant to this section. No later than March 1 of each year, each registered used oil filter processor shall submit an annual report for the preceding calendar year to the Department on Form 62-710.901(5). This report shall summarize the records kept pursuant to paragraph (a) of this subsection. A recovery facility shall maintain records documenting quantities of product recovered from PCW and</p>

Inspection Date: 05/10/2011

Rule Number	Area	Date Cited	Explanation
			submit a report to the Department by March 1 of each year. The report shall include the total quantity of the PCW received and an estimate of the total quantity of product recovered from the PCW during the previous calendar year. Specifically, Fuels Unlimited failed to submit annual reports for used oil processing facility activities, PCW activities, and used oil filter processing facility activities.
62-710.850(3)		05/10/2011	The following persons shall register with the Department in accordance with the requirements of subsections 62-710.500(2) and (4), F.A.C.: (a) Used oil filter transporters; (b) Used oil filter transfer facilities; (c) Used oil filter processors. Specifically, Fuels Unlimited failed to annually register as a used oil filter transporter, used oil filter transfer facility, and used oil filter processor.
262.11		05/10/2011	A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste. Specifically, Fuels Unlimited failed to conduct a proper waste determination on the ten 55-gallon drums of sludge from spill clean up and the PCW not properly identified as oily wastewater.
62-762.401(1)(a)		05/10/2011	The owner or operator of any facility, or the owner or operator of a storage tank system, aboveground hazardous substance tank, or compression vessel, shall register the storage tank system, aboveground hazardous substance tank, or compression vessel with the Department on Form 62-761.900(2). Specifically, Fuels Unlimited failed to register the stationary tanker truck as an above ground storage tank.
279.52(a)(6)		05/10/2011	(i) The owner or operator must attempt to make the following arrangements, as appropriate for the type of used oil handled at the facility and the potential need for the services of these organizations: (A) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of used oil handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; (B) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority

Inspection Date: 05/10/2011

Rule Number	Area	Date Cited	Explanation
			to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; (C) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (D) Arrangements to familiarize local hospitals with the properties of used oil handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. Specifically, Fuels Unlimited failed to attempt to make arrangements with the above organizations.

Areas of Concern

No Areas of Concern

Conclusion:

Fuels Unlimited, Inc. was inspected as a used oil transporter, a used oil transfer facility, a used oil marketer, a used oil filter transporter, a used oil filter transfer facility, a used oil filter processor, and a permitted used oil processor and was not in compliance at that time.

Inspection Date: 05/10/2011

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.

Michael Eckoff

PRINCIPAL INSPECTOR NAME

Inspector

PRINCIPAL INSPECTOR TITLE

NO SIGNATURE

PRINCIPAL INSPECTOR SIGNATURE

Janine Kraemer

INSPECTOR NAME

Environmental Manager

INSPECTOR TITLE

NO SIGNATURE

INSPECTOR SIGNATURE

FDEP - Central District

ORGANIZATION

Ronald C. Patterson, Jr.

REPRESENTATIVE NAME

President

REPRESENTATIVE TITLE

NO SIGNATURE

REPRESENTATIVE SIGNATURE

Fuels Unlimited, Inc.

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.

PENALTY COMPUTATION WORKSHEET

Facility's Name: Fuels Unlimited, Inc.

EPA ID #: FLR000050369

Facility Address: 509 S French Ave., Sanford, FL 32771

Staff Responsible for Penalty Computations: Michael Eckoff Date: July 7, 2011

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
a.	262.11 Waste determination	HW-16	Moderate	Major	\$15,580 - \$11,330			\$15,580
b.	279.46(a)(2) & 62-710.510(1)(b), F.A.C. Generator EPA ID on receipts	UO-37	Moderate	Moderate	\$3,199- \$2,000			\$3,199
c.	279.52(a)(6) Notify local authorities	UO-108	Minor	Major	\$1,199- \$500			\$1,199
d.	279.52(b)(5) Location of records	UO-111	Minor	Minor	\$500			\$500
e.	279.56(b) Used oil shipment records	UO-39	Moderate	Major	\$4,599- \$3,200			\$4,599
f.	62-710.401(6), F.A.C. Used oil secondary containment	UO-103	Moderate	Major	\$4,599- \$3,200			\$4,599
g.	62-710.500(1)(a), F.A.C., 62-710.500(1)(c), F.A.C., 62-710.600(1), F.A.C., 62-710.600(2)(a), F.A.C., 62-710.850(3)(a), F.A.C., 62-710.850(3)(b), F.A.C., and 62-710.850(3)(c), F.A.C. Annual registrations	UO-25			\$300			\$300
h.	62-710.500(4),	UO-26	Minor	Minor	\$500			\$500

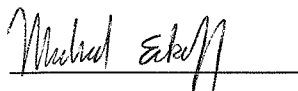
	F.A.C. Display valid registration							
i.	62-710.510(5), F.A.C., 62-710.850(4)(c), F.A.C., and 62-740.300(5), F.A.C. Annual report	UO-51	Minor	Minor	\$500			\$500
j.	62-710.800(2), F.A.C. and 403.161(1)(b), F.S. Failure to comply with permit	UO-86	Major	Major	\$10,000 - \$8,000			\$10,000
k.	62-762.401(1)(a), F.A.C. Above ground storage tank registration	AST-2	Minor	Major	\$1,199-\$500			\$1,199

Multi-day and Economic Benefit adjustments were not calculated at this time.

TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:

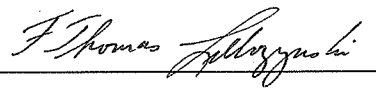
\$42,175.00

Prepared by:



Michael Eckoff
Environmental Specialist

Date: July 8, 2011



FOR Vivian F. Garfein
Director, Central District

Date: July 13, 2011

WORKSHEET

RANKING SYSTEM FOR POTENTIAL FOR HARM FOR HAZARDOUS WASTE VIOLATIONS

FACILITY NAME: Fuels Unlimited, Inc. - FLR000050369

Date: July 7, 2011

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.11	Waste determination	4	8	1	4	17

SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	6 - Release	4 - > 1,000
	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
		1 - No release	1 - <10

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12

RANKING SYSTEM FOR POTENTIAL FOR HARM FOR USED OIL VIOLATIONS

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
b.	279.46(a)(2) & 62-710.510(1)(b), F.A.C.	Generator EPA ID on receipts	4	8	1	4	17
e.	279.56(b)	Used oil shipment records	4	8	1	4	17
f.	62-710.401(6), F.A.C.	Used oil secondary containment	4	8	1	1	14

USED OIL SCORING SYSTEM

NATURE OF WASTE	WASTE VOLUME	LOCATION OF RECEPTORS	
		Discharges	Potential exposure Ground/Surface Water/ Air
4 - Used oil	8 - >10 drums	6 - Actual discharge	4 - Potential to >1,000 people
	5 - 3 to 10 drums	4 - Potential for discharge	3 - Potential to 100 - 1,000 people
2 - Used oil filter(s)	2 - <3 (55-gallon) drums		2 - Potential to 10 - 100 people
		1 - No discharge	1 - Potential to <10 people

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 6-12

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED