

Diversified Environmental Services Inc. Halogen Screening Procedures

Diversified Environmental Services clients are about 95% marine based companies. Therefore there is always a presence of saltwater in the waste streams we collect. We rely on generator knowledge for the vast majority of our bulk waste pick-up. We do however encounter drums of used oil that we pick-up at shipyards and various sites from time to time. When this type of pick-up occurs we must screen the waste for Halogen content before it can be removed from site. The process for screening any material which is unknown for Halogen content to us is as follows.

Screening Steps

1. Check the screening device for power. Spare Batteries are always kept in the case. Battery power will be displayed on the LED at the top of the sniffer below the speaker. The "Sniffer" device used by DES is the TIF TIFXP-1 Automatic Halogen Leak Detector.
2. After checking for sufficient power turn the sniffer on. Be sure the tip is free from any debris.
3. Open the container your are sampling, if it is a drum unscrew one of the bungs and place the tip of the sniffer just inside. Be careful if the drum is full not to put the tip into the liquid. For tanker trailers it may be necessary to get a sample jar of the product from the tank it is being pumped from. If this is not possible then a sample will have to be taken by starting the pump for just a short time, (enough that product begins to flow) and then shut down and sample the small amount in the truck. If the sniffer detects a Halogen content then a second test the Chlor-D-Tect 1000 by Dexsil corporation must be used.
4. The Chlor-D-Tect 1000 is used to sample for Halogens, if the test comes back positive 1000 ppm or more then the load must be refused.
5. If a load is refused then we can offer our customers the names of other companies or services that are equipped to handle "High Halogen" content loads.
6. At no time will DES accept any loads without generator knowledge of saltwater content, that do not pass the Dexsil Chlor-D-Tect 1000 test.
7. Any loads that are refused must be documented as to who the load was for, test used to determine Halogen content and why the load was refused. This information need to be given to the waste management dept.

Barge OSG-192
C/O OSG
302 Knights Run Avenue Suite 1200
Tampa FL. 33602

4/12/2011

Slops Discharge And Disposal Certificate

This letter is to certify that Diversified Environmental Services from 4/10/2011 through 4/11/2011 received a total of 8,750 barrels of tank washing slops, for treatment and disposal from the Barge OSG-192.

The slops were pumped to the slop Barge Crystal River, and tank trucks while the vessel was at the Hendry Corporation South Slip in Tampa Florida.

The last cargo prior to tank washing was 12 compartments of VGO.

Sincerely,

Eugene R. Russel
Vice President

City of Tampa
Wastewater Department
Industrial Wastewater Discharge Permit

Cover Page

Permit No. 1058

In accordance with the provisions of Section 26-122 of the City of Tampa Code:

Company Name Diversified Environmental Services, Inc.

Address 2313 2nd Ave.

Tampa, FL 33605

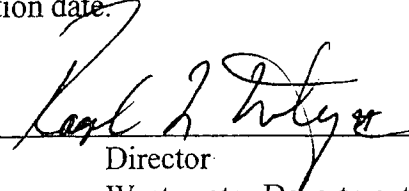
Telephone Number (813) 248-3256

Name of Applicant Gerry McCormick

is Diversified Environmental Services, Inc., a Florida Profit Corporation, with principal place of business located at 2313 2nd Ave., Tampa, Florida 33605, herein referred to as "permittee," is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein, and hereinafter referred to as "facility," into the City of Tampa sewer system in accordance with the conditions set forth in this Industrial Wastewater Discharge Permit, hereinafter referred to as the "permit." Issuance of this permit shall not be construed as a representation by the City of Tampa that the permittee herein complies with the terms and conditions of this permit, and does not relieve the permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with other applicable requirements under Federal, State, and/or local laws, rules, and regulations, including, but not limited to, Chapter 26 of the City of Tampa Code, and the provisions of the City of Tampa Wastewater Department Technical Manual (Manual of Standards for Industrial and Special Users) as updated April 2006, as amended, hereinafter referred to as the "Technical Manual." Compliance with this permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of this permit. Noncompliance with any term or condition of this permit shall constitute a violation of Chapter 26 of the City of Tampa Code entitled "Utilities" and the Technical Manual.

This permit shall become effective on April 1, 2010
and shall expire at midnight on March 31, 2012

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit a minimum of ninety (90) days, in accordance with the requirements of Section 4.5 of the above described Technical Manual, prior to the expiration date.



Director
Wastewater Department

3/21/10

Date

Industry Name Diversified Environmental Services, Inc.

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PART 1 - APPLICABLE EFFLUENT LIMITATIONS

SECTION 1 - EFFLUENT DISCHARGE LIMITS

- A. During the period of this permit, the permittee is authorized to discharge process wastewater to the City of Tampa from only the outfall described below.

Description of outfalls:

<u>Outfall</u>	<u>Description</u>
001	Outfall 001 is the discharge of the treated water storage tanks located at the northeast corner of the pretreatment facility. All process wastewater is discharged to the City of Tampa from this outfall.

- B. During the period of this permit the discharge from outfall 001 must comply with the following pretreatment regulations established in 40 CFR Part 437 - Subpart B (Oils Treatment and Recovery).

40 CFR Part 437 - Subpart B
Centralized Waste Treatment Point Source Category – Oils Treatment and Recovery Subcategory
437.25 Pretreatment Standards for Existing Sources (PSES)

Metals	Maximum Daily Milligrams per liter (mg/l)	Maximum Monthly Avg. Milligrams per liter (mg/l)
Chromium	0.947	0.487
Cobalt	56.4	18.8
Copper	0.405	0.301
Lead	0.222	0.172
Tin	0.249	0.146
Zinc	6.95	4.46
Organics		
Bis(2-ethylhexyl)phthalate	0.267	0.158
Carbazole	0.392	0.233
n-Decane	5.79	3.31
Fluoranthene	0.787	0.393
n-Octadecane	1.22	0.925

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- C. During the period of this permit the discharge from the facility at the point where the discharge enters the City's sanitary sewer system shall not exceed the following effluent limitations. In addition, the discharge shall comply with all applicable regulations and standards contained in Chapter 26, City of Tampa code.

Parameter	Daily Maximum mg/l
Arsenic as As	0.21
Beryllium as Be	0.001
Cadmium as Cd	0.13
Chromium as Cr (Total)	2.77 ⁽¹⁾
Copper as Cu	0.67 ⁽²⁾
Lead as Pb	0.80 ⁽³⁾
Mercury as Hg	0.0002
Molybdenum as Mo	0.10
Nickel as Ni	0.42
Selenium as Se	0.47
Silver as Ag	1.80
Zinc as Zn	4.60 ⁽⁴⁾
Oil & Grease (Mineral fraction)	100.0
pH	6.0 - 11.0

1 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive. Also note that city code does not establish a monthly average discharge concentration limit for this parameter.

2 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive. Also note that city code does not establish a monthly average discharge concentration limit for this parameter.

3 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive. Also note that city code does not establish a monthly average discharge concentration limit for this parameter.

4 - Note that the daily maximum limitation expressed in paragraph B. is less restrictive. Also note that city code does not establish a monthly average discharge concentration limit for this parameter.

PART 2 - MONITORING AND REPORTING REQUIREMENTS**SECTION 1 - MONITORING REQUIREMENTS**

A During the period of this permit, the permittee shall monitor outfall 001 for the following:

<u>Parameter</u>	<u>Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow	(1)	Monthly	(2)
pH	(1)	Monthly	(3) Grab
Benzene, ug/l	(1)	Monthly	(3) Grab
Toluene, ug/l	(1)	Monthly	(3) Grab
Chromium, mg/l	(1)	(4) Semi-annually	(3) Grab
Cobalt, mg/l	(1)	(4) Semi-annually	(3) Grab
Copper, mg/l	(1)	(4) Semi-annually	(3) Grab
Lead, mg/l	(1)	(4) Semi-annually	(3) Grab
Tin, mg/l	(1)	(4) Semi-annually	(3) Grab
Zinc, mg/l	(1)	(4) Semi-annually	(3) Grab
Bis(2-ethylhexyl)phthalate	(1)	(4) Semi-annually	(3) Grab
Carbazole	(1)	(4) Semi-annually	(3) Grab
n-Decane	(1)	(4) Semi-annually	(3) Grab
Fluoranthene	(1)	(4) Semi-annually	(3) Grab
n-Octadecane	(1)	(4) Semi-annually	(3) Grab

(1) - Outfall 001

(2) - Flows shall be read on the first business day of each month from the permittee's wastewater discharge flow meter.

(3) - Definitions of sample types are located in PART 4 SECTION 1 of this permit.

(4) - April, October

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- B. All activities related to sampling and analysis shall be performed in accordance with Chapter 62-160, F.A.C. and 40 CFR 136 as appropriate. Sample collection methods shall be consistent with the standard operating procedures defined in the most recent revisions of DEP-SOP-001/01. Analyses must be performed by a laboratory certified by the State of Florida, Department of Health, Bureau of Laboratories, to be in compliance with the NELAC Standards and FAC Rule 64E-1 regulations for the examination of environmental samples in the appropriate category.

SECTION 2 - REPORTING REQUIREMENTS

A. Monitoring Reports

1. Analytical monitoring results obtained shall be summarized and reported as follows:
 - a. Parameters monitored monthly shall be reported within the month following the reported period. The report shall also include the total monthly process wastewater discharge flow, the average daily process wastewater discharge flow for the reported period, and the certification statement found in PART 4 SECTION 4 (E) of this permit.
 - b. Parameters monitored semi-annually shall be included in the monthly report due within the month following the semi-annual period.
 2. Manifest records shall be submitted with the monthly monitoring reports indicating the volume, the original source (generator), and the specific nature of the wastewater that Diversified Environmental Services, Inc. procures during the reported period.
- B. Pursuant to the reporting requirements of 62-625.600(6)(e) F.A.C., the results of all monitoring performed more frequently than required by this permit, using test procedures approved under PART 2 SECTION 1 (B), shall be submitted with the report.
- C. When a self-monitoring report shows any violation of the applicable standards included in PART 1 of this permit, the permittee must resample and submit both results within thirty (30) days of receiving original sample results, except the permittee is not required to resample if:
- (1) The City of Tampa performs sampling at the permittee at a frequency of at least once per month, or
 - (2) The City of Tampa performs sampling at the permittee between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling.

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- D. The permittee **must** notify the City of Tampa, Wastewater Department, Industrial Waste Section by telephone, within twenty-four (24) hours of receipt of monitoring results, if the results indicate any violation of applicable standards. The current telephone number at date of issuance of this permit is (813) 247-3451.

It shall be the permittee's responsibility to ensure that it has updated contact information for the City of Tampa, Wastewater Department, Industrial Waste Section in order to provide all required verbal and written notices as required under this permit.

- E. Signatory requirements are established in PART 4 SECTION 4 (E) of this permit.

F. Accidental Discharge Report

1. The permittee shall notify the City of Tampa, Wastewater Department, Industrial Waste Section, immediately upon its having knowledge of the occurrence of an accidental discharge of substances regulated by this permit or prohibited by Chapter 26, City of Tampa Code. At all times the City of Tampa, Wastewater Department, Industrial Waste Section shall be notified by telephone (currently 813-247-3451 at date of issuance of this permit, or as changed) during the term of this permit. The notification shall include location of discharge, date and time thereof, the type of waste, including concentration and volume, and corrective actions taken.
2. Within five (5) days following such discharge, the permittee shall submit to the City of Tampa, Wastewater Department, Industrial Waste Section a detailed written report. The report shall specify:
 - a. Description and cause of the upset, slug or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
 - b. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 - c. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset, slug, accidental discharge, or other conditions of non-compliance.
 - d. All written reports required of this permit shall be submitted to:

City of Tampa
Industrial Waste Section
2700 Maritime Blvd.
Tampa, FL 33605.

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- e. Such notifications shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the City of Tampa's Publicly Owned Treatment Works (hereinafter referred to as "POTW"), natural resources, or any other liability which may be imposed pursuant to the Technical Manual.
3. A notice shall be permanently posted on the user's bulletin board, or other prominent place, advising employees who to call in the event of a discharge described in paragraph 1. above. Permittee shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of emergency notification procedures.

PART 3 - SPECIAL CONDITIONS / COMPLIANCE SCHEDULES

1. Diversified Environmental Services, Inc. is permitted to discharge only fully treated bilge water and tank wash water that comes off of ships that are located within the City of Tampa service area.
 - a. The service area includes Port Tampa, Port of Tampa, and Port Sutton. Port Manatee is not in the service area.
 - b. It is permissible to treat and discharge water collected during an oil spill emergency remediation within Tampa Bay.
2. The discharge of any treated or untreated land based fuel storage vessel bottom waters or washings, gasoline contaminated water, hydrocarbon solvent contaminated water, groundwater, stormwater, landfill leachate, or wastewater from any other source is strictly prohibited, **unless expressly authorized by the Department.**
3. The Department, at its discretion, may collect split samples of untreated wastewater prior to treatment and/or split samples of treated wastewater.

