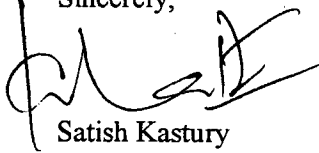


Ms. Jewel Grubbs
February 26, 2003
Page 2 of 2

If you have any questions, please feel free to contact my office or the former case managers from the Districts listed above.

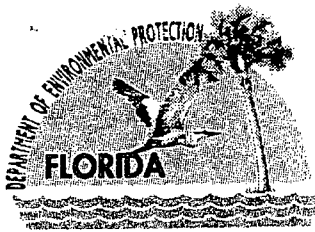
Sincerely,



Satish Kastury
Environmental Administrator
Hazardous Waste Regulation Section

SK/srh

cc: Bill Kutash, Southwest District
Vivek Kamath, Southeast District
Phil Barbaccia, South District
Bill Hinkley
Angela Dempsey
Larry Morgan
Georgina Holmes
Kathy Winston
Beth Knauss
Charles Emery



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

February 26, 2003

Ms. Jewell Grubbs
Office of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency Region 4
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303-3104

RE: RCRA Enforcement Referral

Dear Ms. Grubbs:

Enclosed please find a list of six files that the Department intends to refer to EPA Region 4 pursuant to the Resource Conservation and Recovery Act (RCRA) Memorandum of Agreement between our agencies. In order to optimize benefits to human health and the environment, Region 4 and the Department have determined that our collective resources should be utilized in the most effective manner possible.

Pursuing civil litigation in RCRA enforcement action, often costly and time-consuming, is not always the best process for achieving compliance, civil penalties or other remedies. Some cases may be more effectively pursued through EPA's administrative litigation. The Department's Hazardous Waste Regulation Section in consultation with the Districts and Office of General Counsel have decided to refer the below listed files to your office for enforcement. If the Department does not resolve these cases within 30 days from the date of this letter, EPA may proceed with its administrative litigation procedures.

CASE NAME	EPA ID#	PROJECT#	DISTRICT
1. DEP vs. Golf Balls Galore, Inc.	FL0000780759	257491	South
2. Lakeland Drum Service (file already provided)	FLD982141046	255343	Southwest
3. DEP vs. Damalos & Sons, Inc.	FLR000075895	247439	Southwest
4. DEP vs. Diversified Marine Tech, Inc. & Diversified Environmental Services, Inc.	FLD984182733	245262	Southwest
5. DEP vs. Carr Connection, Inc.	FLR000057299	260461	Southwest
6. DEP vs. Florida Aircraft Painting, Inc.	FLR000078501	250006	Southeast





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ATTORNEYS AT LAW

ESTABLISHED 1943



September 22, 2003

Jeffrey T. Pallas, Chief
South RCRA Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch
Waste Management Division
U.S. EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303

RE: Diversified Marine Tech and Diversified Environmental Services, Inc. Responses to
EPA Request for Information Pursuant to §3007 of RCRA

Dear Mr. Pallas:

This firm represents Diversified Marine Tech, Inc. ("DMT") and Diversified Environmental Services, Inc. ("DES"), regarding environmental compliance matters at the facilities located at 2531 22nd Street Causeway South and 1202 North 22nd Street in Tampa, Hillsborough County, Florida, respectively. This correspondence has been prepared on behalf of Diversified Marine Tech and Diversified Environmental Services to respond to the United States Environmental Protection Agency (US EPA) correspondence received on August 5, 2003, requesting information pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA) regarding the subject facilities located in Tampa, Florida. The US EPA correspondence included seven information requests applicable to operations and environmental management practices conducted at the following two facilities:

Diversified Marine Tech
2531 22nd Street Causeway South
Tampa, FL 33619

Diversified Environmental Services, Inc.
1202 North 22nd Street
Tampa, FL 33605

This correspondence provides a background statement to assist US EPA in clarifying the business activities conducted at the subject facilities, a regulatory status summary, and a restatement of the US EPA information request in bold text, followed by the response in normal font text.

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501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • www.fowlerwhite.com

DMT/DES BACKGROUND

DMT and DES conduct a number of services for the marine industry including marine vessel maintenance. Specifically, DMT/DES perform bilge water, ballast water, used oil, oil, and fuel oil management services for relatively small vessels to large cargo ships. Services provided include mobilizing to the marine vessel, conducting maintenance activities on the vessel, transferring materials to the DMT/DES barge *Cottee River*, transporting materials to appropriate disposal facilities, and temporary storage of materials for reuse on the contracted marine vessels. It is the policy and practice of DMT and DES not to accept or manage hazardous wastes. However, certain compounds and heavy metals have been used and may be present in bilges to control organic plant and algae growth and consideration of these compounds and heavy metals are provided when managing bilge water.

From a regulatory standpoint, DMT and DES have been granted numerous authorizations from state and federal environmental agencies. DES has served the Port of Tampa community and maritime industry since 1979, and DMT and DES play an integral role in safely managing marine vessel bilge water for domestic and international vessels in compliance with applicable state and federal requirements. In addition, DES owns and operates the only wastewater pretreatment plant in the Port of Tampa. DES has also been granted a Discharge Prevention and Response Certificate from the Florida Department of Environmental Protection ("FDEP") based upon its qualifications regarding pollutant discharge containment and cleanup capabilities at a terminal facility. DES is also a United States Coast Guard Oil Spill Response Organization who works with local USCG and Regional Strike Force Teams to cleanup oil spills on navigable waters in the Tampa Bay area. DES is also a subcontractor to the Marine Spill Response Corporation and the National Response Corporation to initiate response actions for these entities in the Tampa Bay area.

DES is an FDEP approved Discharge Cleanup Organization First Responder/Complete Cleanup Organization who works with the FDEP Bureau of Emergency Response on landside spill remediation projects. Finally, DES provides removal, transportation and disposal of bilge water services for ocean-going vessels, as required by the International Convention for the Prevention of Pollution from Ships, as modified by the 1978 MARPOL Protocol.

I believe US EPA is also aware that the *Cottee River* barge owned and operated by DES is a Certificated United States Coast Guard unmanned tank barge. As a Certificated vessel, the *Cottee River* barge is under the exclusive jurisdiction and authority of the United States Coast Guard. Only the federal government may regulate the design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification and manning of Certificated vessels. Under federal law, this jurisdiction is typically vested under the authority of the United States Coast Guard (please

Jeffrey T. Pallas, Chief
September 22, 2003
Page 3

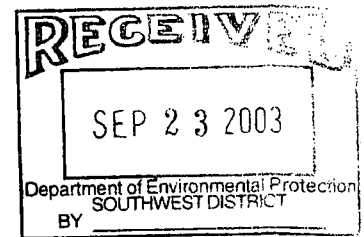
refer to the United States Supreme Court Case United States vs. Locke, 529 US 89). Also enclosed please find correspondence submitted to the FDEP on behalf of DES and DMT dated May 9, 2002, which provides the USCG Certificate of Documentation and Certificate of Inspection for the *Cottee River*.

Regulatory jurisdiction varies for the different activities conducted by DMT/DES and can be divided into activities conducted on the water and activities conducted on land. Generally, the United States Coast Guard (USCG) has regulatory jurisdiction of the activities conducted on the water. This includes the vessels on which the activities are conducted (i.e., the DMT/DES barge *Cottee River*). The FDEP has regulatory jurisdiction of activities conducted on land. Depending on the nature of the activity, either the USCG or the FDEP maintains jurisdiction for the activities conducted in transferring materials between land and water. For example, pumping environmental materials from the barge to land is USCG jurisdiction and pumping materials from land to barge is FDEP jurisdiction and regulations for spill prevention and control are applicable. In either case, DMT/DES is prudent and proactive in maintaining spill prevention and control during these activities.

We also want to provide a brief summary of the regulatory history and compliance status for DMT and DES. Both entities have demonstrated an unequivocal and complete commitment to compliance with applicable environmental protection statutes and regulations. DMT and DES are true leaders in environmental protection and compliance at the Port of Tampa, and they work closely with the FDEP and the United States Coast Guard to enhance environmental protection and respond to marine environmental emergencies. DMT and DES serve a critical function at the Port of Tampa by properly handling and disposing of millions of gallons of bilge water which might otherwise be improperly disposed in Tampa Bay or waters of the United States.

In connection with regulatory inspection and compliance activities at these facilities, US EPA and FDEP performed a RCRA compliance inspection at the DES facility on January 10 and 11, 2001, in connection with "Operation Buccaneer". EPA was represented by Environmental Scientist Edmond J. Burks. Mr. Burks prepared a written EPA RCRA Site Inspection Report which was forwarded to DES on April 23, 2001. The only RCRA violation alleged by EPA at the time of this inspection involved several containers of used paint and the management of same. In connection with the above-referenced inspection by US EPA and FDEP, the FDEP issued a Warning Letter to DMT dated April 10, 2001, which asserted an alleged violation of 40 CFR 261.5(g)(3) regarding the "failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste." By correspondence dated June 5, 2001, this office provided additional information to the FDEP in response to the alleged violations. Specifically, documentation was provided to FDEP which demonstrated that the marine coatings utilized by DMT were not "hazardous waste paint." By correspondence dated November 5, 2001, the FDEP provided its responses to the DMT submittal which included the following confirmation regarding the waste paint issue:

Jeffrey T. Pallas, Chief
September 22, 2003
Page 4



The Department accepts your explanation that the waste paint that was identified during the inspection was hardened epoxy waste and was being managed appropriately. The alleged violation will be deleted.

