

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: Susan J. Pelz, P.E., Waste Program Administrator

THROUGH: James Dregne, Hazardous Waste Program Manager

FROM: Elizabeth Knauss, HW Enforcement Coordinator

DATE: June 11, 2012

FILE NAME: January Environmental Services, Inc.

COUNTY: Polk

PROGRAM: Hazardous Waste

OGC Case # 11-0878

TYPE OF DOCUMENT: Case Closure Letter

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit. Storing solid waste without a waste processing permit. Several paperwork violations.

STATUS OF CORRECTIVE ACTIONS: Permit has been issued

STATUS OF PENALTY ASSESSMENT: Paid,

PENALTY: ☐ Not Applicable

Amount: \$ 10,099.00

Costs & Expenses: \$ 300.00

Total: \$ 10,399.00

Secretary Approval ☐ Required / Approved on \_\_\_\_\_

Attachments: Letter, OGC Case Closure Form



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

June 12, 2012

Mr. Cris January, President  
January Environmental Services, Inc.  
1920 Hwy 60 West  
Bartow, FL 33830

Re: January Environmental Services, Inc.  
FLD 982 162 943  
OGC Case No. #11-0878  
Polk County

Dear Mr. January:

This is to acknowledge that you have completed the actions required under the terms of the referenced Consent Order. The Department is therefore closing this case file. Your continued cooperation is appreciated. If you have any questions please call Elizabeth Knauss (813) 632-7600, extension 383.

Sincerely yours,

Susan J. Pelz, P.E.  
Waste Program Administrator  
Southwest District

cc: Fred McCormack, Esq. ([mccormack@fredmccormack.com](mailto:mccormack@fredmccormack.com))  
Glen Perrigan, HWR Section ([Glen.Perrigan@dep.state.fl.us](mailto:Glen.Perrigan@dep.state.fl.us))  
Bheem Kothur, HWR Section ([Bheem.Kothur@dep.state.fl.us](mailto:Bheem.Kothur@dep.state.fl.us))  
Laurie DiGaetano, USEPA Region IV ([Benton-DiGaetano@epa.gov](mailto:Benton-DiGaetano@epa.gov))  
Andrea Stermer, Polk County ([andreastermer@polk-county.net](mailto:andreastermer@polk-county.net))

Inserted into OCULUS

JUN 12 2012

Initials:

Brantley, Anna

---

**From:** Brantley, Anna  
**Sent:** Tuesday, June 12, 2012 11:19 AM  
**To:** 'mccormack@fredmccormack.com'; Perrigan, Glen; Kothur, Bheem; 'benton-digaetano@epa.gov'; Hughes, Andrea  
**Cc:** Knauss, Elizabeth  
**Subject:** Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
**Attachments:** January Environmental Serv.\_FLD982162943- Case Closure ltr.pdf

Tracking:	Recipient	Delivery
	'mccormack@fredmccormack.com'	
	Perrigan, Glen	Delivered: 6/12/2012 11:19 AM
	Kothur, Bheem	Delivered: 6/12/2012 11:19 AM
	'benton-digaetano@epa.gov'	
	Hughes, Andrea	Delivered: 6/12/2012 11:19 AM
	Knauss, Elizabeth	Delivered: 6/12/2012 11:19 AM

Attached please find "Case Closure Letter for the Executed Consent Order, OGC Case No.: 11-0878 for the subject Hazardous Waste Facility.

**NOTE:** If you have questions concerning the content of this document, please contact the DEP hazardous waste staff elizabeth.knauss @dep.state.fl.us

This is the only electronic copy you will receive. Acrobat Reader 6.0 or greater is required to read this document, and is available for downloading at: <http://www.adobe.com/products/acrobat/readstep.html>

Anna

Anna Brantley  
Administrative Assistant II  
FL DEP / SWD / Waste Management  
13051 North Telecom Parkway  
Temple Terrace FL 33637-0629  
Tel: 813/632-7600, Ext. 377  
Fax: 813/632-7664  
[anna.brantley@dep.state.fl.us](mailto:anna.brantley@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Hershel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey. Thank you in advance for completing the survey.*

Brantley, Anna

---

**From:** Brantley, Anna  
**Sent:** Tuesday, June 12, 2012 11:20 AM  
**To:** Andrea Stermer (andreastermer@polk-county.net)  
**Subject:** FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
**Attachments:** January Environmental Serv.\_FLD982162943- Case Closure ltr.pdf

Anna Brantley  
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*We don't stop playing because we grow old; we grow old because we stop playing.  
George Bernard Shaw*

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**Cc:** Knauss, Elizabeth  
**Subject:** Case Closure Letter for January Environmental Services\_OGC No. 11-0878

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**Cc:** Knauss, Elizabeth  
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Brantley, Anna

---

**From:** Brantley, Anna  
**Sent:** Tuesday, June 12, 2012 11:26 AM  
**To:** 'Digaetano.laurie@Epa.gov'  
**Subject:** FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
**Attachments:** January Environmental Serv.\_FLD982162943- Case Closure ltr.pdf

Anna Brantley  
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**From:** Brantley, Anna  
**Sent:** Tuesday, June 12, 2012 11:20 AM  
**To:** Andrea Stermer ([andreastermer@polk-county.net](mailto:andreastermer@polk-county.net))  
**Subject:** FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

Anna Brantley  
Administrative Assistant II  
FL DEP / SWD / Waste Management  
13051 North Telecom Parkway  
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Brantley, Anna

---

**From:** Microsoft Exchange  
**To:** 'mccormack@fredmccormack.com'  
**Sent:** Tuesday, June 12, 2012 11:19 AM  
**Subject:** Relayed: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'mccormack@fredmccormack.com'

**Subject:** Case Closure Letter for January Environmental Services\_OGC No. 11-0878

---

Sent by Microsoft Exchange Server 2007

Brantley, Anna

---

**From:** Microsoft Exchange  
**To:** Knauss, Elizabeth; Hughes, Andrea  
**Sent:** Tuesday, June 12, 2012 11:19 AM  
**Subject:** Delivered: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

**Your message has been delivered to the following recipients:**

Knauss, Elizabeth

Hughes, Andrea

**Subject:** Case Closure Letter for January Environmental Services\_OGC No. 11-0878

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Sent by Microsoft Exchange Server 2007

Brantley, Anna

---

**From:** Microsoft Exchange  
**To:** Perrigan, Glen; Kothur, Bheem  
**Sent:** Tuesday, June 12, 2012 11:19 AM  
**Subject:** Delivered: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

**Your message has been delivered to the following recipients:**

Perrigan, Glen

Kothur, Bheem

Subject: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

---

Sent by Microsoft Exchange Server 2007

Brantley, Anna

---

**From:** Brantley, Anna  
**Sent:** Tuesday, June 12, 2012 11:43 AM  
**To:** 'Benton-Digaetano.Laurie@epamail.epa.gov'  
**Subject:** FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
**Attachments:** January Environmental Serv.\_FLD982162943- Case Closure ltr.pdf

Resending due to error in email address

Anna Brantley  
Administrative Assistant II  
FL DEP / SWD / Waste Management  
13051 North Telecom Parkway  
Temple Terrace FL 33637-0629  
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**From:** Brantley, Anna  
**Sent:** Tuesday, June 12, 2012 11:26 AM  
**To:** 'Digaetano.laurie@Epa.gov'  
**Subject:** FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

Anna Brantley  
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Brantley, Anna

---

**From:** Microsoft Exchange  
**To:** 'Digaetano.Laurie@epa.gov'  
**Sent:** Tuesday, June 12, 2012 11:28 AM  
**Subject:** Undeliverable: RE: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

**Delivery has failed to these recipients or distribution lists:**

'Digaetano.Laurie@epa.gov'

The recipient's e-mail address was not found in the recipient's e-mail system. Microsoft Exchange will not try to redeliver this message for you. Please check the e-mail address and try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: mseive01.rtp.epa.gov.

---

Sent by Microsoft Exchange Server 2007

**Diagnostic information for administrators:**

Generating server: ECHCAS1.floridadep.net

Digaetano.Laurie@epa.gov

mseive01.rtp.epa.gov #550 5.1.1 <Digaetano.Laurie@epa.gov>: Recipient address rejected: User unknown in relay recipient table ##

Original message headers:

Received: from ECHMBB.floridadep.net (:::1) by ECHCAS1.floridadep.net (:::1)  
with mapi; Tue, 12 Jun 2012 11:28:09 -0400  
From: "Brantley, Anna" <Anna.Brantley@dep.state.fl.us>  
To: "'Digaetano.Laurie@epa.gov'" <Digaetano.Laurie@epa.gov>  
Date: Tue, 12 Jun 2012 11:28:08 -0400  
Subject: RE: Case Closure Letter for January Environmental Services\_OGC No.  
11-0878  
Thread-Topic: Case Closure Letter for January Environmental Services\_OGC No.  
11-0878  
Thread-Index: Ac1IrhqHhJwNNih3ThS6q8BFnFnVxwAABxAAAA9K3AAABBA8A==  
Message-ID: <4B583FDBCE32AD45AA1A7A01EA8319FC034807E541@ECHMBB.floridadep.net>  
References: <4B583FDBCE32AD45AA1A7A01EA8319FC034807E540@ECHMBB.floridadep.net>

In-Reply-To: <4B583FDBCE32AD45AA1A7A01EA8319FC034807E540@ECHMBB.floridadep.net>  
Accept-Language: en-US  
Content-Language: en-US  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator:  
acceptlanguage: en-US  
Content-Type: multipart/alternative;  
    boundary="\_000\_4B583FDBCE32AD45AA1A7A01EA8319FC034807E541ECHMBBflorida\_"  
MIME-Version: 1.0



RE: Case Closure  
Letter for Ja...

Brantley, Anna

---

**From:** Microsoft Exchange  
**To:** 'Digaetano.laurie@Epa.gov'  
**Sent:** Tuesday, June 12, 2012 11:26 AM  
**Subject:** Undeliverable: FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

**Delivery has failed to these recipients or distribution lists:**

'Digaetano.laurie@Epa.gov'

The recipient's e-mail address was not found in the recipient's e-mail system. Microsoft Exchange will not try to redeliver this message for you. Please check the e-mail address and try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: mseive02.rtp.epa.gov.

---

Sent by Microsoft Exchange Server 2007

**Diagnostic information for administrators:**

Generating server: ECHCAS2.floridadep.net

Digaetano.laurie@Epa.gov

mseive02.rtp.epa.gov #550 5.1.1 <Digaetano.laurie@Epa.gov>: Recipient address rejected: User unknown in relay recipient table ##

Original message headers:

Received: from ECHMBB.floridadep.net ([::1]) by ECHCAS2.floridadep.net ([172.20.33.52]) with mapi; Tue, 12 Jun 2012 11:26:05 -0400  
From: "Brantley, Anna" <Anna.Brantley@dep.state.fl.us>  
To: "'Digaetano.laurie@Epa.gov'" <Digaetano.laurie@Epa.gov>  
Date: Tue, 12 Jun 2012 11:26:03 -0400  
Subject: FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
Thread-Topic: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
Thread-Index: Ac1IrqHhQJwNNih3ThS6q8BFnFnVxwAABAxAAAA9K3A=  
Message-ID: <4B583FDBCE32AD45AA1A7A01EA8319FC034807E540@ECHMBB.floridadep.net>  
Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

acceptlanguage: en-US

Content-Type: multipart/mixed;

boundary="\_004\_4B583FDBCE32AD45AA1A7A01EA8319FC034807E540ECHMBBflorida\_"

MIME-Version: 1.0



FW: Case Closure  
Letter for Ja...

Brantley, Anna

---

**From:** Microsoft Exchange  
**To:** 'Benton-DiGaetano@epa.gov'  
**Sent:** Tuesday, June 12, 2012 11:22 AM  
**Subject:** Undeliverable: FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878

**Delivery has failed to these recipients or distribution lists:**

'Benton-DiGaetano@epa.gov'

The recipient's e-mail address was not found in the recipient's e-mail system. Microsoft Exchange will not try to redeliver this message for you. Please check the e-mail address and try resending this message, or provide the following diagnostic text to your system administrator.

The following organization rejected your message: mseive02.rtp.epa.gov.

---

Sent by Microsoft Exchange Server 2007

**Diagnostic information for administrators:**

Generating server: ECHCAS2.floridadep.net

Benton-DiGaetano@epa.gov

mseive02.rtp.epa.gov #550 5.1.1 <Benton-DiGaetano@epa.gov>: Recipient address rejected: User unknown in relay recipient table ##

Original message headers:

Received: from ECHMBB.floridadep.net ([::1]) by ECHCAS2.floridadep.net ([172.20.33.52]) with mapi; Tue, 12 Jun 2012 11:22:11 -0400  
From: "Brantley, Anna" <Anna.Brantley@dep.state.fl.us>  
To: "'Benton-DiGaetano@epa.gov'" <Benton-DiGaetano@epa.gov>  
Date: Tue, 12 Jun 2012 11:22:10 -0400  
Subject: FW: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
Thread-Topic: Case Closure Letter for January Environmental Services\_OGC No. 11-0878  
Thread-Index: Ac1IrqHhQJwNNih3ThS6q8BFnFnVxwAAHbfQ  
Message-ID: <4B583FDBCE32AD45AA1A7A01EA8319FC034807E53F@ECHMBB.floridadep.net>  
Accept-Language: en-US

Content-Language: en-US

X-MS-Has-Attach: yes

X-MS-TNEF-Correlator:

acceptlanguage: en-US

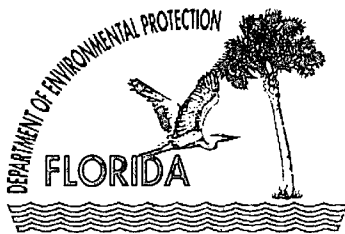
Content-Type: multipart/mixed;

boundary="\_004\_4B583FDBCE32AD45AA1A7A01EA8319FC034807E53FECHMBBflorida\_"

MIME-Version: 1.0



FW: Case Closure  
Letter for Ja...



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

April 16, 2012

SENT VIA E-MAIL  
[cris@januarvservices.com](mailto:cris@januarvservices.com)

Mr. Cris January, Owner  
January Environmental Services, Inc.  
1750 West Main Street  
Bartow, Florida 33830

SUBJECT: January Environmental Services, Inc.  
Used Oil and Material Processing Facility Permit  
E.P.A. I.D. Number: FLD 982 162 943  
Permit Number: 307171-HO-001; 307171-SO-002  
County: Polk

Dear Mr. January:

Enclosed are Permit Numbers 307171-HO-001 and 307171-SO-002 issued to January Environmental Services, Inc. pursuant to Section 403.769, Florida Statutes (F.S.), and Chapters 62-4, 62-701, 62-710 and 62-740, Florida Administrative Code (F.A.C.).

This permit is final and effective on the date filed with the Clerk of the Department. When the permit is final, any party to the permit has the right to seek judicial review of the permit pursuant to Section 120.68, F.S., by the filing of a Notice to Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by applicable filing fees with the appropriate District Court of Appeal.

The notice of Appeal must be filed within thirty (30) days from the date the final permit is issued. If you have any questions, please contact Bheem Kothur at (850) 245-8781 or via e-mail: [bheem.kothur@dep.state.fl.us](mailto:bheem.kothur@dep.state.fl.us).

Sincerely,

Tim J. Bahr, Administrator  
Hazardous Waste Regulation



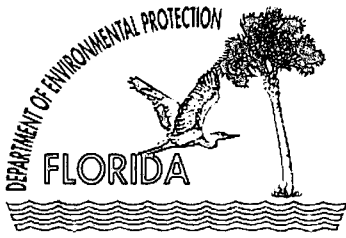
April 12, 2012

Page Two

TJB/at

Enclosure

cc: James Dregne, DEP/Tampa, [James.Dregne@dep.state.fl.us](mailto:James.Dregne@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)  
Heath Rauschenberger, U. S. Fish and Wildlife Services, [heath\\_rauschenberger@fws.gov](mailto:heath_rauschenberger@fws.gov)  
Florida Fish and Wildlife Conservation Commission Planning Services,  
[FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Georgiana, Holmes OGC/Tallahassee, [Georgiana.holmes@dep.state.fl.us](mailto:Georgiana.holmes@dep.state.fl.us)  
Jean Reed, Polk County Board of Commissioners, [jeanreed@polk-county.net](mailto:jeanreed@polk-county.net);  
Wyatt Grant, P.E., Enercon/Tampa, [wgrant@enercon.com](mailto:wgrant@enercon.com)  
Mayor, City of Bartow, [phuff@cityofbartow.net](mailto:phuff@cityofbartow.net)



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

## PERMITTEE:

January Environmental Services, Inc.  
1750 West Main Street  
Bartow, Florida, 33830

I.D. Number: FLD 982 162 943  
Permit Numbers: 307171-HO-001; 307171-SO-002  
Date of Issue: April 16, 2012  
Expiration Date: April 16, 2017  
County: Polk  
Lat/Long: 28° 47' 23" N, 82° 18' 10" W

Attention:  
Cris January, Owner

Project: Used Oil and Material Processing Facility

This is a new permit issued under the provisions of Section 403 of the Florida Statutes (F.S.), Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740, 62-762 and 62-770 of the Florida Administrative Code (F.A.C.), and 40 Code of Federal Regulations (CFR) Part 279. The above named Permittee is hereby authorized to perform the work or operate the facility shown on the application dated July 11, 2011 and revised or supplemented by submissions dated October 12, 2011, January 16, 2012, February 2, 2012, and February 10, 2012 that are incorporated herein and collectively referred to as the "permit application". The permit application also includes any approved closure cost estimates, approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereto. The facility is specifically authorized and described as follows:

To operate a Used Oil and Material Processing Facility hereinafter referred to as the "Facility". The Used Oil Processing Facility is located on an approximately 5.18 - acre parcel of land owned by January Transport Inc. in Polk County, 1750 W. Main Street, Bartow, Florida 33830. Diagrams of the site layout and tank storage area are included as Attachment A of this permit. Tank capacity and contents are shown in Attachment B (Tank Table) of this permit.

The facility is authorized to process used oil, accepts only non-hazardous, non-biological industrial wastewater, primarily from the following: petroleum contact water (PCW) consisting almost entirely of gasoline/diesel/water mixtures from petroleum storage facilities; industrial process wastewater; landfill leachate; wastewater from tank cleaning, transportation and environmental remediation sources.

The Facility consists of ten (10) tanks. Tanks numbered TK-101 through TK-106 have a capacity of 24,000 gallons each. Tank TK-105 is used for Antifreeze, the remaining tanks are used for Used Oil. Two tanks (numbered BT-301 and BT-302) have a capacity of 5,600 gallons each and are for Used Oil. One tank (number #1) has a capacity of 200 gallons for Used Oil and one tank (Rail Car) has a capacity of 20,000 gallons for Used Oil. All storage tanks are constructed of steel and are located within secondary containment. These tanks are located in a concrete secondary containment structure that is sealed and impervious to petroleum products and all are shown on the drawing in Attachment A of this permit.

The facility has a warehouse drum and bin storage area equipped with concrete secondary containment. The drum storage and used oil filter storage area is approximately 800 square feet.

Cash Receiving Application - Collection Point Log Remittance

CL AREA **SWD** CRAF006A

Logged Total **\$10,399.00**

### Collection Point Log Remittance

Remittance ID **959077** Type **CP** Received Date **11/01/2011** Status **RECEIVED**

System Receipt **761688** PNR  Check # **7681196** Amount **10,399.00**

SSN/FEID  Name **CHRIS JANUARY**

First  Middle  Title  Suffix

Address1 **JANUARY ENVIRONMENTAL SERVICES INC**

Address2

City  ST **FL** Zip

Country  Short Comments **OGC#11-0878 SO**

### PAYMENT(S)

Payment ID	CL Area	Code/Description	Payment Amount	Reference#	Appl	Fund *	Grant *	Status
1119095	SWD	018003 LCT-REIMB.LEGAL	300.00	110878		ECOSYS		COMPLETE
1119096	SWD	012008 LCT-PENALTIES	10,099.00	110878		ECOSYS		COMPLETE

**COMMIT FREQUENTLY** **10,399.00** Payment Total

11/2

# Memorandum

# Florida Department of Environmental Protection

## SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: C Gary S. Colecchio, District Director

THROUGH: WF William Kutash, Waste Program Administrator

JD James Dregne, Hazardous Waste Program Manager WZ

FROM: EL Elizabeth Knauss, HW Enforcement Coordinator

DATE: November 1, 2011

FILE NAME: January Environmental Services, Inc.

COUNTY: Polk

PROGRAM: Hazardous Waste

OGC Case # 11-0878

TYPE OF DOCUMENT: Consent Order for execution

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit. Storing solid waste without a waste processing permit. Several paperwork violations.

STATUS OF CORRECTIVE ACTIONS: Permit application is being processed

STATUS OF PENALTY ASSESSMENT: Paid,  
Contingent Penalty of \$10,000 will be due if a permit is not issued within 120 days

PENALTY: ☐ Not Applicable

Amount: \$ 10,099.00

Costs & Expenses: \$ 300.00

Total: \$ 10,399.00

Secretary Approval ☐ Required / Approved on \_\_\_\_\_

Attachments: Consent Order



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

November 4, 2011

Mr. Cris January, President  
January Environmental Services, Inc.  
1920 Hwy 60 West  
Bartow, FL 33830

Re: January Environmental Services, Inc.  
FLD 982 162 943  
OGC Case No. #11-0878  
Polk County

Dear Mr. January:

Enclosed is a copy of the executed Consent Order for the referenced case. The Department has received your check for \$10,399.00 in settlement of penalties and costs. Your permit application is being processed in accordance with the provisions of Paragraph 8 of the Order. The Department will close this case file upon issuance of your permit. Your continued cooperation is appreciated. If you have any questions please call me at (813) 632-7600, extension 383.

Sincerely yours,

Elizabeth Knauss  
Environmental Manager  
Division of Waste Management

Attachment

cc: Fred McCormack, Esq. ([mccormack@fredmccormack.com](mailto:mccormack@fredmccormack.com))  
Glen Perrigan, HWR Section ([Glen.Perrigan@dep.state.fl.us](mailto:Glen.Perrigan@dep.state.fl.us))  
Bheem Kothur, HWR Section ([Bheem.Kothur@dep.state.fl.us](mailto:Bheem.Kothur@dep.state.fl.us))  
Laurie DiGaetano, USEPA Region IV ([Benton-DiGaetano@epa.gov](mailto:Benton-DiGaetano@epa.gov))  
Andrea Stermer, Polk County ([andreastermer@polk-county.net](mailto:andreastermer@polk-county.net))

Inserted into OCULUS

NOV - 4 2011

Initials: \_\_\_\_\_

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

IN THE OFFICE OF THE  
SOUTHWEST DISTRICT

Complainant,  
vs.

OGC FILE NO. 11-0878

JANUARY ENVIRONMENTAL  
SERVICES, INC.,

Respondent.

---

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and January Environmental Services, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("Fla. Stat."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("Fla. Admin. Code"). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(22), Fla. Stat.

3. Respondent is a Florida for-profit corporation that operates a used oil and solid waste transfer facility, located at 1920 Highway 60, West Bartow, Polk County, Florida ("Facility"). The Department has assigned facility ID Number FLD982162943 to the Facility.

4. The Department finds that the following violations occurred:

a) On or before December 20, 2010, Respondent was storing used oil for more than 35 days at the Facility and did not have a used oil processor permit, in violation of Fla. Admin. Code R. 62-710.800(2).

b) On or before December 20, 2010, Respondent was operating a solid waste transfer station storing containers of waste at the Facility for more than seven days without a permit as required by Fla. Admin. Code R. 62-701.710, in violation of Fla. Admin. Code R. 62-701.300(1)(a).

c) On or before December 20, 2010, Respondent failed to keep records of the EPA identification number of the rail transporter accepting used oil for shipment to a designated processing facility, in violation of 40 CFR 279.46(b), as adopted by Fla. Admin. Code R. 62-710.210(2). Respondent failed to keep records of the name, street address, and EPA identification number of all designated used oil destination facilities as required by Fla. Admin. Code R. 62-710.510(1)(f).

d) Respondent did not amend the facility's Spill Prevention, Countermeasure and Control Plan ("SPCC Plan") when Facility operations and emergency contact information changed, in violation of 40 CFR 279.45, as adopted by Fla. Admin. Code R. 62-710.210(2).

5. On July 14, 2011, the Department received Respondent's application for a used oil processing permit.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

6. Respondent shall comply with the following corrective actions within the stated time periods:

- a) Effective immediately, Respondent shall not store used oil more than 35 days until and unless a used oil processing permit is issued for the Facility.
- b) Effective immediately, Respondent shall cease holding solid waste other than used oil, oil filters and antifreeze intended for reclamation at the facility for more than seven days unless a permit authorizing such storage is issued by the Department.
- c) Effective immediately, Respondent shall notify the Department in writing in the event that Respondent stores used oil at any location in Florida for more than 35 days without a permit.
- d) Effective immediately, Respondent shall keep records of all used oil shipments that include the name, address and EPA identification number assigned to both the transporter and destination facility.