PART 4 - STANDARD CONDITIONS**SECTION 1 - DEFINITIONS**

- A. AWTP - Advanced Wastewater Treatment Plant
- B. Composite sample - shall mean a sample collected over time, formed either by continuous sampling or by mixing discrete samples. A minimum of eight (8) discrete grab samples shall be collected at equally spaced one (1) hour intervals, per operating shift, and proportioned according to flow. The use of a properly operated automatic composite sampler is acceptable.
- C. Daily maximum - shall mean the results of one day sampling, either a single grab sample or composite sample during a twenty-four hour period.
- D. Grab sample - shall mean a single "dip and take" sample collected at a representative point in a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes. Daily pH monitoring may be performed by either grab sample or continuous pH electrometric probe monitoring.
- E. Monthly average - shall mean the average results of all sampling, either grab samples or 24-hour composite samples, taken during a calendar month
- F. POTW - Publicly Owned Treatment Works - shall mean a treatment works as defined by Section 212 of the Act, which is owned by a state or municipality (as defined by Section 502(4) of the Act). POTW as used in this permit references the City of Tampa's Treatment Works.

SECTION 2 - GENERAL CONDITIONS**A. Duty to Comply**

The permittee must comply with all conditions of this permit, Chapter 26 of the City of Tampa Code, the Technical Manual, and all applicable Federal, State, or local laws, rules, and regulations in effect at the time of issuance of this permit, and that may become effective during the term of this permit.

Any violation of the terms and conditions of this permit shall be deemed a violation of the Technical Manual and subjects the permittee, or any other person, to the sanctions set forth in Sections 10 and 11 of the Technical Manual and/or as set forth in Part 4, Section 6 of this permit entitled "Enforcement."

Failure to comply with the terms and conditions of this permit, Chapter 26 of the City of Tampa Code, the Technical Manual, and all applicable Federal, State, and/or local laws, rules and regulations may subject the permittee to administrative or judicial enforcement remedies. Administrative enforcement remedies include, but are not limited to, the suspension, modification and/or revocation of this permit. Judicial enforcement remedies include, but are not limited to, civil or criminal penalties, injunctive relief, and/or other legal remedies and relief as provided by law. These remedies are not exclusive and any, all, or any combination of these actions may be taken against a noncompliant permittee or against any other person when circumstances warrant by the City of Tampa. See Sections 10 and 11 of the Technical Manual.

B. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment, public health, worker health and safety, and POTW resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

C. Permit Action

This permit may be modified, revoked and reissued, or terminated for causes including, but not limited to, the following:

1. Violation of any terms or conditions of this permit, the Technical Manual, Chapter 26 of the City of Tampa Code, any applicable pretreatment standard or requirement, Federal, State, and/or local law, rules and regulations.
2. Transfer of facility ownership or operation to a new owner or operator.
3. Misrepresentations or failure to fully disclose all relevant facts in the permit application or in any required reporting under the terms and conditions of this permit, the Technical Manual, Chapter 26 of the City of Tampa Code, any applicable pretreatment standard or requirement, Federal, State, and/or local law, rules, and regulations.
4. A change in any condition of the discharge or POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
5. Information indicating that the permitted discharge poses a threat to human health or welfare, worker health or safety, receiving waters, environment, POTW, or real property.
6. Upon request of the permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations;

7. Material or substantial alterations or additions to the dischargers operation that adversely impact the wastewater discharge and which were not in existence as of the date of the issued permit;
8. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements, to protect the operation of the treatment plant;
9. Wastewater discharge volumes that have an average change of 20% or more during a six month period. (For new industries, the baseline monitoring report can be used to determine if an average change in discharge volume has exceeded 20% during the first six months of operation.)
10. To correct typographical or other errors in the wastewater discharge permit.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, and/or local laws, rules, or regulations.

E. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

F. Limitation on Permit Transfer

Industrial Wastewater Discharge Permits are issued to a specific user for a specific operation and are not assignable or transferable to any other user. The permittee must inform the Tampa Wastewater Director at least thirty (30) days in advance of all proposed owner/operator transfers.

G. Dilution

No permittee shall increase the use of potable or process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

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H. Duty To Reapply

If the permittee desires to continue to discharge after the expiration of this permit, the permittee shall reapply on the application forms then in use in accordance with Section 5.4 of the Technical Manual at least ninety (90) days before this permit expires. Under no circumstances shall the permittee continue to discharge after the expiration of the permit, unless reapplication was submitted as required, and the City of Tampa's Wastewater Director provides permittee with written authorization for the temporary extension of this permit until the new permit is issued.

I. Personnel Safety

The permittee shall provide safe inspection conditions for City of Tampa, and/or any State or Federal pretreatment program personnel, agents, and /or their designated representatives and shall provide such personnel with all necessary safety information regarding the facility's safety policy pertaining to required personal safety gear.

SECTION 3 - OPERATIONS AND MAINTENANCE OF POLLUTION CONTROLS

A. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. Duty to Halt or Reduce Activity

Upon reduction, loss or failure of the pretreatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until operation of the pretreatment facility is restored. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. Bypass of Treatment Facilities

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, severe property damage, or no feasible alternative exists, and the permittee submitted notices as required by paragraph 3 below. No feasible alternative exists to the bypass means for instance, the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. The requirement of no feasible alternative is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, such as exceedances of effluent limitations, but only if it is also for essential maintenance to assure efficient operation.
3. Notification of bypass:
 - Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, at least ten (10) days before the date of the bypass, if possible, to the City of Tampa, Wastewater Department, Industrial Waste Section (addresses specified in PART 2 SECTION 2 (E) of this permit).
 - Unanticipated bypass. The permittee shall immediately notify the City of Tampa, Wastewater Department, Industrial Waste Section orally of any unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the bypass to the City of Tampa, Wastewater Department, Industrial Waste Section as specified in PART 2 SECTION 2 (E) of this permit. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate and prevent reoccurrence of this bypass.

D. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

SECTION 4 - MONITORING AND RECORDS

A. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab sample techniques. The sampling shall be done on a day of normal to maximum process operation. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. Monitoring points shall not be changed without notification to and the approval of the City of Tampa.

B. Inspection and Entry

The permittee shall allow the City of Tampa's employees, agents, and/or authorized representative(s), upon the presentation of a City of Tampa employee photo-identification card, ready access to all parts of its' premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties, including, but not limited to the following:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the requirements and terms and conditions of this permit;
2. Have access to and copy any records that must be kept under the requirements and terms and conditions of this permit;
3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
4. Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location;
5. The Wastewater Director of the City of Tampa shall have the right to set up on the user's property, or require the installation of, such devices as are necessary to conduct sampling and/or metering of the permittee's operation;
6. The Wastewater Director of the City of Tampa may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated regularly to ensure their accuracy; and
7. Inspect any production, manufacturing, fabricating or storage area where pollutants, regulated under the permit, could originate.

C. Retention of Records

1. The permittee shall retain and make available for inspection and copying, records of all information obtained pursuant to any monitoring activities required by this permit, Technical Manual, Federal, State, or local laws, and/or any other records of information obtained pursuant to monitoring activities undertaken by permittee independent of such requirements, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the City of Tampa at any time.
2. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Tampa shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

D. Record Contents

Records of sampling information shall include:

1. The date, exact place, time and methods of sampling or measurements, and sample preservation techniques or procedures;
2. The name of the person who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The name of the person who performed the analyses;
5. The analytical techniques or methods used;
6. The results of such analyses; and
7. Proper chain of custody documentation.

E. Signatory Requirements

All applications, permits, reports or information submitted to the City of Tampa shall be signed and certified as indicated below:

1. By the owner or an authorized representative of the industrial user. An authorized representative of an industrial user shall mean:

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- a. A president, secretary, treasurer or vice president of a corporation in charge of a principal business function, or any person who performs a similar policy-or decision-making function for the corporation.
 - b. A manager of one or more manufacturing, production or operation facilities employing more than two hundred and fifty (250) persons, or having gross annual sales or expenditures exceeding twenty five million dollars (\$25,000,000.00), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - c. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.
 - d. A duly authorized representative of a person indicated in (a), (b) or (c) above if authorization has been made in writing on a prescribed authorization form submitted to the City of Tampa Industrial Waste Section. (Should authorization no longer be accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization form for the new representative must be submitted to the City of Tampa, Wastewater Department, Industrial Waste Section.)
2. Certification. Any person signing a document required by this permit shall make the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
3. Any change in signature of an authorized representative of the permittee shall be submitted to the City of Tampa, Wastewater Department, Industrial Waste Section in writing within thirty (30) days after the change.

F. Falsifying Information

Any person who knowingly makes any false statements, representation, or certification in any application, record, report, or other document filed or required to be maintained pursuant to the requirements and conditions of Chapter 26 of the City of Tampa Code, Technical Manual, or as required by the terms and conditions of this permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method pursuant to Chapter 26 of the City of Tampa Code, Technical Manual, or as required by the terms and conditions of this permit, shall upon conviction be subject to a penalty in an amount not to exceed One Thousand Dollars (\$1000.00), or by imprisonment of not more than six (6) months or by both.

SECTION 5 - ADDITIONAL REPORTING REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Wastewater Director of the City of Tampa of any planned significant changes to the permittee's operations or system which might alter the nature, quality, or volume of its wastewater, at least ninety (90) days before the change.

1. The Wastewater Director of the City of Tampa may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of the Technical Manual.
2. The Wastewater Director of the City of Tampa may issue a wastewater discharge permit under Section 4.7 of the Technical Manual or modify an existing wastewater discharge permit under Section 5.3 of the Technical Manual in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

B. Duty to Provide Information

The permittee shall furnish to the City of Tampa, within a reasonable time, at a frequency determined by the Wastewater Director, any information which the City of Tampa may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the City of Tampa upon request, copies of records required to be kept by this permit.

SECTION 6 - ENFORCEMENT

A. Recovery of Damages

The permittee, violating any of the provisions of this permit, such as, but not limited to violations of the effluent discharge limits, and/or violations of the requirements of Chapter 26, of the City of Tampa Code, the Technical Manual, Federal, State, and/or local laws, rules, and regulations, as amended, causing a discharge producing a deposit or obstruction, and/or causing damage to or otherwise inhibiting the City of Tampa's POTW, Treatment Works, and/or other infrastructure, caused by such violation or discharge, and/or any other action or nonaction by permittee, its employees, agents, representatives, or other persons, that lead to any type or nature of damages, expense, loss, costs, and/or penalty to be suffered by the City of Tampa, the City of Tampa shall bill the permittee for the costs incurred for any cleaning, repair, or replacement work caused by the violation or discharge, and/or for any other type of expense loss, damage, and/or penalty as described above. Refusal to pay the assessed costs shall constitute a violation of the terms and conditions of this permit, Chapter 26 of the City of Tampa Code, and the Technical Manual.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

The City of Tampa may recover reasonable attorney fees, court costs, court reporter fees, and other expenses of litigation by appropriate suit at law against the permittee or person found in violation of the terms and conditions of the permit, Chapter 26, of the City of Tampa Code, Technical Manual, and applicable Federal, State, and/or local laws, rules, and regulations.

B. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for non-compliance with this permit, and applicable requirements under Chapter 26 of the City of Tampa Code, Technical Manual, Federal, State, and local laws, rules, and regulations.

C. Penalties for Violations

Pursuant to Chapter 26 of the City of Tampa Code, and the Technical Manual, any person who is found to have violated any condition of the permit issued under the requirements of Chapter 26 of the City of Tampa Code, and the Technical Manual, is subject to a penalty not to exceed One Thousand Dollars (\$1000.00) per day, or by imprisonment for a period not exceeding six (6) months, or by both, for each offense. Each separate violation shall constitute a separate offense and upon conviction of a specified ordinance violation, each day of violation shall constitute a separate violation.

AUTHORIZATION OF APPROVED REPRESENTATIVE

Industrial User Name _____

Address _____

Date _____

Discharge Permit No. _____

To: Industrial Waste Division
City of Tampa
2700 Maritime Blvd.
Tampa, FL 33605

I, _____, hereby certify that I am a responsible corporate officer, manager, general partner or proprietor of the above named company and that I am in charge of principal business functions and am able to perform policy and decision making functions for the company.

I hereby duly authorize _____, whose signature also appears below to be my representative. I authorize my representative to sign all Industrial Pretreatment self-monitoring certification statements on my behalf.

Signed _____

Title _____

Signature of Authorized Representative _____

Title of Representative _____

Industry Name Diversified Environmental Services, Inc.

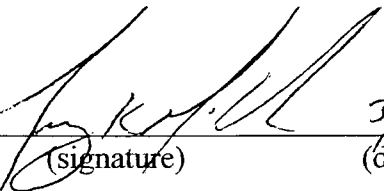
Permit No. 1058

Acceptance of Permit

Diversified Environmental Services, Inc. accepts the conditions of the permit and agrees
(name of company)

to meet the conditions herein.

Permit period: April 1, 2010 through March 31, 2012

By  3/29/10
(signature) (date)

*Name Gerry McCormick

Title President

* Must be the owner or an authorized representative of the company.

