

DEP ROUTING AND TRANSMITTAL SLIP	
TO: (NAME, OFFICE, LOCATION)	3. _____
1. _____	4. _____
2. _____	5. _____
<p>PLEASE PREPARE REPLY FOR:</p> <p>____ SECRETARY'S SIGNATURE</p> <p><input checked="" type="checkbox"/> DIV/DIR DIR SIGNATURE</p> <p>____ MY SIGNATURE</p> <p>____ YOUR SIGNATURE</p> <p>____ DUE DATE _____</p> <p>ACTION/DISPOSITION</p> <p>____ DISCUSS WITH ME</p> <p>____ COMMENTS/ADVISE</p> <p>____ REVIEW AND RETURN</p> <p>____ SET UP MEETING</p> <p>____ FOR YOUR INFORMATION</p> <p>____ HANDLE APPROPRIATELY</p> <p>____ INITIAL AND FORWARD</p> <p>____ SHARE WITH STAFF</p> <p>____ FOR YOUR FILES</p>	<p>COMMENTS: Dear Debbie,</p> <p>this is Doty Diltz Signature.</p> <p>Doty, PYS this is a warning letter to PMS located in SE district - for not submitting their renewal application which was due on 8/12/03. Tallahassee informed to the Districts on several ^{times} and District contacted faculty, but no response.</p> <p>Augusta person aware of the situation and she suggested that - we will go with this letter.</p> <p>NOTE: please let me know and this is signed by Doty.</p> <p>Thanks Bsheen</p>
<p>FROM: <u>Bsheen</u> DATE: <u>2/3/04</u> PHONE: <u>5781</u></p>	

Interoffice Routing for Review

Route Through	Name	Reviewer Initials	Date	Need to Discuss	OK As It Is
✓	Tim Bahr	TB	2/2/04		✓
	Debra Outley				
	Janet Ashwood				
	Doug Outlaw				
	John Griffin				
	Harold Register				
	Kim Thursby				
✓	Bheem Kothur	BK	2/2/04		✓
	Rabin Prusty				
	Edgar Echevarria				
✓	Bill Parker	BP	2/2/04		✓
	Bryan Baker				
	Ami Kaharoeddin				
	Camille Stein				
	Jim Doyle				
	Shelton Graves				
	Nicanor Madrid				
	Robert Cook				
	Fred Kocher				
	Subra Putcha				
	Juliette McGriff				
	Diane Hunt				
	Susan Horlick				
	Mike Redig				
	Steve Ray				
	Kathy Gaynor				
	John Erickson				
	Robin Pandley				
✓	Margaret Holladay	meh	2-2-04		

Check Related Items	YES	NO	Not Applicable
EPA Comments Included			✓
District Comments Included	✓		
OGC Comments Included	✓		
Facility Comments Included	✓		

Note: Include any minutes of meetings concerning this letter/memo.



Environmental Protection

Jeb Bush
Governor

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

February 4, 2004

CERTIFIED – RETURN RECEIPT

Mr. Judd Gilbert, President
Petroleum Management, Inc.
2191 SW 115th Terrace
Davie, FL 33325

Subject: Petroleum Management, Inc. EPA I.D. Number: FLD 980 709 075
Permit Number HO06-308152; Warning Letter #HWRS-UO 0104

Dear Mr. Gilbert:

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.

Section 403.769(1), Florida Statutes (F.S.), provides that persons who operate a used oil processing facility shall obtain an operation permit from the Department.

Section 403.121(3)(e), F.S., provides for a penalty of \$ 3,000 for operation without a permit. This penalty may be imposed for each day of un-permitted operation.

Used Oil Processing Facility permit HO06-308152 was issued to Petroleum Management, Inc. on October 12, 1998 and expired October 12, 2003. Rules 62-4.090 and 62-710.800(7), Florida Administrative Code (F.A.C.), require a Used Oil Processor to submit an application for renewal at least 60 days prior to the expiration date of the existing permit. This requirement is also in the permit as Specific Condition 12.

To date, the Department has not received a renewal application from Petroleum Management, Inc. When an operating permit expires without a renewal application having been submitted, the facility is no longer authorized to bring waste into the facility. A used oil handler must also comply with the provisions of 40 Code of Federal Regulations (CFR) Part 279, which has been adopted by reference in Rule 62-710.210(2), F.A.C.

Petroleum Management, Inc. must demonstrate compliance with Rule 62-710.800, F.A.C., by submitting a complete application for the renewal of the Used Oil Processing Facility permit for operation or closure.

"More Protection, Less Process"

Printed on recycled paper

February 4, 2004

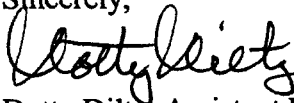
Page two

To discuss the terms of a potential Consent Order that would authorize operation until a completed application can be submitted and reviewed, please contact Steve Brown of the DEP Southeast District office at (561) 681-6600 ext. 6722 within fifteen (15) days of the receipt of this Warning Letter.

Please be advised that this Warning Letter is part of an agency action in accordance with Section 120.57(5), F.S. We look forward to your cooperation in completing the investigation and resolution of this matter.

If you have any questions or need additional information on submitting an application, please contact Bill Parker at (850) 245-8766 or Bheem Kothur at (850) 245-8781.