7. Within 15 days of the effective date of this Order, Respondent shall pay the Department \$10,399.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$10,099.00 for civil penalties and \$300.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes two violations that each warrant a penalty of \$2,000.00 or more.



8. Respondent agrees to pay the Department stipulated penalties in the amount of \$10,000.00 in the event Respondent withdraws the permit application referenced in Paragraph 5 above, fails to obtain a used oil processing permit or stores used oil more than 35 days without financial assurance that complies with Fla. Admin. Code R. 62-710.800(6) within 120 days of the execution of this Order. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraphs 9 and 10, below. The Department agrees that this time frame for permit issuance may be extended if necessary in accordance with Paragraph 12 below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 7 of this Order.

9. Respondent shall make all payments required by this Order by cashier's check or money order. Payment instruments shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund."

10. Except as otherwise provided, all submittals and payments required by this Order shall be sent to the Waste Program Administrator, Department of Environmental Protection, Southwest District 13051 North Telecom Pkwy., Temple Terrace, FL 33637-0926.

11. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

12. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in

complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. The terms and conditions of the agreement embodied in this Order will not be nullified or in any way altered by failure of the Department to timely process any applications or similar writings properly submitted to it by Respondent. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

13. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right

to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

14. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

15. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

16. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

17. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

18. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

19. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, Fla. Stat. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), Fla. Stat.

20. This Consent Order is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, Fla. Stat. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

21. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Fla. Stat. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

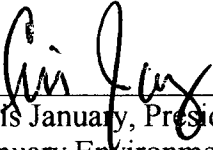
- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Southwest District Office at 13051 N. Telecom Pkwy., Temple Terrace, FL 33637-0926. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Fla. Stat. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Fla. Stat. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Fla. Stat. and Fla. Admin. Code R. 62-110.106(12).

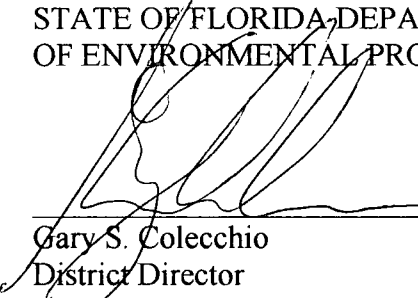
22. Rules referenced in this Order are available at  
<http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>.

FOR THE RESPONDENT:


  
Chris January, President  
January Environmental Services, Inc. 11-1-11  
Date

DONE AND ORDERED this 4 day of NOV, 2011, in Hillsborough  
County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Gary S. Colecchio  
District Director  
Southwest District

Filed, on this date, pursuant to section 120.52, Fla. Stat., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

  
Clerk

11/4/11  
Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

## Coogle, Deon

---

**From:** Microsoft Exchange  
**To:** 'mccormack@fredmccormack.com'  
**Sent:** Friday, November 04, 2011 2:06 PM  
**Subject:** Relayed: January Environmental Services Inc. - Executed Consent Order

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'mccormack@fredmccormack.com'

**Subject:** January Environmental Services Inc. - Executed Consent Order

---

Sent by Microsoft Exchange Server 2007

## Coogle, Deon

---

**From:** Microsoft Exchange  
**To:** Crandall, Lea; Perrigan, Glen; Stewart, Patricia; Kothur, Bheem  
**Sent:** Friday, November 04, 2011 2:06 PM  
**Subject:** Delivered: January Environmental Services Inc. - Executed Consent Order

**Your message has been delivered to the following recipients:**

Crandall, Lea

Perrigan, Glen

Stewart, Patricia

Kothur, Bheem

**Subject:** January Environmental Services Inc. - Executed Consent Order

---

Sent by Microsoft Exchange Server 2007



## Coogle, Deon

---

**From:** Coogle, Deon  
**Sent:** Friday, November 04, 2011 2:06 PM  
**To:** 'mccormack@fredmccormack.com'; Perrigan, Glen; Kothur, Bheem; 'benton-digaetano.laurie@epa.gov'; 'andreastermer@polk-county.net'  
**Cc:** Crandall, Lea  
**Subject:** January Environmental Services Inc. - Executed Consent Order  
**Attachments:** FLD 982 162 943.pdf

Tracking:	Recipient	Delivery
	'mccormack@fredmccormack.com'	
	Perrigan, Glen	Delivered: 11/4/2011 2:06 PM
	Kothur, Bheem	Delivered: 11/4/2011 2:06 PM
	'benton-digaetano.laurie@epa.gov'	
	'andreastermer@polk-county.net'	
	Crandall, Lea	Delivered: 11/4/2011 2:06 PM
	Stewart, Patricia	Delivered: 11/4/2011 2:06 PM

Attached, please find the above referenced correspondence. *This is the only copy you will receive.*

**NOTE:** If you have any question concerning the contents of this document, please contact the FDEP Hazardous Waste Enforcement Coordinator, Beth Knauss at (813) 632-7600 x383 or via email [Elizabeth.Knauss@dep.state.fl.us](mailto:Elizabeth.Knauss@dep.state.fl.us).

Acrobat Reader 6.0 or greater is required to read this document. It is available for downloading at <http://www.adobe.com/products/acrobat/readstep.html>

### *Deon Coogle*

#### *Senior Clerk*

Department of Environmental Protection  
Storage Tanks/Hazardous Waste Programs  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926  
(813) 632-7600 x356  
FAX (813) 632-7664  
[Deon.Coogle@dep.state.fl.us](mailto:Deon.Coogle@dep.state.fl.us)

**FRED McCORMACK, LLC**

**ATTORNEY AT LAW**

411 East College Avenue

Tallahassee, FL 32301

850-681-6111 (office)

850-681-6112 (fax)

850-566-9129 (cell)

mccormack@fredmccormack.com

PAM -  
PLEASE Follow UP  
THANKS,  
GARY

August 17, 2011

Dept. of Environmental  
Protection  
Admitted to practice in Florida and  
The District of Columbia

AUG 19 2011  
Southwest District

Ms Pamala Vazquez  
Program Administrator  
Florida Dept. of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

COPY

**In Re: Settlement Offer** Inserted into OCULUS  
**OGC Case No. 11-0878**  
**January Env. Services, Inc.** NOV - 4 2011  
**Polk County**

Initials: \_\_\_\_\_

Dear Ms Vazquez:

This is in response to your letter to me of August 8, 2011, received via Email on August 9, 2011, proposing to settle the above-captioned case.

My understanding from your letter and the accompanying revised penalty computation worksheet is that you are offering to reduce the total penalties in this case from \$40,000.00 to \$20,099.00 and that you are willing to further reduce the penalty by another \$10,000.00 contingent upon Mr. Cris January successfully acquiring a used oil processor permit and providing financial assurance within 120 days of execution of a consent order.


Ms Pamala Vazquez  
August 17, 2011  
Page Two

It is my further understanding from the documents mentioned above that you are willing to resolve this matter through the entry of a Long Form Consent Order and the payment by Mr. January of \$10,099.00 in penalties and \$300.00 in Florida Department of Environmental Protection ("FDEP") costs.

Mr. January is willing to accept your offer based upon the following conditions:

1. That he and I approve the Long Form Consent Order.
2. That the terms and conditions of this offer will not be nullified by the failure of FDEP-Tallahassee to timely process Mr. January's used oil processor permit application. In other words, Mr. January is eager to timely submit his permit application but has no control over processing delays in Tallahassee.
3. That Mr. January and I be advised as soon as possible of the means by which you wish him to provide financial assurance.

Both Mr. January and I are very appreciative of the professional and very timely manner in which you have been handling this case. You rang me to inform me that you received my response to your draft Consent Order, you considered our arguments thoughtfully and you acted quickly and decisively. The standard you set is considerably above the norm and you are to be highly commended.

Sincerely,  
  
Fred McCormack

cc: The Hon. Rick Scott  
The Hon. Charles S. Dean, Sr.  
The Hon. Trudi K. Williams  
Herschel T. Vinyard, Jr.  
Jeff Littlejohn  
Gary Colecchio  
C. January



# Florida Department of Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

August 12, 2011

**SENT VIA E-MAIL**

[cris@januaryservices.com](mailto:cris@januaryservices.com)

Mr. Cris January, Owner  
January Environmental Services, Inc.  
2701 S. Prospect Ave  
Oklahoma City, OK 73129-6451

RE: January Environmental Services, Inc.  
EPA I.D. No. FLD 982 162 943  
Permit Numbers: 00307171-HO-001  
Used Oil Processing Facility New Permit  
Notice of Deficiency

Dear Mr. January:

The Florida Department of Environmental Protection (the Department) has reviewed your permit application dated July 11, 2011 and received on July 13, 2011 to operate a Used Oil Processing facility in Bartow Florida.

The review of the permit application indicates that it is incomplete. Please provide the information requested in the enclosed Attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

The Department will be contacting you to schedule a meeting or conference call to discuss these comments. Additional communications will be scheduled as needed prior to your submittal of an official response to minimize the time and effort required to formulate adequate replies to the comments. This exchange of ideas will assist you in developing a complete and adequate response that should eliminate the need for additional official responses and therefore accelerate the permit renewal process.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three copies of your written response (two copies to the Tallahassee Solid and Hazardous Waste Regulation Section, and one to the Southwest District

Inserted into OCULUS

NOV - 4 2011

[www.dep.state.fl.us](http://www.dep.state.fl.us)

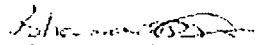
Initials: \_\_\_\_\_

Mr. Cris January, Owner  
August 12, 2011  
Page Two

Office). If you cannot submit all this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

If you have any questions, please contact me at (850) 245-8781 or e-mail:  
[Bheem.kothur@dep.state.fl.us](mailto:Bheem.kothur@dep.state.fl.us)

Sincerely,

  
Bheem Kothur, P.E. III  
Hazardous Waste Regulation

BK/bk

Enclosure: Attachment

cc: Jim Dregne, DEP/Tampa, [James.Dregne@dep.state.fl.us](mailto:James.Dregne@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)  
Fred Wick, DEP/Tallahassee, [fred.wick@dep.state.fl.us](mailto:fred.wick@dep.state.fl.us)  
Georgiana, Holmes, OGC/Tallahassee, [Georgiana.holmes@dep.state.fl.us](mailto:Georgiana.holmes@dep.state.fl.us)  
Frank Hornbrook, DEP/Tallahassee, [frank.hornbrook@dep.state.fl.us](mailto:frank.hornbrook@dep.state.fl.us)  
Wyatt Grant, Enercon/Tampa, [wgrant@enercon.com](mailto:wgrant@enercon.com)

## ENCLOSURE

**January Environmental Services, Inc.  
Used Oil Facility Operating Permit No: 00307171-HO-001  
First Notice of Deficiencies**

**SPECIFIC COMMENTS: Application Form for a Used Oil Processing Facility Permit; and Application to Construct, Operate, or Modify Waste Processing Facility.**

1. Part I.A.6, Page 8; Part II, Page 12 through 15: For the purposes of this permit application, the Facility ID number is FLD 982 162 943 (the EPA Identification Number). Please update the Used Oil permit application throughout and correct the Facility I.D. (EPA Identification Number) as appropriate.
2. Part I.A.7, and Part I.A.8, Page 8; Part II: The street address is 1750 W. Main St. in some records and 1920 in others. Please verify the street address and direction (West or East) and revise as appropriate.
3. Part I.A.9 through Part I.A.13, and Page 8, 9: The Oklahoma City street address is listed as "2701 S. Prospect Ave" and "2701 S. Prospect". Please be consistent and revise as appropriate.
4. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 5, and Page 1 of 4: The DEP I.D. Number should be FLD 982 162 943, and the county should be "Polk" not "Bartow". Please revise as appropriate.
5. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 7, and Page 2 of 4: The facility township should be "30S" not "305". The conversion between decimal degrees and degrees, minutes, and seconds is incorrect. The facility latitude and longitude of 27.897968, -81.862934 translates into 27° 53' 53", -81° 51' 47", respectively. Please update the entry. The Facility has the site located on E. Main Street rather than W. Main Street. Please review and revise as appropriate.
6. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 15, and Page 2 of 4: The expected volume of waste to be received is 0.012 cubic yards per day. We request clarification on this figure. Please review this figure and revise as appropriate.
7. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 16, and Page 2 of 4: Part I.A.16 – The description of the operations planned for the facility needs to be expanded. The facility also picks up oily waste water, which they transport to an offsite treatment facility. They may choose to store in the onsite tanks for more than 7 days. They have historically identified the material as non-hazardous oily waste water, not used oil. The tanks are not part of a Clean Water Act treatment system.
8. During the inspection, containers of grease, absorbents and used (allegedly) non-hazardous parts washing solvent were being stored on site within the warehouse for more than 7 days. The facility is not exempt from financial assurance requirements per 62-701.710(10)(a), F.A.C.

## **SECTION B - SITE INFORMATION**

1. Figure 1 – This figure does not provide adequate detail regarding piping layout and solid waste storage. Please submit an additional figure (or figures) illustrating the tanks piping layout along with details of the part of the warehouse where solid waste is stored. The rail car loading/unloading area is provided with secondary containment and should be certified as adequate, as used oil is being stored in rail cars for more than 24 hours.
2. Please identify Tank BT-301 and Tank BT-302 as used oil blending tanks.

## **SECTION C - OPERATIONAL INFORMATION**

1. 3.0 - Overview, Para. 1 - Text appears to be missing in this paragraph. January Environmental Services, Inc. did not begin operating at the site in 1986. This is inconsistent with the text in Section 3.0 of the SPCC plan. Please review and revise as appropriate.
2. 3.0 – Overview, Para. 2 - The Tanks Program ID number is 53-9101026. The Hazardous Waste Program ID number is FLD 982 162 943. The paragraph does not mention management of oily wastes, antifreeze or non hazardous wastewater, which are also managed by January Environmental Services, Inc. The statement "The used oil is sold to US Foundries" is new information. In past inspections, January has only shipped used oil filters to US Foundry & Manufacturing Corp, and was not shipping any oil directly to burners. US Foundry is not registered to burn used oil, just to process filters. If January is shipping used oil directly to a burner that is not registered to burn off specification used oil fuel, January is a used oil marketer and must maintain documentation that the oil is on specification pursuant to 40 CFR 279.72. As January is not the oil generator, the process knowledge claim in Section C.5 Para 2 is not acceptable for this purpose. The only US Foundry operation registered with the Department's Used Oil program is located in Medley, Miami-Dade County, not Bartow. The text is also inconsistent with the text in the SPCC plan, Section 3.1 which references sales to Halco Environmental (sic). "Halco" appears to be a typographical error, as no such facility is registered as a used oil transporter or processor. If this was intended to read "HOWCO," it should be revised, as HOWCO is not able to accept oil shipped via rail.

The Department suggests that this paragraph be modified to contain more general language, i.e. "The used oil and oil filters are stored on site until they are delivered to either a processor registered with the State of Florida, or to a registered transporter that will deliver the material to an out of state facility that has notified the USEPA of its used oil management activities." No specific customer should be specified in this paragraph.

3. 4.0 Detailed Description, Para. 1 - Only the six 24,000 gallon tanks are registered with the Tanks program. All are registered as holding used oil. There are not any 22,000 gallon double walled tanks registered, and none observed during inspections. This appears to be a typo in reference to the small double walled tank east of the compressor building. Figure 1 labels it "220 gallon waste oil tank #1". Is information available on any sealant used on the concrete containment structure? Please review this paragraph and revise as appropriate.
4. 4.0 Detailed Description, Para 4; reference is made to a double walled tank that provides secondary containment for a 220 –gallon waste oil tank. Is a more accurate statement; the 220-gallon waste oil tank utilizes double –walled construction to provide secondary containment? This statement is also made on page 10 of 20 (first paragraph) of the SPCC Plan. Please review and revise as appropriate.

5. 4.0 Detailed Description, Last Paragraph: The text refers to Figure 2 as the detailed site layout map. This should be Figure 1. Please update.
6. 5.0 Operating Plan, Para 2: There is a typographical error in the regulatory citation, which should read 40 CFR 279.11. In addition, as January is not the used oil generator, process knowledge may not be used to demonstrate that the used oil meets the specification. Oil must be assumed to be off specification unless January complies with the marketer requirements under 40 CFR 279.72. If January obtains information from the oil generator to demonstrate that it meets the specification, copies of this information must be maintained.
7. 5.0 Operating Plan, Para 4: Sludges and byproducts may be produced if tanks are cleaned out, for example for the tank integrity testing scheduled for November 2011. An acceptable statement would be "If oily wastes or sludges are generated at the facility that cannot be managed for energy recovery, a hazardous waste determination will be conducted and the materials will be managed in accordance with 40 CFR 279.10(c) and (e)."
8. Section 5. Operating Plan, Fourth Paragraph and page 5 of 14; Sub-Section 9.2.3, Sampling Methods, Page 10 of 14, and First Paragraph: No sludge or byproducts have been produced at the facility and therefore, no management of these materials is conducted. Whereas the closure of the facility will require sampling of any remaining used oil materials. These materials may include used oil and sludge. Please review these two sections and clarify and or revise as appropriate.
9. 8.0 Unit Management Plan: This section only references the SPCC plan, not information on the construction of the tanks, piping and secondary containment. Please review and revise as appropriate
10. 9.2.1 - The closure schedule: A "5 years" decision time frame is not realistic. The permit will be up for renewal within that time frame. Is this taken from Tanks Program rules? Please review and revise with appropriate Rule citation.
11. 10.0 – Employee Training: The employee training program does not include USDOT hazardous materials training. Used oil is commonly contaminated with gasoline, and the mixture may be flammable. January's used oil screening procedure from the waste analysis plan only includes halogen screening. Chlor D Tect kits will not assess the flammability of the materials January may be called upon to transport. Please see the invoice that January uses (last page in Section C ) - The generator is not required to certify that the oil has not been mixed with a flammable material, but the shipping description for the used oil says that the material is not a USDOT hazardous material.

#### **SECTION D - SPCC PLAN**

1. 2.1 – Facility Contacts, Page 6 of 20: The Plan should include the address of the Spill Response Coordinator and there should be an Alternate Spill Response Coordinator designated. Please review and revise as appropriate.
2. 3.1 Para.2 – Facility Operations and Brief History, Page 9 of 20: The Plan states that used oil is sent to Halco Environmental recycling facility in Bartow. The Department is not familiar with this facility. Please correct the destination for used oil.
3. 5.1.2 –Drums and Containers, page 16 of 20: The filter bins have not historically been stored under the roof. They are not required to be. The containers are kept closed. This section should address filter consolidation



and repackaging practices. Also, a figure identifying the location of the drums and containers should be provided.

4. 5.3 – Inspection and Testing Program, Table 5, Page 17 of 20: The 20,000 gallon steel tank referenced in this table should be identified as the rail car? Please review the table and revise as appropriate.
5. 5.3.2 – The Daily Inspections should be documented. Please revise as appropriate.
6. Please review the numbering in section 5.3 and revise as appropriate.
7. 6.0- Contingency Plan, Bullet 6, and Page 20 of 20: The statement, “Cleanup of a reportable oil spill will be initiated under the guidelines of the appropriate regulatory agency” needs to be explained.
8. List of Emergency Response Equipment: The list should include the quantity/amount of each item.
9. 5.1.3, Mobile, Page 16 of 20: Please clarify the terms “mobile storage tanks” and temporary storage containers” as to their use and where they would be positioned.
10. 5.5 – Employee Training, Page 19 of 20: If acceptance of all oil contaminated solid wastes, other than used oil filters, are anticipated, specify the spotter training requirements that will be included to meet the 62-701.302(15), F.A.C., requirements. Please review and revise as appropriate.

**SECTION E – FACILITY CLOSURE COST ESTIMATE, AND COMMON GROUND ENVIRONMENTAL, INC. (SUPPORTING DOCUMENTS):**

1. The facility has ten (10) tanks with a total of 175,420 gallons of used oil and antifreeze to dispose when the facility decides to close the facility. It appears that the submitted closure cost estimates is insufficient to close the facility by a third party. Please review the estimate and resubmit.
2. The supporting documents need to be signed by Common Ground Environmental, Inc.

**APPENDIX F:**

1. Secondary Containment Calculations, Page 1 of 4: In calculating the secondary containment volumes, the facility should not use the volume of secondary containment that is available via a sump pump. Please review and revise as appropriate throughout the secondary containment volume calculations.
2. Appendix F, Secondary Containment Calculations, Page 3 of 4, and Item 4 and 5: Please correct the total area of the tanks as “63.6” square feet instead of “127” square feet. Also, correct the volume in item 5 to “7386.26” gallons instead of “6732” gallons.
3. Secondary Containment Calculations, Page 2 of 4: there are six tanks, but only five of them appear to be counted in the calculations. The calculations do not include other items in the secondary containment, such as the concrete pedestals for the tank, support beams, etc., all visible in the photographs of the area.

**SECTION G - VIOLATIONS**

1. The section does not include the previous Consent Orders, OGC Cases 07-0302 and 08-1663. Please address.

## **GENERAL COMMENTS:**

1. The Facility needs to submit a site map in an electronic format (pdf preferred) so that this map can be inserted into the permit.
2. The Facility needs to submit a used oil tank table in an electronic format (pdf preferred) so that this can be inserted into the permit.
3. According to the December 20, 2010 inspection report by the Southwest District office, the facility was storing used antifreeze in one of the facility's 24,000 gallon storage tank. If this is the case, then the facility must identify which tank is dedicated to storage of used antifreeze. Please review and revise the tank table and site plan as appropriate. Also identify the filter storage area on a site plan.
4. Appendix C, Facility Images; Section F-Process Flow Diagrams; and Figures 1 through 4: For the Department records, please provide the tank design calculations for all the tanks, as built-drawings for the tank farm and pumps and piping drawings. These records must be signed and sealed by a Florida Registered Professional Engineer.
5. Section 3- Overview, Page 3 of 14: The only solid wastes included in the description are used oil filters. Will any additional oil contaminated solid wastes, such as petroleum contaminated debris and oil, rags, absorbent pads, booms, filters, and kitty litters, other than used oil filters, be managed on site? If so, please include a description of the type of wastes, quantities to be managed, acceptance criteria, how the wastes will be managed and stored, and a closure cost estimate for the removal and disposal of the maximum amount of these wastes allowed to accumulate on site at any given time.
6. The Plan does not address solid waste. Please review and address as appropriate.
7. At the time this document was issued the facility was working on providing financial assurance for closing cost estimates. The Department recognizes that this requires agreement on the closure cost estimate value. The permit application cannot be considered complete and a permit issued until such time as financial assurance has been provided and approved.

**Dregne, James**

---

**From:** Epost HWRS  
**Sent:** Friday, August 12, 2011 12:13 PM  
**To:** cris@januaryservices.com  
**Cc:** Bahr, Tim; Dregne, James; Martin, Lee; Wick, Fred; Holmes, Georgiana; Hornbrook, Frank; wgrant@enercon.com; Kothur, Bheem; Tripp, Anthony  
**Subject:** January Environmental Services, Inc.; FLD 982 162 943; Notice of Deficiency  
**Attachments:** 8-12-11-January Environmental Services, Inc. NOD-1.pdf

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation Section is forwarding the attached document to you by electronic correspondence "e-correspondence" in lieu of a hard copy through the normal postal service.

We ask that you verify receipt of this document by sending a "reply" message to [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us). (An automatic "reply message" is not sufficient to verify receipt). If your email address has changed or you anticipate that it will change in the future, please advise accordingly in your reply. You may also update this information by contacting Kim Thursby at (850) 245-8792.

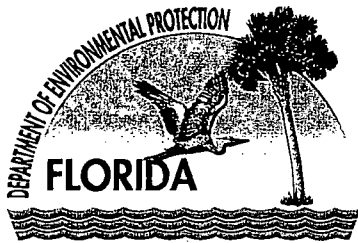
The attached document is in "pdf" format and will require Adobe Reader 6 or higher to open properly. You may download a free copy of this software at [www.adobe.com/products/acrobat/readstep2.html](http://www.adobe.com/products/acrobat/readstep2.html).

Please note that our documents are sent virus free. However, if you use Norton Anti-virus software, a warning may appear when attempting to open the document. Please disregard this warning.

Your cooperation in helping us affect this process by replying as requested is greatly appreciated. If you should have any questions about the attached document(s), please direct your questions to the contact person listed in the correspondence.

Tim Bahr  
Environmental Administrator  
Hazardous Waste Regulation  
Department of Environmental Protection  
E-Mail Address: [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us)

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

August 8, 2011

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

**CERTIFIED MAIL: 7009 1680 0001 0454 7583**

**RETURN RECEIPT REQUESTED**

**And via Email: [mccormack@fredmccormack.com](mailto:mccormack@fredmccormack.com)**

Mr. Fred McCormack  
411 East College Avenue  
Tallahassee, FL 32301

Re: Settlement Offer - OGC Case No. 11-0878  
January Environmental Services, Inc.  
FLD 982 162 943  
Polk County

Dear Mr. McCormack:

This letter is to respond to your settlement offer dated July 27, 2011 on behalf of January Environmental Services, Inc. My staff has carefully reviewed the facts of this case and your settlement offer. The information provided by Mr. January at the March 3<sup>rd</sup> and July 13<sup>th</sup> enforcement meetings verified that January Environmental Services was not operating in compliance with Federal and State regulations governing used oil processors at the time of the December 20, 2010 inspection. The Department has reviewed each violation and the penalty assessment and found it to be consistent with EPA's Enforcement Response Policy and EPA's RCRA Civil Penalty Policy. Florida's purpose in adopting these enforcement response policies is to ensure consistent, appropriate, and timely enforcement responses across the state. However, we have provided a counteroffer as outlined below that takes some of the issues you raised into consideration and acknowledges the proposed permit application process as a potential for harm mitigating alternative.