CITY OF TAMPA
WASTEWATER DEPARTMENT
INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Close	Add Comment	Show docs related to...
-------	-------------	-------------------------

Incident #: SWP090401 - 2189

SWP 411 on 04/01 at 02:08 PM

Last Modified: 04/01 at 02:08 PM

County: Hillsborough

Bilge Slops Release

Incident Details

Incident Type:	Petroleum Spill
Incident Status:	Closed
Incident Severity:	Level 2
	2 - A spill between 25 - 10,000 gallons on land or between 0 - 10,000 gallons into marine waters; or between 0 - 1,000 gallons into inland waters.
Incident Occurred Date/Time:	04/01/2009 02:08 PM EDT
Caller:	Gary McCormick
Caller Address:	
Callback #:	813 918 3773 Time of Call: 04/01/2009 02:08 PM EDT
Caller Represents:	Diversified Environmental Services

Comments

NRC Fax # 901520 states " Verbatim' caller states "Verbatim" caller stated while bringing their barge back in from pumping slop from another vessel, they bumped into another vessel and put a hole in the side of their tank

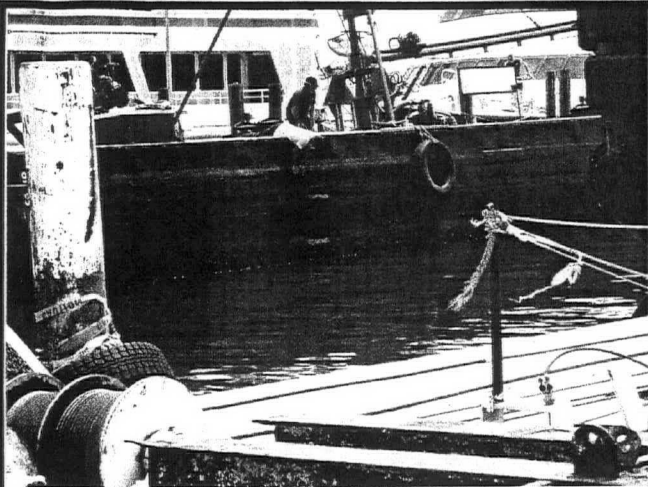
▼ Incident Location

On Scene Contact:	
On-Scene Phone #:	
Facility Name:	
Facility Address:	2531 Causeway Blvd
Facility City:	Tampa

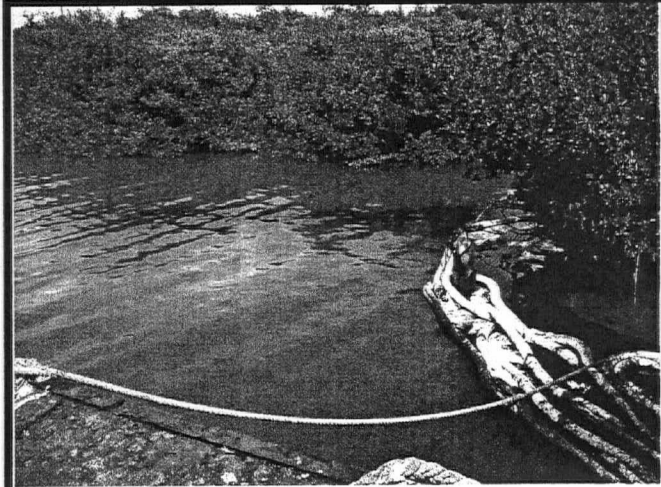
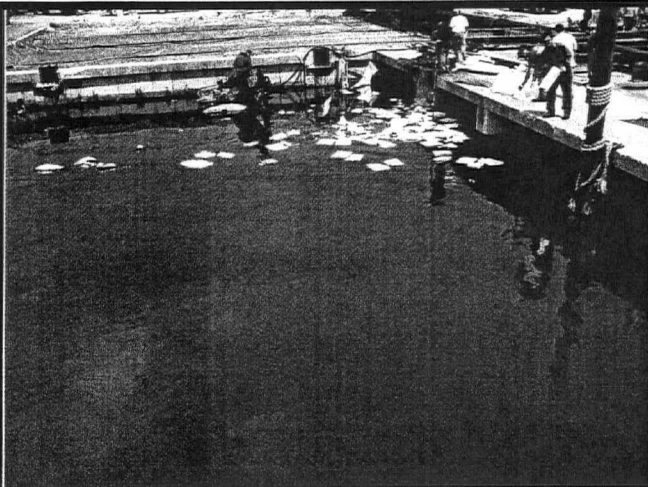
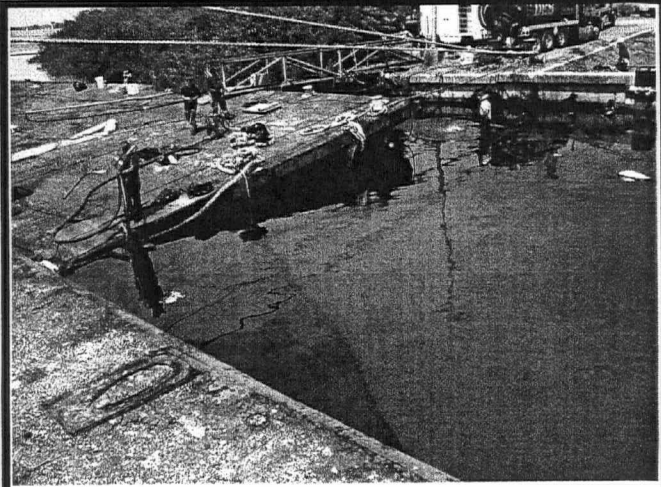
Number Injured:	
Number of Fatalities:	
Number Missing:	
Evacuations/Shelters:	
Damage:	
File Attachment:	

▼ Petroleum Spill Details

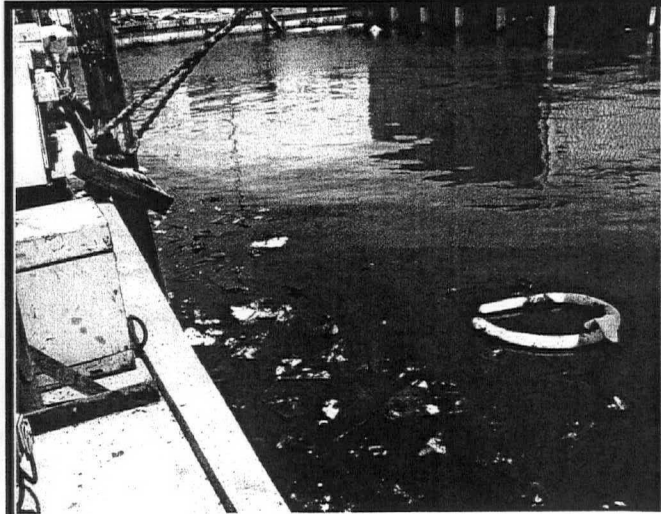
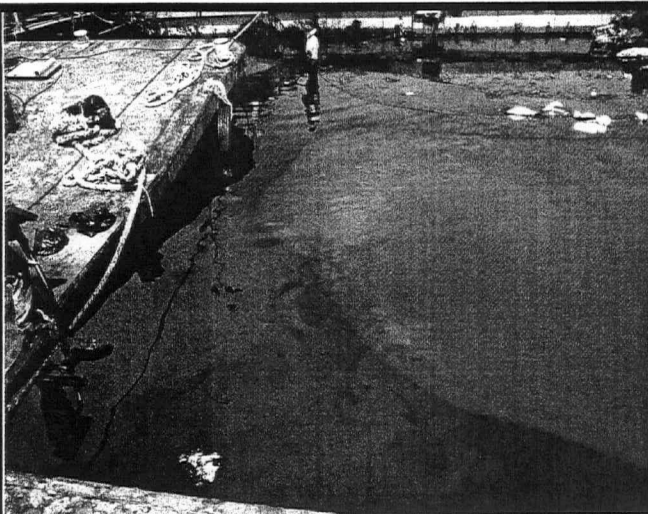
Responsible Party:	Gary McCormick
Responsible Party Address:	1201 North 22nd Street
Responsible Party Phone:	813 918 3773
Materials Involved:	
Container:	Other: bilge
Container Size:	
Amount Released:	unknown
Rate of Release:	
Cause of Release:	
Estimated Spill Extent:	
Time Discovered:	



Workers lean over barge edge to view puncture hole (near water line in photo).



Oil and booms by mangroves.



ResponseLINK Home >> NRC >> #901520

Skip to main content



ResponseLINK

OFFICE OF RESPONSE AND RESTORATION

NOAA's NATIONAL OCEAN SERVICE

NRC Notification #901520**Report Date** 2009-04-01**Incident Date** None**Region** 04**County** HILLSBOROUGH**City** TAMPA**State** FL**Quantity Released** 0 UNKNOWN AMOUNT**Source** VESSEL**Affected Area** TAMPA BAY

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 901520

INCIDENT DESCRIPTION

*Report taken by: CIV NYDIA RAWLS at 12:00 on 01-APR-09

Incident Type: VESSEL

Incident Cause: UNKNOWN

Affected Area: TAMPA BAY

Incident occurred on 01-APR-09 at 11:30 local incident time.

Affected Medium: WATER TAMPA BAY

REPORTING PARTY

Name: GARY MCCORMICK

Organization: DIVERSIFIED ENVIRONMENTAL SERVICES

Address: 1201 N 22ND STREET

TAMPA, FL 33605

DIVERSIFIED ENVIRONMENTAL SERVICES reported for the responsible party.

PRIMARY Phone: (813)9183773 ALTERNATE Phone: (201)5628240

Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY

Name: GARY MCCORMICK
Organization: DIVERSIFIED ENVIRONMENTAL SERVICES
Address: 1201 N 22ND STREET
TAMPA, FL 33605
PRIMARY Phone: (813)9183773 ALTERNATE Phone: (201)5628240

INCIDENT LOCATION

2531 CAUSEWAY BLVD. County: HILLSBOROUGH
City: TAMPA State: FL

RELEASED MATERIAL(S)

CHRIS Code: BSS Official Material Name: BILGE SLOPS
Also Known As:
Qty Released: 0 UNKNOWN AMOUNT Qty in Water: 0 UNKNOWN AMOUNT

DESCRIPTION OF INCIDENT

CALLER STATED WHILE BRINGING THEIR BARGE BACK IN FROM PUMPING SLOP FROM ANOTHER VESSEL, THEY BUMPED INTO ANOTHER VESSEL AND PUT A HOLE IN THE SIDE OF THEIR TANK.

SENSITIVE INFORMATION

INCIDENT DETAILS

Platform Rig Name:
Platform Letter:
Location Area ID:
Location Block ID:
OCSG Number:
OOSP Number:
State Lease Number:
Pier Dock Number:
Berth Slip Number:
---WATER INFORMATION---
Body of Water: TAMPA BAY
Tributary of: GULF OF MEXICO
Nearest River Mile Marker:
Water Supply Contaminated: NO
---VESSEL INFORMATION---
Name: CRYSTAL RIVER Number: UNKNOWN Aground: NO
Flag: UNITED STATES OF AMERICA
Length: 210 Breadth: Draught:
Type: TANKER
Hull Construction:
Fuel Capacity: 11000 BARREL(S)
Fuel on Board: 4000 BARREL(S)
Cargo Capacity: 0 UNKNOWN AMOUNT
Cargo on Board: 0 UNKNOWN AMOUNT

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES: NO	Hospitalized:	Empl/Crew:	Passenger:
FATALITIES: NO	Empl/Crew:	Passenger:	Occupant:
EVACUATIONS: NO	Who Evacuated:	Radius/Area:	

Damages: NO

Closure Type Description of Closure

Hours Direction of
Closed Closure

N

Air:

N

Road:

N

Waterway:

N

Track:

Major
Artery:N

Environmental Impact: UNKNOWN

Media Interest: NONE Community Impact due to Material:

REMEDIAL ACTIONS

BOOMS WERE PLACED IN THE WATER, VAC TRUCK AND SKIMMERS WILL REMOVE THE REMAINING MATERIAL FROM THE WATER.

Release Secured: YES

Release Rate:

Estimated Release Duration:

WEATHER

Weather: SUNNY, °F

ADDITIONAL AGENCIES NOTIFIED

Federal: NONE

State/Local: NONE

State/Local On Scene:

State Agency Number:

NOTIFICATIONS BY NRC

USCG HSOC AT DHS (USCG HSOC DESK)

01-APR-09 12:09 (202)2828114

USCG ICC (ICC ONI)

01-APR-09 12:09 (301)6693363

CG INVESTIGATIVE SERVICE HQ (WFO)

01-APR-09 12:09 (202)4936607

INFO FOR CRITICAL MFG SECTOR (MAIN OFFICE)

01-APR-09 12:09 (703)2353049

DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

01-APR-09 12:09 (202)3661863

U.S. EPA IV (MAIN OFFICE)

(404)6504955

FLORIDA DEPT OF HEALTH (COMMAND CENTER)

01-APR-09 12:09 (850)2454117

NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)

01-APR-09 12:09 (202)2829201

NOAA RPTS FOR FL (MAIN OFFICE)

01-APR-09 12:09 (206)5264911

SECTOR ST PETERSBURG (MARINE SAFETY OFFICE)

(727)8247543

FL EMERGENCY RESPONSE COMMISSION (MAIN OFFICE)

01-APR-09 12:09 (850)4139911

U.S. CUSTOMS & BORDER PROTECTION FL (FUSION CENTER)

01-APR-09 12:09 (305)9869616

ADDITIONAL INFORMATION

NO FURTHER INFORMATION GIVEN.