Sincerely,



Dotty Diltz, Assistant Director
Division of Waste Management

DD/wpp

cc: Steve Brown, DEP/West Palm Beach
Raoul Clarke, DEP/Tallahassee
Agusta Posner, DEP/Tallahassee

Hazardous Waste Regulation Section Interoffice Routing for Review

Route Through	Name	Reviewer Initials	Date	Need to Discuss	OK As It is
✓	Tim Bahr				
	Debra Outley				
	Janet Ashwood				
✓	Doug Outlaw	DO	1/29/04		✓
	John Griffin				
	Harold Register				
	Kim Thursby				
✓	Bheem Kothur	BK	1/29/04		
	Rabin Prusty				
✓	Edgar Echevarria	E	1/29/04		✓
	Bill Parker				
	Bryan Baker				
✓	Ami Kaharoeddin	AK	1/29/04		
	Camille Stein				
	Jim Doyle				
	Shelton Graves				
	Nicanor Madrid				
	Robert Cook				
	Fred Kocher				
	Subra Putcha				
	Juliette McGriff				
	Diane Hunt				
	Susan Horlick				
✓	Mike Redig	MR	1/29/04		
	Steve Ray				
	Kathy Gaynor				
	John Erickson				
	Robin Pandley				
	Margaret Holladay		1-29-04		

Revised
 1/29/04
 David
 A. R.

Check Related Items	YES	NO	Not Applicable
EPA Comments Included			✓
District Comments Included	✓		
OGC Comments Included	✓		
Facility Comments Included	✓		

Note: Include any minutes of meetings concerning this letter/memo.



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

David B. Struhs
Secretary

January 30, 2004

Certified - Return Receipt
7000 0520 0021 3377 2326

Mr. Charles Kramer
Brook Hill Group, Inc.
501 Madison Avenue, 18th Floor
New York, New York 10022-5602

Re: FLD 083 200 998
DMB/Sarasota I, L.P.
6000 Fruitville Road
Sarasota, Florida 34232-6414

Subject: **WARNING LETTER #HWRS FA 0104**
Request to Comply with RCRA Financial Responsibility Requirements

Dear Mr. Kramer:

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.

Section 403.721(1), Florida Statutes (FS), provides that persons who generate or transport hazardous waste, or who own or operate a hazardous waste facility, shall comply with the applicable standards, requirements, and procedures of this act and the rules adopted pursuant to it.

In Rule 62-730.180, Florida Administrative Code (FAC), the Department has adopted by reference the Financial Requirement at 40 Code of Federal Regulations (CFR) Part 264 Subpart H concerning financial assurance for postclosure care and 40 CFR 264.101, which requires financial assurance for corrective action. Rule 62-730.180(7), FAC details the state procedures for corrective action financial assurance, including a requirement to adjust the cost estimate for corrective action, including the cost estimates for each year of corrective action, for inflation within 60 days prior to the anniversary date of the established financial instrument(s).

"More Protection, Less Process"

Printed on recycled paper.

Mr. Charles Kramer
Page 2
January 30, 2004

In February, 2003, the Department became aware that Bank of America had cancelled Letter of Credit # 3007036, effective October 15, 2000. In a letter dated March 1, 2003, addressed to your attention, the Department requested DMB/Sarasota I, L.P. to provide appropriate documentation of financial responsibility.

The most recent cost estimate from March, 2000 was \$586,000, subdivided into postclosure costs of \$581,490 and corrective action costs of \$4,510.

The operation of a hazardous waste facility in violation of state statutes or rules may result in the administrative imposition of penalties up to \$10,000 pursuant to Section 403.121, F.S, or the judicial imposition of civil penalties up to \$50,000 per violation per day pursuant to Section 403.727(3), F.S.

You are requested to contact Mr. Edgar Echevarría of my staff at 850-245-8793 within fifteen (15) days of receipt of this Warning Letter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred.

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 resolution of this matter.

Sincerely,

William W. Hinkley, Chief
Bureau of Solid and Hazardous Waste
Division of Waste Management

WWH/AP/ee

cc: Ms. Elizabeth Sawyer, USEPA/Region 4
Mr. William Kutash, FDEP/Southwest District Office
Mr. Thomas Kwader, URS Corporation
Mr. Brian Bizzell, Salem Trust Company
Ms. Augusta Posner, FDEP/Tallahassee
FDEP File

Mr. Charles Kramer

Page 2

February 10, 2004

In February, 2003, the Department became aware that Bank of America had cancelled letter of credit number 3007036, effective October 15, 2000. In a letter dated March 1, 2003, addressed to your attention, the Department requested DMB/Sarasota I, L.P. to provide appropriate documentation of financial responsibility.

The most recent cost estimate from March, 2000 was \$586,000, subdivided into postclosure costs of \$581,490 and corrective action costs of \$4,510.

In addition to the apparent violation of financial assurance requirements, the Department is concerned about the recent unauthorized shutdown of the corrective action system. This matter is currently under internal review. The operation of a hazardous waste facility in violation of state statutes or rules may result in the administrative imposition of penalties up to \$10,000 pursuant to Section 403.121, F.S. or the judicial imposition of civil penalties up to \$50,000 per violation per day pursuant to Section 403.727(3), F.S.

You are requested to contact Mr. Edgar Echevarría of my staff at 850-245-8793 within fifteen (15) days of receipt of this Warning Letter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred.

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 resolution of this matter.

Sincerely,

William W. Hinkley, Chief
Bureau of Solid and Hazardous Waste
Division of Waste Management

WWH/AP/ee

cc: Ms. Elizabeth Sawyer, USEPA/Region 4
Mr. William Kutash, FDEP/Southwest District Office
Mr. Thomas Kwader, URS Corporation
Mr. Brian Bizzell, Salem Trust Company
Ms. Augusta Posner, FDEP/Tallahassee
FDEP File