The Department met with Mr. January before he began operation, and explained the Department's permitting requirements for used oil processors. There were specific discussions on how Florida regulations differed from Federal regulations with regard to the amount of oil that could be stored without a permit. Florida's time limit for used oil storage at transfer facilities is the same as the Federal time limit.

The Department has cited January Environmental Services, Inc. twice previously for violating this time limit. The first occasion was resolved after the Department issued a Warning Letter and reiterated that exceedances of the 35 day storage time frame required a Department permit. The second incident resulted in formal enforcement through a Short Form Consent Order, executed on July 25, 2008. In that case, the Department exercised its enforcement discretion to settle

NOV - 4 2011

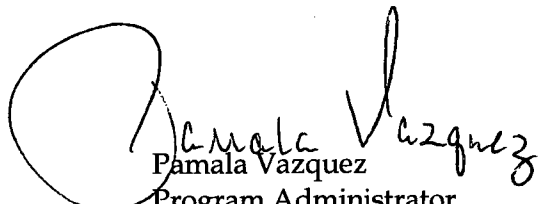
for a lower penalty than authorized under the Environmental Litigation Reform Act. Less than six months after that settlement, Mr. January again began operating without a permit.

While the Department believes Mr. January's failure to acquire a used oil processor permit warranted a Major Potential for Harm ranking in this case because of the adverse effect on statutory and regulatory purposes and procedures for implementing the RCRA program, the Department is willing to reduce the Potential for Harm ranking to Moderate because there was not a release of used oil and the potential for exposure was not substantial. The adjustment in the Potential for Harm ranking reduces the proposed penalty in this case for the 62-710.800(2) and 701.300(1)(a), F.A.C. violations from \$39,000.00 to \$19,099.00. This penalty adjustment would reduce the penalty in this case from \$40,000.00 to \$20,099.00. It is the ultimate goal of the Department to have all companies operating in compliance with State and Federal regulations. The Department is willing to further reduce the penalty in this case by \$10,000.00 contingent on Mr. January successfully acquiring a used oil processor permit and providing financial assurance within 120 days of execution of a consent order.

The Department is willing to resolve this matter through the entry of a Long Form Consent Order that would include the payment of a penalty of \$10,099.00 plus \$300.00 in Department costs, and to make a second \$10,000.00 payment contingent on the successful completion of the permit process and establishment of financial assurance. The Department believes that this offer is a fair offer and a just resolution of this case. Please respond in writing within 10 days of receipt of this letter indicating if Mr. January is willing to accept resolution of this case at the above specified terms. A revised Penalty Computation Work Sheet has been enclosed for your information.

If you have any questions, or wish to discuss this further, please call Jim Dregne at 813/632-7600 ext. 410.

Sincerely yours,

  
Pamala Vazquez  
Program Administrator  
Southwest District

PV/jmd

1 Encl.

cc: Compliance File

# PENALTY COMPUTATION WORKSHEET

Violator's Name: January Environmental Services, Inc.

Identify Violator's Facility: FLD982162943 1920 SR 60 W, Bartow

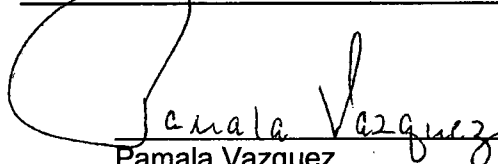
Name of Department Staff Responsible for the Penalty Computations: Jim Dregne

Case #: #WL11-0010HW53SWD

Date: August 8, 2011

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1	62-710.800(2) FAC Storing used oil more than 35 days without a used oil processor permit.	UO 86	<del>Major</del> <u>Moderate</u>	Major	<del>\$10,000-8,000</del> <u>\$4,599-\$3,200</u>	30 +	<del>\$1,000</del> <u>\$500</u> per each additional day of violation up to 30 days	<del>\$39,000</del> <u>\$19,099</u>
2.	279.46(a)(2) & (b)(2) Transporter acceptance & delivery recordkeeping	UO 40	Minor	Moderate	\$500			\$500
3.	279.45 Outdated SPCC Plan	UO 113	Minor	Moderate	\$500			\$500
4.	62-701.300(a) FAC Drummed solid waste management without a permit or other authorization	SW 9.1	<del>Major</del> <u>Moderate</u>	Moderate	<del>\$7,999-\$6,000</del> <u>\$3,199-\$2,000</u>			Combined with #1
Subtotal								<del>\$40,000</del> <u>\$20,099</u>
Acquisition of Used Oil Processor Permit								<u>-\$10,000</u>
Department Costs								\$300
TOTAL								<del>\$40,300</del> <u>\$10,399.00</u>

Total Penalties for all Violations including Department Costs: ~~\$40,800.00~~ \$10,399.00

  
 Pamela Vazquez  
 Program Administrator  
 Southwest District

Date 8.8.2011

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Fred McCormack  
411 East College Avenue  
Tallahassee, FL 32301

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

K. DENSON

☐ Agent☐ Addressee

B. Received by (Printed Name)

K. DENSON

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 1680 0001 0454 7583

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

## CERTIFIED MAIL™ RECEIPT

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For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

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Return Receipt Fee  
(Endorsement Required)Restricted Delivery Fee  
(Endorsement Required)

Total Pos

8/9/11

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Sent To

Mr. Fred McCormack  
411 East College Avenue  
Tallahassee, FL 32301

Street, Apt.  
or PO Box

City, State,

PS Form 3800, August 2006

See Reverse for Instructions

7009 1680 0001 0454 7583

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

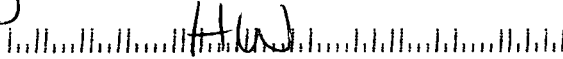
• Sender: Please print your name, address, and ZIP<sup>®</sup> 4 in this box •

State of Florida  
Department of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Tempe Terrace, FL 33637-0926

Dept. Of Environmental Protection  
AUG 15 2011  
Southwest District

J. Dregne

FLD982162943





**From:** Microsoft Exchange  
**To:** 'mccormack@fredmccormack.com'  
**Sent:** Tuesday, August 09, 2011 2:10 PM  
**Subject:** Relayed: January Environmental Services, Inc. - Settlement Offer Letter

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

'mccormack@fredmccormack.com'

**Subject:** January Environmental Services, Inc. - Settlement Offer Letter

---

Sent by Microsoft Exchange Server 2007

**Coogle, Deon**

---

**From:** Microsoft Exchange  
**To:** Dregne, James  
**Sent:** Tuesday, August 09, 2011 2:10 PM  
**Subject:** Delivered: January Environmental Services, Inc. - Settlement Offer Letter

**Your message has been delivered to the following recipients:**

Dregne, James

**Subject:** January Environmental Services, Inc. - Settlement Offer Letter

---

Sent by Microsoft Exchange Server 2007

Florida Department of

**Memorandum      Environmental Protection**

---

**ENFORCEMENT/COMPLIANCE COVER MEMO**

TO: ☒ Pamala Vazquez, Program Administrator *PV 8.8.11*

THROUGH: *WKB*  
William Kutash, Environmental Administrator

FROM: *JW* Jim Dregne, Hazardous Waste Program Manager *gls*

DATE: August 8, 2011

FILE NAME: **January Environmental Services**

OGC #: 11-0878

PROGRAM: Hazardous Waste

COUNTY: **Polk**

TYPE OF DOCUMENT:

☐ draft or ☐ final

☐ NOV

☐ Consent Order

☐ Final Order

☐ Case Report

☐ Penalty Authorization

☐ Warning Letter

☒ Other **Letter**

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit. Storing solid waste without a waste processing permit.

SUMMARY OF CORRECTIVE ACTIONS: Permit application has been submitted to Tallahassee.

**PENALTY SUMMARY:**

Potential for Harm: Moderate

Extent of Deviation: Major

Penalty Amount: \$10,099.00

Expenses: \$300.00

TOTAL PENALTY AMOUNT: **\$10,399.00**

☐ TO SECRETARY

**FRED McCORMACK, LLC**

**ATTORNEY AT LAW**  
411 East College Avenue  
Tallahassee, FL 32301  
850-681-6111 (office)  
850-681-6112 (fax)  
850-566-9129 (cell)  
mccormack@fredmccormack.com

*Admitted to practice in Florida and  
The District of Columbia*

*Dept. of Environmental  
Protection*

*JUL 29 2011*

*Southwest District*

July 27, 2011

**COPY**

Ms Pamala Vazquez  
Program Administrator  
Florida Dept. of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

**In Re: DRAFT CONSENT ORDER**  
**OGC Case No.: 11-0878**  
**January Environmental Services, Inc.**  
**FLD 982 162 943**  
**Polk County**

Dear Ms Vazquez:

I am writing in my capacity as legal counsel to Mr. Cris A. January and January Environmental Services, Inc., in response to your letter Of June 23, 2011, and the draft Consent Order that accompanied that letter.

Mr. January appreciates the professionalism you and Ms Knauss have exercised in your dealings with him but feels that the proposed penalty in your draft Consent Order is spectacularly inconsistent with efforts by Governor Rick Scott to reduce unnecessary regulation and make Florida a more business-friendly state. More specifically, Mr. January directs the following additional comments-

Initials: \_\_\_\_\_

*Handwritten initials and date: 11/29/11*

Ms Pamala Vazquez  
July 27, 2011  
Page Two

to your draft Consent Order:

The Florida Department of Environmental Protection ("FDEP") found [Consent Order at 4 a)] that January Environmental Services, Inc., ("Respondent") on or before December 20, 2010, was storing used oil for more than 35 days at its Bartow facility and did not have a used oil processor permit, in violation of s. 62-710.800(2), Florida Administrative Code ("F.A.C.").

While the draft Consent Order does not specify a specific civil penalty for this alleged violation, your February 2, 2011, warning letter to Ms Loren January, Secretary of January Environmental Services, Inc., states that "In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 2003, the penalties which would be assessed in this case are \$40,500." The reference is clearly to the totality of civil penalties that the FDEP for all alleged violations at the Bartow facility, not just for the alleged s. 62-710.800(2), F.A.C. violation.

In a Penalty Computation Worksheet dated February 2, 2011, and signed by you, however, the alleged s. 62-710.800(2), F.A.C. violation is identified as having a major potential for harm and constituting a major deviation (presumably from a statutory or regulatory requirement), a combination which, with certain other factors, earned the Respondent a civil penalty of \$39,000.00. It is with your categorization of this alleged violation as having a major potential for harm and constituting a major deviation that Mr. January takes issue.

The RCRA Civil Penalty Policy ("Policy") you cited in your February 2, 2011, letter to Ms January, provides significant guidance in determining gravity-based penalty amounts, which both I and Mr. January presume you have done in your draft Consent Order.

The Policy provides, at VI A., that gravity-based penalties should be determined by examining potential for harm and the extent of deviation from a statutory or regulatory requirement. It further provides that the factors to be considered in determining potential for harm are the risk of human or

environmental exposure to hazardous waste and/or hazardous constituents that may be posed by noncompliance, and the adverse effect noncompliance may have on statutory or regulatory purposes or procedures for implementing the RCRA program.

The Policy also provides, at VI A a, that where a violation involves the actual management of waste, a penalty should reflect the probability that the violation could have resulted in, or has resulted in a release of hazardous waste or constituents, or hazardous conditions posing a threat of exposure to hazardous waste or waste constituents.

In the Respondent's specific situation as to the alleged storage of used oil for more than 35 days without a permit, we are talking about used oil being stored in a stable vessel of unquestioned integrity. The likelihood of a release was extremely remote and, in fact, was at no time greater after 35 days of storage than it would have been after, say, three days of storage. There was no evidence of a release, there was no evidence of waste mismanagement, such as rusting drums or other vessels, and monitoring equipment and inspection procedures were never called into question.

Even if there was even a remote possibility of a release, which there was not, the quantity and toxicity of the waste at issue were minor, the likelihood of transport by way environmental media was de minimis and there were no substantial receptor populations in the area of the facility.

As to the adverse effect the Respondent's failure to have a used oil processor permit—or keeping the oil for more than 35 days-- might have on statutory or regulatory purposes of procedures for implementing RCRA programs, Mr. January's position is that the effect is also de minimis. He kept the used oil longer than 35 days because in the depressed, uncertain and volatile markets with which he had to deal in the days prior to the FDEP inspection, there was simply no place for him to ship it. He's going to get his permit, just as soon as the FDEP processes it. And he won't keep used oil longer than 35 days again.

Ms Pamala Vazquez  
July 27, 2011  
Page Four

Mr. January operates in several states one of the most heavily regulated environmental-related businesses extant. He is aware of the need for regulation and has consistently and to the best of his ability complied with such regulation. At the same time, he believes regulations and regulators need also to be sensitive to the exigencies and realities of the business world, much along the lines articulated—and being carried out—by the Executive Branch head of your agency, Governor Scott.

Specifically, Mr. January feels that both the Respondent's alleged s. 62-710.800(2) and s. 701.300(1)(a), F.A.C., violations posed or may have posed low or relatively low risks of exposure to humans or other environmental receptors to hazardous waste or constituents and that its action have or may have a small adverse effect on statutory or regulator purposes or procedures for implementing the RCRA program.

Accordingly, he requests that you redetermine the potential for harm and extent of deviation for both alleged violations to minor and recalculate the matrix ranges for both.

Mr. January also points out that the FDEP's Penalty Computation Worksheet of February 2, 2011, lists five alleged violations, the total penalty for which is \$40,500.00. Your draft Consent Order lists only four alleged violations, yet the total penalty remains at \$40,500.00.

Again, Mr. January appreciates your professionalism in meeting with him and discussing his issues at length. He wishes to comply with and carry out the corrective actions set forth in your draft Consent Order but requests that the penalty be set at \$10,500, plus \$300.000 in FDEP costs.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred McCormack", with a long horizontal flourish extending to the right.

Fred McCormack

**Ms Pamala Vazquez**

**July 27, 2011**

**Page Five**

**cc:   The Hon. Rick Scott  
      The Hon. Charles S. Dean, Sr.  
      The Hon. Trudi K. Williams  
      Herschel T. Vinyard, Jr.  
      Jeff Littlejohn  
      Gary Colecchio  
      Loren January  
      Cris January**



Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: PLY 22-11 Pamela Vazquez, Program Administrator

THROUGH: William Kutash, Waste Program Administrator

James Dregne, Hazardous Waste Program Manager 6/22

FROM: Elizabeth Knauss, HW Enforcement Coordinator

DATE: June 21, 2011

FILE NAME: January Environmental Services, Inc.

COUNTY: Polk

PROGRAM: Hazardous Waste

OGC Case # 11-0878

TYPE OF DOCUMENT: Draft Consent Order to Respondent

REQUESTED ACTION: Approval

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit. Storing solid waste without a waste processing permit. Several paperwork violations.

STATUS OF CORRECTIVE ACTIONS: Permit application is in preparation

STATUS OF PENALTY ASSESSMENT: DRAFT ATTACHED

PENALTY: ☐ Not Applicable

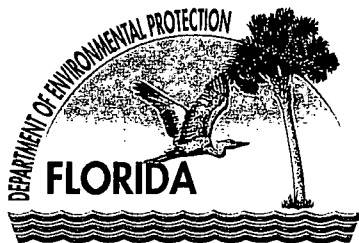
Amount: \$ 40,500.00

Costs & Expenses: \$ 300.00

Total: \$ 40,800.00

Secretary Approval ☐ Required / Approved on \_\_\_\_\_

Attachments: Draft Consent Order, Cover Letter



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600  
June 23, 2011

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

CERTIFIED MAIL 7009 1680 0000 2593 3090  
RETURN RECEIPT REQUESTED

Mr. Cris January  
January Environmental Services, Inc.  
1920 Hwy 60 West  
Bartow, FL 33830

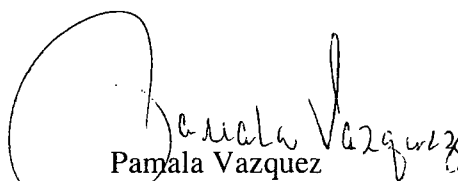
Re: Draft Consent Order - OGC Case #11-0878  
January Environmental Services, Inc.  
FLD 982 162 943  
Polk County

Dear Mr. January:

Enclosed, please find the draft Consent Order which addresses the violations at your facility as noted during the December 20, 2010, RCRA Compliance Inspection. Please review and provide your comments within fifteen days, or if the Consent Order is acceptable, please sign and return for execution.

The entry and compliance with the terms of this Consent Order will end this enforcement case. If you have any questions, or wish to discuss this further, please call Elizabeth Knauss at 813/632-7600 ext. 383.

Sincerely yours,

  
Pamala Vazquez  
Program Administrator  
Southwest District

PV/ebk

cc: Randy J. Miller, OGC (Randy.J.Miller@dep.state.fl.us)

Inserted into OCULUS

NOV - 4 2011

Initials: \_\_\_\_\_

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

IN THE OFFICE OF THE  
SOUTHWEST DISTRICT

Complainant,  
vs.

OGC FILE NO. 11-0878

JANUARY ENVIRONMENTAL  
SERVICES, INC.,

Respondent.

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and January Environmental Services, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("Fla. Admin. Code"). The Department has jurisdiction over the matters addressed in this Order.
2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(22), F.S.
3. Respondent is a Florida for-profit corporation that operates a used oil and solid waste transfer facility, located at 1920 Highway 60 West, Bartow, FL, in Polk County, Florida ("Facility"). The Department has assigned facility ID Number FLD982162943 to the Facility.

4. The Department finds that the following violations occurred:

a) On or before December 20, 2010, Respondent was storing used oil for more than 35 days at the Facility and did not have a used oil processor permit, in violation of Fla. Admin. Code R. 62-710.800(2).

b) On or before December 20, 2010, Respondent was operating a solid waste transfer station storing containers of waste at the Facility for more than seven days without a permit as required by Fla. Admin. Code R. 62-701.710, in violation of Fla. Admin. Code R. 62-701.300(1)(a).

c) On or before December 20, 2010, Respondent failed to keep records of the EPA identification number of the rail transporter accepting used oil for shipment to a designated processing facility, in violation of 40 CFR 279.46(b), as adopted by Fla. Admin. Code R. 62-710.210(2). Respondent failed to keep records of the name, street address and EPA identification number of all designated used oil destination facilities as required by Fla. Admin. Code R. 62-710.510(1)(f).

d) Respondent did not amend the facility's Spill Prevention, Countermeasure and Control Plan ("SPCC Plan") when Facility operations and emergency contact information changed, in violation of 40 CFR 279.45, as adopted by Fla. Admin. Code R. 62-710.210(2).

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Effective immediately, Respondent shall not store used oil more than 35 days until and unless a used oil processing permit is issued for the Facility.

b) Effective immediately, Respondent shall cease accepting unauthorized materials at the Facility.

c) Effective immediately, Respondent shall notify the Department in writing in the event that Respondent stores used oil at any location in Florida for more than 35 days without a permit.

d) Within 10 days of the effective date of this Order, Respondent shall submit a complete combined used oil processing and solid waste processing facility permit application together with the appropriate permit application fee. The application shall include an updated SPCC Plan.

e) Effective immediately, Respondent shall keep records of all used oil shipments that include the name, address and EPA identification number assigned to both the transporter and destination facility.

6. Within 15 days of the effective date of this Order, Respondent shall pay the Department \$40,800.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$40,500.00 for civil penalties and \$300.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 2 violations that each warrant a penalty of \$2,000.00 or more.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$500.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 5 of this Order. The Department may demand stipulated penalties at

any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraphs 8 and 9, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 6 of this Order.

8. Respondent shall make all payments required by this Order by cashier's check or money order. Payment instruments shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund."

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to the Waste Program Administrator, Department of Environmental Protection, Southwest District 13051 North Telecom Pkwy., Temple Terrace, FL 33637-0926.

10. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of

Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

12. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

13. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order

does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

14. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

15. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

16. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

17. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

18. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

19. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.



20. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Southwest District Office at 13051 N. Telecom Pkwy., Temple Terrace, FL 33637-0926. Failure to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

21. Rules referenced in this Order are available at  
<http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>.

FOR THE RESPONDENT:

\_\_\_\_\_  
Cris January, President  
January Environmental Services, Inc.

\_\_\_\_\_  
Date

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2011, in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

---

Pamala Vazquez  
Program Administrator  
Southwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

---

Clerk

---

Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35


SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Cris January  
January Environmental Services, Inc.  
1920 Hwy. 60 West  
Bartow, FL 33830

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Addressee

B. Received by (Printed Name) Loren January C. Date of Delivery 7-1-11

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7009 1680 0000 2593 3090

7009 1680 0000 2593 3090

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Post		
<p>Sent To <u>Mr. Cris January</u></p> <p><u>January Environmental Services, Inc.</u></p> <p><u>1920 Hwy. 60 West</u></p> <p><u>Bartow, FL 33830</u></p>		
<p>Street, Apt. or PO Box</p> <p>City, State</p>		
PS Form 3800, August 2006 See Reverse for Instructions		

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State of Florida  
Department of Environmental Protection  
Southwest District  
13051 North Telecom Parkway  
Temple Terrace, FL 33637-0926

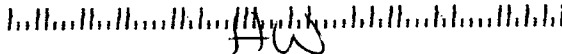
Southwest District

JUL 05 2011

Department of Environmental Protection

B. Knauss

FLD 982 115



**Coogle, Deon**

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**From:** Microsoft Exchange  
**To:** Miller, Randy J.  
**Sent:** Thursday, June 23, 2011 11:06 AM  
**Subject:** Delivered: January Environmental Services, Inc. - Draft Consent Order

**Your message has been delivered to the following recipients:**

Miller, Randy J.

**Subject:** January Environmental Services, Inc. - Draft Consent Order

---

Sent by Microsoft Exchange Server 2007

## Knauss, Elizabeth

**From:** Wilson, Mary  
**Sent:** Wednesday, June 15, 2011 2:12 PM  
**To:** Knauss, Elizabeth  
**Cc:** Vazquez, Pamala  
**Subject:** Notification of Enforcement Attorney Assignment

### Consent Order

Florida Department of Environmental Protection - Enterprise Applications									
LCT Forms Case Lookup Reports Code Maintenance Oculus Help Exit Window									
Legal Case Tracking System - Admin Case Entry Screen									
OGC Admin Case   Additional Case Info   Chronology									
Enter the required criteria to create a new OGC Case and then press Commit (Ctrl+F6)									
Required fields are indicated with an *									
OGC Number*	11	0878	Enter 2 digit year case is opened. System will assign a 4 digit sequence number						
Style of Case*	JANUARY ENVIRONMENTAL SERVICES, INC.; DEP VS.								Case Origin
District/Division									
File Name									
Site Name									
Program Area*	HW	HAZARDOUS WASTE			<input checked="" type="checkbox"/>	Primary			
Attorney Name*	RJM	RANDY	J	MILLER		<input checked="" type="checkbox"/>	Lead	AAM	Supervisor Initials
District*	6	SOUTHWEST	District/Division Contact		ELIZABETH KNAUSS				
County*	53	POLK							
Division	WM	DIVISION OF WASTE MANAGEM		Activity Date	Code	Activity Description			
Status*	0	OPEN		06/14/2011	ACO	ADMIN. CASE OPENED IN OGC			
Mode*	E	ENFORCEMENT							
Comments									

Enter any comments related to this case.

Record: 1/1

Mary L. Wilson  
Administrative Assistant II, Enforcement Section  
Office of General Counsel  
Phone: 850-245-2245  
[Mary.Wilson@dep.state.fl.us](mailto:Mary.Wilson@dep.state.fl.us)

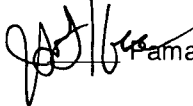
**Florida's Water - Ours to Protect:** Check out the latest information on Florida Water Issues at  
<http://www.protectingourwater.org/> presented by the Florida Department of Environmental Protection.


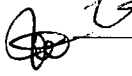



# Memorandum

# Florida Department of Environmental Protection

## SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:  Pamela Vazquez, Program Administrator

THROUGH:  William Kutash, Waste Program Administrator  
 James Dregne, Hazardous Waste Program Manager

FROM:  Elizabeth Knauss, HW Enforcement Coordinator

DATE: June 6, 2011

FILE NAME: January Environmental Services, Inc. COUNTY: Polk  
PROGRAM: Hazardous Waste WL # 11-0010-HW53SWD

TYPE OF DOCUMENT: Draft Consent Order to OGC

REQUESTED ACTION: Approval

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit. Storing solid waste without a waste processing permit. Several paperwork violations.