*** END INCIDENT REPORT #901520 ***

Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

You are user **chris.rossbach@dep.state.fl.us** with **Responder** permissions. [Logout]



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US Government main portal: USA.gov.

Need help with this site? Contact orr.incidentnews@noaa.gov.

NATIONAL RESPONSE CENTER 1-800-424-8802

GOVERNMENT USE ONLYGOVERNMENT USE ONLY***

Information released to a third party shall comply with any
applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 901520

INCIDENT DESCRIPTION

*Report taken by: CIV NYDIA RAWLS at 12:00 on 01-APR-09
Incident Type: VESSEL
Incident Cause: UNKNOWN
Affected Area: TAMPA BAY
Incident occurred on 01-APR-09 at 11:30 local incident time.
Affected Medium: WATER TAMPA BAY

REPORTING PARTY

Name: GARY MCCORMICK
Organization: DIVERSIFIED ENVIRONMENTAL SERVICES
Address: 1201 N 22ND STREET
TAMPA, FL 33605

DIVERSIFIED ENVIRONMENTAL SERVICES reported for the responsible party.
PRIMARY Phone: (813)9183773 ALTERNATE Phone: (201)5628240
Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY

Name: GARY MCCORMICK
Organization: DIVERSIFIED ENVIRONMENTAL SERVICES
Address: 1201 N 22ND STREET
TAMPA, FL 33605
PRIMARY Phone: (813)9183773 ALTERNATE Phone: (201)5628240

INCIDENT LOCATION

2531 CAUSEWAY BLVD. County: HILLSBOROUGH
City: TAMPA State: FL

RELEASED MATERIAL(S)

CHRIS Code: BSS Official Material Name: BILGE SLOPS
Also Known As:
Qty Released: 0 UNKNOWN AMOUNT Qty in Water: 0 UNKNOWN AMOUNT

DESCRIPTION OF INCIDENT

CALLER STATED WHILE BRINGING THEIR BARGE BACK IN FROM PUMPING SLOP
FROM ANOTHER VESSEL, THEY BUMPED INTO ANOTHER VESSEL AND PUT A HOLE
IN THE SIDE OF THEIR TANK.

SENSITIVE INFORMATION

INCIDENT DETAILS

Platform Rig Name:
Platform Letter:
Location Area ID:
Location Block ID:
OCSG Number:
OCSP Number:
State Lease Number:
Pier Dock Number:
Berth Slip Number:
---WATER INFORMATION---
Body of Water: TAMPA BAY

04/01/2009 12:09PM (GMT-04:00)
APR 01 2009 12:09 PM

Tributary of: GULF OF MEXICO
Nearest River Mile Marker:
Water Supply Contaminated: NO
---VESSEL INFORMATION---
Name: CRYSTAL RIVER Number: UNKNOWN Aground: NO
Flag: UNITED STATES OF AMERICA
Length: 210 Breadth: Draught:
Type: TANKER
Hull Construction:
Fuel Capacity: 11000 BARREL(S)
Fuel on Board: 4000 BARREL(S)
Cargo Capacity: 0 UNKNOWN AMOUNT
Cargo on Board: 0 UNKNOWN AMOUNT

IMPACT

Fire Involved: NO Fire Extinguished: UNKNOWN

INJURIES: NO Hospitalized: Empl/Crew: Passenger:
FATALITIES: NO Empl/Crew: Passenger: Occupant:
EVACUATIONS: NO Who Evacuated: Radius/Area:

Damages: NO

Closure Type	Description of Closure	Hours Closed	Direction of Closure
Air:	N		
Road:	N		Major Artery: N
Waterway:	N		
Track:			

Environmental Impact: UNKNOWN
Media Interest: NONE Community Impact due to Material:

REMEDIAL ACTIONS

BOOMS WERE PLACED IN THE WATER, VAC TRUCK AND SKIMMERS WILL REMOVE THE REMAINING MATERIAL FROM THE WATER.
Release Secured: YES
Release Rate:
Estimated Release Duration:

WEATHER

Weather: SUNNY, ||F

ADDITIONAL AGENCIES NOTIFIED

Federal: NONE
State/Local: NONE
State/Local On Scene:
State Agency Number:

NOTIFICATIONS BY NRC

USCG HSOC AT DHS (USCG HSOC DESK)
01-APR-09 12:09 (202)2828114
USCG ICC (ICC ONI)
01-APR-09 12:09 (301)6693363
CG INVESTIGATIVE SERVICE HQ (WFO)
01-APR-09 12:09 (202)4936607
INFO FOR CRITICAL MFG SECTOR (MAIN OFFICE)
01-APR-09 12:09 (703)2353049
DOT CRISIS MANAGEMENT CENTER (MAIN OFFICE)

04/01/2009 12:09PM (GMT-04:00)

01-APR-09 12:09 (202)3661863
U. S. EPA IV (MAIN OFFICE)
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FLORIDA DEPT OF HEALTH (COMMAND CENTER)
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01-APR-09 12:09 (206)5264911
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FL EMERGENCY RESPONSE COMMISSION (MAIN OFFICE)
01-APR-09 12:09 (850)4139911
U. S. CUSTOMS & BORDER PROTECTION FL (FUSION CENTER)
01-APR-09 12:09 (305)9869616

ADDITIONAL INFORMATION

NO FURTHER INFORMATION GIVEN.

*** END INCIDENT REPORT #901520 ***

Report any problems by calling 1-800-424-8802
PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>

2/24/90 LQG/ISO

* FLD 984 183 566

DES

9/24/90

12/10/92 SQG

1201 N 22nd ST #200 (1825 Knox Rd)

1/5/94 NHR

NOTIFIED 3/18/96

SQG/VO TRANS-POTTER/

3/26/96 SQG/Address change
3/26/96 NHR

SITE NAME - DES

VO FILTERS

10/9/90 TRANS (HW)

FLD 984 167 833

DES (1825 Knox Rd) 9/24/90

3/13/93 NHR

1201 N 22nd St. #100

3/26/96 address change

NOTIFIED 7/19/99

NHR/HW TRANS/VO TRANS

4/10/97 870072
7/13/97 LQG/TRANS

FLD 984 183 566

SITE NAME - TAMPA BAY MARINE SERVICE

FLD 982 099 533

DMT

1 BARGE AVE

NOTIFIED 3/21/95

NHR

SITE NAME - DMT

10/18/90 LQG

FLD 984 182 733

ELK RIVER CORP

3/18/93 NHR

2531 22nd ST CAUSEWAY S.

NOTIFIED 2/24/93

NHR

SITE NAME DMT

Diversified Environmental Services

FLD 984183 566

1201 N 22 St, #200

Site 37414

1996 Notif

SQG

Transporter Oil

registered

Transfer FAC

Diversified Environmental Services

FLD 984 167 833

1201 N 22nd St #100

Site 37247

1999 Notif

NHR

HW Transporter

not registered

Transporter Used Oil

Diversified Marine Tech

FLD 982 099 533

1 BARGE Ave

1995 Notif

NHR

ELK River Corp

2531 22nd St. Causeway

FLD 984 182 733

Site 37415

1993

Notif

NHR

DES

FLD 984183566

1201 N. 22nd # 200

SDG

OIL TRANSPORTER

DES FLD 984167833

HW TRANSPORTER

OIL 11

1201 N. 22nd #100

DEP ROUTING AND TRANSMITTAL SLIP

TO: (NAME, OFFICE, LOCATION)

3. _____

1. _____

4. _____

2. _____

5. _____

PLEASE PREPARE REPLY FOR:

____ SECRETARY'S SIGNATURE

____ DIV/DIST DIR SIGNATURE

____ MY SIGNATURE

____ YOUR SIGNATURE

____ DUE DATE _____

ACTION/DISPOSITION

____ DISCUSS WITH ME

____ COMMENTS/ADVISE

____ REVIEW AND RETURN

____ SET UP MEETING

____ FOR YOUR INFORMATION

____ HANDLE APPROPRIATELY

____ INITIAL AND FORWARD

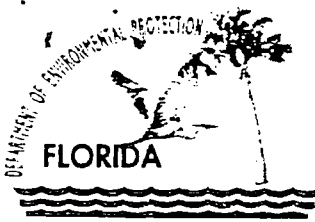
____ SHARE WITH STAFF

____ FOR YOUR FILES

COMMENTS:

Ernstine

FROM: _____ DATE: _____ PHONE: _____



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

MAILED BACK 2/19/03

Enclosed is your Used Oil Registration Renewal Package for the period July 1, 2003 through June 30, 2004. Included in this packet is the following:

Check List

This sheet **must** be completed and returned with your registration.

62-701.900(12)Application Form

Please indicate all categories that apply to you.

62-701.900(14)Used Oil and Used Oil Filter Handlers Annual Report

This form must be completed and filed with your renewal. (Optional for Filter Handlers.)

62-701.900(15)Certificate of Liability Insurance for Used Oil Transporters

We must have a Certificate of Liability Insurance Form completed with original signatures in our files. We can accept the Certificate of Insurance (ACORD) form only if you are renewing with the same insurance carrier.

Copies of the following Rules are available upon request:

Chapter 62-710, Florida Administrative Code (FAC), Used Oil Management

Chapter 62-701, (FAC), selected passages relevant to the management of Used Oil

Chapter 403, Florida Statutes, selected passages relevant to the management of Used Oil

March 1, 2003 is the due date for all annual reports and renewals. If your completed registration is received by March 30, 2002, your new Used Oil Handler certificate will be mailed to you no later than June 1, 2002.

If you have any questions pertaining to this renewal registration, please contact Rick Neves by phone at 850/245-8707, or by e-mail to: richard.neves@dep.state.fl.us

MAILING ADDRESS: Department of Environmental Protection
Post Office Box 3070
Hazardous Waste Management Section, MS 4555
Tallahassee, Florida 32315-3070



Department of Environmental Protection

1st Office Box 3070 Tallahassee, Florida 32399-24

Form Title Application for Registration
Used Oil & Oil Filter Handlers
Effective Date March 25, 1997

Application for Registration Used Oil and Oil Filter Handlers*

*Handlers are any persons subject to the registration requirements of Rule 62-710.500 and 62-710.850, 4, F.A.C. (see item 4b below)

For registration period July 1, 2003 through June 30, 2004

Please print or type

1. Business Name DIVERSIFIED ENVIRONMENTAL SERVICES INC. FEID No. 592055432
DBA (Doing Business As) TAMPA BAY MARINE SERVICES Telephone No. (813) 248-3256
Business Mailing Address: P.O. Box 5357
City: TAMPA County HILLSBOROUGH State: FL Zip Code: 33675-5357

Site Address: 1201 N. 22ND STREET
City: TAMPA County HILLSBOROUGH State: FL Zip Code: 33605

2. Name of Contact Person (if different from owner/operator) EUGENE R. RUSSEL
Telephone No. (813) 248-3256

3. The records required under the provisions of Rule 62-710.510, F.A.C. are kept (check one):
☐ at our mailing (business) address ☒ at the site (facility) address

4. Make \$100.00 fee check or money order payable to Florida Department of Environmental Protection

4a. Registration Status: New ☒ Renewal EPA ID No. FLD 984 183 566

4b. Check boxes which apply to your used oil/used oil filter activity(ies).

Used Oil: ☒ Transporter ☒ Transfer Facility ☐ Marketer ☐ Processor ☐ Burner of off-spec used oil

Used Oil Filter: ☒ Transporter ☒ Transfer Facility ☐ Processor ☐ End User

5. Certification

5a. General Certification to be signed by all Registrants:

To the best of my knowledge and belief I certify the information provided in this application is true, accurate and correct.

EUGENE R. RUSSEL
Name of Authorized Person (Print or Type)

Eugene R. Russel
Signature of Authorized person

2-18-03
Date

5b. Specific Certification to be signed by all Used Oil Transporters

(Except those exempted by Rule 62-710.600(1), F.A.C.)

I certify as a Used Oil Transporter that the training program and financial responsibility required under Section 62-710.600, F.A.C., are in place, current and being adhered to. If any modifications have been made to the originally approved training program, they are explained in attachments to this registration form. Evidence of financial responsibility is demonstrated by the attached Used Oil Transporter Certificate of Liability Insurance, DEP form 62-701.900(15), F.A.C.

EUGENE R. RUSSEL
Name of Authorized Person (Print or Type)

Eugene R. Russel
Signature of Authorized person

2-18-03
Date

Use this form to comply with the requirements for registration of used oil and used oil filter transportation and processing operations found in Sections 620-710.500 and 62-710.850, Florida Administrative Code (F.A.C.).

Who must register?

1. Each person who transports over public highways used oil in shipments greater than 55-gallons.
2. Each person who processes used oil for recycling.
3. Each person who markets used oil.
4. Each person who burns off-specification used oil fuel for energy recovery.
5. Each person who transports for hire used oil filters.
6. Each person who accepts shipments of segregated used oil filters from a non-registered person.
7. Used oil filter transporters and transfer facilities.
8. Used oil filter processors.

Who must certify?

1. Any person transporting over public highways more than 500 gallons of used oil annually, except those exempted under 62-710.600(1), F.A.C.