Therefore, the only alleged violation identified in the EPA RCRA Site Inspection Report has been resolved to the satisfaction of the applicable regulatory agencies. Unfortunately, despite repeated efforts by DES, DMT and this office to resolve the outstanding issues in the FDEP Warning Letter, the FDEP has refused to settle this matter "until the regulatory control of the barge issue was decided." The FDEP Southwest District office has been attempting for several years to assert regulatory control over the *Cottee River* barge. As set forth above, this effort is misplaced and inappropriate in light of the fact that the *Cottee River* is a Certificated vessel. In connection with DMT and DES' settlement negotiations with the FDEP, the FDEP Southwest District made unreasonable demands regarding the regulatory requirements applicable to and jurisdiction over the *Cottee River* as follows:

The Department will not agree to any language in the proposed Consent Order that implies that the barges storing used oil are not regulated containers under Part 279. In addition, the Department will not agree that the 35-day storage time limit for transfer facilities does not apply to storage in barges.

Finally, enclosed please find correspondence to the FDEP from my office dated January 16, 2002, which requested an additional settlement conference meeting with the FDEP Southwest District to address the outstanding issues in connection with the FDEP Warning Letter. Unfortunately, the FDEP did not respond to this request for a settlement conference. DMT and DES remain available and willing to meet with FDEP and US EPA representatives to document that no RCRA violations have occurred or are occurring at the DMT and DES facilities. We trust that the responses to the EPA Information Request set forth below will address any outstanding questions or concerns which US EPA may have regarding these issues.

US EPA INFORMATION REQUEST RESPONSES

The following responses were generated based on discussion with internal DMT and DES personnel, review with counsel, and DMT/DES' environmental consultant, SCS Engineers. The persons responsible for preparing the responses to these Information Request on behalf of DMT and DES include the following:

Mr. Eugene Russel, Vice President
Diversified Environmental Services, Inc.
1201 N. 22nd Street
Tampa, FL 33605

FOWLER WHITE BOGGS BANKER P.A.

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Jeffrey T. Pallas, Chief
September 22, 2003
Page 5

(813) 248-3256

Mr. K. Mark Tumlin
Project Manager
SCS Engineers
3012 U.S. 301 North
Suite 700
Tampa, FL 33619
(813) 621-0080

Ron H. Noble, Shareholder
Fowler White Boggs Banker P.A.
501 E. Kennedy Boulevard
Suite 1700
Tampa, FL 33602
(813) 228-7411

Home addresses and home telephone numbers can be provided for the above-referenced individuals upon the specific request of US EPA. Below please find the responses to US EPA's Information Request.

1. **Describe in detail the material accumulated at the *Cottee River* Barge docked at Diversified Marine Tech since August 1, 2000. If available, include all chemical analyses and any other evaluation.**

Response

The DMT/DES owned and operated barge *Cottee River* is a USCG regulated vessel used to assist with marine maintenance activities. A copy of the current USCG Certificate for the barge *Cottee River* is included in Attachment 1. The barge is berthed at the DMT facility when loading and unloading materials during the maintenance process or when not in use. During vessel maintenance activities, the barge is used to facilitate transport of personnel and equipment to a vessel and used to contain materials (i.e., bilge water, used oil, and fuel oil). The barge is not used to contain or transport hazardous wastes. The materials accumulated within the barge *Cottee River* at the DMT facility since August 1, 2000 include bilge water, used oil, and fuel oil.

Bilge water is a marine term identified by the US EPA Office of Enforcement and Compliance Assurance in the document, EPA 315-B-00-001 dated Summer 2000. The EPA

definition is: "Bilge water consists of stagnant, dirty water and other liquids, such as condensed steam, and valve and piping leaks, that are allowed to drain to the lowest inner part of a ship's hull (i.e., the bilge). Bilge water may also be found in onboard holding tanks, often referred to as oil waste holding tanks or slop tanks. Bilge water originates from many sources both when a ship is in operation and when a ship is being scrapped. It may contain pollutants, such as oil and grease, inorganic salts, and metals (e.g., arsenic, copper, chromium, lead, and mercury). When a ship is in operation, bilge water may originate from leaks and spills, steam condensate, and boiler blowdown. This drainage may include small quantities of oils, fuels, lubricants, hydraulic fluid, antifreeze, solvents, and cleaning chemicals."

Used Oil as defined in 40 Code of Federal Regulations (CFR), Chapter I, Part 279.1, means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

Fuel oil is referred by DMT/DES as common petroleum products such as gasoline, kerosene, number 2 fuel oil, number 4 fuel oil, number 5 fuel oil (Bunker B), number 6 fuel oil (Bunker C), and lubricating oil. Fuel oil is not a solid waste.

DMT/DES manages the inventories of these materials through a manifesting system. Mr. Jim Dregne of the FDEP has recently reviewed all of the facility's manifest for the last three years. These manifests consist of several thousand pieces of paper, and complete copies can be provided to US EPA upon written request.

DMT and DES do not have substantial chemical analysis regarding the bilge water, however, voluminous analytical data is available for the DES facility's wastewater effluent discharged to the City of Tampa wastewater treatment plant. Upon the specific written request of EPA, copies of these analytical results from the pretreatment plant can be provided. EPA recognizes that bilge water from marine vessels does not routinely contain hazardous substances in concentrations which would render the materials subject to regulation under RCRA based upon the generator's process knowledge. The United States Coast Guard can confirm that no marine vessel is required to test or analyze every load of bilge water in light of the fact that generator knowledge is appropriately utilized to characterize the waste. Finally, it is impracticable to analyze every load of bilge water or marine vessel liquid waste because the vessel will not remain in port for five to seven days to await analytical test results. Finally DES has never had a problem with benzene concentrations, and even the wastewater treatment filter cake (i.e. concentrated solids) have been tested and have not been identified as RCRA hazardous waste.

2. Describe in detail and document how the frac tanks were used at Diversified Marine

Tech, while the *Cottee River* Barge was dry-docked or otherwise not available, at any time since August 1, 2000. Include for each frac tank, materials placed in the frac tank, the frequency that material each was added and removed, and a statement indicating whether or not the facility held the material in the frac tank for longer than twenty-four (24) hours.

Response:

DMT/DES utilize frac tanks (mobile tanks) both at the DMT facility and the DES facility. Frac tanks are steel mobile tanks used to temporarily store materials such as bilge water, used oil, and fuel oil. The frac tanks have a holding capacity of approximately 19,000 gallons. Since the volume of materials removed from vessels onto the barge *Cottee River* typically is greater than the holding capacity of a tanker truck (i.e. 6,000 to 8,000 gallons), frac tanks are used. Bilge water, used oil, and fuel oil are transferred from vessels onto the barge *Cottee River* then brought to the DMT facility where it may be transferred into the frac tanks or directly into tanker trucks. Since the frac tanks are not designed to transport loads of materials, tanker trucks are utilized to transfer bilge water to the DES wastewater treatment facility and used oil to energy recovery facilities. Frac tanks are not utilized to transport liquid materials. Fuel oil may also be maintained in the frac tanks until such time as the vessel is prepared to receive the oil (which is not a solid waste). Copies of the manifests describing the materials stored in the frac tanks since August 1, 2000, can be provided to EPA upon written request (several thousand pages). This manifest system does not specifically designate which tank the material was placed in but rather designates the specific facility receiving the materials. The frac tanks do not typically hold bilge water for periods greater than 24 hours because the facility does not store the material, but rather processes the bilge water at the wastewater treatment plant so the facility can be paid promptly for its services.

- 3. On January 10 and 11, 2001, FDEP performed a compliance evaluation inspection at Diversified Marine Tech and observed five frac tanks at the facility. Describe in detail and document for each frac tank, all materials placed in the frac tank, the frequency that each material was added and removed, and a statement indicating whether or not the facility held the material in the frac tank for longer than twenty-four (24) hours.**

Response:

The use of the frac tanks at the DMT facility is discussed in response #2. Copies of the manifests of the materials stored in the frac tanks during the January 10 and 11, 2001 FDEP compliance evaluation inspection are included in Attachment 3. To the best of DMT's recollection, the materials stored in these frac tanks were not held for longer than 24 hours.

4. In a letter dated April 25, 2001, from Diversified Environmental Services to FDEP, Mr. Eugene Russel stated that "the frac tank in question was being used to temporarily consolidate loads of used oil." Please describe in detail, including dates, the operation of this frac tank, from the day it received the first load of used oil until the day it was emptied. In the description, include the location of the frac tank during each day holding used oil and the purpose of moving the frac tank.

Response:

Please see the response set forth below to question #5 regarding the incorrect use of the term "used oil" by Mr. Russel, and why this term was mistakenly used in the April 25, 2001, correspondence to the FDEP. DES does not know the exact date that the frac tank was placed at the DMT facility but it was there for about 4 months. It was used to consolidate loads of bilge water to facilitate loading trucks faster. Bilge water was pumped from the *Cottee River* and other vessels (i.e. shrimp boats and tugs) to the frac tank. When a sufficient amount of bilge water was accumulated to fill a truck or near the end of the day the water was pumped to a truck and transported to the water treatment plant. The frac tank was moved for several reasons; to place on a jobsite for tank cleaning, to move a dry-docked vessel on the carriage up the dock, or just to get it out of the way when not needed.