STATUS OF CORRECTIVE ACTIONS: Permit application is in preparation

STATUS OF PENALTY ASSESSMENT: DRAFT ATTACHED

PENALTY: ☐ Not Applicable Amount: \$ 40,500.00  
Costs & Expenses: \$ 300.00  
Total: \$ 40,800.00  
Secretary Approval ☐ Required / Approved on \_\_\_\_\_

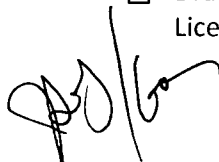
Attachments: Draft Consent Order, LCT Form

TO: Alik Moncrief, OGC Enforcement Section

\* **This form is accompanied by:**

- ☒ Draft Consent Order  
☐ Draft NOV  
☐ Draft Admin. Complaint for  
License or Permit Revocation

- ☐ Draft Final Order  
☐ Draft Site Access Order  
☐ Case Report  
☐ Other

\* **FROM:** Pamala Vazquez\* **DATE:**

\* Has this matter ever been assigned an OGC#?

☒ No☐ Yes

\* If yes, OGC#

(If an OGC# was assigned for any reason, please include it here.)

**The following information is necessary for entry in the Legal Case Tracking System (LCTS):**

\* Case Name: DEP v. January Environmental Services, Inc.

(The case name should mirror the caption in the enforcement action, e.g. DEP v. \_\_\_\_\_.)

\* Case Alias:

(If you refer to the respondent, defendant, site, or matter in another way, include that here, e.g. Facility Name, etc.)

\* Responsible Office: SWD - Southwest District

Polk County:

\* District Contact: Elizabeth Knauss

\* Program Area: HW

2nd Program Area: SW

**If available, please include the following information:**

▼ Facility/Site ID No.

EPA ID No. FLD982162943

▼ Project No.

SWIFT/FIRST ▼

Enforcement Tracking Activity No.

**Comments:**

-----FOR OGC USE ONLY-----

Rev. 05/09

OGC ATTORNEY ASSIGNED:

BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT	)	IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION	)	SOUTHWEST DISTRICT
	)	
vs.	)	OGC FILE NO. 11-
	)	
JANUARY ENVIRONMENTAL	)	
SERVICES, INC.	)	
_____	)	

**CONSENT ORDER**

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and January Environmental Services, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent admits the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("F.S."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("F.A.C."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(22), F.S.

3. Respondent is the operator of a used oil transfer facility and waste processing facility, located at 1920 Highway 60 West, Bartow, FL, in Polk County, Florida ("Facility"). The facility's Facility ID Number is FLD982162943.

4. The Department finds that the following violations occurred:

a) On or before December 20, 2010, Respondent was storing used oil for more than 35 days at the facility and did not have a used oil processor permit in violation of Fla. Admin, Code Rule 62-710.800(2).

b) On or before December 20, 2010 Respondent was operating a solid waste transfer station at the facility without a permit as required by Fla. Admin. Code Rule 62-701.710, in violation of Fla. Admin. Code Rule 62-701.300(1)(a).

c) On or before December 20, 2010 Respondent failed to keep records of the EPA identification number of the rail transporter accepting used oil for shipment to a designated processing facility in violation of 40 CFR 279.46(b), as adopted by Fla. Admin. Code Rule 62-710.210(2). Respondent failed to keep records of the name, street address and EPA identification number of all designated used oil destination facilities as required by Fla. Admin. Code Rule 62-710.510(1)(f).

d) Respondent did not amend the facility's Spill Prevention, Countermeasure and Control Plan ("SPCC Plan") when facility operations and emergency contact information changed in violation of 40 CFR 279.45, as adopted by Fla. Admin. Code Rule 62-710.210(2).

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

**ORDERED:**

5. Respondent shall comply with the following corrective actions within the stated time periods:

a) Respondent shall not store used oil more than 35 days until and unless a used oil processing permit is issued for the Facility.

b) Respondent shall immediately cease accepting unauthorized materials at the Facility.

c) Respondent shall immediately notify the Department in writing in the event that Respondent stores used oil at any location in Florida for more than 35 days without a permit.

d) Respondent shall submit a complete combined used oil processing and solid waste processing facility permit application together with the appropriate permit application fee within 10 days of execution of this Order. The application shall include an updated SPCC Plan.

e) Respondent shall immediately keep records of all used oil shipments that include the name, address and EPA identification number assigned to both the transporter and destination facility.

6. Within 15 days of the effective date of this Order, Respondent shall pay the Department \$40,800.00 in settlement of the regulatory matters addressed in this Order. This amount includes \$40,500.00 for civil penalties and \$300.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 2 violations that each warrant a penalty of \$2,000.00 or more.

7. Respondent agrees to pay the Department stipulated penalties in the amount of \$500.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraphs 5 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraphs 8 and 9, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 6 of this Order.

8. Respondent shall make all payments required by this Order by cashier's check or money order. Payment instruments shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Ecosystem Management and Restoration Trust Fund."

9. Except as otherwise provided, all submittals and payments required by this Order shall be sent to the Waste Program Administrator, Department of Environmental Protection, Southwest District 13051 North Telecom Pkwy., Temple Terrace, FL 33637-0926.

10. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

11. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a waiver of Respondent's right to request an extension of time for compliance for those circumstances.

12. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent's complete compliance with all of the terms of this Order.

13. This Order is a settlement of the Department's civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

14. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

15. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to \$10,000.00 per day per violation, and criminal penalties.

16. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to section 120.68, F.S.

17. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

18. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

19. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.

20. Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

- a) The OGC Number assigned to this Consent Order;
- b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;
- c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
- d) A statement of when and how the petitioner received notice of the Consent Order;
- e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;
- f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;
- g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and
- h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the Southwest District Office at 13051 N. Telecom Pkwy., Temple Terrace, FL 33637-0926. Failure



to file a petition within the 21-day period constitutes a person's waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person's right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

21. Rules referenced in this Order are available at  
<http://www.dep.state.fl.us/legal/Rules/rulelistnum.htm>.

FOR THE RESPONDENT:

\_\_\_\_\_  
Cris January, President  
January Environmental Services, Inc.

\_\_\_\_\_  
Date

DONE AND ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2011, in Hillsborough County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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Pamala Vazquez  
Program Administrator  
Southwest District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk,  
receipt of which is hereby acknowledged.

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Clerk

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Date

Copies furnished to:

Lea Crandall, Agency Clerk  
Mail Station 35

SW\_CO (REV. 06/09)

## **Knauss, Elizabeth**

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**From:** Kothur, Bheem  
**Sent:** Monday, June 06, 2011 7:44 AM  
**To:** Knauss, Elizabeth  
**Cc:** Dregne, James; Tripp, Anthony  
**Subject:** RE: January Oil

Hi Beth,

I just came back from vacation. I have not see the application as of now and I will let you know when I see it.

Bheem.

---

**From:** Knauss, Elizabeth  
**Sent:** Thursday, June 02, 2011 2:36 PM  
**To:** Kothur, Bheem  
**Cc:** Dregne, James  
**Subject:** January Oil

Bheem – did January submit their permit application yet?

## Knauss, Elizabeth

---

**From:** Kothur, Bheem  
**Sent:** Thursday, May 19, 2011 3:25 PM  
**To:** wgrany@enercon.com  
**Cc:** Kothur, Bheem; Martin, Lee; Dregne, James; Knauss, Elizabeth  
**Subject:** FW: january Environmental Services, inc. UO, Permit Application coming very shortly  
**Attachments:** 62-701.900(4)[1].pdf

Hello Grant,

FYI request and use. It is a solid waste permit application and it is short version for limited quantities and it is for combined permit (UO and SW)

Please confirm that you got it.

Thanks.

Bheem

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

**From:** Hornbrook, Frank  
**Sent:** Thursday, May 19, 2011 3:18 PM  
**To:** Kothur, Bheem  
**Subject:**

Frank Hornbrook

*Send Correspondence to:*

Solid Waste Financial Coordinator  
Florida Department Of Environmental Protection  
2600 Blair Stone Rd. MS 4565  
Tallahassee, Florida 32399-2400  
Att: Frank Hornbrook, Environmental Specialist

*Contact Information:*

Phone: (850) 245-8745  
Fax: (850) 245-8811  
E-mail: [Frank.Hornbrook@dep.state.fl.us](mailto:Frank.Hornbrook@dep.state.fl.us)  
Solid Waste Financial Assurance: <http://www.dep.state.fl.us/waste/categories/swfr/>

*Please note: Florida has a very broad public records law. Most written communications to or from state officials are public records and may be made available to the public or media upon request. This e-mail communication, your reply, and future e-mails to my attention may therefore be subject to public disclosure.*

## Knauss, Elizabeth

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**From:** Wyatt Grant [wgrant@enercon.com]  
**Sent:** Friday, May 13, 2011 3:47 PM  
**To:** Knauss, Elizabeth  
**Subject:** RE: January Environmental

Beth,

Yes I am working on it. I expect to submit next week. Forgive me for being slightly behind. I am working on this.

Thank You,

Wyatt Grant, P.E.  
Tampa Lead Senior Project Manager  
12906 Tampa Oaks Blvd. Suite 131  
Temple Terrace, Florida 33637  
P: 813.962.1800 / F: 813.962.1881  
Cell: 813.810.8037



ENERCON - Environmental Engineering & Consulting



Please consider the environment before printing this e-mail.

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**From:** Knauss, Elizabeth [<mailto:Elizabeth.Knauss@dep.state.fl.us>]  
**Sent:** Friday, May 13, 2011 3:42 PM  
**To:** 'Wyatt Grant'  
**Subject:** January Environmental

Dear Mr. Grant:

Are you still working on the used oil processor permit application for January Environmental? Or has that project been put on hold?

Thanks

Beth Knauss  
FDEP  
813/632-7600 ext. 383

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO:  James Dregne, Hazardous Waste Program Manager

FROM:  Elizabeth Knauss, HW Enforcement Coordinator

DATE: April 26, 2011

FILE NAME: January Environmental Services, Inc.

COUNTY: Polk

PROGRAM: Hazardous Waste

WL # 11-0010-HW53SWD

TYPE OF DOCUMENT: Letter re case settlement

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit.

STATUS OF CORRECTIVE ACTIONS: Pending

STATUS OF PENALTY ASSESSMENT: PENDING

PENALTY: ☐ Not Applicable

Amount: \$ 40,000.00

Costs & Expenses: \$ 300.00

Total: \$ 40,300.00

Secretary Approval ☐ Required / Approved on \_\_\_\_\_

Attachments: Letter



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr.  
Secretary

April 27, 2011

Mr. Cris January  
January Environmental Services, Inc.  
1920 Hwy 60 West  
Bartow, FL 33830

Re: Settlement Discussions  
January Environmental Services, Inc.  
FLD 982 162 943  
Polk County

Dear Mr. January:

This letter is to follow up on the information you presented during our meeting of March 3, 2011 in response to the referenced warning letter. As agreed during the meeting, the Department is deleting the violation that cited secondary containment requirements for used oil storage.

During the meeting, you claimed that January exceeded the 35 day time limit for transfer facilities that store used oil due to CSX's failure to pick up rail cars in a timely manner. The Department requested additional information from CSX on this issue, and has determined that the time between January's call to pick up the oil, and the date of pickup ranged from 3 to 7 days. During this same time frame, January exceeded the 35 day limit on four occasions, with shipping intervals of 56, 81, 100 and 149 days. In addition, on two of these occasions, rail cars were delivered and held for more than 35 days before CSX was called to pick up the car.

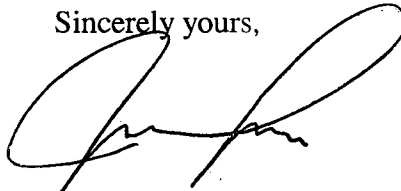
The Department also learned that CSX's pricing structure varies depending on the customer's contract. The customer can contract for expedited pickup. Therefore the additional delay does not appear to be the fault of a third party or out of January's control. Therefore, the Department is not willing to reduce the proposed penalty for this violation.

The Department has previously taken enforcement against January for storing used oil without a permit. That case was settled by means of a Short Form Consent Order, after the Department had received assurances that January understood and would comply with Florida's used oil regulations. In order to settle this case, the Department will require January to enter into a long form Consent Order that includes a compliance schedule and

performance penalties for noncompliance. The draft Order will be forwarded for your review after it has been reviewed by our Office of General Counsel.

During our meeting, we also discussed submittal of a used oil processing facility permit. A permit would allow you to store more than 25,000 gallons of used oil for more than 35 days and could include storage of non hazardous oily wastes. We understood that you had engaged a consultant to prepare a permit application, but to date it has not been received. If you have decided not to apply for a permit, please let us know as this will affect the compliance schedule and corrective actions in the draft Consent Order. If you have any questions, or wish to discuss this further, please call Elizabeth Knauss at 813/632-7600 ext. 383.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'James Dregne', with a large, stylized loop at the end.

James Dregne  
Hazardous Waste Program Manager  
Southwest District



## Knauss, Elizabeth

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**From:** Zacker, Brian [Brian\_Zacker@csx.com]  
**Sent:** Friday, April 01, 2011 11:43 AM  
**To:** Knauss, Elizabeth  
**Subject:** FW: FL DEP Request for Assistance  
**Attachments:** EPA January Enviro Request.xls; GATX 1318 BL 6247102 Dated 9-24-10.pdf; GATX 2859 BL 4600271 Dated 7-30-09.pdf; GATX 2859 bl 4717926 Dated 9-4-09.pdf; GATX 2859 BL 4830343 Dated 10-9-09.pdf; GATX 1318 bl 5068649 Dated 12-18-09.pdf; GATX 1318 BL 5802016 Dated 6-616-10.pdf

Elizabeth,

Sorry for the delay in getting this information to you. It just took a little longer than I expected. Hopefully the information provided in the attachments helps you out.

Brian Zacker  
EFS Supervisor  
CSX Transportation  
5656 Adamo Drive  
Tampa, FL 33619  
Office: 813-664-6214  
Cell: 863-670-8862

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**From:** Lunsford, Michael  
**Sent:** Friday, April 01, 2011 7:41 AM  
**To:** Zacker, Brian  
**Subject:** FW: FL DEP Request for Assistance

Brian:

The attached information is a response to FLDEP's request for shipment records pertaining to January Environmental. As you can see, we could find no information on one shipment, and that may be due to the time that has passed since the shipment.

As a point of note, the local train that services this customer has two-day per week service.

Feel free to pass this along, and please refer any questions to my attention.

Thanks,  
Mike

M. D. (Mike) Lunsford CSP  
Director - Chemical Safety  
Phone 904-359-1685

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Date	Destination/consignee	Amount	Bill of Lading #	Car Number	Shipping Description
3/11/2009	Noble Oil Service, Colon NC		5371498	GATX 2859	
4/8/2009					149
7/30/2009	Flex Oil-Channelview TX-via Green Ports Terminal		4600271	GATX 2859	
8/5/2009					25
9/4/2009	Beauchan Rail Car Services Houston TX		4717926	GATX 2859	
10/9/2009	Flex Oil-Channelview TX-via Green Ports Terminal		4830343	GATX 2859	32
12/18/2009	Flex Oil-Channelview TX-via Green Ports Terminal		5068649	GATX 1318	
1/11/2010	January Nashville TN	3,500g	5126		
2/16/2010	January Nashville TN	3,500 g	5049		
4/13/2010	January Nashville TN	3000 g			
4/19/2010	Noble Oil Sanford NC	5,500 g	BT2901	n/a	used oil 56
5/11/2010	January Nashville	3,500			
6/16/2010	Noble Oil Colon NC		5802016	GATX 1318	Commodity 4025129 Crankcase drainings
9/24/2010	Omega Refining - Marrero La EPA ID ??		6247102	GATX 1318	TC Fuel oil no 4 100
12/20/2010	car being loaded				

**EPA Inquiry - January Environmental Services**

<b>Service Days Tuesday / Thursday</b>	<b>GATX 2859 - BL 5371498</b>	<b>GATX 2859 - BL 4600271</b>	<b>GATX 2859 - BL 4717926</b>	<b>GATX 2859 - BL 4830343</b>	<b>GATX 1318 - BL 5068649</b>	<b>GATX 1318 - BL 5802016</b>
<b>The date the car was delivered to January</b>	No Trace Available	Unknown	9/3/2009	10/8/2009	10/19/2009	6/11/2010
<b>The day CSX was called to pick up the car</b>	No Trace Available	8/4/2009 - Tuesday	9/4/2009 - Friday	10/9/2009 - Friday	12/18/2009 - Friday	6/16/2010 - Wednesday
<b>The day car was accepted and picked up by CSX</b>	No Trace Available	8/7/2009 - Friday	9/11/2009 - Friday	10/13/2009 - Tuesday	12/23/2009 - Wednesday	6/22/2010 - Tuesday
<b>The shipping description of the car's contents</b>	No Waybill Available	Crankcase Drainings 4025129	Crankcase Drainings 4025129	Crankcase Drainings 4025129	Crankcase Drainings 4025129	Crankcase Drainings 4025129
<b>Date car arrived destination</b>	No Trace Available	Unknown - I/C to Union Pacific	Unknown - I/C to Union Pacific	Unknown - I/C to Union Pacific	Unknown - I/C to Union Pacific	Unknown - I/C to Norfolk Southern
<b>The date it was unloaded</b>	No Trace Available	Unknown - I/C to Union Pacific	Unknown - I/C to Union Pacific	Unknown - I/C to Union Pacific	Unknown - I/C to Union Pacific	Unknown - I/C to Norfolk Southern
	<b>3/11/2009</b>	<b>7/3/2009</b>	<b>9/4/2009</b>	<b>10/9/2009</b>	<b>12/18/2009</b>	<b>6/16/2010</b>

<b>GATX 1318 - BL 6247102</b>
8/2/2010
9/24/2010 - Friday
9/30/2010 - Thursday
Fuel Oil, No. 4 2911329
Unknown - I/C to Union Pacific
Unknown - I/C to Union Pacific
<b>9/24/2010</b>

# January Environmental Services

Invoice # TN N2 13783

91 Van Buren  
Nashville, TN 37208  
1-800-879-2010

TN UOP # UOP191027033

www.JanuaryEnvironmental.com

Driver Cris January

Date of Service 1 / 12 / 11

<b>Service Address</b>
<u>January Environmental Serv.</u>
<u>1920 Hwy 60 West</u>
<u>Bartow, FL 33830</u>
Phone Number ( <u>863</u> ) - <u>534</u> - <u>8478</u>

<b>Bill To Address</b>

EPA# \_\_\_\_\_ Project # \_\_\_\_\_ PO # \_\_\_\_\_ Check # \_\_\_\_\_

QTY	Service	Amount	Total
	Used Oil (Not USDOT Hazardous Material)		
	DIY Oil (Not USDOT Hazardous Material)		
	Used Antifreeze <u>2-55 gal Drum</u>		
	Used Oil Filters (55 Gallon Drums) (Filter Bin)		
	Used Absorbents (55 Gallon Drums) <u>6</u> (Filter Bin) <u>1-30 gal.</u>		
	Used Oil Water Mix (Water %) (Doc #)		
	Parts Washer Services <u>1-55 gal Drum 2-30 gal Drum</u>		
	Burner Fuel		
	Empty Drums (Dropped Off) <u>2 Empty</u> (Picked Up)		
	Used Grease Drums <u>2-55 gal. Drums</u>		
	Roll Off Boxes		
	Containers Dropped Off (55 Gal) (Filter Bin) (Tote or Tank)		
Price Does Not Include Applicable Sales Tax		Tax	
		Total	

<b>Recycling Facility</b>
January Environmental Services
91 Van Buren
Nashville, TN 37208 615-242-3787
EPA # TND000829135

<b>Alternate Recycling Facility</b>
EPA #

Signature Tony Mat

Date 1 / 13 / 11

## Generator Certifies

The Fuel Product, Used oil, Antifreeze, and or mixture has not been mixed with any hazardous waste or PCB's identified in 40 CFR 261, 279, or 761. January Environmental Services Inc. may require the generator to verify by analysis that the used oil, antifreeze, or mixtures do not contain such waste.

Customer Signature [Signature]

Date 1 / 10 / 2011

JES Rep \_\_\_\_\_ Halogen Test \_\_\_\_\_ pass \_\_\_\_\_ fail \_\_\_\_\_

(Please Remit all Payments To: 2701 South Prospect Oklahoma City, OK 73129)

## Knauss, Elizabeth

---

**From:** Knauss, Elizabeth  
**Sent:** Thursday, March 10, 2011 1:05 PM  
**To:** 'Kimberly Smith-Jones'  
**Subject:** RE: Shipment from January Environmental - Bartow, Florida

Thanks – that should be all I need.

---

**From:** Kimberly Smith-Jones [mailto:ksmithjones@omegarefining.com]  
**Sent:** Thursday, March 10, 2011 12:54 PM  
**To:** Knauss, Elizabeth  
**Subject:** RE: Shipment from January Environmental - Bartow, Florida

*Thanks for the clarification. We our in-house lab receives a sample, whether pre or post-test, it is logged into our database, with a receipt #, sample #, supplier ID, product identifier, etc and prepared for analysis. If there is a question as to analytical results than the sample is sent to a third party lab under formal chain-of-custody protocol. Therefore, I cannot provide any C-O-C documents to you because in-house sample receipts are tracked via our database. Moreover, the Omega laboratory receipts that I provided to you depicted the information that is stored in the data base.*

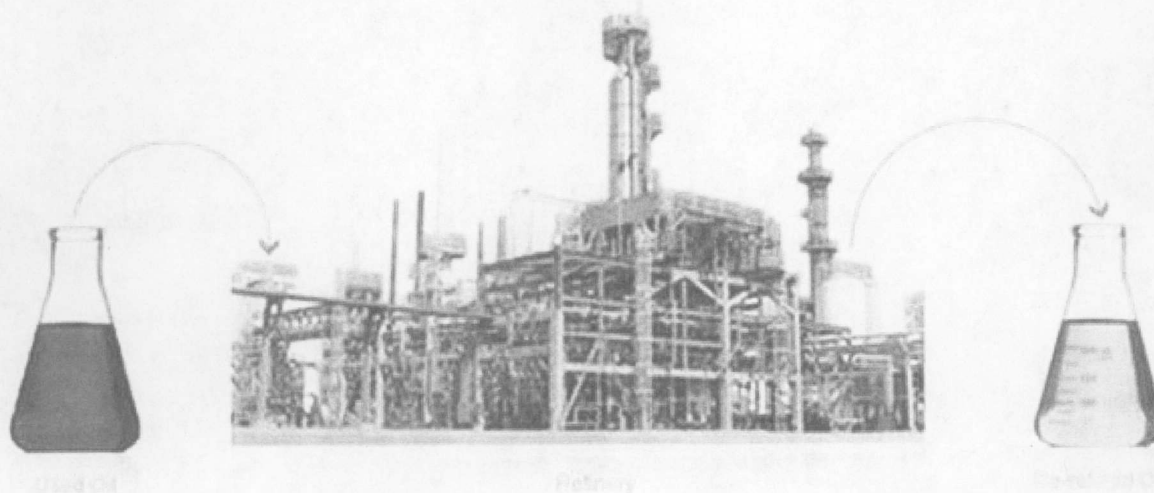
*Our halogens (chlorides) are tested in accordance with ASTM Standards for X-Ray Fluorescence Spectroscopy (XRF).*

*With Warm Regards,*

*Kimberly Smith-Jones  
Health, Environmental & Safety*



Omega Refining, LLC  
5000 River Road, Marrero, LA 70072  
504 349 7229  
fax 504 349 7225  
[ksmithjones@omegarefining.com](mailto:ksmithjones@omegarefining.com)



At Omega Refining Corporation, we are committed to excellence. Our Environmental, Health and Safety standards regulations but also reflect the social, economic and environmental expectations of our employees, communities and customers. The environment, operating safely, producing quality products and improving overall performance. At Omega Refining, our actions and c

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**From:** Knauss, Elizabeth [mailto:Elizabeth.Knauss@dep.state.fl.us]  
**Sent:** Thursday, March 10, 2011 9:24 AM  
**To:** 'Kimberly Smith-Jones'  
**Subject:** RE: Shipment from January Environmental - Bartow, Florida

I have an open case regarding their Florida activities related to the length of time they have stored used oil. Florida has a permit requirement for transporters operating transfer facilities that store oil more than 35 days.

January's operation here is pretty small, and they have had a hard time accumulating enough oil for cost effective shipment, since they do not market directly to burners and have not been claiming that their oil meets the specification.

We do not have any concerns regarding improper disposal or hazardous waste mixing. Your message yesterday was the first indication I had that the oil had ever been analyzed for the 279.11 specification before it left January's facility. January may be able to use the information to mitigate the noncompliance issue, and we want to be sure to be fair in evaluating their operation.

---

**From:** Kimberly Smith-Jones [mailto:ksmithjones@omegarefining.com]  
**Sent:** Thursday, March 10, 2011 10:10 AM  
**To:** Knauss, Elizabeth  
**Subject:** RE: Shipment from January Environmental - Bartow, Florida

Hi Beth,,

We are happy to provide you the information requested, however just for our comfort level, we are wondering what is driving this request. Is this an audit of January Environmental, etc, because if there is an issue with this company, we would definitely like to know.