Definitions

1. "Used oil processing" means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other oil-derived products. Processing includes: blending used oil with virgin petroleum products, blending used oils to meet the fuel specifications, filtration, simple distillation, chemical or physical separation.
2. "Used oil marketer" means any person who: a) directs a shipment of off-specification used oil from their facility to a used oil burner; or b) first claims that used oil that is to be burned for energy recovery meets the used oil fuel specifications set forth in Part 279.11 of the Chapter 40 of the Code of Federal Regulations (CFR).
3. "Used oil burner" means a facility where used oil not meeting the specifications in 40 CFR, Part 279.11 is burned for energy recovery in devices identified in 40 CFR Part 279.61(a).
4. "Used oil filter" means any device which is an integral part of an oil flow system, the primary purpose of which is to remove contaminants from the flowing oil contained within the system and, as a result of use, has become contaminated and unsuitable for its original purpose, is removed from service, and contains entrapped used oil.

Section 1

Business Name: Give the business name under which you are applying for registration.

DBA: If you are doing used oil business at your facility location under a fictitious name other than the business name listed above, you are required to submit these fictitious names on your application in order for your registration number to apply to these operations.

FEID: Your federal employer identification number, or your social security number used for tax purposes.

Section 4

Your EPA ID number (obtained by submitting EPA Form 8700-12 to this Department) will serve as your used oil activity identification number. If you are renewing your registration number will remain the same from year to year. However, your registration number must be updated annually. Your registration will be valid from July 1 of the year of registration or the initial registration to June 30 of the following year. There is one registration fee of \$100.00 per site, regardless of the number of used oil activities your business is involved in at that site.

Section 5

Each person who fills out this registration form must sign the General Certification clause (5a). Each person who transports over public highways more than 500 gallons of used oil annually, except those exempted under 62-710.600(1), F.A.C., must sign the Specific Certification (5b).

62-710.600 Certification of Used Oil Transporters

(1) Any person who transports over public highways after January 1, 1990, more than 500 gallons of used oil annually, not including oily waste, shall be a certified used oil transporter, except:

(a) Local governments or private solid waste haulers under contract to a local government that transport used oil collected from households to a public used oil collection center; or

(b) Persons who transport less than 55 gallons of used oil at one time that is stored in tightly closed containers which are secured in a totally enclosed section of the transport vehicle.

Any questions concerning this form may be referred to the Used Oil Coordinator, MS 4555, Department of Environmental Protection 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Phone (850) 245-8707



Annual Report by Used Oil and Used Oil Filter Handlers*

(*Handlers are any persons subject to the registration requirements of rule 62-710.500 and 62-710.850, F.A.C. [See Section A, Box 5 below])
for reporting period January 1, 2002 through December 31, 2002

Use the information recorded in your Record Keeping Form [62-701.900(13) or equivalent] to complete this document

SECTION A TO BE COMPLETED BY ALL REGISTERED PERSONS

1. Company Name: DIVERSIFIED ENVIRONMENTAL SERVICES INC. Telephone No. (813) 248-3256
Site Address: 1201 N. 22ND STREET TAMPA FL. 33605
3. EPA ID No. FLD 984 183 566
☐ Check box if any of the above items (1-3) have changed since your last registration
4. Name of person preparing report (please print) EUGENE R. RUSSEL
Title VICE PRESIDENT Phone number (if different from #2, above) ()
5. Type of operation (check as many as apply to your operations)
Used Oil: ☒ Transporter ☒ Transfer Facility ☐ Processor ☐ Marketer ☐ Burner (of off-specification used oil)
Used Oil Filter: ☒ Transporter ☒ Transfer Facility ☐ Processor ☐ End User

SECTION B USED OIL (TO BE COMPLETED BY ALL REGISTERED USED OIL HANDLERS. USED OIL FILTER HANDLERS SEE SECTION C)

1. Amount (in gallons) of Used Oil and Oily Wastes collected	Automotive	Industrial	Mixed	Total
a. In Florida.....		2,749,239		2,749,239
b. From out of state.....				
c. Beginning Inventory <u>From MARINE VESSELS</u>				528,619
d. Total (sum of totals from Lines a + b + c).....				3,277,858

2. Amount (in gallons) of Used Oil and Oily Wastes Managed

N - Not an end use, transferred to another facility.....

O - Marketed as an on-specification used oil fuel.....

F - Marketed as an off-specification used oil fuel.....

I - Marketed for an industrial process.....

B - Burned as an off-specification used oil fuel

D - Disposed of

Landfilled.....

Treated at a wastewater treatment unit.....

Incinerated.....

3. Total amount (in gallons) of used oil managed.....

4. End of year, on hand estimate (Difference between Lines 1D and Line 3).....

In State	Out of State
549,722	
2,727,936	
3,277,858	
-0-	

SECTION C USED OIL FILTERS (OPTIONAL) (USE TABLE IN DIRECTION 1 TO CONVERT TONS OF FILTERS TO NUMBERS)

1. Number of filters on hand from previous year.....	- 0 -
2. Number of used oil filters collected.....	5,031
3. Total number of used oil filters on hand at beginning of year.....	- 0 -
4. Number of used oil filters end used	
a. Transferred to another registered facility.....	
b. Burned for energy recovery at a Waste-To-Energy facility.....	5,031
c. Recycled at metal foundry.....	
d. TOTAL.....	5,031
5. End of year, on had estimate (Difference between Lines 3 and Line 4d).....	- 0 -
6. Gallons of used oil collected as a result of filter processing.....	- 0 -
7. Gallons of used oil transferred to a used oil handler (transporter or processor).....	- 0 -
8. Volume of oily waste collected and managed as a result of filter processing.....	- 0 -
9. Description of oily waste management.....	

DIRECTIONS FOR COMPLETING SECTION C. USED OIL FILTERS (OPTIONAL)

One **55-gallon** drum of **crushed** used oil filters = approximately **400** used oil filters

One **55 gallon** drum of **uncrushed** used oil filters = approximately **250** used oil filters

One **ton** of drained used oil filters = approximately **2,350** used oil filters

1. List the number of Used Oil Filters on hand, from previous year's inventory.
2. List the number of Used Oil Filters collected.
3. Sum of Lines 1 + Line 2.
4. List the number of filters managed by your facility in the appropriate blocks.
5. Enter the number of filters on hand at your site as of December 31, last year.
6. Fill in the number of gallons of used oil collected by your filter operation.
7. Enter the number of gallons transferred to a used oil transporter or processor.
8. List the volume (gallons or cubic yards) of the oily wastes collected through your filter handling. Oily wastes are identified in Chapter 62-701.200(76) of the Florida Administrative Code and include bottom sludges, sorbents, wipes etc.
9. Describe how oily wastes were managed (sent to a WTE, hazardous waste facility, landfilled after appropriate testing, etc.).

Any questions concerning this form may be referred to the Used Oil Coordinator, MS 4555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, Phone (850) 245-8707

2002

Brought in on manifests 2,749,239 GAL

From vessels 528,619 GAL

TOTAL BROUGHT IN 3,277,858 GAL

GALLONS DISPOSED OF 2,727,936

GALONS OIL SOLD 549,922 20%

3,277,858

2,271 north 5% mit 500 gal hydrogen
5% 5% water 27,496

2001

LAST YEAR 2,829,072

620,144

3,449,216

DISPOSED 2,899,741

OIL 549,475

CHECKLIST

This sheet must be returned with your renewal registration.

Email Contact or web page address: _____

- ☒ Registration Form. **Please be sure that it is signed.**
- ☒ Registration Fee. \$100.00. Please make checks payable to the Florida Department of Environmental Protection. (Permitted Processors are not required to remit fee)

Transporters only need to complete the following (Check all that apply):

- ☒ This company holds Used Oil for more than 24 hours but less than 35 days.
- ☒ This company transfers all used oil to a processing facility.
- ☐ This company accepts used oil from other transporters.
- ☐ This company markets used oil as on-spec/off-spec product. (Circle which applies)

Training Certification: (Indicate which response applies.)

- ☒ This company has previously submitted a training manual which was approved by the Department of Environmental Protection. ***There have been no changes to the training program.***
- ☐ This company has previously submitted a training manual which was approved by the Department of Environmental Protection. ***The training program has been modified and the changes are enclosed.*** New driver certifications are also enclosed.
- ☐ This company transports ***only used oil filters and is exempt*** from training manual, insurance, record keeping and reporting requirements under 62-710.600, F.A.C.

Proof of Insurance: (Indicate which response applies.)

- ☒ Certificate of Liability Insurance Form 62-710.900(4) signed by insurance company.
- ☐ Certificate of Insurance (ACORD) signed by insurance company for the renewal of an existing policy previously filed on a Certificate of Liability Insurance Form.

Ernest R. Ruml
Signed

2-18-03
Date



Department of Environmental Protection
FDEP MS 46 2800 Blair Stone Road Tallahassee, Florida 32304

FDEP Form 602-701 (00/01/02)
Form Title Certificate of Liability Insurance
Used Oil Transporters
Effective Date March 20, 1992

Certificate of Liability Insurance Used Oil Transporters

Please Print or Type Form

INDIAN HARBOR INSURANCE CO. (the Insurer), 70 DEERVIEW AVE, STAMFORD, CT 06902
(Name of the Insurer) (Address of the Insurer)

hereby certifies that it has issued liability insurance covering bodily injury and property damage for sudden accidental

occurrences to DIVERSIFIED ENTERPRISES INC. (the Insured), 1201 N. 22ND STREET TAMPA FL 33605
(Name of the Insured) (Address of the Insured)

whose EPA identification number is FLD 984 187 566 in connection with the insured's obligation to demonstrate financial responsibility under Florida Administrative Code Rule 62-710.600(2)(d). The insurance is primary and the company

shall be liable for amounts up to \$2,000,000 less the deductible or retention of \$2,500

for each accident exclusive of legal defense costs. If a deductible or retention is applied, its amount may not exceed 10% of

the equity of the insured. This coverage is provided under policy number PEL 000630702, issued on

10/1/02. The expiration date of said policy is 10/1/03 or the annual renewal date is
(Date) (Date)

10/1/03
(Date)

The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under this policy.

The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer.

Whenever requested by the Secretary (or designee) of the Florida Department of Environmental Protection (FDEP), the insurer agrees to furnish to the Department a signed duplicate original of the policy and all endorsements.

Cancellation of the insurance, whether by the insurer or the insured or by any other termination of the insurance (e.g. expiration or non-renewal), will be effective only upon written notice and only after the expiration of thirty-five (35) days after a copy of such written notice is received by the Secretary of the FDEP as evidenced by certified mail return receipt.

The insurer shall not be liable for the payment of any judgment or judgments against the insured for claims resulting from accidents which occur after the termination of the insurance described herein, but such termination shall not affect the liability of the insurer for the payment of any such judgments resulting from accidents which occur during the time the policy is in effect.

Insurer hereby certifies that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess

plus lines insurer, in one or more

states, including Florida.

Patrick Higgins
(Signature of Insurer or Authorized Representative)

Authorized Representative of

PATRICK HIGGINS
(Name)

INDIAN HARBOR INSURANCE CO.
(Name of Insurer)

PRESIDENT

6035 MORROW ST., JACKSONVILLE FL
(Address of Representative)

32217

DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

19608

FL. Dept. Environmental Protec

Check Number: 19608
Check Date: Feb 17, 2003

Check Amount: \$100.00
Discount Taken Amount

Invoice Number

Invoice Date

100.00



DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

P.O. BOX 5357
TAMPA, FLORIDA 33675
(813) 248-3256

BANKATLANTIC
LITHIA OFFICE
BRANDON, FLORIDA 33511

19608

63-8376/2670
1204

Feb 17, 2003

DATE

*****\$100.00

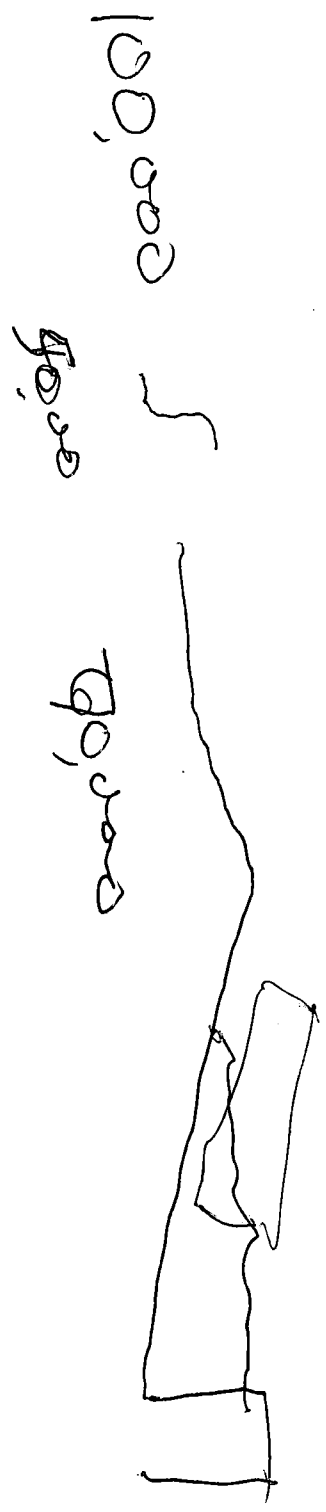
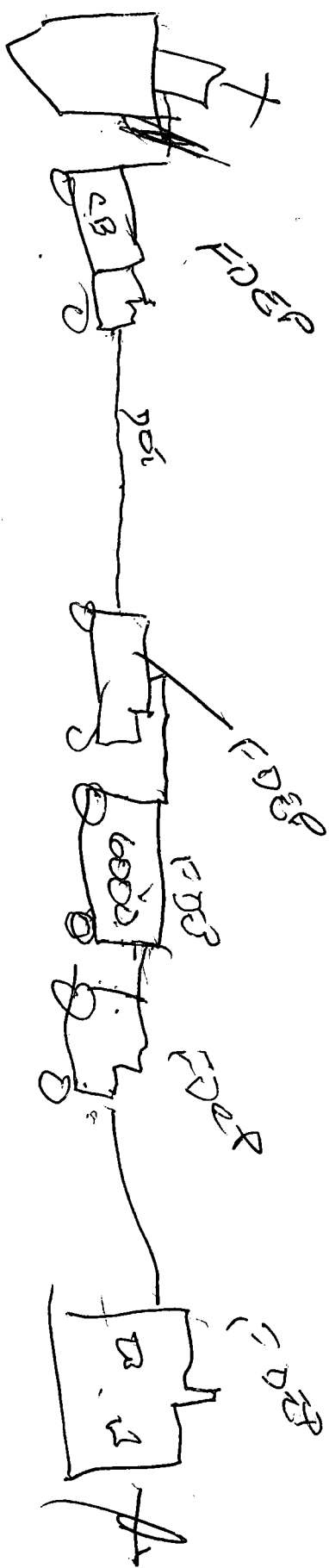
AMOUNT