5. In page 4 of the letter dated June 5, 2001, from Robert Noles, on behalf of Diversified Marine Tech to FDEP, Mr. Noles stated that:

"DMT is not storing used oil in the 19,383 frac tank in a manner that would subject DMT to regulation as a Used Oil Transfer Facility. Because this tank is not used to store used oil, there is no secondary containment requirement under 40 CFR 279.45(f). This tank is used to store liquid wastes, industrial wastewater and possibly petroleum contact water..."

Please describe in detail, the materials referred in Mr. Noles' letter as "liquid wastes, industrial wastewater and petroleum contact water." In the response include all information used to make hazardous waste determinations on liquid wastes and the industrial wastewater. Furthermore, explain why Mr. Russel's April 25, 2001 correspondence indicated that the subject frac tank had used oil, while Mr. Noles' letter indicated that there was no used oil.

Response:

The "liquid wastes, industrial wastewater, and petroleum contact water" referred to by Mr. Ron Noble was an effort to describe bilge water. The definition of bilge water provided and used by the US EPA is provided in response #1. Hazardous waste determinations for bilge water are made based on generator knowledge and maritime industry knowledge of bilge water. DMT/DES typically does not conduct analytical testing of bilge water prior to receipt or treatment. However, the DES wastewater treatment plant permit requires periodic testing of effluent prior to discharge to the City of Tampa wastewater treatment plant. Copies of those analyses can be provided to US EPA upon written request. The levels required in the facility's City of Tampa permit are substantially below the levels which would render the material's hazardous waste under RCRA.

In response to US EPA's inquiry regarding Mr. Russel's April 25, 2001, correspondence which characterized the material as "used oil," Mr. Russel's statement was based on inaccurate information and an incorrect definition provided to him by Mr. Jim Dregne of the FDEP Southwest District. Mr. Dregne told Mr. Russel that if the water had any oil on it at all (i.e., a sheen), it was considered waste oil by the FDEP. Upon further research and inquiries to the FDEP Headquarters in Tallahassee, Mr. Russel and DMT determined that the material in the frac tanks was not used oil. Specifically, FDEP staff in Tallahassee indicated that the bilge water in the frac tanks did not meet the FDEP definition of "used oil" set forth in Chapter 62-710, Florida Administrative Code. In summary, Mr. Russel and DMT mistakenly used the incorrect terms because the FDEP Southwest District would not recognize or acknowledge the definition of "bilge water." This is also why Mr. Noble's correspondence dated June 5, 2001, did not use the correct reference to bilge water. We believe the primary difficulty in resolving these issues with FDEP results from the lack of any definitive definitions for the types of maritime liquid wastes handled by DMT and DES. FDEP does not have specific definitions for these materials because they are typically regulated by and under the exclusive jurisdiction of the United States Coast Guard.

6. **On June 3, 2003, EPA and FDEP performed a compliance evaluation inspection at Diversified Environmental Services and observed five frac tanks at the facility. The frac tanks were labeled as containing "bilge water". Describe in detail and document for each frac tank, all materials placed in the frac tank, the frequency that each material was added and removed, and a statement indicating whether or not the material in the frac tank was held for longer than twenty-four (24) hours. In addition, describe in detail and document the source and composition of the "bilge water" stored in the frac tanks.**

Response:

The frac tanks located at the DES facility are utilized specifically for the temporary storage

of bilge water prior to processing in the onsite permitted wastewater treatment facility. The definition of bilge water is provided in response #1. To the best of DMT's recollection, two of the tanks were empty at the time of the inspection. The frequency that bilge water is added and removed from the frac tanks is dependent upon project timing and volumes. For example, DES may receive bilge water from several vessels during the same time period resulting in a large volume of bilge water to be treated. Therefore, the frac tanks at the DES facility may contain bilge water from consecutive vessel projects over an extended duration. Alternatively there may be periods of low vessel project activities resulting in a very short time period and small volume of bilge water stored in frac tanks at the DES facility. It is the intent of DMT/DES to store bilge water in frac tanks no longer than necessary, and once the DES facility receives the bilge water, the current system does not track the duration of holding bilge water in the frac tanks. It is important to note that the DMT/DES operations are in the business to properly manage the disposal of bilge water and they receive compensation based on their capabilities and volume. Therefore, the shorter time period of bilge water storage increases the potential for new project opportunities and revenue. To hold bilge water longer than necessary decreases the potential to earn revenue and is not in their best business interest.

7. **State how often, since August 1, 2000, Diversified Marine Tech and Diversified Environmental Services, have used the frac tanks for transportation of liquid wastes, industrial wastewater, used oil and any other type of wastewater on public roads.**

Response:

DMT/DES does not and has not used frac tanks to transport bilge water, used oil, or fuel oil on public roads. As discussed in response #2, frac tanks are not designed to transport loads of materials, and to do so would adversely impact the integrity of the tank and trailer components. As set forth above, tanker trucks are utilized to transport the liquid waste over public roads. In addition, the referenced frac tanks meet the FDEP definition of a "mobile tank" set forth in Chapter 62-761, Florida Administrative Code.

We trust the responses and information provided herein and attached hereto are fully responsive to US EPA's Information Request pursuant to Section 3007 of RCRA. Should US EPA require any additional information or documentation, please do not hesitate to contact me at your convenience. It is unfortunate that this issue has been elevated to US EPA based upon the FDEP Southwest District's refusal to resolve this issue "until the regulatory control of the barge issue was decided." These delays and problems are attributable to the FDEP Southwest District's repeated attempts to obtain regulatory jurisdiction over the *Cottee River* barge. It is our understanding that US EPA has already addressed this issue and concluded that the regulatory jurisdiction over the *Cottee River* is vested solely in the United States Coast Guard. If this understanding is incorrect, please contact me

Jeffrey T. Pallas, Chief
September 22, 2003
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at your earliest convenience to discuss a proposed course of action. It is important that any further discussions regarding this matter directly involve US EPA and United States Coast Guard management in Washington, DC, as well as interested representatives from the maritime industry.

Our client has attempted to proactively address these issues for many years based upon the FDEP Southwest District's ongoing inspections and enforcement actions, and it is time this issue be fully and finally resolved to the satisfaction of all interested parties. Again, please contact me should you have any questions regarding the information set forth above or if you require any additional information. After US EPA has an opportunity to complete its preliminary review of this information, we respectfully request that you contact me via telephone to discuss a proposed course of action. In the interim, please do not hesitate to contact me if we may be of any further assistance or if you require any additional information.

Sincerely yours,



Ron H. Noble

RHN/6548

cc: Mr. Gene Russel (w/o encl.)
Mr. Mark Tumlin (w/o encl.)
Ms. Elizabeth Knauss (w/encl.)

Enclosure

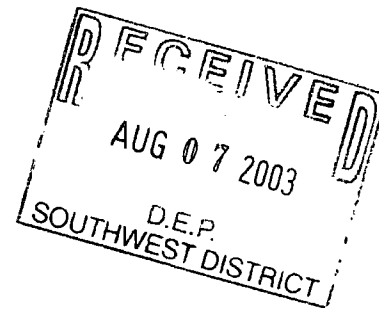


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 05 2003

4WD-RCRA



FEDERAL EXPRESS

Mr. Gerry K. McCormick, President
Diversified Environmental Services (DES)
1201 North 22nd Street
Tampa, Florida 33605

SUBJ: Request for Information Pursuant to § 3007 of RCRA

Dear Mr. McCormick:

The United States Environmental Protection Agency (EPA) is investigating violations alleged against your facility by the Florida Department of Environmental Protection (FDEP). EPA is interested in reviewing any facts you may have that will help in determining what violations have occurred at your facility. Pursuant to the EPA-FDEP Memorandum of Agreement, EPA is the lead agency for any potential enforcement action that may result from the alleged RCRA violations.

Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, you are hereby directed to respond to the Information Request enclosed herein as Enclosure A within fourteen (14) calendar days of your receipt of this letter.

Compliance with this request for information is mandatory, and information provided by you may be used by EPA in future enforcement proceedings. Failure to respond fully and truthfully to each and every question or information request within fourteen (14) calendar days of your receipt of this letter, or to adequately justify such failure to respond, may result in enforcement action against you by EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. This statute permits EPA to seek the imposition of penalties of up to twenty-seven thousand five hundred dollars (\$27,500) per day of continued noncompliance. Please be further advised that submittal of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under Section 3008(d) of RCRA, 42 U.S.C. § 6928(d).

Your response to this request for information should be mailed to:

Jeffrey T. Pallas, Chief
South RCRA Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch
Waste Management Division
U.S. EPA, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

An exact duplicate of your response to this request for information should be mailed to:

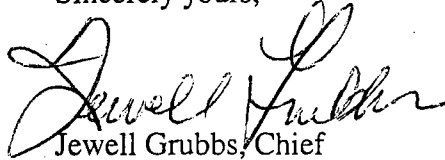
Elizabeth Knauss, Environmental Manager
Waste Management Programs
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted a suitable notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Information Request is not subject to the approval requirement of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Should you have any questions on this matter, please contact Javier García of my staff at (404) 562-8616.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jewell Grubbs", written in a cursive style.