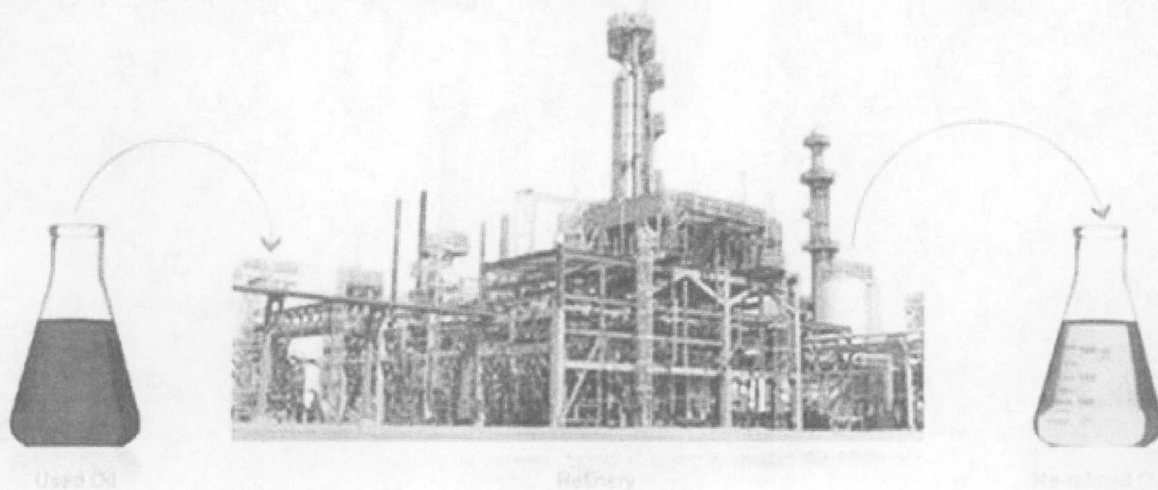
*With Warm Regards,*

*Kimberly Smith-Jones  
Health, Environmental & Safety*



Omega Refining, LLC  
5000 River Road, Marrero, LA 70072  
504 349 7229  
fax 504 349 7225  
[ksmithjones@omegarefining.com](mailto:ksmithjones@omegarefining.com)





*At Omega Refining Corporation, we are committed to excellence. Our Environmental, Health and Safety standards reflect the social, economic and environmental expectations of our employees, communities and customers. We are committed to protecting the environment, operating safely, producing quality products and improving overall performance. At Omega Refining, our actions and*

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**From:** Knauss, Elizabeth [mailto:Elizabeth.Knauss@dep.state.fl.us]  
**Sent:** Wednesday, March 09, 2011 4:10 PM  
**To:** 'Kimberly Smith-Jones'  
**Subject:** RE: Shipment from January Environmental - Bartow, Florida

Thanks for your quick reply!

A couple of additional questions –

Do you keep chain of custody records on the samples you analyze, when the sample is provided by the customer? If so, I would like a copy of that as well.

What method was used for the halogen analysis? XRF?

---

**From:** Kimberly Smith-Jones [mailto:ksmithjones@omegarefining.com]  
**Sent:** Wednesday, March 09, 2011 4:58 PM  
**To:** Knauss, Elizabeth  
**Cc:** 'Bob Winland'  
**Subject:** FW: Shipment from January Environmental - Bartow, Florida

Ms. Knauss,

Please find attached documentation regarding the above referenced railcar shipment. Included are two Omega laboratory analytical receipts. The "Transport" section indicates whether the shipment sample was pre-lab analytical data or post-lab analytical data taken directly from the railcar after arrival. Again, all samples are pre-tested prior to shipment and confirmed tested upon receipt. Also included is the shipment detail from the Union Pacific Shipment History Inquiry. This

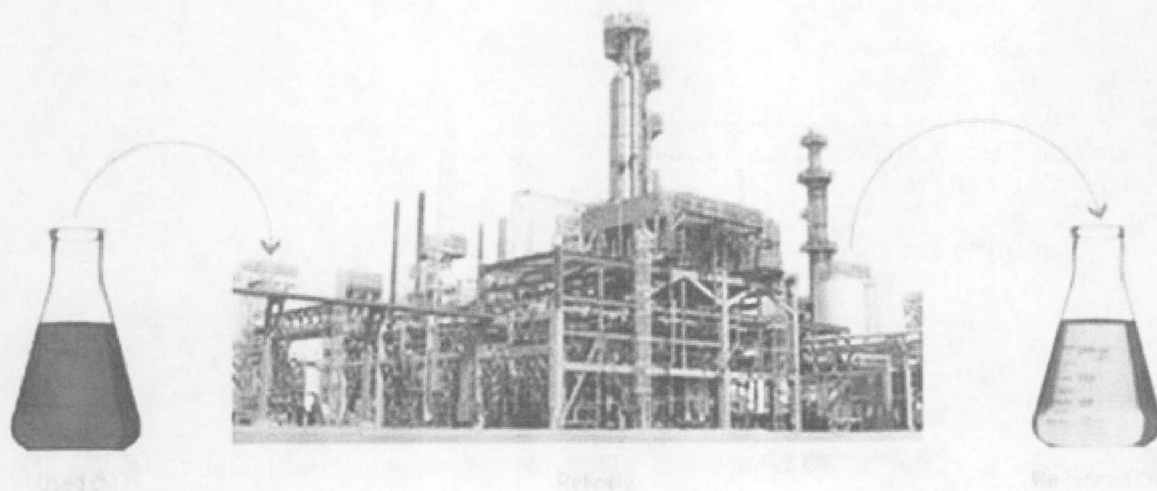
shipment was accepted by Omega Refining as "on-spec" product. Should you have any questions, comments or a need for information, please do not hesitate to contact us.

*With Warm Regards,*

*Kimberly Smith-Jones  
Health, Environmental & Safety*



Omega Refining, LLC  
5000 River Road, Marrero, LA 70072  
504 349 7229  
fax 504 349 7225  
[ksmithjones@omegarefining.com](mailto:ksmithjones@omegarefining.com)



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**From:** Knauss, Elizabeth [mailto:Elizabeth.Knauss@dep.state.fl.us]  
**Sent:** Wednesday, March 09, 2011 2:32 PM  
**To:** ksmithjones@omegarefining.com  
**Subject:** Shipment from January Environmental - Bartow, Florida

Dear Ms. Smith-Jones,

Per our conversation earlier this afternoon I am requesting additional information about a used oil shipment you received from January Environmental Services in Bartow, Florida (EPA ID FLD982162943).

## Knauss, Elizabeth

---

**From:** Knauss, Elizabeth  
**Sent:** Wednesday, March 09, 2011 3:32 PM  
**To:** 'ksmithjones@omegarefining.com'  
**Subject:** Shipment from January Environmental - Bartow, Florida

Dear Ms. Smith –Jones,

Per our conversation earlier this afternoon I am requesting additional information about a used oil shipment you received from January Environmental Services in Bartow, Florida (EPA ID FLD982162943).

January shipped the material via railcar (GATX 1318) on September 24, 2010, Bill of lading number 6247102, with Omega Refining as the consignee. The shipping description of the material was "TC Fuel Oil No. 4"

With regard to that shipment please provide answers to the following questions:

- Was the shipment claimed to be on-specification or off-specification per 40 CFR 279.11?
- Was an analysis of the oil provided to Omega? If so, please provide me with a copy.
- Does Omega have any records of whether the material was screened for halogen content? If so, please provide a copy of the record maintained per 40 CFR 279.55(a) for the shipment.

If you can't provide your response in electronic format (legible scanned copies), please send a response to me at the following address:

Elizabeth Knauss, Environmental Manager  
Florida Department of Environmental Protection  
Southwest District  
13051 N. Telecom Pkwy.  
Temple Terrace, FL 33637-0926

If you have any questions, you can reach me at 813/632-7600 ext. 383.

Sincerely,

Elizabeth Knauss

## Knauss, Elizabeth

---

**From:** Knauss, Elizabeth  
**Sent:** Friday, March 04, 2011 2:42 PM  
**To:** 'Zacker, Brian'  
**Subject:** RE: Request for Assistance

Thanks so much for your help – by “a little time” do you mean weeks? Is the end of the month OK, or do you think you will need longer?

---

**From:** Zacker, Brian [[mailto:Brian\\_Zacker@csx.com](mailto:Brian_Zacker@csx.com)]  
**Sent:** Friday, March 04, 2011 8:39 AM  
**To:** Knauss, Elizabeth  
**Subject:** RE: Request for Assistance

Elizabeth,

I will work on gathering as much information as I can, and will pass it along to the other departments to assist in the gathering of this information. Just as information, when would you like to see this information back, as it may take a little time to put all this together.

Brian

---

**From:** Knauss, Elizabeth [<mailto:Elizabeth.Knauss@dep.state.fl.us>]  
**Sent:** Thursday, March 03, 2011 6:05 PM  
**To:** Zacker, Brian  
**Cc:** Dregne, James  
**Subject:** Request for Assistance

Dear Brian,

We has a meeting with January Environmental Services today regarding their used oil transportation activities over the past couple of years. They have a private siding, and have been shipping the used oil they have collected via CSX to various locations throughout the Southeast. Our main issue concerned the length of time they were holding oil on site. As a used oil transfer facility, they are supposed to hold their oil no more than 35 days. They told us that it can take CSX a couple of weeks to pick up the car after being called, which is a longer time frame than we have been told by other transporters.

They have used 2 different rail cars during that time, GATX 2859 and GATX 1318. The dates of shipment were as follows:

Date	Destination	BOL No.	Car No.	Content
3/11/2009	Noble Oil Service, Colon NC	5371498	GATX 2859	
7/30/2009	Flex Oil-Channelview TX-via Green Ports Terminal	4600271	GATX 2859	
9/4/2009	Beauchan Rail Car Services Houston TX	4717926	GATX 2859	
10/9/2009	Flex Oil-Channelview TX-via Green Ports Terminal	4830343	GATX 2859	
12/18/2009	Flex Oil-Channelview TX-via Green Ports Terminal	5068649	GATX 1318	
				Commodity 4025129
6/16/2010	Noble Oil Colon NC	5802016	GATX 1318	Crankcase drainings
9/24/2010	Omega Refining - Marrero La EPA ID ??	6247102	GATX 1318	TC Fuel oil no 4

Can you help me obtain information on the movement of these cars to and from January Environmental Services (EPA ID FLD982162943) at 1920 SR 60 West, Bartow between 1/1/2009 and the present? For each shipment, I would want to know:

1. The date the car was delivered to January,
2. The day CSX was called to pick up the car.
3. The day the car was actually accepted and picked up by CSX,
4. The shipping description of the car's contents,
5. The date the car arrived at the destination, and
6. The date it was unloaded (if that information is available).

In addition, can you tell me if CSX understood that the cars contained used oil regulated under 40 CFR Part 279? Was other information available to CSX that disclosed whether the oil was used or "virgin?"

If I need to ask someone else for this information, can you let me know?

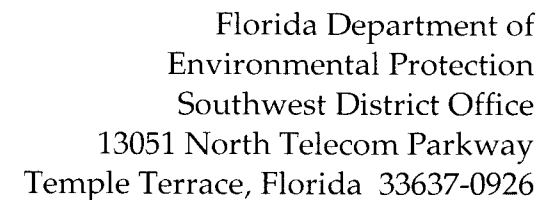
Thanks for any help you can provide,

Beth Knauss  
FDEP - SWD

*The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.*

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SUBJECT: January Enrollments

E-Mail (all DEP attendees @dep.state.fl.us)

wgrant@enrcon.com

## Knauss, Elizabeth

---

**From:** loren@januaryservices.com  
**Sent:** Thursday, February 17, 2011 9:18 AM  
**To:** Knauss, Elizabeth  
**Subject:** Follow Up  
**Attachments:** Beth Knauss 02-15-2011.docx; brochure.pdf; DSC00377.JPG; DSC00378.JPG; DSC00379.JPG; DSC00380.JPG

Loren January  
January Environmental Services  
Phone: 863-534-8478  
Fax: 863-534-8481  
Email: [Loren@januaryservices.com](mailto:Loren@januaryservices.com)



Beth Knauss:

Our website clearly states, "Antifreeze is segregated into separate storage tanks for initial processing then sent to a specialized treatment facility for further processing to recover all reusable glycols".

A copy of website information follows. I believe you have reviewed the waste water treatment procedures which differ from antifreeze.

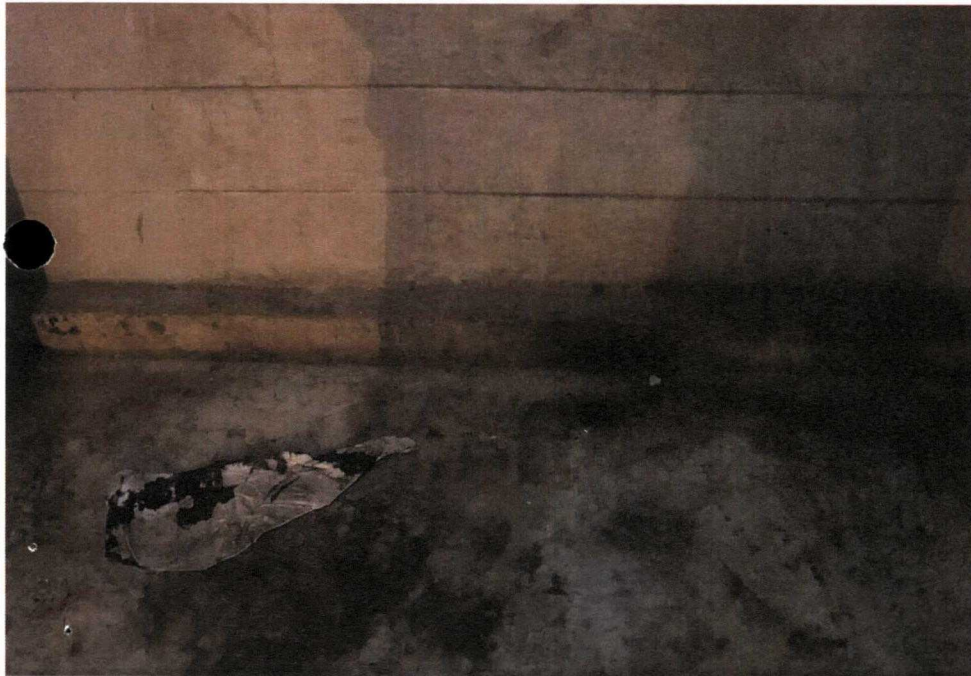
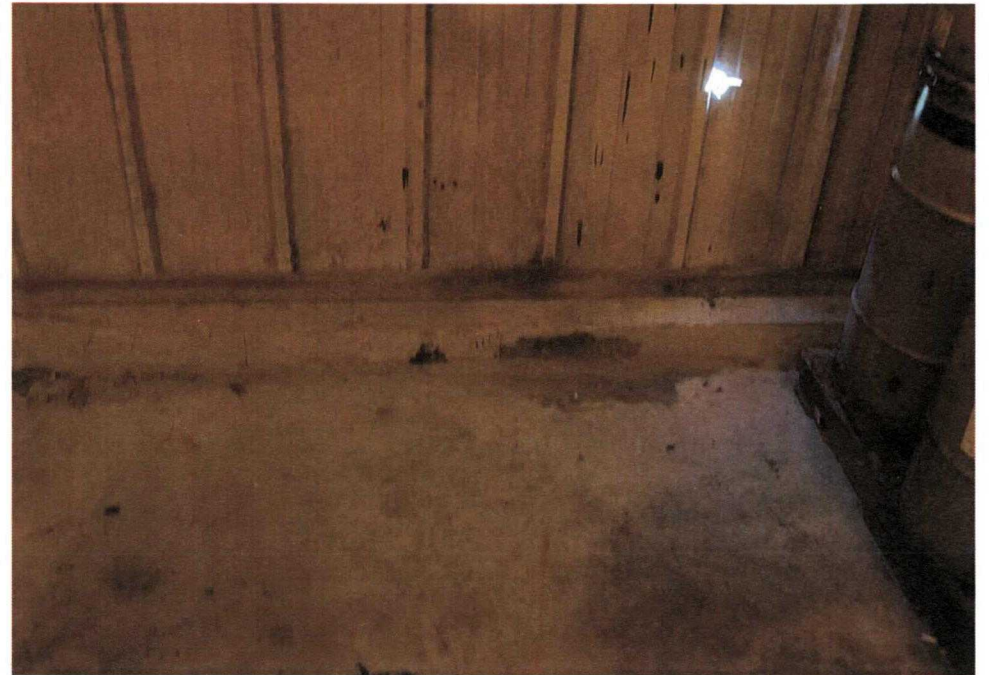
The following are responses to your questions:

Question 1: The generator is small quantity exempt and the antifreeze was recycled.

Question 2: The generator is small quantity exempt.

Our drum storage area has adequate secondary containment. Pictures of containment follow.







#### Antifreeze Recycling

Because of its potential health risks, January Environmental now offers this important collection and disposal service.

**Disposal method** - Antifreeze is segregated into separate storage tanks for initial processing, then sent to a specialized treatment facility for further processing to recover all reusable glycols.

The remaining product is then put through a treatment and disposal process.

#### Hazardous Waste

For clients with hazardous waste, January Environmental Services can broker the waste into your preferred disposal site. Our hazardous waste technicians are hazwoper trained in dealing with waste, waste characterization, and disposal profiling. January Transport drivers have received DOT transportation training to ensure safe movement and delivery of the waste. January Transport has hazardous waste authority throughout the United States.

**Disposal method** - A variety of methods are used for disposing of hazardous waste, including incineration, aqueous treatment, RCRA-approved landfills, and others.



#### Parts Cleaners

Utilizing non-irritating, non-hazardous solvents, January Environmental offers top quality parts cleaning units, as well as specialty cleaner units for brakes, paint guns and carburetors.

January Environmental Services, Inc.  
One-Stop Waste Management Company



[\[Home\]](#) [\[About Us\]](#) [\[Total Management\]](#) [\[Services, 1\]](#) [\[Services, 2\]](#) [\[Why Now?\]](#)

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2701 S. Prospect, Oklahoma City, OK 73129

Ph: (405) 670-2030, Fax: (405) 670-6747, Toll Free: 1-800-879-2010

Website: [www.JanuaryEnvironmentalServices.com](http://www.JanuaryEnvironmentalServices.com), E-mail us:

[serviceinfo@januaryservices.com](mailto:serviceinfo@januaryservices.com)



Date	Destination/consignee	Amount	Bill of Lading #	Car Number	Shipping Description
3/11/2009	Noble Oil Service, Colon NC		5371498	GATX 2859	
7/30/2009	Flex Oil-Channelview TX-via Green Ports Terminal		4600271	GATX 2859	
9/4/2009	Beauchan Rail Car Services Houston TX		4717926	GATX 2859	
10/9/2009	Flex Oil-Channelview TX-via Green Ports Terminal		4830343	GATX 2859	
12/18/2009	Flex Oil-Channelview TX-via Green Ports Terminal		5068649	GATX 1318	
4/19/2010	Noble Oil Sanford NC	5,500 g	BT2901	n/a	used oil
6/16/2010	Noble Oil Colon NC		5802016	GATX 1318	Commodity 4025129 Crankcase drainings
9/24/2010	Omega Refining - Marrero La EPA ID ??		6247102	GATX 1318	TC Fuel oil no 4
12/20/2010	car being loaded				

Memorandum

Environmental Protection

SOUTHWEST DISTRICT ENFORCEMENT COVER MEMO

TO: PLV 2-2-11 Pamala Vazquez, Program Administrator

THROUGH: WK William Kutash, Waste Program Administrator

JD James Dregne, Hazardous Waste Program Manager rl

FROM: EL Elizabeth Knauss, HW Enforcement Coordinator

DATE: February 2, 2011

FILE NAME: January Environmental Services, Inc.

COUNTY: Polk

PROGRAM: Hazardous Waste

WL # 11-0010-HW53SWD

TYPE OF DOCUMENT: Warning Letter

REQUESTED ACTION: Signature

DESCRIPTION OF VIOLATIONS: Storage of used oil by a transfer facility more than 35 days without a permit.

STATUS OF CORRECTIVE ACTIONS: Pending

STATUS OF PENALTY ASSESSMENT: DRAFT ATTACHED

PENALTY: ☐ Not Applicable

Amount: \$ 40,500.00

Costs & Expenses: \$ 300.00

Total: \$ 40,800.00

Secretary Approval ☐ Required / Approved on \_\_\_\_\_

Attachments: Warning Letter, Inspection Report



# Florida Department of Environmental Protection

Southwest District  
13051 North Telecom Parkway  
Temple Terrace, Florida 33637-0926  
Telephone: 813-632-7600

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

February 2, 2011

Ms. Loren January, Secretary  
January Environmental Services, Inc.  
1920 Hwy 60 West  
Bartow, FL 33830

Re: January Environmental Services, Inc.  
FLD 982 162 943  
Warning Letter #WL11-0010HW53SWD  
Polk County

Dear Ms. January:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on December 20, 2010, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. The report lists a summary of alleged violations of Department Rules.

Sections 403.161 and 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

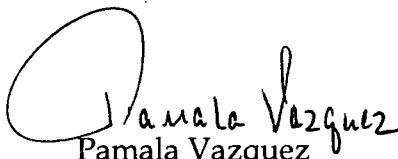
You are requested to contact Elizabeth Knauss at (813)632-7600, extension 383, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. If after further investigation the Department's preliminary findings are verified, this

matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 2003, the penalties which would be assessed in this case are 40,500.00. Costs and expenses in this case will be a minimum of \$300.00.

If this investigation confirms that your facility is significantly out of compliance, and the case is not resolved through timely entry of a Consent Order, under the Department's agreement with the EPA, a formal referral for judicial action must be made to the Department's Office of General Counsel. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

  
Pamala Vazquez  
Program Administrator  
Southwest District

Attachment

cc: Parvez Mallick, USEPA Region IV (electronic)  
Glen Perrigan, HWR Section (electronic)  
Andrea Stermer, Polk County (electronic)  
Compliance File

# PENALTY COMPUTATION WORKSHEET

Violator's Name: January Environmental Services, Inc.

Identify Violator's Facility: FLD982162943 1920 SR 60 W, Bartow

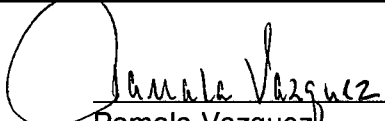
Name of Department Staff Responsible for the Penalty Computations: Elizabeth Knauss

Case #: #WL11-0010HW53SWD

Date: February 2, 2011

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1	62-710.800(2) FAC Storing used oil more than 35 days without a used oil processor permit.	UO 86	Major	Major	\$10,000-8,000	30 +	\$1,000 per each additional day of violation up to 30 days	\$39,000
2.	279.46(a)(2) & (b)(2) Transporter acceptance & delivery recordkeeping	UO 40	Minor	Moderate	\$500			\$500
3.	279.45(d)(1) Inadequate containment. One drum collecting used oil samples was located close to an exterior building door.	UO 101	Minor	Minor	\$500			\$500
4.	279.45 Outdated SPCC Plan	UO 113	Minor	Moderate	\$500			\$500
5.	62-701.300(a) FAC Drummed solid waste management without a permit or other authorization	SW 9.1	Major	Moderate	\$7,999-\$6,000			Combined with #1
Subtotal								\$40,500
Department Costs								\$300
TOTAL								\$40,800

Total Penalties for all Violations including Department Costs: \$ 40,800.00

  
Pamala Vazquez  
 Program Administrator  
 Southwest District

Date 2.2.2011



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

---

**FACILITY INFORMATION:**

**Facility Name:** January Environmental Services Inc  
**On-Site Inspection Start Date:** 12/20/2010 **On-Site Inspection End Date:** 12/20/2010  
**ME ID#:** 46304 **EPA ID#:** FLD982162943  
**Facility Street Address:** 1920 Hwy 60 W Main St, Bartow, Florida 33830-0000  
**Contact Mailing Address:** 2701 S Prospect, Oklahoma City, Oklahoma 73129-6451  
**County Name:** Polk **Contact Phone:** (405) 670-2030

**NOTIFIED AS:**

SQG (100-1000 kg/month)  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Transfer Facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Elizabeth Knauss, Environmental Manager  
**Other Participants:** Loren January, Corporate Secretary; Cruz Torres, Driver

**LATITUDE / LONGITUDE:** Lat 27° 53' 51.5901" / Long 81° 51' 47.2672"

**SIC CODE:** 4212 - Trans. & utilities - local trucking, without storage

**TYPE OF OWNERSHIP:** Private

**Introduction:**

An announced inspection was conducted at January Environmental Services to determine the facility's compliance with used oil transporter and transfer facility regulations. The company has one driver that works out of this location, although at times other drivers pick up or deliver materials to the facility. There are no full time office employees. Loren January and Cruz Torres represented the company during the inspection.