Memo: Used Oil Registration Fee
One Hundred and 00/100 Dollars

PAY
TO THE
ORDER
OF

FL. Dept. Environmental Protec
P O BOX 3070
Tallahassee, FL 32399-2400

⑈019608⑈ ⑆267083763⑆ 0055273880⑈



Florida Department of State, Division of Corporations

Corporations Online

www.sunbiz.org

Public Inquiry

TAMPA BAY MARINE SERVICES

1201 NORTH 22ND STREET

TAMPA, FL 33605

Document Number

G01194900111

Status

ACTIVE

Date Filed

07/16/2001

Expiration Date

12/31/2006

Current Owners

000000001

County

HILLSBOROUGH

Total Pages

000000001

Events Filed

000000000

FEI Number

NONE

No Filing History

[Previous on List](#)[Return to Name List](#)[Next on List](#)

Owner Information

Name & Address	FEI Number	Charter Number
DIVERSIFIED ENVIRONMENTAL SERVICES, INC. 1201 NORTH 22ND STREET TAMPA, FL 33605	59-3055432	K98506

Document Images

Listed below are the images available for this filing.

[G01194900111 -- 07/16/2001 -- REGISTRATION](#)

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Fictitious Name Inquiry](#)[Fictitious Name Help](#)

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

FILED
Jul 16, 2001 8:00 am
Secretary of State

1. Tampa Bay Marine Services
 Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")
1201 North 22nd Street

Mailing Address of Business
Tampa Florida 33605
 City State Zip Code

3. Florida County of principal place of business: Hillsborough
 (see instructions if more than one county)

4. FEI Number: _____

GO11848001111
 -07213/01--01074--044
 ***60.00

This space for office use only

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. Last _____ First _____ M.I. _____	2. Last _____ First _____ M.I. _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
SS# _____ (not mandatory)	SS# _____ (not mandatory)

B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):

1. <u>Diversified Environmental Services, Inc.</u> Entity Name <u>1201 North 22nd Street</u> Address <u>Tampa</u> <u>Florida</u> <u>33605</u> City State Zip Code Florida Registration Number <u>K98506</u> FEI Number: <u>59-3055432</u> <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	 Entity Name Address City State Zip Code Florida Registration Number FEI Number: <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
--	---

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

<u>[Signature]</u> <u>7-10-01</u> Signature of Owner Date	<u>[Signature]</u> _____ Signature of Owner Date
Phone Number: <u>(813) 248-3256</u>	Phone Number: _____

FOR CANCELLATION COMPLETE SECTION 4 ONLY: FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:

I (we) the undersigned, hereby cancel the fictitious name _____
 _____, which was registered on _____ and was assigned
 registration number _____

Signature of Owner _____	Date _____	Signature of Owner _____	Date _____
--------------------------	------------	--------------------------	------------

Mark the applicable boxes ☒ Certificate of Status — \$10 ☐ Certified Copy — \$30
FILING FEE: \$50

CR4E001 (9/00)

[Signature]
7/16/01

2004 FOR PROFIT CORPORATION ANNUAL REPORT (AR)

FILED
Mar 02, 2004 8:00 am
Secretary of State

03-02-2004 90020 031 ***150.00



MOORE CR2E034 (11/03)

DOCUMENT # K98506 1. Entity Name DIVERSIFIED ENVIRONMENTAL SERVICES, INC.					
Principal Place of Business 1201 N. 22ND STREET TAMPA FL 33605-5314 US			Mailing Address P.O. BOX 5357 TAMPA FL 33675		
2. Principal Place of Business Suite, Apt. #, etc.			3. Mailing Address Suite, Apt. #, etc.		
City & State			City & State		
Zip		Country		Zip	
Country		Country		4. FEI Number 59-3055432	
5. Certificate of Status Desired <input type="checkbox"/>				Applied For Not Applicable	
6. Name and Address of Current Registered Agent MCCORMICK, GERRY K 1201 N. 22ND STREET TAMPA FL 33605				7. Name and Address of New Registered Agent Name Street Address (P.O. Box Number is Not Acceptable) City FL Zip Code	
8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.					
SIGNATURE _____ (NOTE: Registered Agent signature required when reinstating) DATE _____					
FILE NOW!!! FEE IS \$150.00 After May 1, 2004 Fee will be \$550.00 Make Check Payable to Florida Department of State				9. Election Campaign Financing Trust Fund Contribution. <input type="checkbox"/> \$5.00 May Be Added to Fees	
10. OFFICERS AND DIRECTORS			11. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 11		
TITLE NAME STREET ADDRESS CITY-ST-ZIP	PD MCCORMICK, GERRY KYLE 1201 N. 22ND STREET TAMPA FL 33605	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	VP CAMPBELL, ROBERT 1201 N. 22ND STREET TAMPA FL 33605	<input checked="" type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	DV RUSSEL, EUGENE 1201 N. 22ND STREET TAMPA FL 33605	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	CFO ROBERTS, MARK 1201 N. 22ND ST. TAMPA FL 33605	<input checked="" type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	D MCCORMICK, JR., GARRY 1201 NORTH 22ND STREET TAMPA FL 33605	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete	<input type="checkbox"/> Delete		TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> Addition
12. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.					
SIGNATURE: _____ 2/5/04 <small>SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Date Daytime Phone #</small>					

Florida Department of State, Division of Corporations

Corporations Online

www.sunbiz.org

Public Inquiry

TAMPA BAY MARINE SERVICES

1201 NORTH 22ND STREET
TAMPA, FL 33605Document Number
G01194900111Status
ACTIVEDate Filed
07/16/2001Expiration Date
12/31/2006Current Owners
000000001County
HILLSBOROUGHTotal Pages
000000001Events Filed
000000000FEI Number
NONE

No Filing History

[Previous on List](#)[Return to Name List](#)[Next on List](#)

Owner Information

Name & Address	FEI Number	Charter Number
DIVERSIFIED ENVIRONMENTAL SERVICES, INC. 1201 NORTH 22ND STREET TAMPA, FL 33605	59-3055432	K98506

Document Images

Listed below are the images available for this filing.

G01194900111 -- 07/16/2001 -- REGISTRATION

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Fictitious Name Inquiry](#)[Fictitious Name Help](#)

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

FILED
Jul 16, 2001 8:00 am
Secretary of State

1. Tampa Bay Marine Services
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")
1201 North 22nd Street

Mailing Address of Business
Tampa Florida 33605
City State Zip Code

3. Florida County of principal place of business: Hillsborough
(see instructions if more than one county)

4. FEI Number: _____

601134800111
 -07/13/01--01074--044
 ***601.00

This space for office use only

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. Last _____ First _____ M.I. _____	2. Last _____ First _____ M.I. _____
Address _____	Address _____
City _____ State _____ Zip Code _____	City _____ State _____ Zip Code _____
SS# _____ (not mandatory)	SS# _____ (not mandatory)

B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):

1. <u>Diversified Environmental Services, Inc.</u> <small>Entity Name</small> <u>1201 North 22nd Street</u> <small>Address</small> <u>Tampa</u> <u>Florida</u> <u>33605</u> <small>City State Zip Code</small> Florida Registration Number <u>K98506</u> FEI Number: <u>59-3055432</u> <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	 <small>Entity Name</small> Address _____ City _____ State _____ Zip Code _____ Florida Registration Number _____ FEI Number: _____ <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
---	--

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located...I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required).

<u>[Signature]</u> <u>7-10-01</u> <small>Signature of Owner Date</small>	 <small>Signature of Owner Date</small>
Phone Number: <u>(813) 248-3256</u>	Phone Number: _____

FOR CANCELLATION COMPLETE SECTION 4 ONLY: FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:

I (we) the undersigned, hereby cancel the fictitious name _____
 _____, which was registered on _____ and was assigned
 registration number _____

Signature of Owner _____	Date _____	Signature of Owner _____	Date _____
--------------------------	------------	--------------------------	------------

Mark the applicable boxes ☒ Certificate of Status — \$10 ☐ Certified Copy — \$30
FILING FEE: \$50

CR#E001 (9/00)

SECTION 3

SECTION 4

[Signature]
7/16/01



Jeb Bush
Governor

Department of Environmental Protection

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

David B. Sorrels
Secretary

FAX TRANSMITTAL COVER SHEET

DATE: 5-11-04

TO: Jim Drogne

AGENCY: _____

PHONE NUMBER: _____

FAX NUMBER: 813-744-2625

OF PAGES (INCLUDING COVER SHEET): 98

FROM: Shirleen

DIVISION/BUREAU: _____

OUR FAX NUMBER: 850-245-8811

If any of the pages are not clearly received, please call
850-245-8707 or SUNCOM 205-8707

SENDER'S NAME: _____

COMMENTS: _____

Call with any Questions

850-245-8754

SC - 205-8754

Shirleen

June 6, 2002

Mr. Eugene R. Russell
Tampa Bay Marine Services
P O Box 5357
Tampa FL 33675-5357

BE IT KNOWN THAT

Tampa Bay Marine Services
1201 N 22nd St
Tampa

IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, and Filter Transporter

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C.)

The Department of Environmental Protection hereby issues
Registration Number **FLD984183566** on June 6, 2002

This registration will expire on June 30, 2003

This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your cancelled check are your receipts.

Richard C. Neves
Environmental Specialist
Hazardous Waste Management Section



Department of Environmental Protection
Twin Towers Office Bldg., 2600 Blair Stone Road Tallahassee, Florida 32399-2400

415152 MAR 12 2002
Form Title Application for Registration
Used Oil & Oil Filter
Handlers
Effective Date March 25, 1997

Application for Registration Used Oil and Oil Filter Handlers*

(*Handlers are any persons subject to the registration requirements of Rule 62-710.500 and 62-710.850, 4, F.A.C. [see item 4b below])

For registration period July 1, 2002 through June 30, 2003

Please print or Type Form

- Business Name DIVERSIFIED ENVIRONMENTAL SERVICES INC. FEID No. 593055432
DBA (Doing Business As) TAMPA BAY MACHINE SERVICES Telephone No. (813) 248-3256
Business Mailing Address: P.O. Box 5357
City: TAMPA County: HILLSBOROUGH State: FL Zip Code: 33675-5357
Site Address: 1201 N. 22ND STREET
City: TAMPA County: HILLSBOROUGH State: FL Zip Code: 33605
- Facility Owner/Operator: GERRY E. MCCORMICK Telephone No. (813) 248-3256
Address P.O. Box 5357
City: TAMPA County: HILLSBOROUGH State: FL Zip Code: 33675-5357
- Name of Contact Person (if different from owner/operator) EUGENE R. RUSSEL
Telephone No. (813) 248-3256
- Make \$100.00 fee check or money order payable to Florida Department of Environmental Protection
FLD 984 183 566

4a. Registration Status: New X Renewal EPA ID No. FLD 984 183 566

4b. Check boxes which apply to your used oil/used oil filter activity(ies).

Used Oil: ☒ Transporter ☒ Transfer Facility ☐ Marketer ☐ Processor ☐ Burner of off-spec used oil

Used Oil Filter: ☒ Transporter ☐ Transfer Facility ☐ Processor ☐ End User

5. Certification

5a. General Certification to be signed by all Registrants

To the best of my knowledge and belief I certify the information provided in this application is true, accurate and correct.

HAZARDOUS WASTE

EUGENE R. RUSSEL
Name of Authorized Person (Print or Type)

Eugene R. Russel
Signature of Authorized person

3/5/02
Date

5b. Specific Certification to be signed by all Used Oil Transporters

(Except those exempted by Rule 62-710.600(1), F.A.C.)

I certify as a Used Oil Transporter that the training program and financial responsibility required under Section 62-710.600, F.A.C., is in place, current and being adhered to. If any modifications have been made to the originally approved training program, they are explained in attachments to this registration form. Evidence of financial responsibility is demonstrated by the attached Used Oil Transporter Certificate of Liability Insurance, DEP form 62-701.900(15), F.A.C.