Jewell Grubbs, Chief
RCRA Enforcement and Compliance Branch
Waste Management Division

Enclosure

cc w/encl: Beth Knauss, FDEP Southwest District

ENCLOSURE A

INFORMATION REQUEST

Instructions

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

Definitions

The following definitions shall apply to the following words as they appear in this Enclosure A.

1. The terms "AND" and "OR" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term "DOCUMENT" and "DOCUMENTS" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term "IDENTIFY" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term "IDENTIFY" means, with respect to a corporation, partnership, business trust or other associate of business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
6. The term "IDENTIFY" means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
7. The term "PERSON" includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
8. The term "FACILITY" shall mean the Diversified Marine Tech located at 2531 22nd St. Causeway South, in Tampa, Florida and Diversified Environmental Services located at 1201 North 22nd Street in Tampa, Florida
9. The term "YOU" or "RESPONDENT" shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

Information Requests for Diversified Marine Tech and Diversified Environmental Services.

1. Describe in detail the material accumulated at the Cotee River Barge docked at Diversified Marine Tech since August 1, 2000. If available, include all chemical analyses and any other evaluation.
2. Describe in detail and document how the frac tanks were used at Diversified Marine Tech, while the Cotee River Barge was dry-docked or otherwise not available, at anytime since August 1, 2000. Include for each frac tank, materials placed in the frac tank, the frequency that material each was added and removed, and a statement indicating whether or not the facility held the material in the frac tank for longer than twenty-four (24) hours.
3. On January 10 and 11, 2001, FDEP performed a compliance evaluation inspection at Diversified Marine Tech and observed five frac tanks at the facility. Describe in detail and document for each frac tank, all materials placed in the frac tank, the frequency that each material was added and removed, and a statement indicating whether or not the facility held the material in the frac tank for longer than twenty-four (24) hours.
4. In a letter dated April 25, 2001, from Diversified Environmental Services to FDEP, Mr. Eugene Russel stated that "the frac tank in question was being used to temporarily consolidate loads of used oil." Please describe in detail, including dates, the operation of this frac tank, from the day it received the first load of used oil until the day it was emptied. In the description, include the location of the frac tank during each day holding used oil and the purpose of moving the frac tank.
5. In page 4 of the letter dated June 5, 2001, from Robert Noles, on behalf of Diversified Marine Tech to FDEP, Mr. Noles stated that:

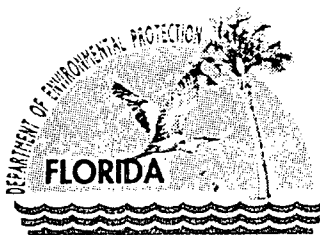
"DMT is not storing used oil in the 19,838 gallon frac tank in a manner that would subject DMT to regulation as a Used Oil Transfer Facility. Because this tank is not used to store used oil, there is no secondary containment requirement under 40 CFR 279.45(f). This tank is used to store liquid wastes, industrial wastewater and possibly petroleum contact water . . ."

Please describe in detail, the materials referred in Mr. Noles' letter as "liquid wastes, industrial wastewater and petroleum contact water." In the response include all information used to make hazardous waste determinations on liquid wastes and the industrial wastewater. Furthermore, explain why Mr. Russel's April 25, 2001 correspondence indicated that the subject frac tank had used oil, while Mr. Noles' letter indicated that there was no used oil.

6. On June 3, 2003, EPA and FDEP performed a compliance evaluation inspection at Diversified Environmental Services and observed five frac tanks at the facility. The frac tanks were labeled as containing "bilge water." Describe in detail and document for each

frac tank, all materials placed in the frac tank, the frequency that each material was added and removed, and a statement indicating whether or not the material in the frac tank was held for longer than twenty-four (24) hours. In addition, describe in detail and document the source and composition of the "bilge water" stored in the frac tanks.

7. State how often, since August 1, 2000, Diversified Marine Tech and Diversified Environmental Services, have used the frac tanks for transportation of liquid wastes, industrial wastewater, used oil and any other type of wastewater on public roads.



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

Ms. Laurie Digaetano
U.S. Environmental Protection Agency Region 4
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303-8960

May 9, 2003

Re: RCRA Enforcement Referral
DEP vs. Diversified Marine Tech, Inc. &
Diversified Environmental Services, Inc
FLD 984 182 733, Project #245262

Dear Ms. Digaetano:

Enclosed please find a copy of the referenced file that has been referred for enforcement to EPA Region 4 pursuant to the Resource Conservation and Recovery Act (RCRA) Memorandum of Agreement between the Florida Department of Environmental Protection and U.S. Environmental Protection Agency Region 4.

If you have any questions, feel free to contact me at telephone (813)744-6100 X410.

Sincerely,

James M. Dregne
Environmental Specialist III
Waste Management Division

JMD/jd

Attachments:

1. Diversified Marine Tech SW District Compliance File
2. Diversified Marine Tech SW District Enforcement File #1-2001
3. Diversified Marine Tech SW District Enforcement File #2-2001
4. Diversified Marine Tech SW District Enforcement File - 1996
5. Diversified Environmental Services District Compliance File
6. Diversified Environmental Services District Compliance File - 1996
7. DES/DMT SW District NON-PUBLIC DISCLOSURE
8. Diversified Marine Tech, OGC Legal Case File
9. Diversified Marine Tech, OGC Legal Case File-NON-PUBLIC DISCLOSURE

cc: Angela Dempsey, OGC (without attachments)

"More Protection, Less Process"

Printed on recycled paper.

Memorandum

**Florida Department of
Environmental Protection**

To: James J. Dregne
Environmental Specialist II
Southwest District

From: Anthony J. Ettore
Senior Assistant General Counsel
Office of General Counsel

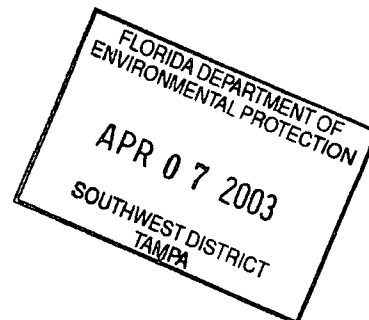
Date: April 4, 2003

Re: DEP v. Diversified Marine Tech, Inc.
OGC Case No.: 02-0305

After discussing this case with the Division, the District and EPA, it was agreed that EPA could pursue the case more effectively through EPA's administrative order authority. Therefore, OGC is returning this case to the District for referral to EPA.

I have attached all correspondence and other information generated since this case was referred to OGC. Most of this information is confidential attorney work-product exempt from public disclosure pursuant to §119.07(3)(I), Florida Statutes. It should remain confidential under Federal law as enforcement confidential. OGC will consider this case inactive.

cc: JEFF PALLAS, EPA REGION 4
MIKE REDIG, DEP HWRS





Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

February 26, 2003

Ms. Jewell Grubbs
Office of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency Region 4
Atlanta Federal Center
61 Forsyth Street SW
Atlanta, Georgia 30303-3104

RE: RCRA Enforcement Referral

Dear Ms. Grubbs:

Enclosed please find a list of six files that the Department intends to refer to EPA Region 4 pursuant to the Resource Conservation and Recovery Act (RCRA) Memorandum of Agreement between our agencies. In order to optimize benefits to human health and the environment, Region 4 and the Department have determined that our collective resources should be utilized in the most effective manner possible.

Pursuing civil litigation in RCRA enforcement action, often costly and time-consuming, is not always the best process for achieving compliance, civil penalties or other remedies. Some cases may be more effectively pursued through EPA's administrative litigation. The Department's Hazardous Waste Regulation Section in consultation with the Districts and Office of General Counsel have decided to refer the below listed files to your office for enforcement. If the Department does not resolve these cases within 30 days from the date of this letter, EPA may proceed with its administrative litigation procedures.

CASE NAME	EPA ID#	PROJECT#	DISTRICT
1. DEP vs. Golf Balls Galore, Inc.	FL0000780759	257491	South
2. Lakeland Drum Service (file already provided)	FLD982141046	255343	Southwest
3. DEP vs. Damalos & Sons, Inc.	FLR000075895	247439	Southwest
4. DEP vs. Diversified Marine Tech, Inc. & Diversified Environmental Services, Inc.	FLD984182733	245262	Southwest
5. DEP vs. Carr Connection, Inc.	FLR000057299	260461	Southwest
6. DEP vs. Florida Aircraft Painting, Inc.	FLR000078501	250006	Southeast

"More Protection, Less Process"

Printed on recycled paper.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DISTRICT ROUTING SLIP

To: James J. Dregno DATE: 4/4/03

CC To

	PENSACOLA	NORTHWEST DISTRICT	
	Panama City	Northwest District Branch Office	
	Tallahassee	Northwest District Branch Office	
	Sopchoppy	Northwest District Satellite Office	
<input checked="" type="checkbox"/>	TAMPA	SOUTHWEST DISTRICT	
	Punta Gorda	Southwest District Branch Office	
	Bartow	Southwest District Satellite Office	
	ORLANDO	CENTRAL DISTRICT	
	Melbourne	Central District Satellite Office	
	JACKSONVILLE	NORTHEAST DISTRICT	
	Gainesville	Northeast District Branch Office	
	FORT MYERS	SOUTH DISTRICT	
	Marathon	South District Branch Office	
	WEST PALM BEACH	SOUTHEAST DISTRICT	
	Port St. Lucie	Southeast District Branch Office	

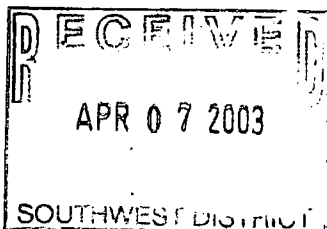
☐ Reply Optional
Date Due _____

☐ Reply Required
Date Due: _____

☐ Info Only

Comments:

FYI



From:

Tel:

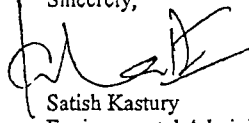
Jimmy Ettore

245-2273

Ms. Jewel Grubbs
February 26, 2003
Page 2 of 2

If you have any questions, please feel free to contact my office or the former case managers from the Districts listed above.