**Process Description:**

January is a used oil, used oil filter and oily waste water transporter. The facility picks up waste from its customers, consolidates it and arranges for final treatment and disposal. Facility operations have changed since the previous inspections. The facility is now managing drums of used antifreeze and some other drummed waste in addition to the old grease that was managed previously. These were being stored within a bay inside the facility. At the time of the inspection, a drum labeled "parts washer sludge" and a drum of used antifreeze were in storage. These had been accepted from Wal Mart Distribution Center #7038 in Ft. Pierce on November 29, 2010. The shipping paper includes a generator certification statement section regarding the nature of the waste. However the shipping paper was not signed by the customer in that area. The facility is a small quantity generator, not a CESQG, according to the notification forms filed by Wal-Mart in 2006 and again in December 2010. In addition, two 20 gallon containers holding parts washing solvent were on site that were generated by Great Wide, the vehicle maintenance contractor operating at Wal Mart Distribution Center #7023 in Desoto County. This Distribution Center has also notified as a small quantity generator. This material had been accepted for transportation on November 1, 2010. The certification statement had been signed on the shipping paper for this waste. The generator's EPA identification number was not included on either of these shipping papers. January Environmental does not have a solid waste permit or a used oil permit authorizing acceptance of drummed wastes. In addition, the Department is concerned that these wastes have been accepted without adequate waste characterizations.



Inspection Date: 12/20/2010

The bay also held a drum collecting used oil samples that was located next to a roll up door. Either secondary containment must be provided, or the drum must be moved to a location that will contain releases. The bay also held empty drums, several full drums of waste grease, along with containers of used absorbent. Ms. January was requested to provide additional information on the management of drummed wastes by the facility.

Used antifreeze is also managed in one of the facility's 20,000 gallon storage tanks. Cruz Torres said that the antifreeze was being disposed of to January's Nashville TN facility. The only shipping records for waste from Bartow to Nashville were for tanker loads identified as ~3,500 gallons of used oil. Florida does not include waste antifreeze within its definition of used oil, and spent antifreeze is not exempt from regulation as hazardous waste if burned. In a letter dated January 13, 2011, Ms. January said that Nashville was reclaiming the antifreeze, which is an exempt activity in Florida. However January's web site states that the Nashville facility recovers organics which are then fuel blended. Further clarification is being sought on this issue.

Three tanks were being used to hold used oil at the time of the inspection. One of the tanks, with ~17,500 gallons of oil was being loaded into a rail car. The rail car was provided with track pans that drained to a concrete sump with a sump pump for secondary containment. January began shipping by rail on March 11, 2009. Ms. January said that they began loading a rail car beginning when oil had been stored in the tank farm for 30 days. However, the rail car would stay on site for up to 60 days after that time while January finished loading it. Full rail cars were shipped to various facilities on seven occasions. Used oil delivery records for rail shipments were incomplete in that the EPA identification numbers were not recorded for CSX or Omega Refining in Marrero La., one of the destination facilities.

Used oil disposal records indicate that the facility exceeded the 35 day storage limit before shipments that occurred on July 30, 2009, September 4, 2009, December 18, 2009, September 24, 2010 and the day of the inspection. Other exceedences may have occurred during that time frame, if the Nashville shipments were used antifreeze rather than used oil. Used oil transfer facilities are not permitted to hold used oil more than 35 days without a permit in Florida. This is a repeat violation for this facility, and as a corrective action the Department will be requiring the facility to obtain a used oil processing permit. January has contracted with a consultant to prepare the permit application.

Used oil filters were last disposed of in April 2010. The flatbed trailer had 6 labeled containers, and six additional containers were on the pavement, along with a small double walled tank for oil generated on site. A larger empty double walled tank was located behind the filter containers. This tank, along with others located within the storage bay are provided to the company's customers.

The facility's SPCC plan was out of date. The last revision was in May 2007 and still listed Mark Cook as the manager. Tom Byerly, the company's listed emergency coordinator has retired. An updated plan will be required as part of the permit application.

#### **New Potential Violations and Areas of Concern:**

##### **Used Oil Processor**

Type:	Violation
Rule:	62-710.800(2)
Question Number:	28.50
Question:	Does the processor have a used oil processing permit?
Explanation:	January Environmental is consistently storing used oil more than 35 days without a used oil processor permit.
Corrective Action:	Obtain a used oil processor permit. Cease storing used oil for more than 35 days until a permit can be obtained. Submit a permit application, along with

Inspection Date: 12/20/2010

the required financial assurances to the Department within 30 days.

---

**Used Oil Transporter**

Type: Violation  
Rule: 279.46(b)(2)  
Question Number: 29.260  
Question: EPA ID # of receiving facility or transporter?  
Explanation: Used oil rail delivery records and invoices did not include the EPA Identification number of the transporter CSX or the designated facility Omega Refining.  
Corrective Action: Ensure that used oil delivery records include the EPA identification numbers of the transporters and designated facilities.

---

Type: Violation  
Rule: 279.45(d)(1)  
Question Number: 29.550  
Question: Are containers provided with secondary containment with minimum requirements?  
Explanation: A container collecting used oil samples was not provided with secondary containment as it was located immediately next to a door.  
Corrective Action: Either place containers holding used oil within secondary containment, or located them away from doors where leaked oil could be released.

---

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

Type: Violation  
Rule: 279.45  
Explanation: The facility's SPCC plan was out of date. Emergency contact information and facility operations had changed since the last revision.  
Corrective Action: Submit an updated SPCC plan to the Department.

---

Type: Violation  
Rule: 62-701.300(1)(a)  
Explanation: January Environmental Services was storing drummed wastes in addition to used oil and oil filters.  
Corrective Action: Solid waste management activities must be authorized under a permit issued by the Department. Incidental oily waste management may be authorized as part of a used oil processing permit. A used oil permit will not authorize management of regulated hazardous waste.

---

**Summary of Potential Violations and Areas of Concern:**

Inspection Date: 12/20/2010

Potential Violations

Rule Number	Area	Date Cited	Explanation
Used Oil Processor 62-710.800(2)		12/20/2010	January Environmental is consistently storing used oil more than 35 days without a used oil processor permit.
Used Oil Transporter 279.46(b)(2)		12/20/2010	Used oil rail delivery records and invoices did not include the EPA Identification number of the transporter CSX or the designated facility Omega Refining.
279.45(d)(1)		12/20/2010	A container collecting used oil samples was not provided with secondary containment as it was located immediately next to a door.
Checklist Independent Violations 279.45		12/20/2010	The facility's SPCC plan was out of date. Emergency contact information and facility operations had changed since the last revision.
62-701.300(1)(a)		12/20/2010	January Environmental Services was storing drummed wastes in addition to used oil and oil filters.

Areas of Concern

No Areas of Concern

**Conclusion:**

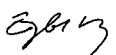
January Environmental Services was not in compliance with used oil transfer facility regulations.

Inspection Date: 12/20/2010

**Signed:**

A hazardous waste compliance inspection was conducted on this date, to determine your facility's compliance with applicable portions of Chapters 403 & 376, F.S., and Chapters 62-710, 62-730, 62-737, & 62-740 Florida Administrative Code (F.A.C.). Portions of the United States Environmental Protection Agency's Title 40 Code of Federal Regulations (C.F.R.) 260 - 279 have been adopted by reference in the state rules under Chapters 62-730 and 62-710, F.A.C. The above noted potential items of non-compliance were identified by the inspector(s).

This is not a formal enforcement action and may not be a complete listing of all items of non-compliance discovered during the inspection.

Elizabeth Knauss	Environmental Manager
<b>PRINCIPAL INSPECTOR NAME</b>	<b>PRINCIPAL INSPECTOR TITLE</b>
	
<b>PRINCIPAL INSPECTOR SIGNATURE</b>	<b>ORGANIZATION</b>
	<b>DATE</b>
	FDEP - SWD 2/1/2011
Loren January	Corporate Secretary
<b>REPRESENTATIVE NAME</b>	<b>REPRESENTATIVE TITLE</b>
NO SIGNATURE	January Environmental
<b>REPRESENTATIVE SIGNATURE</b>	<b>ORGANIZATION</b>
Cruz Torres	Driver
<b>REPRESENTATIVE NAME</b>	<b>REPRESENTATIVE TITLE</b>
NO SIGNATURE	January Environmental
<b>REPRESENTATIVE SIGNATURE</b>	<b>ORGANIZATION</b>

NOTE: By signing this document, the Site Representative only acknowledges receipt of this Inspection Report and is not admitting to the accuracy of any of the items identified by the Department as "Potential Violations" or areas of concern.

## Coogle, Deon

---

**From:** Mail Delivery System [MAILER-DAEMON@mseive01.rtp.epa.gov]  
**To:** Mallick.Parvez@epamail.epa.gov  
**Sent:** Wednesday, February 02, 2011 4:06 PM  
**Subject:** Relayed: January Environmental Services, Inc. - Warning Letter

**Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:**

[Mallick.Parvez@epamail.epa.gov](mailto:Mallick.Parvez@epamail.epa.gov)

**Subject:** January Environmental Services, Inc. - Warning Letter

**Coogle, Deon**

---

**From:** Microsoft Exchange  
**To:** Perrigan, Glen  
**Sent:** Wednesday, February 02, 2011 4:06 PM  
**Subject:** Delivered: January Environmental Services, Inc. - Warning Letter

**Your message has been delivered to the following recipients:**

Perrigan, Glen

**Subject:** January Environmental Services, Inc. - Warning Letter

---

Sent by Microsoft Exchange Server 2007



## STATE OF TENNESSEE

## FAX TRANSMITTAL

TO: <b>BETH</b>	FROM: <b>DAVE EDWARDS - IDEC</b>
AGENCY/COMPANY: <b>STATE of FL</b>	DATE: <b>2.3.11</b>
FAX NUMBER: <b>813-632-07664</b>	TOTAL NUMBER OF PAGES INCLUDING COVER: <b>6</b>
PHONE NUMBER:	SENDER'S PHONE NUMBER: <b>687-7000</b>
SUBJECT: <b>JANUARY ENVIRONMENTAL</b>	SENDER'S FAX NO.:

☐ URGENT☒ FOR REVIEW☐ PLEASE REPLY

## MESSAGE:


The information contained in this message is confidential and is intended solely for the use of the person or entity named above. This message may contain individual identifiable information that must remain confidential and is protected by state and federal law. If the reader of this message is not the intended recipient, the reader is hereby notified that any dissemination, distribution or reproduction of this message is strictly prohibited. If you have received this message in error, please immediately notify the sender by telephone and destroy the original message. We regret any inconvenience and appreciate your cooperation.

2/3 Discussed Jan operations - Dave Edwards  
 - want Freeze reclamation at Nashville  
 to his knowledge  
 - site was flooded in 5/2010  
 - appears to be processing oil waste in CWT

8/7/09



**TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
NASHVILLE ENVIRONMENTAL FIELD OFFICE  
711 R. S. GASS BOULEVARD  
NASHVILLE, TENNESSEE 37243  
PHONE (615) 687-7000 STATEWIDE 1-888-891-8332 FAX (615) 687-7078**

August 5, 2009

Certified Mail Number 7006 2150 0005 3514 0647  
Return Receipt Requested

Mr. Marion Burrough  
General Manager  
January Environmental Services, Inc.  
91 Van Buren Street  
Nashville, TN 37208

RE: Notice of Violation (NOV)  
January Environmental Services, Inc.  
91 Van Buren Street  
Nashville, TN  
Installation (EPA) I.D. #: TND 00 082 9135

Dear Mr. Burrough:

This letter confirms the observations noted during a Hazardous Waste Inspection on July 30, 2009, at the January Environmental Services, Inc., 91 Van Buren Street, Nashville, TN. The attached inspection reports the violation that was noted during the inspection.

If you have any questions concerning this letter or any part of the inspection report, please feel free to contact me at (615) 687-7102.

Sincerely,

Dave Edwards.  
Division of Solid Waste Management,  
Nashville Environmental Field Office

Attachment:

cc: SWM Central Office Files  
Nashville Environmental Field Office - SWM Files



**HAZARDOUS WASTE INSPECTION REPORT****SITE/PHYSICAL LOCATION:**

January Environmental  
91 Van Buren Street  
Nashville, TN 37208  
Installation (EPA) I.D. #: TND 00 082 9135

**PRIMARY CONTACT:**

Ms. Marion Burrough  
General Manager  
January Environmental Services, Inc.  
91 Van Buren Street  
Nashville, TN 37208  
Phone: (615) 242-3787

**DATE/TIME OF INSPECTION:**

July 30, 2009

**INSPECTION PARTICIPANTS:**

Ms. Burrough, January Environmental Services, Inc.  
Mr. Tony Malave, January Environmental Services, Inc.  
David Edwards, TDEC-SWM

**REPORT PREPARED BY:**

David Edwards  
Tennessee Department of Environment and Conservation  
Division of Solid and Hazardous Waste Management  
Nashville Environmental Field Office  
711 R.S. Gass Boulevard  
Nashville, Tennessee 37243-1550  
Phone: (615) 687-7102

January Environmental  
Inspection Date: July 30, 2009  
Page 2

### **PURPOSE OF THE INSPECTION:**

This Compliance Environmental Inspection (CEI) was conducted to evaluate the compliance status of January Environmental with the applicable requirements of the Rules and Regulations promulgated pursuant to the Hazardous Waste Management Act, T.C.A. § 68-212-101 et seq. and Hazardous Waste Reduction Act, T.C.A. § 68-212-301 et seq. and the Used Oil Collection Act of 1993, T.C.A. § 68-211-1001 et seq.

### **FACILITY DESCRIPTION AND INSPECTION FINDINGS:**

January Environmental Services is registered with this Division as a transporter, processor and marketer of used oil. Used oil is picked up by January Environmental and pumped into ASTs for storage until it is transported to Noble Oil, in Sanford, N.C. for processing. Even though January Environmental does not process used oil at this facility, they are still registered with this Division as a processor. However, since they are currently operating as a transporter and marketer only, they were inspected as such and not by the more stringent requirements of a Used Oil Processor, under the Used Oil Rule.

This location was once a petroleum fuel tank farm and the above ground storage tanks (ASTs) at the site were once used for that purpose. Several of the ASTs have been cleaned out and put into use for used oil storage. The ASTs that are currently being used for storing used oil are AST #1, #2, #3, #5, # 6, # 8 and AST #9. Tank #3 was storing anti-freeze at the time of the September 2005 CEI, but it has since been converted for used oil storage. January Environmental no longer stores anti-freeze in these ASTs. However, AST #3 was still labeled "anti-freeze" and not "used oil".

There were a number of drums collected adjacent to the ASTs that had been picked up from January Environmental customers. Many of these drums were not labeled as to their contents, but Mr. Malave stated that they contained wastewater sludges of oil, anti-freeze and other, mostly wastewater related sludges. He said that these drums were to be transported to the main January Environmental facility in Oklahoma for further identification and appropriate disposal.

In a blacktop lot in the back side of the site, there were used oil filters stored in roll-off containers. These filters had not been drained or crushed. There was also used oil and anti-freeze stored in other containers both in the lot there and inside the warehouse. These wastes had been picked up by January Environmental from the site of generation and stored at this facility. From here, all of these containers were to be transported to January Environmental headquarters in Oklahoma for processing and/or proper disposal. Most of the containers of used oil filters were properly labeled. However, there were several unlabeled storage containers of used oil filters that had not been drained.

January Environmental  
Inspection Date: July 30, 2009  
Page 3

Mostly what January Environmental does is wastewater and sludge related. They have an oil separator system, also in the back side of the site. Since the used oil sludge is eventually disposed of it is regulated as solid waste and not used oil. The sludge trucked in is pumped into a pit from where the stages of oil separation begin. They utilize several ASTs that were there from when it was a tank farm. The sludge is pumped into each of these ASTs and the water and oil is separated from the sludge by gravity. The oil from the top of the ASTs is further treated for disposal and the wastewater is tested and sent to the city for discharge into the POTW. This process is performed from one AST to each of the other ASTs and the sludge that is left is trucked from the site to Indianapolis, IN, Flex Oil in TX, or to the January Environmental facility in Shreveport, LA for further processing.

When the trucks are emptied, they are cleaned out and the sludge is piled in a corner of the shed and allowed to dry. It is then put in roll-off containers and Waste Management transports the dried sludge to the landfill.

#### **RECORDS REVIEW:**

The tracking records for a used oil transporter were inspected. Transporters are required to keep a record of each shipment of used oil picked up or delivered off-site. These records were kept in neat order and were complete.

January Environmental was asked about how they tested for halogens. Ms. Burrough said that Mr. Burrough was the person most directly involved in this issue. However, she said they still use chlorine test kits when they pick up oil from a new source and afterward they make the determination from product knowledge. She said that Nobel Oil tests the used oil for halogens after they receive the used oil at their facility in North Carolina. It was reiterated that January Environmental is responsible to ensure that the used oil contained less than 1,000 PPM total halogens, as per the rebuttable presumption in the Used Oil Rule.

#### **VIOLATIONS:**

The following violation was noted during this compliance evaluation inspection:

##### **VIOLATION #1 (Failure to properly label Used Oil Containers)**

January Environmental had containers with no labels of used oil filters that had not been properly drained or crushed and an AST that was labeled "anti-freeze" and not "used oil". Specifically in regards to the failure to properly label containers of used oil, January Environmental violated Rule 1200-1-11-.11(5)(f)7(i), which states. "Containers and

January Environmental  
Inspection Date: July 30, 2009  
Page 4

*aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "used oil".*

Environmental must ensure that all used oil and/or used oil filters not properly drained or crushed are stored in containers labeled with the words "used oil".

#### **RECOMMENDATIONS AND REMARKS:**

Until used oil filters have been properly drained or crushed, as per the Used Oil Rule and the policy of this Division, they are to be handled as used oil and regulated under the Used Oil Rule, which includes proper labeling. It is allowable to use the words "used oil filters" on these containers but the labels must contain the words "used oil". A copy of this Division's used oil filter recycling and disposal policy has been attached to this letter.

As already mentioned in this report, the transporter must ensure that the used oil being transported or stored is not a hazardous waste, under the rebuttable presumption of item (2)(a)2(i)(II) of this Rule. To accomplish this they must determine if the used oil contains less than 1,000 PPM total halogens. As I mentioned during the inspection, it would be advisable for January Environmental to keep a record of their halogen testing. Although this written record is not a requirement it has proven beneficial for other used oil transporters when there was a concern about a batch of used oil that tested high for halogens.

We appreciate the time and cooperation we were given during the inspection. If there are any questions regarding this report, please contact David Edwards at (615) 687-7102.

SIGNED: David Edwards DATE: 8-6-09

REVIEWED: M. Edwards DATE: 8/7/09

Date	Destination/consignee	Amount	Bill of Lading #	Car Number	Shipping Description
3/11/2009	Noble Oil Service, Colon NC		5371498	GATX 2859	
7/30/2009	Flex Oil-Channelview TX-via Green Ports Terminal		4600271	GATX 2859	
9/4/2009	Beauchan Rail Car Services Houston TX		4717926	GATX 2859	
10/9/2009	Flex Oil-Channelview TX-via Green Ports Terminal		4830343	GATX 2859	
12/18/2009	Flex Oil-Channelview TX-via Green Ports Terminal		5068649	GATX 1318	
1/11/2010	January Nashville TN	3,500g	5126		
2/16/2010	January Nashville TN	3,500 g	5049		
4/13/2010	January Nashville TN	3000 g			
4/19/2010	Noble Oil Sanford NC	5,500 g	BT2901	n/a	used oil
5/11/2010	January Nashville	3,500			
6/16/2010	Noble Oil Colon NC		5802016	GATX 1318	Commodity 4025129 Crankcase drainings
9/24/2010	Omega Refining - Marrero La EPA ID ??		6247102	GATX 1318	TC Fuel oil no 4
12/20/2010	car being loaded				

## **Knauss, Elizabeth**

---

**From:** Knauss, Elizabeth  
**Sent:** Tuesday, February 01, 2011 12:25 PM  
**To:** 'loren@januaryservices.com'  
**Subject:** Additional Inspection Follow Up

I have reviewed your responses to my earlier questions, and have some additional concerns.

1. You state that January's Nashville facility is reclaiming used antifreeze, however your company's web site says that organics are recovered and fuel blended at this facility. This activity is not included within the definition of "reclamation." To be exempt from regulation as a hazardous waste material, used antifreeze must be either:

- a) not characteristically toxic when tested by the TCLP
- b) from a conditionally exempt small quantity generator or
- c) reclaimed – the ethylene or propylene glycol must be recovered for use as an ingredient to make a product

Please confirm that the antifreeze shipped to Nashville is being reclaimed, and not processed into fuel.

2. You state that the two drums of parts washing solvent were to be fuel blended in Nashville. Used parts washer solvent recycled in this manner is not exempt from regulation unless it is:

- a) not characteristically hazardous (either ignitable or toxic) or
- b) from a conditionally exempt small quantity generator.

Please provide information on the generator(s) of the two drums of parts washing solvent that were on site during the inspection, including copies of the shipping papers for this waste. A material safety data sheet is not sufficient to profile a used material.

3. Please confirm that the drum collecting used oil samples has adequate secondary containment.

Thanks,

Beth Knauss

---

**From:** [loren@januaryservices.com](mailto:loren@januaryservices.com) [<mailto:loren@januaryservices.com>]  
**Sent:** Thursday, January 13, 2011 8:46 AM  
**To:** Knauss, Elizabeth  
**Subject:** Follow Up

Loren January  
January Environmental Services  
Phone: 863-534-8478  
Fax: 863-534-8481  
Email: [Loren@januaryservices.com](mailto:Loren@januaryservices.com)

## Knauss, Elizabeth

---

**From:** loren@januaryservices.com  
**Sent:** Thursday, January 13, 2011 8:46 AM  
**To:** Knauss, Elizabeth  
**Subject:** Follow Up  
**Attachments:** Audit.docx; Enercon engagement.pdf

Loren January  
January Environmental Services  
Phone: 863-534-8478  
Fax: 863-534-8481  
Email: [Loren@januaryservices.com](mailto:Loren@januaryservices.com)



Dear Ms. Knauss,

Please accept the following as response to your most recent memo forwarded to my office.

Our company policy for used antifreeze, parts washer solvent (non-haz) and oily absorbents is to collect and store and transport to our Nashville, Tennessee facility for recycling. Our Bartow facility has only one employee and very minimal collection of these items. We have a shipment planned for this week and will forward manifest for all items as they are completed, which should be next week. (1-17-11)

Is the antifreeze being fuel blended, treated or reclaimed?

It is transported to January Environmental in Nashville, Tennessee and reclaimed.

Is the parts washer solvent being fuel blended, reclaimed or disposed of otherwise?

It is transported to January Environmental in Nashville, Tennessee and fuel blended.

Are solids being consolidated for bulk disposal or are you operating on a drum in/ drums out basis?

Cannot tell what you are referring to. If the question refers to used grease from truck maintenance shops, It is transported in drums to January Environmental in Nashville, Tennessee and recycled. The absorbents are transported to January Environmental in Nashville, Tennessee and bulked for fuel blending, which is drum in drum out from Bartow.

What waste analysis information, if any was provided by the generator(s) before the waste was accepted?

If you are referring to the above materials, there are no "waste items". They are all recycled materials.

We do have MSD on the non-haz solvent, used grease and the antifreeze.

Responding to "Used Oil Processor Permit", it is not our intentions to be out of compliance with rail car transfer. Our compliance department believed this was acceptable and is currently studying the regulations which may be interpreted differently by each state. Regardless of our study outcome, we have contracted Enercon Engineering to pursue used oil processor permit to protect from any future compliance conditions and will ship on 30 day rotations as the permit is being applied. Closure plan,



cost estimates and proof of financial assurance will be submitted through Enercon. We will copy permit application to your office as it is submitted to FDEP in Tallahassee, FL. Attached you will find our agreement with Enercon to proceed. We appreciate your assistance and patience on this matter.

Sincerely,

Loren January



# ENERCON

*Excellence—Every project. Every day.*

January 11, 2011

Cris January  
January Environmental Services, Inc.  
1920 State Road 60 West  
Bartow, Florida 33830

**RE: Used Oil Processing Facility Permit Bartow Florida  
January Environmental Engagement of Enercon Services**

Dear Mr. January:

As per our conversation, this letter confirms that Enercon Services, Inc. (ENERCON) has been engaged by January Environmental Services Inc. (January Environmental) to file a Used Oil Processing Facility Permit with the Florida Department of Environmental Protection (FDEP) for the January Environmental facility located in Bartow, Florida.

ENERCON has contacted Beth Knauss at the FDEP Southwest District Office in Tampa, and Bheem Kothur at the FDEP Hazardous Waste Regulation Section Permitting Treatment and Storage Division in Tallahassee, to discuss the permit for the Bartow facility.

ENERCON expects to submit the Used Oil Processing Permit to the FDEP within two weeks of the date of this letter.

Please feel free to contact Wyatt Grant at (813) 962-1800 should you have any questions or comments regarding this permit.

Sincerely,  
**Enercon Services, Inc.**

Wyatt Grant, PE  
Tampa Lead/ Senior Project Manager

## Knauss, Elizabeth

---

**From:** loren@januaryservices.com  
**Sent:** Monday, January 03, 2011 1:03 PM  
**To:** Knauss, Elizabeth  
**Subject:** Re: Inspection Follow Up

Dear Ms. Knauss,

Hope you had a good holiday and New Year's. I will be corresponding with Cris today and I will get the answer you need ASAP.