EUGENE R. RUSSEL
Name of Authorized Person (Print or Type)

Eugene R. Russel
Signature of Authorized person

3/5/02
Date



Department of Environmental Protection

Twin Towers Office Bldg. 2800 Blair Stone Road Tallahassee, Florida 32399-2400

DEP Form #82-701.800(14)
Form Title Annual Report by Used Oil
and Used Oil Filter Handlers
Effective Date March 25, 1997

Annual Report by Used Oil and Used Oil Filter Handlers*

(*Handlers are any persons subject to the registration requirements of rule 62-710.500 and 62-710.850, F.A.C. [See Section A, Box 5 below])
for reporting period January 1, 2001 through December 31, 2001

Use the information recorded in your Record Keeping Form (82-701.800(13) or equivalent) to complete this document

SECTION A TO BE COMPLETED BY ALL REGISTERED PERSONS

1. Company Name: DIVERSIFIED ENVIRONMENTAL SERVICES 2. Telephone No. (813) 248-8256
- Mailing Address: P.O. BOX 5357 TAMPA FL 33675-5357
3. EPA ID No. FLD 984 183 566
- ☐ Check box if any of the above items (1-3) have changed since your last registration
4. Name of person preparing report (please print) EUGENE R. RUSSEL
- Title VICER PRESIDENT Phone number (if different from #2, above) ()
5. Type of operation (check as many as apply to your operations)
- Used Oil: ☒ Transporter ☒ Transfer Facility ☐ Processor ☐ Marketer ☐ Burner (of off-specification used oil)
- Used Oil Filter: ☐ Processor

SECTION B USED OIL (TO BE COMPLETED BY ALL REGISTERED USED OIL HANDLERS. USED OIL FILTER HANDLERS SEE SECTION C)

1. Amount (in gallons) of Used Oil and Oily Wastes collected

a. In Florida.....

b. From out of state.....

c. Beginning Inventory..... F.R.O.M. MAR 1st 1999

Automotive	Industrial	Mixed	Total
	<u>2,829,072</u>		<u>2,829,072</u>
			<u>620,144</u>
			<u>3,449,216</u>

d. Total (sum of totals from Lines a + b + c).....

2. Amount (in gallons) of Used Oil and Oily Wastes Managed

N - Not an end use, transferred to another facility.....

O - Marketed as an on-specification used oil fuel.....

F - Marketed as an off-specification used oil fuel.....

I - Marketed for an industrial process.....

B - Burned as an off-specification used oil fuel HAZARDOUS WASTE

D - Disposed of

Landfilled.....

Treated at a wastewater treatment unit.....

Incinerated.....

3. Total amount (in gallons) of used oil managed.....

4. End of year, on hand estimate (Difference between Lines 1D and Line 3).....

In State	Out of State
<u>549,475</u>	
<u>2,899,741</u>	
<u>3,449,216</u>	
<u>- 0 -</u>	

OK

August 13, 2003

Mr. Eugene R. Russell
Tampa Bay Marine Services
P O Box 5357
Tampa FL 33675-5357

BE IT KNOWN THAT

Tampa Bay Marine Services
1201 N 22nd St
Tampa

IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, Filter Transporter, and Filter Transfer Facility

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C.)

The Department of Environmental Protection hereby issues
Registration Number **FLD984183566** on August 13, 2003

This registration will expire on June 30, 2004

This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your cancelled check are your receipts.

Richard C. Neves
Environmental Specialist
Hazardous Waste Management Section



Department of Environmental Protection

Post Office Box 3070 Tallahassee, Florida 32399-24

Used Oil & Oil Filter Handlers
Effective Date: 07-01-1997

Application for Registration Used Oil and Oil Filter Handlers*

*Handlers are any persons subject to the registration requirements of Rule 62-710.500 and 62-710.950, 4, F.A.C. (see item 4b below)
For registration period July 1, 2003 through June 30, 2004
Please print or type

1. Business Name: DIVERSIFIED ENVIRONMENTAL SERVICES, INC. FEID No. 592055432
DBA (Doing Business As): TAMPA BAY MARINE SERVICES Telephone No. (813) 248-3256
Business Mailing Address: P.O. Box 5357
City: TAMPA County: HILLSBOROUGH State: FL Zip Code: 33625-5357

Site Address: 1201 N 22ND STREET
City: TAMPA County: HILLSBOROUGH State: FL Zip Code: 33605

2. Name of Contact Person (if different from owner/operator): EUGENE R. RUSSEL
Telephone No. (813) 248-3256

3. The records required under the provisions of Rule 62-710.510, F.A.C. are kept (check one):
☐ at our mailing (business) address ☒ at the site (facility) address

4. Make \$100.00 fee check or money order payable to Florida Department of Environmental Protection

4a. Registration Status: New ☒ Renewal EPA ID No. FLD 984 183 566

4b. Check boxes which apply to your used oil/used oil filter activity(ies).

Used Oil: ☒ Transporter ☒ Transfer Facility ☐ Marketer ☐ Processor ☐ Burner of off-spec used oil

Used Oil Filter: ☒ Transporter ☒ Transfer Facility ☐ Processor ☐ End User

5. Certification

5a. General Certification to be signed by all Registrants:

To the best of my knowledge and belief I certify the information provided in this application is true, accurate and correct.

Eugene R. Russel
Name of Authorized Person (Print or Type)

Eugene R. Russel
Signature of Authorized person

2-18-03
Date

5b. Specific Certification to be signed by all Used Oil Transporters

(Except those exempted by Rule 62-710.600(1), F.A.C.)

I certify as a Used Oil Transporter that the training program and financial responsibility required under Section 62-710.600, F.A.C., are in place, current and being adhered to. If any modifications have been made to the originally approved training program, they are explained in attachments to this registration form. Evidence of financial responsibility is demonstrated by the attached Used Oil Transporter Certificate of Liability Insurance, DEP form 62-701.900(15), F.A.C.

Eugene R. Russel
Name of Authorized Person (Print or Type)

Eugene R. Russel
Signature of Authorized person

2-18-03
Date

Department of Environmental Protection
FDEP, MS 4555, 2600 Blair Stone Road Tallahassee, Florida 32399-2400

Used Oil Filter Handlers
Effective Date March 25, 1997

Annual Report by Used Oil and Used Oil Filter Handlers*

(*Handlers are any persons subject to the registration requirements of rule 62-710.500 and 62-710.560, F.A.C. (See Section A, Box 5 below))
for reporting period January 1, 2002 through December 31, 2002
Use the information recorded in your Record Keeping Form (52-701.800(13) or equivalent) to complete this document

SECTION A TO BE COMPLETED BY ALL REGISTERED PERSONS

Company Name: DIVERSIFIED ENVIRONMENTAL SERVICES INC. Telephone No. (813) 248-3256
Site Address: 1201 N. 22ND STREET TAMPA FL 33605
3. EPA ID No. FLD 984 183 566

☐ Check box if any of the above items (1-3) have changed since your last registration

Name of person preparing report (please print) EUGENE R. RUSSELL
Title VICE PRESIDENT Phone number (if different from #2. above) ()

- i. Type of operation (check as many as apply to your operations)
- | | | | | |
|--|---|------------------------------------|-----------------------------------|---|
| Used Oil: <input checked="" type="checkbox"/> Transporter | <input checked="" type="checkbox"/> Transfer Facility | <input type="checkbox"/> Processor | <input type="checkbox"/> Marketer | <input type="checkbox"/> Burner (of off-specification used oil) |
| Used Oil Filter: <input checked="" type="checkbox"/> Transporter | <input checked="" type="checkbox"/> Transfer Facility | <input type="checkbox"/> Processor | <input type="checkbox"/> End User | |

SECTION B USED OIL (TO BE COMPLETED BY ALL REGISTERED USED OIL HANDLERS. USED OIL FILTER HANDLERS SEE SECTION C)

	Automotive	Industrial	Mixed	Total
1. Amount (in gallons) of Used Oil and Oily Wastes collected				
a. In Florida.....		2,749,239		2,749,239
b. From out of state.....				
c. Beginning inventory.....		From MARIK KRESLUS		528,619
d. Total (sum of totals from Lines a + b + c).....				3,277,858

2. Amount (in gallons) of Used Oil and Oily Wastes Managed

- N - Not an end use, transferred to another facility.....
O - Marketed as an on-specification used oil fuel.....
F - Marketed as an off-specification used oil fuel.....
I - Marketed for an industrial process.....
B - Burned as an off-specification used oil fuel.....
D - Disposed of
Landfilled.....
Treated at a wastewater treatment unit.....
Incinerated.....

In State	Out of State
549,722	
2,727,936	
3,277,858	
-0-	

3. Total amount (in gallons) of used oil managed.....
4. End of year, on hand estimate (Difference between Lines 1D and Line 3).....

and Used Oil Filter Management
Effective Date March 25, 1997

SECTION C USED OIL FILTERS (OPTIONAL) (USE TABLE IN DIRECTION 1 TO CONVERT TONS OF FILTERS TO NUMBERS)

- Number of filters on hand from previous year.....
- Number of used oil filters collected.....
- Total number of used oil filters on hand at beginning of year.....
- Number of used oil filters end used
- Transferred to another registered facility.....
 - Burned for energy recovery at a Waste-To-Energy facility.....
 - Recycled at metal foundry.....
 - TOTAL.....
- End of year, on hand estimate (Difference between Lines 3 and Line 4d).....
- Gallons of used oil collected as a result of filter processing.....
- Gallons of used oil transferred to a used oil handler (transporter or processor).....
- Volume of oily waste collected and managed as a result of filter processing.....
- Description of oily waste management.....

- 0 -
5,031
- 0 -
5,031
5,031
- 0 -
- 0 -
- 0 -
- 0 -

DIRECTIONS FOR COMPLETING SECTION C. USED OIL FILTERS (OPTIONAL)

One 55-gallon drum of crushed used oil filters = approximately 400 used oil filters

One 55 gallon drum of uncrushed used oil filters = approximately 250 used oil filters

One ton of drained used oil filters = approximately 2,350 used oil filters

- List the number of Used Oil Filters on hand, from previous year's inventory.
- List the number of Used Oil Filters collected.
- Sum of Lines 1 + Line 2.
- List the number of filters managed by your facility in the appropriate blocks.
- Enter the number of filters on hand at your site as of December 31, last year.
- Fill in the number of gallons of used oil collected by your filter operation.
- Enter the number of gallons transferred to a used oil transporter or processor.
- List the volume (gallons or cubic yards) of the oily wastes collected through your filter handling. Oily wastes are identified in Chapter 62-701.200(76) of the Florida Administrative Code and include bottom sludges, sorbents, wipes etc.
- Describe how oily wastes were managed (sent to a WTE, hazardous waste facility, landfilled after appropriate testing, etc.).

Any questions concerning this form may be referred to the Used Oil Coordinator, MS 4555, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, FL 32399-2400. Phone (850) 245-8707



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

APR 23 1996

Diversified Environmental Services, Inc.
P.O. Box 5357
Tampa, FL 33675-5357

Attention: Mr. Gerry McCormick

RE: Warning Letter #88466
Diversified Environmental Services, Inc.
EPA ID# FLD984183566
Hillsborough County

Dear Mr. McCormick:

A review of the file for the referenced case indicates that all the violations cited in the Warning Letter have been corrected. Please be advised that this letter does not apply to the Tampa Bay Marine Services facility at 1825 Knox Road or Diversified Marine Tech at 2531 22nd Street Causeway South. Thank you for your cooperation. This enforcement action is now closed.

Sincerely,

William Kutash
Administrator
Division of Waste Management

WK/tjr

cc: Carole Mercer, HCEPC
Panduranga Ojili, BWP&R
Alan Farmer, USEPA, Region IV
Compliance File



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

FEB 23 1996

Diversified Environmental Services, Inc.
P.O. Box 5986
Tampa, FL 33625

Attention: Mr. Gerry McCormick

RE: Warning Letter #88466
Diversified Environmental Services, Inc.
EPA ID# FLD984183566
Hillsborough County

Dear Mr. McCormick:

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 February 8, 1996, 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. Section 11 of the report lists a summary of alleged violations of Department Rules.

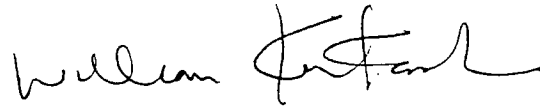
Section 403.727 Florida Statutes provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department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


You are requested to contact Timyn Rice at (813) 744-6100 extension 473 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. Alternatively, you may respond in writing within 30 days with documentation that all alleged violations have been corrected.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. If this matter cannot be

resolved within 90 days, under the Department's agreement with the United States Environmental Protection Agency (EPA), a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,



 Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

RDG/xxx

Enclosure

cc: Panduranga Ojili, BWP&R
Alan Farmer, USEPA, Region IV
Compliance File



FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943



September 22, 2003

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

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

Dear Mr. Pallas:

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

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

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

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

FOWLER WHITE BOGGS BANKER P.A.