Sincerely,



Satish Kastury
Environmental Administrator
Hazardous Waste Regulation Section

SK/srh

cc: Bill Kutash, Southwest District
Vivek Kamath, Southeast District
Phil Barbaccia, South District
Bill Hinkley
Angela Dempsey
Larry Morgan
Georgina Holmes
Kathy Winston
Beth Knauss
Charles Emery

Dregne, James

From: Knauss, Beth
Sent: Monday, February 24, 2003 4:33 PM
To: Dempsey, Angela; Ettore, Tony
Cc: Dregne, James
Subject: RE: Diversified Marine Tech

I would feel happier about dropping the Cottee River issue if we could get a positive statement from EPA Region IV that used oil processing is not subject to the used oil processor standards in 40 CFR 279 Subpart F, if the processing occurs on a barge. They have not been willing to make a statement one way or another to date.

Secondary containment is only one aspect of the processor requirements.

The other issue is that they company accepts a lot of oily wastes without hazardous waste determinations --- which is fine, provided the wastes are managed as used oil. Unfortunately, it appears that the company only manages them in accordance with the used oil provisions that are convenient to them. Material is "used oil" if they don't want to analyze it prior to acceptance, and "industrial waste water" if they don't want to comply with 35 day storage, recordkeeping, reporting and especially hazardous waste determination requirements.

Both HOWCO, IPC and other companies that accept oily wastes for treatment, have solid waste permits or specific compliance requirements in their used oil permits that specify how these materials are managed, including requirements to perform hazardous waste determinations and specification testing.

I would be willing to drop the secondary containment issue as far as the barge is concerned, but if they are not willing to apply for a used oil processing permit, we should require them to apply for a waste processing facility permit - for the stationary installation, if not the Cottee River.

We have a decent argument that if the company is managing wastes other than used oil in a waste water treatment unit, the liquid separated from the waste water and shipped as used oil is really a waste water treatment sludge (see 40 CFR 260.10) being burned for energy recovery and not used oil fuel. If the sludge is characteristically hazardous, it would not be exempt from regulation the same way used oil is.

I initially wanted to keep this in Florida, because of our specific permit requirements for used oil processors, but it may be more appropriate to refer to EPA because of the discrepancies in Federal Regulations. We were authorized for Part 279 effective October 22, 2001, and Part 279 became federally enforceable that date.

By the way, the SW district has taken enforcement on every used oil transporter we have caught to date storing used oil in tank trailers for more than 24 hours outside secondary containment. I don't know where Ron gets the idea we don't require secondary containment for registered vehicles. We do.

-----Original Message-----

From: Ettore, Tony
Sent: Monday, February 24, 2003 11:43 AM
To: Dregne, James
Cc: Knauss, Beth
Subject: Diversified Marine Tech

Hello Jim and Beth. Angela Dempsey has requested that I attempt to resolve the outstanding issues in this case. I have reviewed the file previously, but quite honestly, given the situation with the jurisdiction over the Cottee River, the file did not get any attention. Apparently, however, during the RCRA teleconference last week this matter was discussed. Angela told me that the

SWD would consider foregoing any violations relating to the Cottee River, and if this is the case we can probably resolve the land based issues. Is my understanding of the Cottee River barge issue correct?

My review of everything in the file, including a detailed look at Noble's letter of June 5, 2001, and Bill's response of November 2001, has led me to understand that the land based issues concern Diversified's use of a 19,838 gallon "frac tank" without secondary containment. They stored used oil in this tank for more than 24 hours [while the Cottee River was in dry dock or away from Diversified's facility] without being a registered used oil transfer facility. Noble of course argued that the Department does not require secondary containment around registered motor vehicles. It seems that the other issues have been resolved.

Please let me know how the SWD would like to proceed in this case. With the Cottee River issue eliminated, Noble will likely be willing to cut some type of deal just to eliminate this problem completely -- especially if we focus on compliance issues and not penalties....

Anyway, I look forward to helping with this one. Tony

Dregne, James

From: Knauss, Beth
Sent: Friday, August 09, 2002 9:40 AM
To: Foster, Ashley
Cc: Dregne, James
Subject: RE: diversified marine tech

I don't understand your sentence: - "DEP can only enforce a waste stream flowing from the barge"

We have a situation where a regulated waste is being loaded on a barge, stored, processed and off loaded.

The rule only discusses wastes generated on the vessel.

I don't mind deferring to the Coast Guard regarding secondary containment and other storage requirements for oil on board, however Diversified is using this discrepancy in the regulations to evade used oil transporter and processor recordkeeping requirements.

It looks like we will have to set up a surveillance sampling program for the facility.

Sorry you're leaving us - I'll discuss the case further with whoever inherits it.

-----Original Message-----

From: Foster, Ashley
Sent: Friday, August 09, 2002 10:01 AM
To: Dregne, James
Cc: Knauss, Beth
Subject: diversified marine tech

For several months I've been in touch with the Coast Guard regarding the jurisdiction issue of the Cottee River. DEP can only enforce a waste stream flowing from the barge (just like with the casino ships) however the Coast Guard determines the integrity of the tanks on the barge. DEP does have jurisdiction to enforce any violations when the barge loading or unloading used oil but it doesn't have jurisdiction to contest the secondary containment issue. A Coast Guard contact would be Eric Mosher (305) 415-6874. A legal contact would be Lt. Commander Jim Carleson.

Today is my last day with the Dept. I will leave the Coast Guard contact information in the file for the new attorney. It's been a pleasure working with you. It was nice to see you at the conference, Jim.

Dregne, James

From: Emery, Charles
Sent: Thursday, April 25, 2002 5:50 AM
To: Smith, Jeff; Knauss, Beth; Redig, Michael; Ray, Steve; Neves, Richard; Burson, Lu; Kellenberger, Bill; Valade, Vicky
Cc: Dregne, James; Culbreth, Laurel
Subject: RE: Used oil secondary containment - trailers & frac tanks

I would agree with Jeff.

-----Original Message-----

From: Smith, Jeff
Sent: Wednesday, April 24, 2002 3:00 PM
To: Knauss, Beth; Redig, Michael; Ray, Steve; Neves, Richard; Burson, Lu; Emery, Charles; Kellenberger, Bill; Valade, Vicky
Cc: Dregne, James; Culbreth, Laurel
Subject: RE: Used oil secondary containment - trailers & frac tanks

Here's my two cents:

-279.45(d)(2) states that the containment system must be sufficiently impervious to used oil to prevent ANY release into the containment system from migrating out. Wouldn't a release greater than the volume of the secondary containment violate this provision?

-62-761.200(81): "tank" means any stationary CONTAINER used to store regulated substances.

-62-761.200(49): "mobile tank" means it must be moved to a different location every 180 days. Stationary after day 181 it becomes a regulated tank subject to 62-761 standards.

js

-----Original Message-----

From: Knauss, Beth
Sent: Monday, April 15, 2002 12:00 PM
To: Redig, Michael; Ray, Steve; Neves, Richard; Burson, Lu; Emery, Charles; Kellenberger, Bill; Smith, Jeff; Valade, Vicky
Cc: Dregne, James; Culbreth, Laurel
Subject: Used oil secondary containment - trailers & frac tanks

We have recently had 2 used oil transporters propose to use portable containment systems to comply with 279.46(d).

Rather than build a regulated AST system, they would like to accumulate used oil in closed frac tanks, like those in the attached web site. The capacity can be up to 21,000 gallons. They are technically RCRA containers, since they often have wheels and can be moved between job sites.

As you can see on the illustrations for the "Spillguard" system, the containment has a wall and floor, but the capacity (and probably strength) is not sufficient to hold the contents of the tank if it should rupture. It appears to be capable of retaining drips and incidental leaks.

I would like your opinions on whether

1. -used oil containers at transfer facilities must have secondary containment capable of holding the contents of the largest tank within the containment unit.

2. -this type of containment system meets 279.46(d)(2) - "The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the

soil, groundwater or surface water."

3. - how long such a frac tank could remain in one location at a transfer facility before becoming a regulated AST.