> Dear Ms. January

>

> Per our discussion yesterday, I still need information on how January is  
> managing the used antifreeze, parts washer solvent and oily absorbents  
> that are being picked up and stored at the Bartow facility. Specific  
> items that should be addressed in your response include:

>

> Is the antifreeze being fuel blended, treated or reclaimed?  
> Is the parts washer solvent being fuel blended, reclaimed or disposed of  
> otherwise?  
> Are solids being consolidated for bulk disposal or are you operating on a  
> drums in/drum out basis?  
> What waste analysis information, if any was provided by the generator(s)  
> before the waste was accepted?

>

> I am also requesting the two most recent shipping records for disposal of  
> each of these items from your facility.

>

> The following items need to be addressed:

>

> 1. In Florida, a facility that is subject to Used Oil Processor  
> regulations must have a permit. Holding used oil in a rail car is  
> permissible, however it does not extend the time frame allowed for  
> storage. We recommend that you submit a permit application as soon as  
> possible, and until the permit is issued you must ship your accumulated  
> oil within 35 days. In addition, certain solid waste management  
> activities may trigger the requirement for you to obtain a solid waste  
> processing facility permit. At a minimum, we will be requiring you to  
> submit your closure plan, cost estimates and proof of financial assurance  
> as part of your actions to return to compliance.

>

> Used Oil Processors must meet Florida requirements in addition to 40 CFR  
> 279 Subpart F federal requirements

>

> FAC Rule 62-710.800 (5)(a) The owner or operator of a used oil processing  
> facility shall have and submit to the Department as part of its permit  
> application a written closure plan to show how the facility will be closed

- > to meet the following requirements:
- > 1. There will be no need for further facility maintenance;
- > 2. Used oil will not contaminate surface or ground water; and
- > 3. All tanks, piping, secondary containment and ancillary equipment will
- > be emptied, cleaned and decontaminated, and all materials removed and
- > managed.
- > (b) The closure plan shall be updated whenever significant operational
- > changes occur or design changes are made.
- > (c) The closure plan shall be maintained with records required under Rule
- > 62-710.510, F.A.C.
- > (d) The owner or operator shall submit a detailed closure plan to the
- > Department at least 60 days prior to the scheduled date of closing the
- > facility.
- > (e) Within 30 days after closing the facility, the owner or operator shall
- > submit a certification of closure completion to the Department which
- > demonstrates that the facility was closed in substantial compliance with
- > the detailed closure plan. Within 30 days of determining that the facility
- > was closed in accordance with its closure plan, the Department shall
- > release the facility from its financial assurance obligations.
- > (6) Financial assurance.
- > (a) The owner or operator of a used oil processing facility shall provide
- > the Department with proof of financial assurance issued in favor of the
- > State of Florida in the amount of the closing cost estimate for the
- > facility. This proof, along with the closing cost estimate, shall be
- > submitted to the Department as part of the permit application process for
- > the facility. Proof of financial assurance shall consist of either a
- > surety bond guaranteeing payment or a surety bond guaranteeing
- > performance, which complies with the requirements of Rule 62-701.630,
- > F.A.C. An owner or operator may request an alternate proof of financial
- > assurance in lieu of, or in combination with, the requirement for a surety
- > bond, consisting of one or more of the following financial instruments
- > which comply with the requirements of Rule 62-701.630, F.A.C.: trust fund;
- > irrevocable letter of credit; insurance; or financial test and corporate
- > guarantee. Financial documents shall be submitted on Form
- > 62-701.900(5)(a), (b), (c), (d), (e), (f), (g) or (h), as appropriate.
- > (b) For the purpose of determining the closing cost estimate, the owner or
- > operator shall estimate the total cost of closing the facility using Form
- > 62-710.901(7) and in accordance with the closure plan pursuant to
- > subsection (5) of this section, for the time period in the facility
- > operation when the extent and manner of its operation make closing most
- > expensive. The owner or operator shall submit the estimate, together with
- > all necessary justification, to the Department along with the proof of
- > financial assurance. The costs shall be estimated and certified by a
- > professional engineer for a third party to perform the work, on a per unit
- > basis, with the source of estimates indicated. The owner or operator shall
- > keep the latest closing cost estimate at the facility. When this estimate
- > has been adjusted in accordance with paragraph (c) of this subsection, the
- > latest adjusted closing cost estimate shall also be kept at the facility.
- > (c) The owner or operator shall annually adjust the closing cost estimate
- > for inflation and changes in the closure plan, and shall submit updated
- > information to the Department between January 1 and March 1 of each year.

> Such adjustments shall be made, either by:

- > 1. Recalculating the maximum cost of closing, in current dollars; or
- > 2. Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

> (d) If the value of the funding mechanism is less than the total amount of the current closing cost estimate, the owner or operator shall revise the funding mechanism to reflect the new estimate.

> (e) The initial Used Oil Facility Closing Cost Estimate Form shall be submitted to the Department no more than six months after the effective date of the rule and the owner/operator shall demonstrate funding of this closing estimate within 60 days of receiving approval of the cost estimate from the Department

>

>

>

> 2. Under 40 CFR 279 Subpart F you must have a written contingency plan. We are requesting you to update your plan to reflect the changes at the facility, including the changes to your emergency coordinator list. Please see 40 CFR 279.52 when you review and update your plan to ensure that all required content is present.

>

> 3. Your used oil delivery records did not include all the information required pursuant to 40 CFR 279.57. Your records must include the EPA ID numbers of the transporter(s) and receiving facility, and the full addresses of these entities as well.

>

>

> If you have any questions, I will be back in the office on January 3, 2011.

>

> Sincerely,

>

> Elizabeth Knauss

> Hazardous Waste Program

>

>

>

> The Department of Environmental Protection values your feedback as a customer. DEP Secretary Mimi Drew is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on this link to the DEP Customer Survey<<http://survey.dep.state.fl.us/?refemail=Elizabeth.Knauss@dep.state.fl.us>>.

> Thank you in advance for completing the survey.

>

Loren January

January Environmental Services  
Phone: 863-534-8478  
Fax: 863-534-8481  
Email: [Loren@januaryservices.com](mailto:Loren@januaryservices.com)

## Knauss, Elizabeth

---

**From:** Knauss, Elizabeth  
**Sent:** Tuesday, December 21, 2010 5:34 PM  
**To:** 'loren@januaryservices.com'  
**Cc:** Dregne, James  
**Subject:** Inspection Follow Up

Dear Ms. January

Per our discussion yesterday, I still need information on how January is managing the used antifreeze, parts washer solvent and oily absorbents that are being picked up and stored at the Bartow facility. Specific items that should be addressed in your response include:

Is the antifreeze being fuel blended, treated or reclaimed?

Is the parts washer solvent being fuel blended, reclaimed or disposed of otherwise?

Are solids being consolidated for bulk disposal or are you operating on a drums in/drums out basis?

What waste analysis information, if any was provided by the generator(s) before the waste was accepted?

I am also requesting the two most recent shipping records for disposal of each of these items from your facility.

The following items need to be addressed:

1. In Florida, a facility that is subject to Used Oil Processor regulations must have a permit. Holding used oil in a rail car is permissible, however it does not extend the time frame allowed for storage. We recommend that you submit a permit application as soon as possible, and until the permit is issued you must ship your accumulated oil within 35 days. In addition, certain solid waste management activities may trigger the requirement for you to obtain a solid waste processing facility permit. At a minimum, we will be requiring you to submit your closure plan, cost estimates and proof of financial assurance as part of your actions to return to compliance.

Used Oil Processors must meet Florida requirements in addition to 40 CFR 279 Subpart F federal requirements

*FAC Rule 62-710.800 (5)(a) The owner or operator of a used oil processing facility shall have and submit to the Department as part of its permit application a written closure plan to show how the facility will be closed to meet the following requirements:*

- 1. There will be no need for further facility maintenance;*
- 2. Used oil will not contaminate surface or ground water; and*
- 3. All tanks, piping, secondary containment and ancillary equipment will be emptied, cleaned and decontaminated, and all materials removed and managed.*

*(b) The closure plan shall be updated whenever significant operational changes occur or design changes are made.*

*(c) The closure plan shall be maintained with records required under Rule 62-710.510, F.A.C.*

*(d) The owner or operator shall submit a detailed closure plan to the Department at least 60 days prior to the scheduled date of closing the facility.*

*(e) Within 30 days after closing the facility, the owner or operator shall submit a certification of closure completion to the Department which demonstrates that the facility was closed in substantial compliance with the detailed closure plan. Within 30 days of determining that the facility was closed in accordance with its closure plan, the Department shall release the facility from its financial assurance obligations.*

*(6) Financial assurance.*

*(a) The owner or operator of a used oil processing facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing cost estimate for the facility. This proof, along with the closing cost estimate, shall be submitted to the Department as part of the permit application process for the facility.*

*Proof of financial assurance shall consist of either a surety bond guaranteeing payment or a surety bond guaranteeing*

performance, which complies with the requirements of Rule 62-701.630, F.A.C. An owner or operator may request an alternate proof of financial assurance in lieu of, or in combination with, the requirement for a surety bond, consisting of one or more of the following financial instruments which comply with the requirements of Rule 62-701.630, F.A.C.: trust fund; irrevocable letter of credit; insurance; or financial test and corporate guarantee. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g) or (h), as appropriate.

(b) For the purpose of determining the closing cost estimate, the owner or operator shall estimate the total cost of closing the facility using Form 62-710.901(7) and in accordance with the closure plan pursuant to subsection (5) of this section, for the time period in the facility operation when the extent and manner of its operation make closing most expensive. The owner or operator shall submit the estimate, together with all necessary justification, to the Department along with the proof of financial assurance. The costs shall be estimated and certified by a professional engineer for a third party to perform the work, on a per unit basis, with the source of estimates indicated. The owner or operator shall keep the latest closing cost estimate at the facility. When this estimate has been adjusted in accordance with paragraph (c) of this subsection, the latest adjusted closing cost estimate shall also be kept at the facility.

(c) The owner or operator shall annually adjust the closing cost estimate for inflation and changes in the closure plan, and shall submit updated information to the Department between January 1 and March 1 of each year. Such adjustments shall be made either by:

1. Recalculating the maximum cost of closing, in current dollars; or
2. Using an inflation factor derived from the most recent Implicit Price Deflator for Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator for the previous year.

(d) If the value of the funding mechanism is less than the total amount of the current closing cost estimate, the owner or operator shall revise the funding mechanism to reflect the new estimate.

(e) The initial Used Oil Facility Closing Cost Estimate Form shall be submitted to the Department no more than six months after the effective date of the rule and the owner/operator shall demonstrate funding of this closing estimate within 60 days of receiving approval of the cost estimate from the Department

2. Under 40 CFR 279 Subpart F you must have a written contingency plan. We are requesting you to update your plan to reflect the changes at the facility, including the changes to your emergency coordinator list. Please see 40 CFR 279.52 when you review and update your plan to ensure that all required content is present.

3. Your used oil delivery records did not include all the information required pursuant to 40 CFR 279.57. Your records must include the EPA ID numbers of the transporter(s) and receiving facility, and the full addresses of these entities as well.

If you have any questions, I will be back in the office on January 3, 2011.

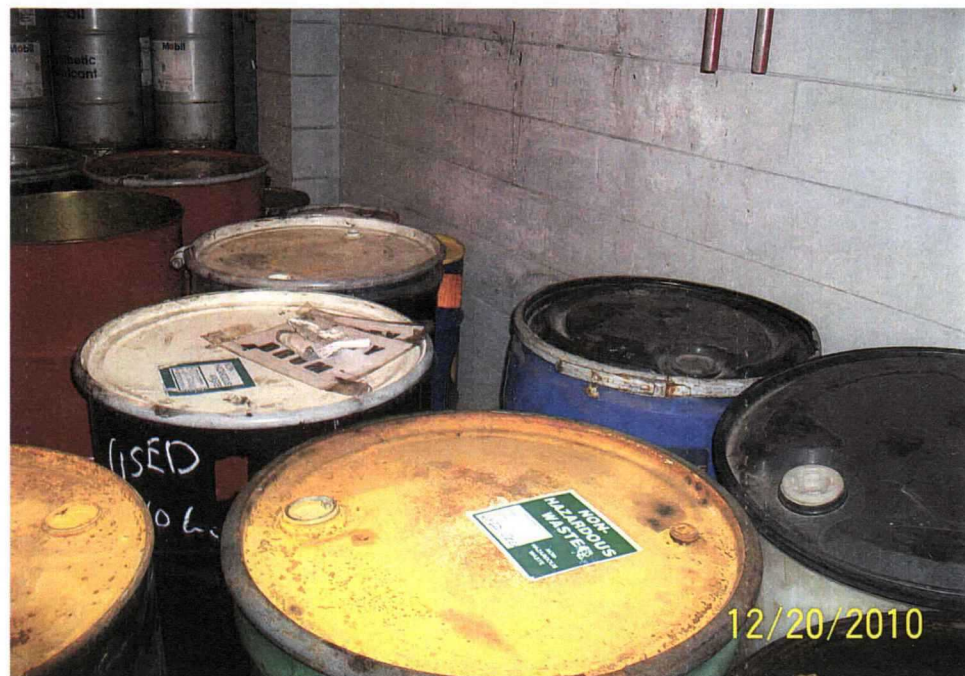
Sincerely,

Elizabeth Knauss  
Hazardous Waste Program

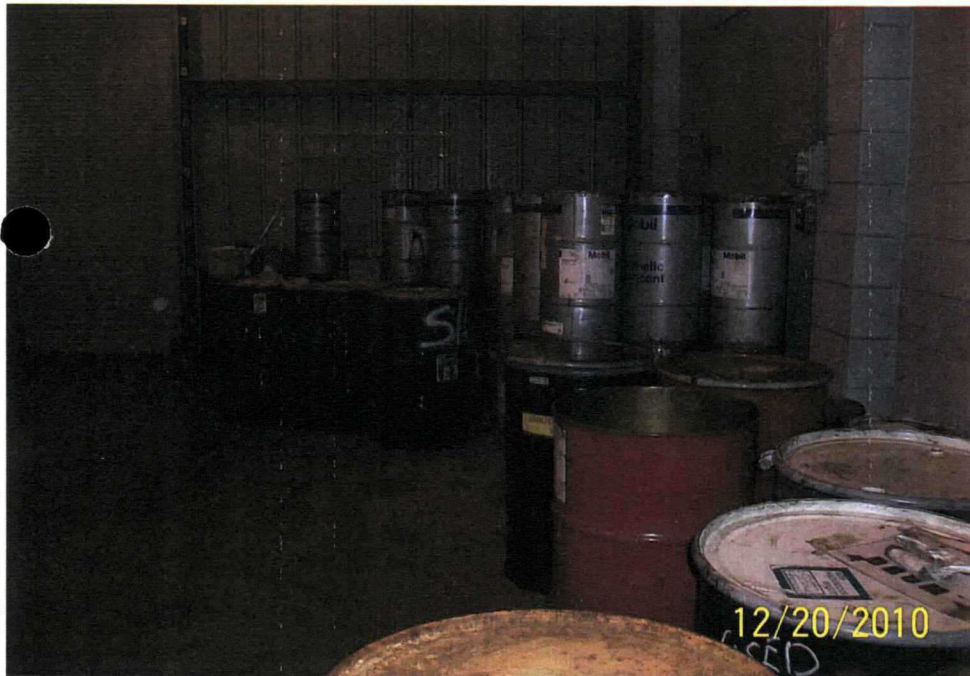
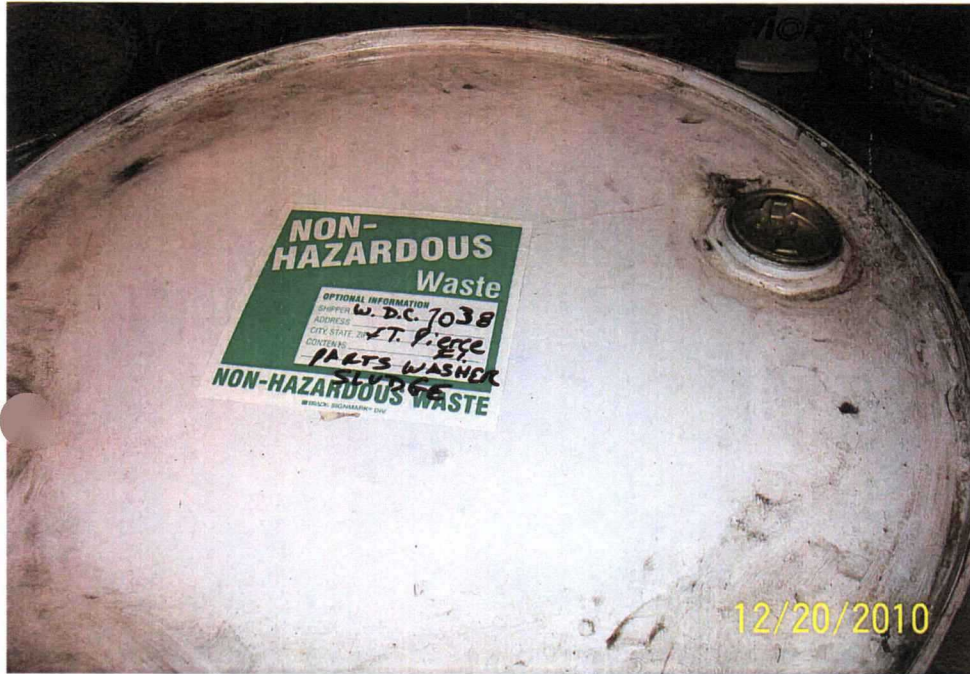




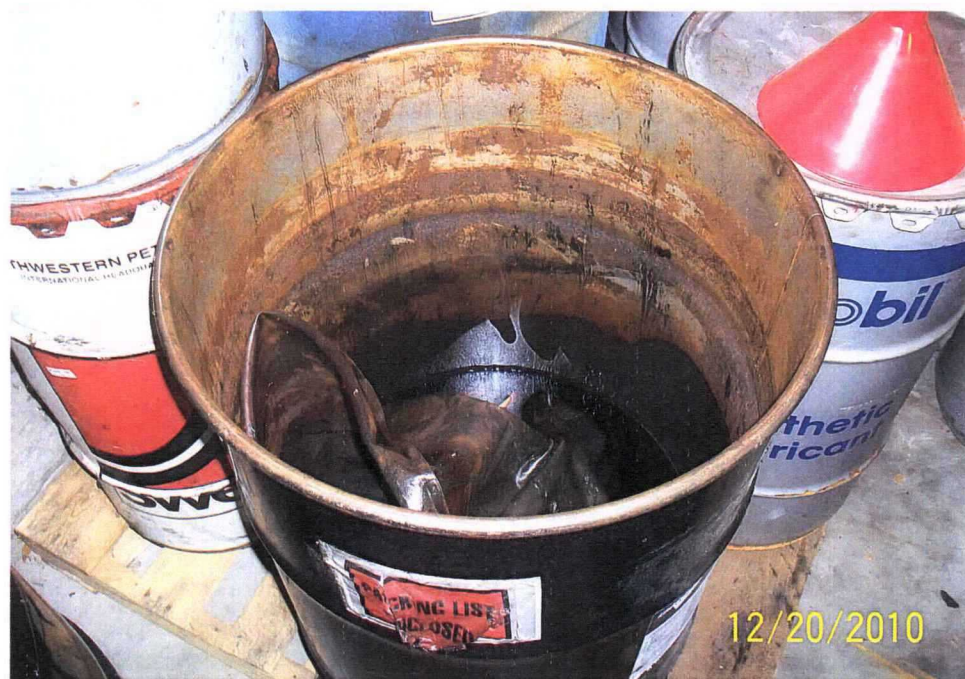
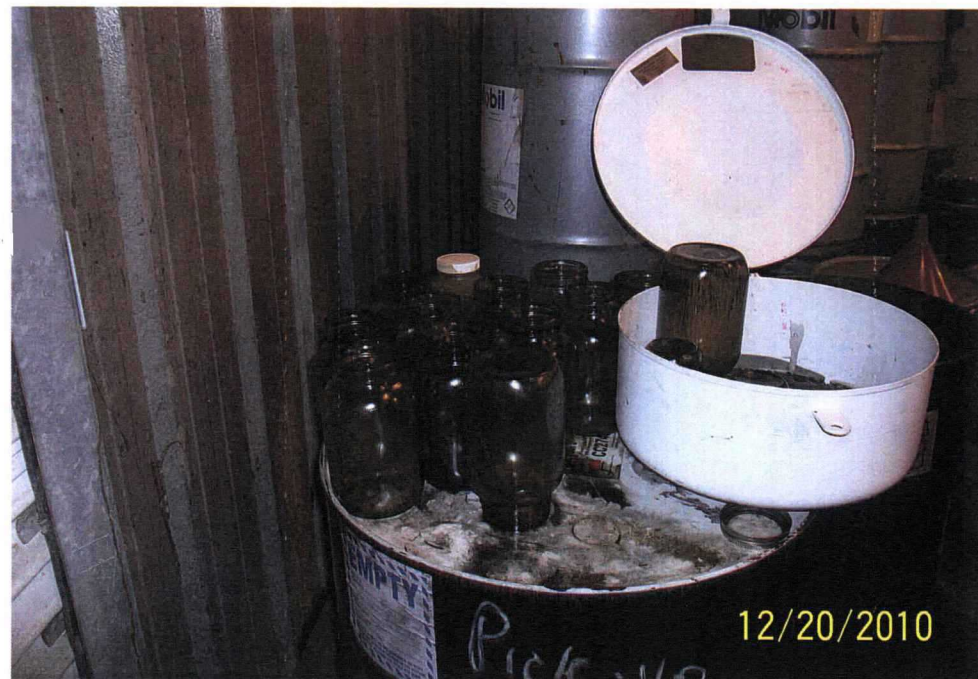
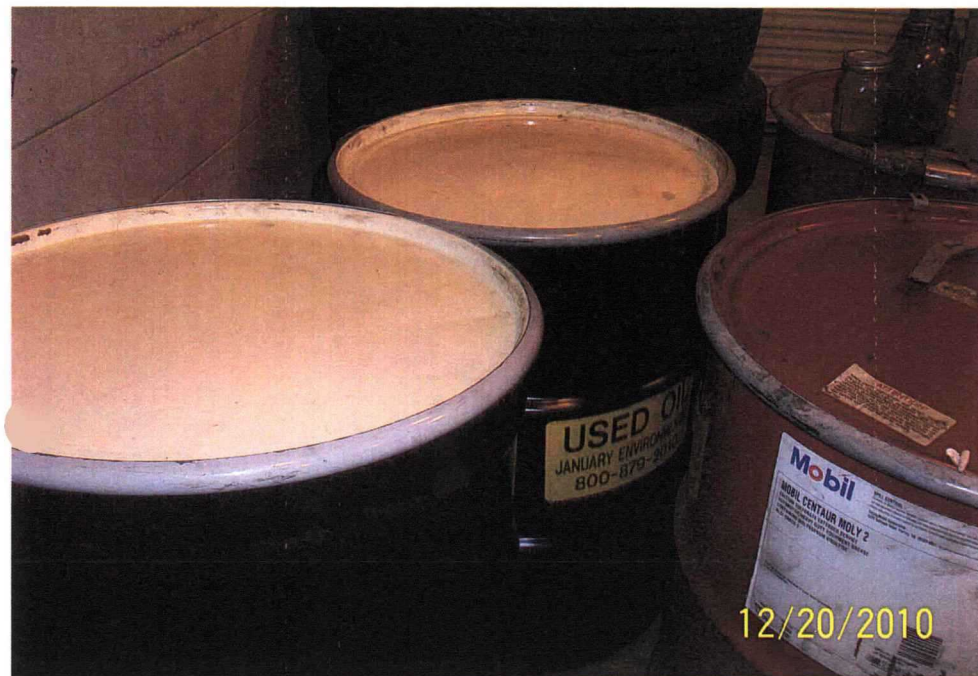