<http://www.rainforrent.com/spillguards.htm>

<http://www.rainforrent.com/tanks.htm>

Dregne, James

From: Smith, Jeff
Sent: Wednesday, April 24, 2002 3:00 PM
To: Knauss, Beth; Redig, Michael; Ray, Steve; Neves, Richard; Burson, Lu; Emery, Charles; Kellenberger, Bill; Valade, Vicky
Cc: Dregne, James; Culbreth, Laurel
Subject: RE: Used oil secondary containment - trailers & frac tanks

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js

-----Original Message-----

From: Knauss, Beth
Sent: Monday, April 15, 2002 12:00 PM
To: Redig, Michael; Ray, Steve; Neves, Richard; Burson, Lu; Emery, Charles; Kellenberger, Bill; Smith, Jeff; Valade, Vicky
Cc: Dregne, James; Culbreth, Laurel
Subject: Used oil secondary containment - trailers & frac tanks

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I would like your opinions on whether

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2. -this type of containment system meets 279.46(d)(2)- "The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater or surface water."
3. - how long such a frac tank could remain in one location at a transfer facility before becoming a regulated AST.

<http://www.rainforrent.com/spillguards.htm>

<http://www.rainforrent.com/tanks.htm>

Dregne, James

From: Foster, Ashley
Sent: Wednesday, April 24, 2002 2:31 PM
To: Dregne, James
Subject: DES/DMT

Please review the BMPs outlined in John Ruddell's 1998 memo regarding used oil transfer facilities utilizing rail cars and barges. Please let me know how many BMPs (from this list) DES and DMT are using. Also, please suggest which BMPs (from the list) would be most appropriate to require in a CO.

Dregne, James

From: Foster, Ashley
Sent: Wednesday, April 24, 2002 2:19 PM
To: 'pallas.jeff@epa.gov'
Cc: Dregne, James
Subject: FW: DES/DMT Case Report

FYI

-----Original Message-----

From: Foster, Ashley
Sent: Wednesday, April 24, 2002 3:09 PM
To: 'pallas.jeff@epa.gov'
Subject: FW: DES/DMT Case Report

Jeff,

I decided not to send Beth's memo, instead I summarized the issues. I need guidance on the Department's jurisdiction to regulate the Cotter River(the barge). Specifically, please address:

1. The applicability of used oil processor and transfer facility regulations to the barge Cottee River.
2. The applicability of the solid waste processing facility regulations to the barge Cottee River.
3. The applicability of the petroleum contact water rule requirements to the barge's operations.
4. What is acceptable secondary containment for portable tanks at used oil transfer facilities.
5. The waste tracking and recordkeeping requirements for DES and DMT.
6. Whether the dock and the Cottee River barge can be considered to be a "facility" in 40 CFR 260.10.

I know you mentioned this may take years. I hope you were kidding. If possible, please get as much information on these questions by May 6, 2002. I am researching these issues and speaking with Beth and Jim about these issues. If we cannot get some answers from EPA relatively soon, I think we will have to rethink our litigation tactics.

Thanks for your help,
Ashley

-----Original Message-----

From: Foster, Ashley
Sent: Monday, April 22, 2002 12:40 PM
To: 'pallas.jeff@epa.gov'
Subject: FW: DES/DMT Case Report

Jeff,

Please contact me to arrange a meeting to discuss this case.

Thanks,
Ashley Foster
Assistant General Counsel
(850) 921-9653

-----Original Message-----

From: Foster, Ashley
Sent: Thursday, April 18, 2002 2:38 PM
To: 'pallas.jeff@epa.gov'
Subject: FW: DES/DMT Case Report

Jeff,

I've spoken to Laurie and Susan Kapal about this matter already. Jim Dregne and Beth Knauss have questions about our jurisdiction in this case. I'd like to schedule a teleconference. Please let me know your availability during the next two weeks.

Thanks,
Ashley Foster
Assistant General Counsel

FL Dept. of Environmental Protection
(850) 921-9653

-----Original Message-----

From: Dregne, James
Sent: Thursday, April 18, 2002 10:01 AM
To: 'pallas.jeffrey@epa.gov'
Cc: Foster, Ashley; Knauss, Beth
Subject: DES/DMT Case Report

Ashley Foster, OGC, asked me to forward this case report to you. Edmond is very familiar with this case, because this case report grew out of the joint EPA/FDEP inspection that Edmond and I did of the used oil storage/processing barge Cottee River.



DMT Case
Report.doc



DMT
Chronology.doc

James M. Dregne
FL. DEPT OF ENVIRONMENTAL PROTECTION
Environmental Specialist III
3804 Coconut Palm Drive
Tampa, FL 33619
ph (813) 744-6100 ext.410, fax (813) 744-6125
james.dregne@dep.state.fl.us

Dregne, James

From: Foster, Ashley
Sent: Tuesday, April 23, 2002 2:34 PM
To: Knauss, Beth; Dregne, James
Subject: FW: used oil barge

FYI

-----Original Message-----

From: Digaetano.Laurie@epamail.epa.gov
[mailto:Digaetano.Laurie@epamail.epa.gov]
Sent: Tuesday, April 23, 2002 2:58 PM
To: Pallas.Jeff@epamail.epa.gov
Cc: Foster, Ashley
Subject: used oil barge

Jeff -

FDEP is having trouble making a determination as to whether or not a used oil processor is regulated under RCRA when the used oil processing and/or storage activities are conducted on a barge. They've asked for EPA interpretation. I have both spoken with Beth Knauss and Ashley Foster (OGC) about this issue. Ashley has also spoken with Susan Capel.

You may remember this is the facility that Edmond inspected with Beth. We've discussed the issue, and you suggested that I check the OECA website for an OPA contact. I've searched the website, and I have been unable to find any information on this topic.

Can you help me locate a HQ expert who can help determine the regulatory requirements for storing and/or processing used oil on a barge? Ashley is particularly interested in obtaining any available case law which addresses this issue.

Thanks -
Laurie

Laurie Benton DiGaetano US EPA, Region 4
RCRA Enforcement and Compliance Branch
DiGaetano.Laurie@epa.gov (404) 562-8597

Dregne, James

From: Pallas.Jeff@epamail.epa.gov
Sent: Friday, April 19, 2002 6:55 AM
To: Dregne, James
Subject: Re: DES/DMT Case Report

Thx. We'll take a look at it.

Jeffrey T. Pallas, Chief
South Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch
(404) 562-8569

Dregne, James

From: Dregne, James
Sent: Thursday, April 18, 2002 12:19 PM
To: Altice, Kekai
Subject: RE: DES/DMT Case Report

I tried two e-mail addresses. The first was pallas.jeffrey@epa.gov That didn't go through. I then tried pallas.jeff@epa.gov I think that one worked.

-----Original Message-----

From: Altice, Kekai
Sent: Thursday, April 18, 2002 11:14 AM
To: Dregne, James
Subject: FW: DES/DMT Case Report

Please advise as to another means of contacting Mr. Pallas - his e-mail from Ashley is not going through for some reason

Thanks,

KeKai Altice
Assistant to Ashley Foster
850-921-9667

-----Original Message-----

From: Foster, Ashley
Sent: Thursday, April 18, 2002 10:15 AM
To: Altice, Kekai
Subject: FW: DES/DMT Case Report

I'm having a really difficult time sending this e-mail. Please let me know what I'm doing wrong.

-----Original Message-----

From: Foster, Ashley
Sent: Thursday, April 18, 2002 10:13 AM
To: 'pallas.jeffrey@epa.gov'
Subject: FW: DES/DMT Case Report

Jeff,

Beth and Jim have questions about the Department's jurisdiction to inspect the Cottee River. Let's set up a teleconference to discuss this issue. Please tell me your availability during the next two weeks.

Thanks,
Ashley Foster
Assistant General Counsel
FL Department of Environmental Protection
(850) 921-9653

-----Original Message-----

From: Dregne, James
Sent: Thursday, April 18, 2002 10:01 AM
To: 'pallas.jeffrey@epa.gov'
Cc: Foster, Ashley; Knauss, Beth
Subject: DES/DMT Case Report

Ashley Foster, OGC, asked me to forward this case report to you. Edmond is very familiar with this case, because this case report grew out of the joint EPA/FDEP inspection that Edmond and I did of the used oil storage/processing barge Cottee River.

<< File: DMT Case Report.doc >>

<< File: DMT Chronology.doc >>

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FL Department of Environmental Protection
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DMT Case
Report.doc



DMT
Chronology.doc

James M. Dregne
FL. DEPT OF ENVIRONMENTAL PROTECTION
Environmental Specialist III
3804 Coconut Palm Drive

DMT and DES CHRONOLOGY

May 18, 1992	Department HW Compliance Inspection of DMT and DES. (Schoenbacher)
June 1, 1992	Department sends Case Closed letter to DMT citing no violations at Cottee River.
June 9, 1992	Department Warning Letter #WL92-0044HW29SWD issued to DES.
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March 21, 1996	Enforcement Meeting
March 28, 1996	Knauss has telephone conversation with Lt. Campbell, United States Coast Guard over jurisdiction over Cottee River.
July 5, 1996	Coast Guard letter reference Coast Guard vs. FDEP jurisdiction.
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April 10, 2001	Department Warning Letter WL#245262. Violation
April 23, 2001	EPA Inspection Report of DMT.
April 25, 2001	Initial response letter from DMT to Department Warning Letter.
April 26, 2001	Enforcement meeting between Department and DMT and DES.
April 30, 2001	Letter from DMT describing possible secondary containment for used oil storage tank.
June 5, 2001	Formal response and counteroffer letter from DMT to Warning Letter.
November 5, 2001	Department rejection letter of DMT counteroffer.
January 16, 2002	DMT request for formal meeting.
January 30, 2002	Informed attorney for DMT of Department's intentions to refer case to OGC.

Dregne, James

From: Foster, Ashley
Sent: Thursday, April 18, 2002 8:06 AM
To: Dregne, James
Cc: Knauss, Beth
Subject: RE: Diversified settlement

Sensitivity: Confidential

Jim,

Please e-mail your case report on DMT to Jeff Palace. Once you've done so, I will arrange a teleconference for you, me, Beth, Jeff, and Angela Dempsey to discuss this case.

I will continue to research the jurisdiction issues in this case. If you have any questions, please call.

Thanks,
Ashley

-----Original Message-----

From: Knauss, Beth
Sent: Wednesday, April 17, 2002 5:23 PM
To: Foster, Ashley
Subject: Diversified settlement
Sensitivity: Confidential

please see attached

Dregne, James

From: Knauss, Beth
Sent: Tuesday, April 16, 2002 5:41 PM
To: Dregne, James
Subject: comments

Sensitivity: Confidential



diversified
emo oil issues.do

lease review the attached draft for Ashley

Memorandum

Florida Department of Environmental Protection

To: Ashley Foster, OGC

From: Elizabeth Knauss, SWD

Date: 4/16/02

Subject: Diversified Environmental Services
Elk River Corporation (Cottee River barge)
Diversified Marine Tech
Hillsborough County
OGC Case 02-0305C

I am reluctant to settle this case under Ron Noble's proposed terms while there are so many outstanding compliance issues which have not been resolved. Settling this case requires a clear agreement on how the corporations will operate in order to avoid future cases. At a minimum, a long form Consent Order will be required.

Specifically, we need to have an agreement on

1. The applicability of used oil processor and transfer facility regulations to the barge Cottee River.
2. The applicability of the solid waste processing facility regulations to the barge Cottee River.
3. The applicability of the petroleum contact water rule requirements to the barge's operations.
4. The waste tracking and recordkeeping requirements applicable to each of the related companies.

If we cannot reach agreement with the companies on these issues, we should go to trial (or administrative hearing) to get a judicial determination. Penalty issues are secondary to compliance issues.

The issues that could affect the outcome of the case are:

1. Whether the dock and barge can be considered to be a "facility."

A "facility" in 40 CFR 260.10 is "all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing..." We need a legal interpretation of whether or not a docked barge, being loaded from the shore, is an "appurtenance." A "facility" in 62-701 means "means all contiguous land and structures, other appurtenances, and improvements on the land used for solid waste management."

I think we can make the case, as the dock is clearly attached to the land, even if it extends over the water. If the barge is attached to the dock, it is an "appurtenance" by extension. Docks can have supports embedded in the bay bottom, or they can be floating. The regulatory status should be the same for floating docks as well as docked barges, as long as they are attached to the land.

The discussion at 45 FR 72025 regarding when transport vessels etc. become regulated storage units is relevant to the case. EPA chose to exempt raw materials transport vehicles, vessels and tanks. However,

EPA also stated that if those units were used to manage waste, or were taken out of service and not emptied within 90 days, the units were subject to regulation as waste management units. EPA clearly stated at pg. 72025 that the waste becomes regulated at the point at which it is removed from the unit at which it is generated. Vessels were not exempted from the 90 day storage limit when taken out of service. Waste taken from one vessel for management in a second was also not exempted from regulation.

Both used oil and other solid wastes such as bilge water are being managed in the Cottee River. Aqueous wastes are regulated under the solid waste rules unless they are discharged pursuant to the Clean Water Act or managed in a Clean Water Act regulated waste water treatment unit. As the barge is not directly connected to a publicly owned treatment plant, and does not discharge directly to the water, it is a solid waste management unit.

2. Whether or not solid waste processing facility permit exemptions apply.

The site is not a registered solid waste transfer facility or a permitted used oil processing facility. It is privately owned. The barge accepts waste from a commercial hauler (Diversified and the Elk River Corporation are separate entities) that accepts waste from multiple generators. The barge then disposes of waste, after processing, to several different final waste treatment and disposal facilities. The 62-701.710(1)(e) exemptions do not apply

3. Whether or not the barge is holding used oil more than 35 days.

We should require the facility to give us a definitive answer on this issue. The response should be in a form that would be a felony to falsify -- either in response to a "Request for Information" or in depositions in response to a lawsuit. If the facility has to start keeping records on all waste movements, all the better.

4. Whether or not PCW is being managed properly

The Cottee River has received waste identified as PCW. Product is being recovered within the barge for shipment to a used oil facility. Contaminated water is being removed from the barge for management at a pretreatment facility connected to a POTW. The pretreatment facility allegedly recovers more product and/or used oil from the water. Therefore the barge meets the requirements for a PCW "producer." The contaminated water is not identified as either used oil or PCW when the water is shipped to DES for pretreatment. Both used oil and PCW regulations require residuals derived from recovery of oil or product to have a hazardous waste determination prior to shipment off site.

The Cottee River should be required to demonstrate that PCW is not stored more than 180 days based on throughput. Records showing the source and ultimate disposition of the PCW must be maintained.

5. Recordkeeping requirements

Each potentially applicable program area has its own recordkeeping requirements. The companies have generally been complying with used oil and PCW recordkeeping requirements, but have not tracked other solid wastes co-managed with the oil and PCW, thus making it impossible to reconcile input and output.

The new solid waste facility rules also require daily records of the amount and type of waste received to be recorded

62.701.710 (9) Recordkeeping.

(a) Operational records shall be maintained to include a daily log of the quantity of solid waste received, processed, stored, and removed from the site for recycling or disposal, and the county of origin of the waste, if known. These records shall include each type of solid waste, recovered materials, residuals, and unacceptable waste which is processed, recycled, and disposed. Such records shall be compiled on a monthly basis and shall be available for inspection by the Department. Records shall be retained at the facility for three years.

The facility could still make use of a loophole for some of the materials it manages. If the facility receives off specification fuel, such as diesel or gasoline, that is not PCW, it is not a solid waste under current Department policy as it is being recycled for its original intended purpose as fuel.

However, pursuant to 40 CFR 261.2(f) I believe the Department has the authority to require the companies to keep records of all materials received which are processed together with regulated wastes, at least until we can determine residence time of the wastes.

The District's position is that:

1. The barge should not be used to process used oil, PCW or other solid wastes without a permit.
2. Secondary containment must be provided for all used oil transfer operations immediately, except for the barge. Secondary containment must have the capacity to hold 110% of the largest container in the containment area. I would be willing to defer to Coast Guard requirements for a compliance deadline for double hulled barges, provided that the Cottee River is not replaced by any other single hulled vessel, and all new vessels used to process waste are double hulled.
3. The companies must track all movements of waste and petroleum products managed in the waste storage and processing areas.
4. The companies must comply with hazardous waste determination requirements for all waste shipments between facilities. Product and process knowledge is not acceptable for materials contaminated with used oil and/or PCW.

Dregne, James

From: Foster, Ashley
Sent: Tuesday, April 16, 2002 5:32 PM
To: Dregne, James
Subject: RE: DMT's settlement offer

ok, thanks

-----Original Message-----

From: Dregne, James
Sent: Tuesday, April 16, 2002 6:31 PM
To: Foster, Ashley
Subject: RE: DMT's settlement offer

Just talked with Beth, she had not finished the memo. She is finishing it now. I am not sure what it says.

-----Original Message-----

From: Foster, Ashley
Sent: Tuesday, April 16, 2002 6:12 PM
To: Dregne, James
Subject: RE: DMT's settlement offer

I didn't get a memo and Ron Noble called me again today about our counteroffer.

-----Original Message-----

From: Dregne, James
Sent: Tuesday, April 16, 2002 6:11 PM
To: Foster, Ashley
Subject: RE: DMT's settlement offer

Did you get anything from Beth? She and I had a long discussion on the subject yesterday. She was going to send you a memo.

-----Original Message-----

From: Foster, Ashley
Sent: Tuesday, April 16, 2002 1:24 PM
To: Dregne, James
Subject: DMT's settlement offer

Any response to their civil penalty of \$6,800? I need to get back to Ron so that he can get back to his client.

Dregne, James

From: Dregne, James
Sent: Tuesday, April 16, 2002 12:41 PM
To: Knauss, Beth
Subject: FW: DMT's settlement offer

fyi

-----Original Message-----

From: Foster, Ashley
Sent: Tuesday, April 16, 2002 1:24 PM
To: Dregne, James
Subject: DMT's settlement offer

Any response to their civil penalty of \$6,800? I need to get back to Ron so that he can get back to his client.