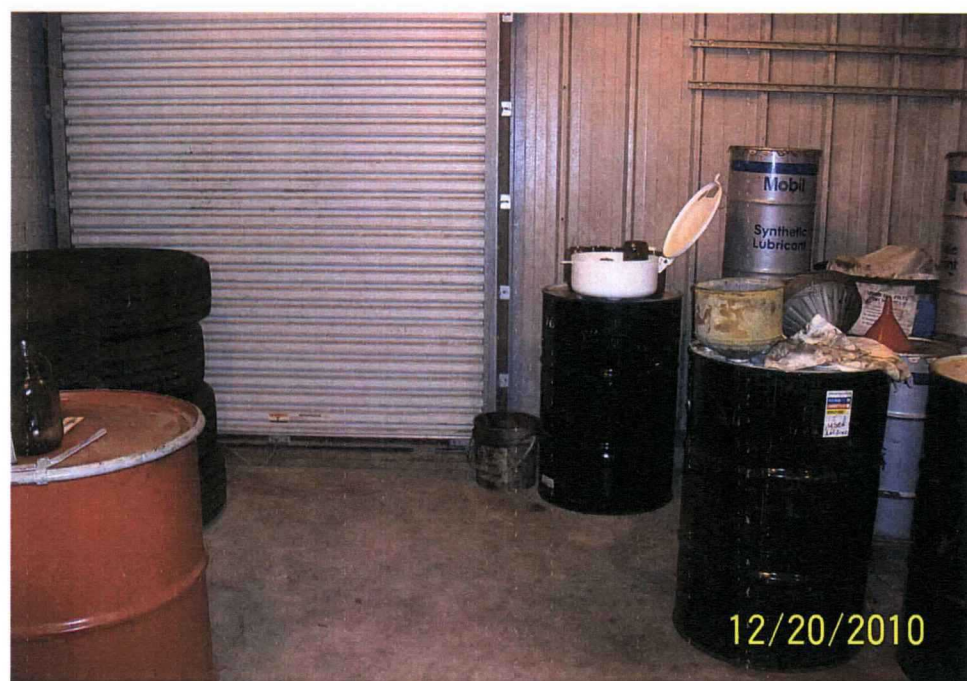
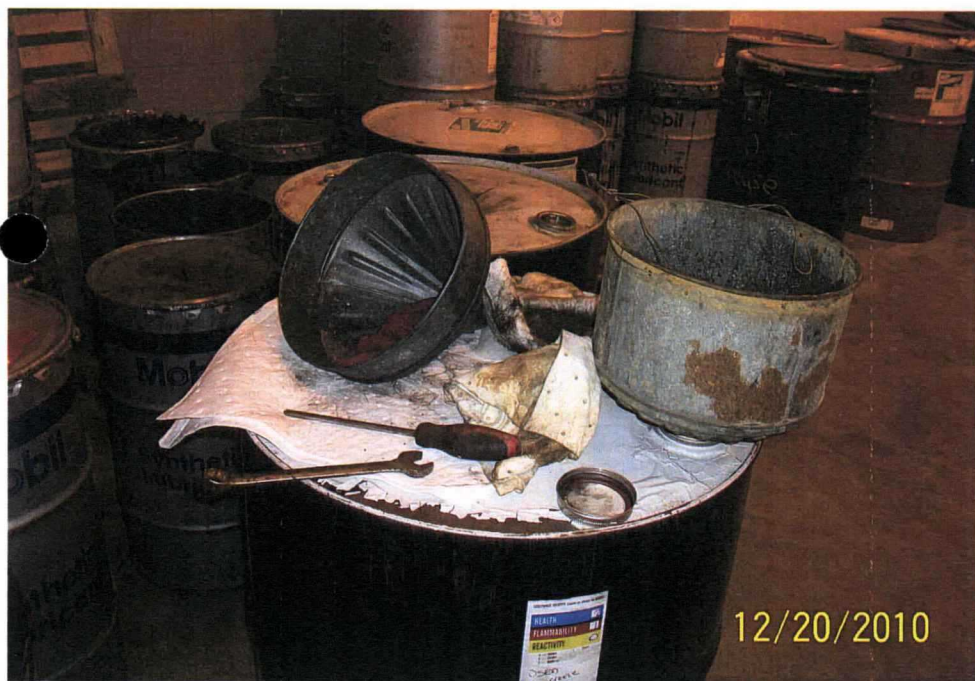




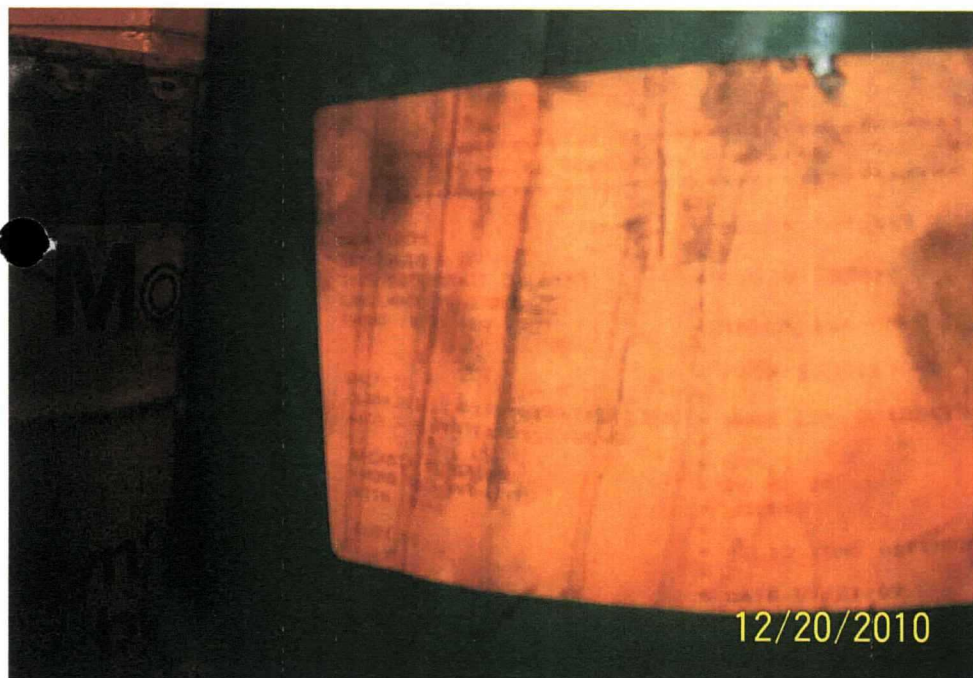
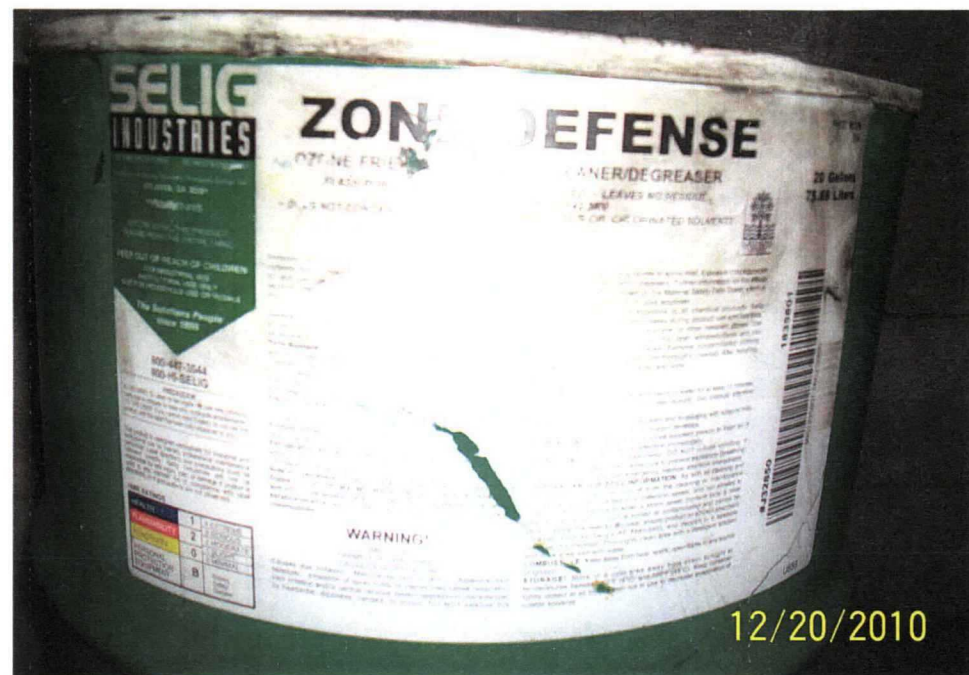
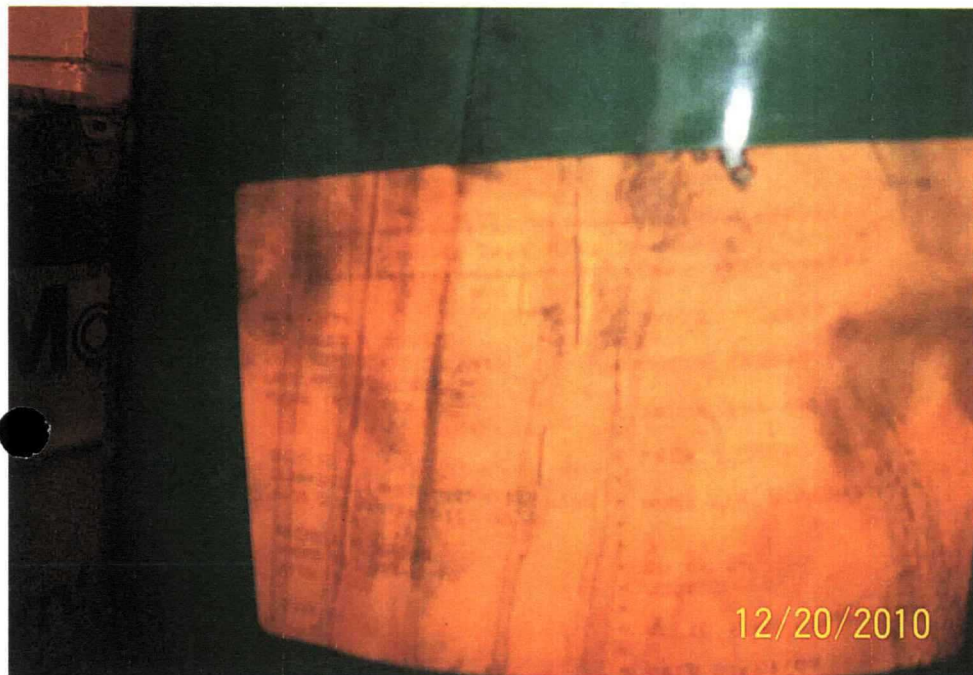




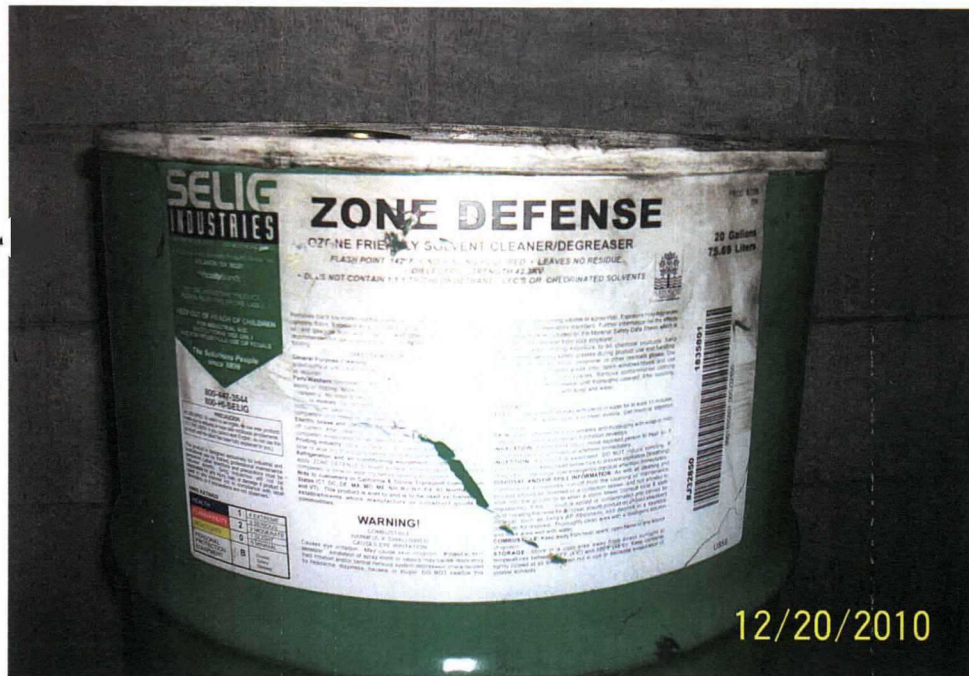
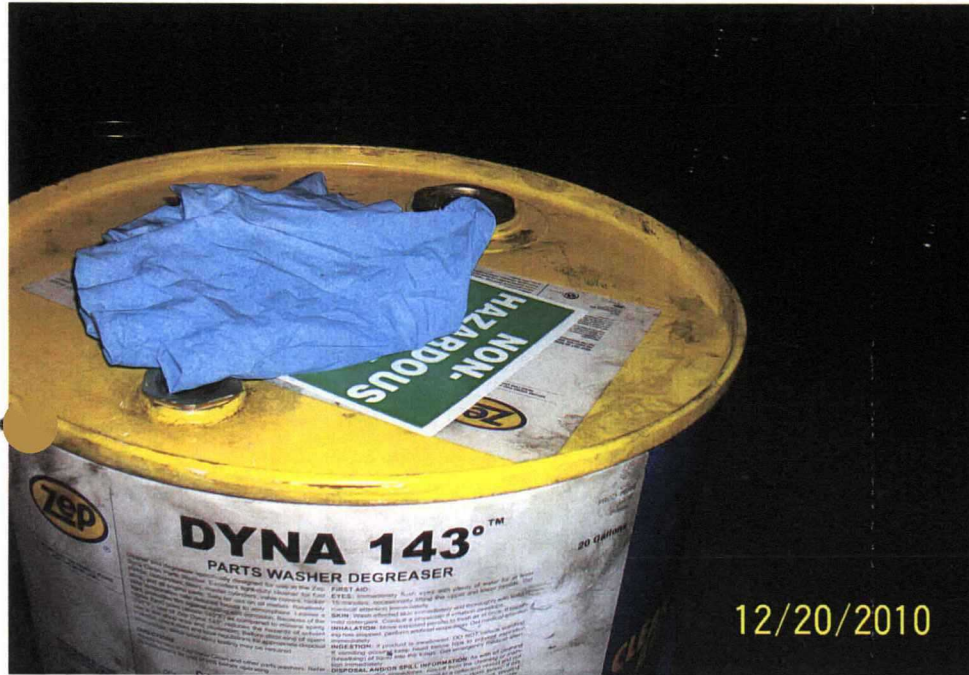














# January Environmental Services

Invoice # BT

107 2901

1920 Hwy 60 West  
Bartow, FL 33830  
1-800-879-2010

EPA# FLD982162943

www.JanuaryEnvironmental.com

Driver

CARL TORRES

Date of Service

4 / 19 / 10

## Service Address

January Environmental
1920 W. Main St.
Bartow, FL
33830

## Bill To Address


Customer Phone Number (863) - 534 - 8478

EPA#

Project #

PO #

Check #

QTY	Service	Amount	Total
5500	Used Oil (Not USDOT Hazardous Material) 5500 GALS		
	Used Antifreeze		
	Used Oil Filters (55 Gallon Drums) (Filter Bin)		
	Used Absorbents (55 Gallon Drums) (Filter Bin)		
	Used Oil Water Mix (Water %) (Doc #)		
	Parts Washer Services		
	Burner Fuel		
	Empty Drums (Dropped Off) (Picked Up)		
	Used Grease Drums		
	Roll Off Boxes		
	Containers Dropped Off (55 Gal) (Filter Bin) (Tote or Tank)		
Price Does Not Include Applicable Sales Tax		Tax	
		Total	

## Recycling Facility

January Environmental Services  
1920 Hwy 60 West  
Bartow, FL 33830  
ID# 9101026

## Alternate Recycling Facility

EPA #

Signature

Date

/ /

## Generator Certifies

The Fuel Product, Used oil, Antifreeze, and or mixture has not been mixed with any hazardous waste or PCB's identified in 40 CFR 261, 279, or 761. January Environmental Services Inc. may require the generator to verify by analysis that the used oil, antifreeze, or mixtures do not contain such waste.

Customer Signature

Date

4 / 20 / 10

JES Rep

CARL TORRES

Halogen Test

pass

fail

(Please Remit all Payments To: 2701 South Prospect Oklahoma City, OK 73129)



JANUARY ENVIRONMENTAL  
SERVICES, INC.  
2701 SOUTH PROSPECT  
OKLAHOMA CITY, OK 73129-6451  
(405)670-2030 FAX (405)670-6747

# Invoice

DATE	INVOICE NO.
4/19/2010	BT2901

BILL TO
Noble Oil Services 5617 Clyde Rhync Drive Sanford, NC 27330

PO#	TERMS	DUE DATE	REP	Date Completed
	Net 15	5/4/2010	TCJBT	4/19/2010
DESCRIPTION		QUANTITY	RATE	AMOUNT
BT2901 Manifested 5500 gallons (30% water)		3,556.7	0.99	3,521.13
Total				\$3,521.13

# January Environmental Services

Invoice # BT N° 3075

1920 Hwy 60 West  
Bartow, FL 33830  
1-800-879-2010

EPA# FLD982162943

www.JanuaryEnvironmental.com

Driver \_\_\_\_\_

Date of Service 9 / 24 / 10

Service Address
January Environmental
Bartow, FL

Bill To Address
Omega Refining
marrero, LA

Customer Phone Number ( ) - -

EPA# \_\_\_\_\_ Project # \_\_\_\_\_ PO # \_\_\_\_\_ Check # \_\_\_\_\_

QTY	Service	Amount	Total
22,742	Used Oil (Not USDOT Hazardous Material)		
	Used Antifreeze		
	Used Oil Filters (55 Gallon Drums) (Filter Bin)		
	Used Absorbents (55 Gallon Drums) (Filter Bin)		
	Used Oil Water Mix (Water %) (Doc #)		
	Parts Washer Services		
	Burner Fuel		
	Empty Drums (Dropped Off) (Picked Up)		
	Used Grease Drums		
	Roll Off Boxes		
	Containers Dropped Off (55 Gal) (Filter Bin) (Tote or Tank)		

Price Does Not Include Applicable Sales Tax

Tax

Total

Alternate Recycling Facility

Recycling Facility  
January Environmental Services  
1920 Hwy 60 West  
Bartow, FL 33830  
ID# 9101026

EPA #

Signature \_\_\_\_\_

Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## Generator Certifies

The Fuel Product, Used oil, Antifreeze, and or mixture has not been mixed with any hazardous waste or PCB's identified in 40 CFR 261, 279, or 761. January Environmental Services Inc. may require the generator to verify by analysis that the used oil, antifreeze, or mixtures do not contain such waste.

Customer Signature \_\_\_\_\_

Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

JES Rep \_\_\_\_\_

Halogen Test \_\_\_\_\_ pass \_\_\_\_\_ fail \_\_\_\_\_

(Please Remit all Payments To: 2701 South Prospect Oklahoma City, OK 73129)

\* 712 - CSX TRANSPORTATION - 712 Q5V1J  
RMCUR MERC 200267  
GATX 1318 T106  
001 00 00 NS 000 00 NS  
09/24/10 939000  
1442 SCS WEB  
52530 MARRERO LA 15145 BARTOW FL  
CSXT NEWOR UP JACKSONVILLE FL  
JANUARY ENVIRONMENTAL OS5200  
S 1920 STATE ROAD 60 W  
BARTOW FL 33830  
72618  
LVL BOL6247102 09/24/10  
OMEGA REFINING LLC OKCT00  
5000 RIVER RD  
MARRERO LA 70072  
PER CAR RATE  
52530 MARRERO LA  
LOADED FULL SHELL GALLONAGE CAPACITY  
PREPAID  
09/24/10 29 113 29  
TC FUEL OIL, NO. 4 1  
{0005INTERSTATE SHIPMENT  
MAIL FREIGHT BILL TO OS5201  
JANUARY ENVIRONMENTAL  
ATTN LYNN HILL  
2701 S PROSPECT  
OKLAHOMA CITY OK 73129

00 INTERFACED

CREATED 09/24/10 1443

# January Environmental Services

Invoice # BT

2920

1920 Hwy 60 West  
Bartow, FL 33830

EPA# FLD982162943

1-800-879-2010

www.JanuaryEnvironmental.com

Driver

Cruz Torres

Date of Service

11 / 1 / 10

<b>Service Address</b> <u>6605 S.W. Enterprise Blvd</u> <u>34267 - Arredondo, FL</u>
--

**Bill To Address**

Customer Phone Number (863) -

499 - 7799

EPA#

Project #

PO #

Check #

QTY	Service	Amount	Total
	Used Oil (Not USDOT Hazardous Material)		
	Used Antifreeze		
1	Used Oil Filters (55 Gallon Drums) (Filter Bin) <u>FULL</u>		
	Used Absorbents (55 Gallon Drums) (Filter Bin)		
	Used Oil Water Mix (Water %) (Doc #)		
	Parts Washer Services		
1/2	Burner Fuel <u>2000 DRUMS (SOLVENT)</u>		
	Empty Drums (Dropped Off) (Picked Up)		
4	Used Grease Drums <u>EMPTY</u>		
	Roll Off Boxes		
1	Containers Dropped Off (55 Gal) (Filter Bin) (Tote or Tank)		
Price Does Not Include Applicable Sales Tax		Tax	
		Total	

**Recycling Facility**January Environmental Services  
1920 Hwy 60 West  
Bartow, FL 33830  
ID# 9101026**Alternate Recycling Facility**

EPA #

Signature

Date 11 / 1 / 10**Generator Certifies**

The Fuel Product, Used oil, Antifreeze, and or mixture has not been mixed with any hazardous waste or PCB's identified in 40 CFR 261, 279, or 761. January Environmental Services Inc. may require the generator to verify by analysis that the used oil, antifreeze, or mixtures do not contain such waste.

Customer Signature

Date 11 / 1 / 10

JES Rep

Cruz Torres

Halogen Test

pass

fail

(Please Remit all Payments To: 2701 South Prospect Oklahoma City, OK 73129)



# January Environmental Services

Invoice # BT

2020

1920 Hwy 60 West  
Bartow, FL 33830

EPA# FLD982162943

1-800-879-2010

www.JanuaryEnvironmental.com

Driver

*Chris Januaro*

Date of Service

*3 / 23 / 10*

Service Address
<i>4001 S Jenkins Rd</i>
<i>St. Pierre, FL</i>

Bill To Address

Customer Phone Number ( ) - -

EPA#

Project #

PO #

Check #

QTY	Service	Amount	Total
	Used Oil (Not USDOT Hazardous Material)		
	Used Antifreeze		
	Used Oil Filters (55 Gallon Drums) (Filter Bin)		
	Used Absorbents (55 Gallon Drums) (Filter Bin)		
	Used Oil Water Mix (Water %) (Doc #)		
	Parts Washer Services		
	Burner Fuel		
	Empty Drums (Dropped Off) <i>#1</i> (Picked Up) <i>#2</i>		
	Used Grease Drums		
	Roll Off Boxes		
	Containers Dropped Off (55 Gal) (Filter Bin) (Tote or Tank)		

Price Does Not Include Applicable Sales Tax

Tax

Total

**Recycling Facility**  
January Environmental Services  
1920 Hwy 60 West  
Bartow, FL 33830  
ID# 9101026

**Alternate Recycling Facility**

EPA #

Signature

Date

*3 / 23 / 10*

## Generator Certifies

The Fuel Product, Used oil, Antifreeze, and/or mixture has not been mixed with any hazardous waste or PCB's identified in 40 CFR 261, 279, or 761. January Environmental Services Inc. may require the generator to verify by analysis that the used oil, antifreeze, or mixtures do not contain such waste

Customer Signature

Date

*3 / 23 / 10*

JES Rep

Halogen Test

pass

fail

(Please Remit all Payments To 2701 South Prospect Oklahoma City, OK 73129)

# January Environmental Services

Invoice # BT NS 3003

1920 Hwy 60 West  
Bartow, FL 33830  
1-800-879-2010

EPA# FLD982162943

www.JanuaryEnvironmental.com

Driver Cruz Torres

Date of Service 11 / 29 / 10

<b>Service Address</b>
<u>W.M.D.C. # 7038</u>
<u>4601 S. JENNINS RD.</u>
<u>FT. PIERCE FL</u>
<u>34481</u>

<b>Bill To Address</b>

Customer Phone Number (772) - 461 - 4500

EPA# \_\_\_\_\_ Project # \_\_\_\_\_ PO # \_\_\_\_\_ Check # \_\_\_\_\_

QTY	Service	Amount	Total
	Used Oil (Not USDOT Hazardous Material)		
<u>1</u>	Used Antifreeze <u>SS gal. DRUM</u>		
<u>2</u>	Used Oil Filters (55 Gallon Drums) <u>1 EMPTY (Filter Bin) 1 FULL</u>		
<u>3</u>	Used Absorbents (55 Gallon Drums) <u>FULL (Filter Bin)</u>		
	Used Oil Water Mix (Water %) (Doc #)		
<u>1</u>	Parts Washer Services <u>SS gal. DRUM</u>		
	Burner Fuel		
	Empty Drums (Dropped Off) (Picked Up)		
<u>4</u>	Used Grease Drums <u>3 SMALL / ONLY ONE SS gal. FULL</u>		
	Roll Off Boxes		
<u>1</u>	Containers Dropped Off (55 Gal) <u>(Filter Bin)</u> (Tote or Tank)		
Price Does Not Include Applicable Sales Tax		Tax	
		Total	

<b>Recycling Facility</b> January Environmental Services 1920 Hwy 60 West Bartow, FL 33830 ID# 9101026
--

<b>Alternate Recycling Facility</b>
EPA#

Signature [Signature]

Date 11 / 29 / 10

## Generator Certifies

The Fuel Product, Used oil, Antifreeze, and or mixture has not been mixed with any hazardous waste or PCB's identified in 40 CFR 261, 279, or 761. January Environmental Services Inc. may require the generator to verify by analysis that the used oil, antifreeze, or mixtures do not contain such waste.

Customer Signature [Signature]

Date 11 / 29 / 10

JES Rep Cruz Torres

Halogen Test pass fail

(Please Remit all Payments To: 2701 South Prospect Oklahoma City, OK 73129)