Dregne, James

From: Knauss, Beth
Sent: Monday, April 15, 2002 11:00 AM
To: Redig, Michael; Ray, Steve; Neves, Richard; Burson, Lu; Emery, Charles; Kellenberger, Bill; Smith, Jeff; Valade, Vicky
Cc: Dregne, James; Culbreth, Laurel
Subject: Used oil secondary containment - trailers & frac tanks

We have recently had 2 used oil transporters propose to use portable containment systems to comply with 279.46(d).

Rather than build a regulated AST system, they would like to accumulate used oil in closed frac tanks, like those in the attached web site. The capacity can be up to 21,000 gallons. They are technically RCRA containers, since they often have wheels and can be moved between job sites.

As you can see on the illustrations for the "Spillguard" system, the containment has a wall and floor, but the capacity (and probably strength) is not sufficient to hold the contents of the tank if it should rupture. It appears to be capable of retaining drips and incidental leaks.

I would like your opinions on whether

1. -used oil containers at transfer facilities must have secondary containment capable of holding the contents of the largest tank within the containment unit.
2. -this type of containment system meets 279.46(d)(2)- "The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater or surface water."
3. - how long such a frac tank could remain in one location at a transfer facility before becoming a regulated AST.

<http://www.rainforrent.com/spillguards.htm>

<http://www.rainforrent.com/tanks.htm>

Dregne, James

From: Foster, Ashley
Sent: Friday, April 05, 2002 10:32 AM
To: Knauss, Beth; Dregne, James
Subject: I spoke to Laurie from EPA

UPDATE

I spoke to Laurie Digaetano about your jurisdictional questions about the Cottee River. Laurie says she does not have an answer for us but she is still searching...

Dregne, James

From: Foster, Ashley
Sent: Thursday, April 04, 2002 10:16 AM
To: Dregne, James
Subject: diversified mariana settlement

Today, let me know the settlement range for this case and what corrective actions we would require in a consent order.

Dregne, James

From: Foster, Ashley
Sent: Friday, March 29, 2002 8:33 AM
To: Dregne, James
Subject: diversified marine technology

Jim,

I have a few questions about this case. Please call me on Monday to discuss this case. Also, in the chronology you mentioned a July 5, 1996 Coast Guard vs. DEP jurisdiction and the interim guidance on secondary containment. Please fax these items to me at 850 488-2439. Thanks.

Ashley Foster
Assistant General Counsel

Dregne, James

From: Knauss, Beth
Sent: Wednesday, September 19, 2001 12:14 PM
To: Dregne, James
Subject: Used Oil Authorization Status



DMT

ntsUsed Oil Auth

his keeps getting more complicated. Please look at my draft & let me know what you think

Used Oil Authorization Status

Rule published Aug 23, 2001, will be effective Oct 22. if no adverse comments received by Sept 24.

LET'S NOT MAIL THIS LETTER UNTIL SEPT 24TH!

The Department has consistently maintained that the oily wastes managed by DMT are subject to regulation under 62-710 and 40 CFR Part 279. DMT accepts oily wastes without requiring the generators to test or otherwise determine whether or not the wastes are characteristically hazardous. Used oil managed for recovery is exempt from this requirement, as characteristically hazardous used oil is still regulated under 40 CFR Part 279, rather than Parts 262-268. Used oil and oily wastes managed for treatment, storage or disposal, rather than recovery, are subject to 40 CFR 262.11 hazardous waste determination requirements. Please see 40 CFR 279.10(e)(3). In addition 40 CFR 279.10(c) explains that materials contaminated with free flowing used oil destined to be burned for energy recovery are regulated as used oil, provided they are not also regulated hazardous wastes.

Owners of waste water treatment facilities that accept characteristically hazardous waste water for treatment prior to discharge under an NPDES permit are required to have hazardous waste facility permits. See 40 CFR 270.1(c)(1)(ii). In the past, DMT and DMS have been considered exempt from hazardous waste permitting requirements pursuant to 40 CFR 264.1(g)(2). DMT and DMS have also been considered to be exempt from solid waste facility permitting requirements as a used oil transporter and transfer facility that conducts processing incidental to transport. If DMT intends to claim that these exemptions do not apply to their operation, the facility will be subject to solid waste facility permit requirements under 62-701.710. These permits typically include waste acceptance, analytical and screening requirements to ensure that hazardous waste is not accepted. A waste processing facility permitted under this section may not accept used oil for processing. However, in accordance with 62-701.320(5) and 62-701.710(1)(a) "owners or operators which manage several types of wastes, including used oil, ... contaminated soil, ... may apply for a single permit which addresses all applicable requirements." In the Southwest District, there are a number of solid waste and used oil facility permits that have specific conditions related to the management of petroleum contaminated materials.

DMT and DMS are clearly in the business of managing used oil generated off site. The Department has consistently maintained that the facilities are exempt from the requirement to obtain a Department permit only if they operate in compliance with used oil transporter and transfer facility requirements.

Since 1996 the Department has maintained that either facility could be subject to used oil processor standards if used oil is stored more than 35 days and transfer facility standards if used oil is stored more than 24 hours. Prior to the 2001 inspection, the Department understood that any storage more than 24 hours took place in barges, such as the Cottee River.

The Department agreed to defer a final determination on secondary containment requirements for the barge Cottee River to EPA. To date EPA has declined to make a determination pending Florida's final authorization for the used oil program. It is the District's intent to request a formal determination from on the secondary containment issue from EPA Region IV at that time.

However, this issue is separate from the facts of the 2001 inspection, where land based units were being used for storing used oil more than 24 hours. The land based....

The Department will not agree to any language in the proposed Consent Order that implies that the that barges storing used oil are not regulated containers under Part 279. In addition, the Department will not agree that the 35 day storage time limit for transfer facilities does not apply to storage in barges. You are requested to this offer within 20 days. If you have any questions, please call

PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech/Diversified Environmental Services

Identify Violator's Facility: 2531 22nd St. Causeway South, Tampa, FL 33619 --- FLD 984 182 733

Name of Department Staff Responsible for the Penalty Computations: Jim Dregne

ComHaz Case #: 245262

Date: February 12, 2002

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	279.45(f) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
2.	279.54(c) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
3.	279.45(g)(1) no label	20.1	Minor	Major	\$1,199 -- \$600			\$900
4	62-710.800(2)(6) no permit	19.4.1	Moderate	Major	\$4,599 - \$3,300			\$3,900
5	62-710.500(1)(b) failed to register	19.1			\$300			\$300
6	279.52(b) contingency plan	28.5	Major	Major	\$10,000 -- \$8,000			\$9,000
7	279.55 analysis plan	29.1	Moderate	Major	\$4,599 - \$3,300			\$3,900
8.	279.56(a) tracking records	21.1	Major	Moderate	\$7,999 - \$6,000			\$7,000
TOTAL								\$43,000

DMT and DES CHRONOLOGY

May 18, 1992	Department HW Compliance Inspection of DMT and DES. (Schoenbacher)
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January 16, 2002	DMT request for formal meeting.
January 30, 2002	Informed attorney for DMT of Department's intentions to refer case to OGC.

Florida Department of State Division of Corporations

Corporations Online

www.sos.fl.us

Public Inquiry

Florida Profit

DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

PRINCIPAL ADDRESS

1201 N. 22ND STREET
TAMPA FL 33605-5314 US
Changed 05/01/1997

MAILING ADDRESS

P.O. BOX 5357
TAMPA FL 33675
Changed 05/07/1998

Document Number

K98506

FEI Number

592987677

Date Filed

06/27/1989

State

FL

Status

ACTIVE

Effective Date

06/21/1989

Last Event

CORPORATE MERGER

Event Date Filed

12/29/1995

Event Effective Date

01/01/1996

Registered Agent

Name & Address

MCCORMICK, GERRY K
1201 N. 22ND STREET
TAMPA FL 33605

Officer/Director Detail

Name & Address	Title
MCCORMICK, GERRY KYLE 1201 N. 22ND STREET TAMPA FL 33605 US	PD
CAMPBELL, ROBERT 1201 N. 22ND STREET TAMPA FL 33605 US	DV
RUSSEL, EUGENE 1201 N. 22ND STREET TAMPA FL 33605 US	DV

Annual Reports

Report Year	Filed Date	Intangible Tax
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2000	06/08/2000	
2001	03/19/2001	

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Florida Department of State, Division of Corporations

Corporations Online

www.sos.state.fl.us

Public Inquiry

Florida Profit

DIVERSIFIED MARINE TECH, INC.

PRINCIPAL ADDRESS

2531 S 22ND ST
TAMPA FL 33605 US
Changed 02/21/1995

MAILING ADDRESS

PO BOX 5706
TAMPA FL 33675 US
Changed 02/21/1995

Document Number

H59325

FEI Number

592540896

Date Filed

05/27/1985

State

FL

Status

ACTIVE

Effective Date

05/20/1985

Registered Agent

Name & Address

MCCORMICK, GERRY KYLE
1201 N 22ND ST
TAMPA FL 33605

Address Changed: 02/21/1995

Officer/Director Detail

MCCORMICK, GERRY KYLE 1201 N 22ND ST TAMPA FL	DP
CAMPBELL, ROBERT 1201 N 22ND ST TAMPA FL	DV
MCCORMICK, GERRY J 1201 N 22ND ST TAMPA FL	T

Annual Reports

Report Year	Filed Date	Intangible Tax
1999	04/08/1999	
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2001	03/19/2001	

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