FORT MYERS • NAPLES • ORLANDO • ST. PETERSBURG • TALLAHASSEE • TAMPA • WEST PALM BEACH

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

DMT/DES BACKGROUND

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

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

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

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

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

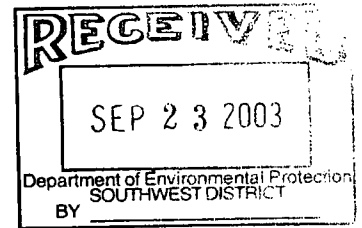
refer to the United States Supreme Court Case United States vs. Locke, 529 US 89). Also enclosed please find correspondence submitted to the FDEP on behalf of DES and DMT dated May 9, 2002, which provides the USCG Certificate of Documentation and Certificate of Inspection for the *Cottee River*.

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

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

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

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



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

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

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

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

US EPA INFORMATION REQUEST RESPONSES

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

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

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

(813) 248-3256

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

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

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

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

Response

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

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

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

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

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

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

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

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

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

Response:

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

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

Response:

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

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

Response:

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

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

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

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

Response:

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

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

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

Response:

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

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

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

Response:

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

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

Jeffrey T. Pallas, Chief
September 22, 2003
Page 11

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

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

Sincerely yours,



Ron H. Noble

RHN/6548

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

Enclosure



FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

January 16, 2002

Mr. James J. Dregne
Environmental Specialist II
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, FL 33619

RE: Diversified Marine Tech facility located at 2531 22nd Street Causeway South in
Tampa, Hillsborough County, Florida
DEP Warning Letter #245262

Dear Jim:

Pursuant to our recent telephone conversation, we would like to schedule a meeting with representatives of the Department's Southwest District to address the outstanding issues in connection with the above-referenced Warning Letter issued by the Department to Diversified Marine Tech. We have recently obtained additional information and discussed a proposed course of action which should allow the remaining issue to be addressed to the satisfaction of the Department and Diversified. We also want to discuss the ongoing confusion the Southwest District appears to have regarding the Cotee River barge. Please contact me at your earliest convenience to discuss a mutually acceptable meeting time.

We would also appreciate your coordinating with Mr. William Kutash of the Southwest District to determine his availability to attend this meeting. I believe we can reach resolution on these issues during a short meeting, and therefore, I hope that Mr. Kutash is able to attend. Obviously, we also believe that Ms. Elizabeth Knauss should attend this meeting. I look forward to hearing from you at your earliest convenience regarding available dates and times to meet within the next several weeks. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,

Ron H. Noble

RHN/5549

cc: Mr. Gene Russel

FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A.

TAMPA • CLEARWATER • FORT MYERS • ST. PETERSBURG • TALLAHASSEE

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



FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

May 9, 2002

Ashley Foster, Esquire
Assistant General Counsel
Florida Department of Environmental Protection
3900 Commonwealth Avenue; MS-35
Tallahassee, FL 32399

Re: Diversified Marine Tech DEP Warning Letter 245262
EPA ID #FLD 984 182 733

Dear Ms. Foster:

In connection with the Department's attempts to assert regulatory authority or jurisdiction over the Cottee River barge or for cargo stored in the Cottee River barge, I wanted to make sure you were aware that the Cottee River is a Certificated unmanned tank barge which is inspected by the United States Coast Guard. Mr. Dregne is aware of this Certification, however, as you research the applicable federal laws and cases, I wanted to be sure you had the appropriate documentation in the event that Mr. Dregne had failed to provide the Office of General Counsel same. Enclosed please find the Certificate of Inspection for the Cottee River issued by the United States Coast Guard.

I hope this will address any confusion which Mr. Dregne may have regarding the Department's legal authority or jurisdiction to regulate the Cottee River barge or any cargo inside the barge. Please give me a call at your earliest convenience regarding an update on the status of the Department's inquiries. As we previously discussed, in the event the Department intends to assert authority or jurisdiction over a Certificated vessel, the United States Coast Guard, the Port of Tampa and numerous domestic and international shipping interests need to be involved in these discussions. Again, please keep us advised regarding the status of the Department's inquiries. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,

Ron H. Noble

RHN/5773

cc: Mr. Gene Russel

Enclosure

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DEPT. OF TRANSP., USCG, CG-1270 (Rev. 8-82)



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

Certificate of Documentation

VESSEL NAME COTTEE RIVER			OFFICIAL NUMBER 173680		HAILING PORT TAMPA FL	
GROSS 767	NET 765	LENGTH 190.0	BREADTH 40.0	DEPTH 12.9	HULL MATERIAL STEEL	SELF PROPELLED NO
PLACE BUILT PORT ARTHUR TX					YEAR BUILT 1937	
OWNER DIVERSIFIED ENVIRONMENTAL SERVICES, INC.				OPERATIONAL ENDORSEMENTS COASTWISE REGISTRY		
COMPLETE RECORDS ON FILE AT: NATL VESSEL DOC CTR						
MANAGING OWNER DIVERSIFIED ENVIRONMENTAL SVCS 1201 N 22ND STREET TAMPA, FL 33605						
RESTRICTIONS NONE						
ENTITLEMENTS NONE						
REMARKS NONE						
THIS CERTIFICATE MAY NOT BE ALTERED EXCEPT BY AFFIXING OFFICIAL RENEWAL AND ADDRESS CHANGE DECALS ON THE REVERSE.						
ISSUED AT NATL VESSEL DOC CTR				SIGNATURE AND SEAL <i>Jairos Butler</i> JAIROS BUTLER DOCUMENTATION OFFICER		
ISSUE DATE APRIL 18, 1997				THIS CERTIFICATE EXPIRES ON THE LAST DAY OF APR98 UNLESS RENEWED BY DECAL ON REVERSE. JB		



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

CERTIFICATION DATE: 18MAY01

EXPIRATION DATE: 15AUG02

Certificate of Inspection

VESSEL NAME COTTEE RIVER	OFFICIAL NUMBER D173680	CALL SIGN	SERVICE TANK BARGE		
HOME PORT NATL VESSEL DOC CTR	HULL MATERIAL STEEL	HORSEPOWER	PROPULSION NONE		
PLACE BUILT PORT ARTHUR TX	DATE BUILT 15DEC37	GROSS TONS 767	NET TONS 765	DWT	LENGTH 190.08
OWNER DIVERSIFIED ENVIRONMENTAL SVCS INC 1201 N 22ND ST TAMPA, FL 33605	OPERATOR DIVERSIFIED ENVIRONMENTAL SVCS INC 1201 N 22ND ST TAMPA, FL 33605				

THIS VESSEL MUST BE MANNED WITH THE FOLLOWING LICENSED AND UNLICENSED PERSONNEL, INCLUDED IN WHICH THERE MUST BE 0 CERTIFICATED LIFEBOATMEN AND 0 CERTIFICATED TANKERMEN.

___ MASTER	___ MASTER & 1ST CLASS PILOT	___ ABLE SEAMEN	___ CHIEF ENGINEER	___ FIREMEN-WATERTENDERS
___ CHIEFMATE	___ CLASS PILOT	___ ORDINARY SEAMEN	___ 1ST ASST. ENGINEER	___ OILERS
___ 2ND MATE	___ RADIO OFFICER(S)	___ DECKHANDS	___ 2ND ASST. ENGINEER	
___ MATES	___ OPERATOR(S)		___ ENG'RS.	

IN ADDITION, THIS VESSEL MAY CARRY 0 PASSENGERS, 0 OTHER PERSONS IN CREW, 0 PERSONS IN ADDITION TO CREW, AND TOTAL PERSONS ALLOWED: 0

ROUTE PERMITTED AND CONDITIONS OF OPERATION:

LAKES, BAYS, SOUNDS AND RIVERS

THIS IS A SINGLE SKIN UNMANNED TANK BARGE. ON JANUARY 1, 2015 THIS VESSEL MUST MEET THE U.S. DOUBLE HULL DESIGN STANDARDS OF 33 CFR 157.10d.

VESSEL MAY NOT CARRY CARGOES WITH A BENZENE CONTENT IN EXCESS OF 0.5 PERCENT BY VOLUME UNLESS THE OPERATIONAL REQUIREMENTS IN 46 CFR 197 SUBPART C ARE MET.

*** SEE NEXT PAGE FOR ADDITIONAL CERTIFICATE INFORMATION ***

WITH THIS INSPECTION HAVING BEEN COMPLETED AT TAMPA, FLORIDA
CERTIFIED BY THE OFFICER IN CHARGE, MARINE INSPECTION, TAMPA, FLORIDA
WITH THE APPLICABLE VESSEL INSPECTION LAWS AND THE RULES AND REGULATIONS PRESCRIBED THEREUNDER

ON 18MAY01, THIS VESSEL IS
TO BE IN ALL RESPECTS IN CONFORMITY

PERIODIC REINSPECTIONS			THIS CERTIFICATE ISSUED BY: S. FERGUSON, CDR, ACTING, USCG OFFICER IN CHARGE, MARINE INSPECTION TAMPA, FLORIDA INSPECTION ZONE
DATE	ZONE	SIGNATURE	



Certificate of Inspection

COTTEE RIVER

PAGE 2

CERTIFICATION DATE: 18MAY01

--- HULL EXAMS ---

-EXAM TYPE-

DRYDOCK
INTERNAL STRUCTURAL
CARGO TANK INTERNAL

-NEXT EXAM-

15AUG02
15AUG02
15AUG02

-LAST EXAM-

12OCT00
12OCT00
12OCT00

-PRIOR EXAM-

15AUG97
15AUG97
15AUG97

--- CARGO AUTHORITY ---

AUTHORIZATION/ PRODUCTS AND FLAMMABLE OR COMBUSTIBLE LIQUIDS

46CFR SUBCHAPTER D AUTHORITY: HIGHEST GRADE/ B CAPACITY/ 13690 UNITS/ BBLs
46CFR SUBCHAPTER O AUTHORITY: PART 151/ NO PART 153/ NO PART 154/ NO

--- INSPECTION STATUS ---

CARGO TANKS

-INTERNAL EXAM-

LAST NEXT
12OCT00 15AUG02

-EXTERNAL EXAM-

LAST NEXT

SAFETY

VALVES

--HYDRO TEST---

LAST NEXT

IDENTIFICATION

NO.1-4 P/S

--- FIRE FIGHTING EQUIPMENT ---

CONDITIONAL PORTABLE FIRE EXTINGUISHER REQUIREMENTS
2 B-II FIRE EXTINGUISHERS ARE REQUIRED DURING TRANSFER OF
CARGO OR OPERATION OF MACHINERY

*** END ***



United States of America
Department of Transportation
United States Coast Guard

Certification Date: 15 Oct 2002
Expiration Date: 15 Oct 2007
IMO Number:

Certificate of Inspection

Vessel Name COTTEE RIVER	Official Number 173880	Call Sign	Service Tank Barge
Hailing Port TAMPA FL	Hull Material Steel	Horsepower 0	Propulsion None
Place Built PORT ARTHUR TX, UNITED STATES	Delivery Date 15Dec1937	Gross Tons R-767	Net Tons R-765
		DWT 1	Length R-190.1
Owner DIVERSIFIED ENVIRONMENTAL SVCS PO BOX 5357 TAMPA, FL 33625	Operator DIVERSIFIED ENVIRONMENTAL SVCS PO BOX 5357 TAMPA, FL 33625		

This vessel must be manned with the following licensed and unlicensed personnel, included in which there must be 0 certified lifeboatmen, 0 certified tankermen, 0 HSC type rating, and 0 GMDSS Operators.

Master	Chief Mate	2nd Mate/OICNW	3rd Mate/OICNW	Master & 1st Class Pilot	Mate & 1st Class Pilot	Lic. Mate/OICNW	1st Class Pilot	Radio Officer(s)	Able Seamen/ROANW	Ordinary Seamen	Deckhands	Chief Engineer	1st Asst. Engr/2nd Engr.	2nd Asst. Engr/3rd Engr.	3rd Asst. Engr.	Lic. Engr.	QMED/Rating	Oilers

In addition, this vessel may carry 0 passengers, 0 other persons in crew, 0 persons in addition to crew, and no others. Total persons allowed: 0

Route Permitted and Conditions of Operation:

---Lakes, Bays, and Sounds---

THIS IS A SINGLE SKIN UNMANNED TANK BARGE. ON JANUARY 1, 2015 THIS VESSEL MUST MEET THE U.S. DOUBLE HULL DESIGN STANDARDS OF 33 CFR 157.10d.

VESSEL MAY NOT CARRY CARGOES WITH A BENZENE CONTENT IN EXCESS OF 0.5 PERCENT BY VOLUME UNLESS THE OPERATIONAL REQUIREMENTS IN 46 CFR 197 SUBPART C ARE MET.

COTE

SEE NEXT PAGE FOR ADDITIONAL CERTIFICATE INFORMATION

With this inspection for Certification having been completed at TAMPA, FL, the Officer in Charge, Marine Inspection, MSO TAMPA certified the vessel, in all respects, is in conformity with the applicable vessel inspection laws and the rules and regulations prescribed thereunder.

Annual/Periodic/Quarterly Reinspections			
Date	Zone	A/P/Q	Signature

This certificate issued by:

J. M. FARLEY, CAPTAIN, USCG

Officer in Charge, Marine Inspection

MSO TAMPA

Inspection Zone




UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION
UNITED STATES COAST GUARD

NATIONAL VESSEL DOCUMENTATION CENTER

CERTIFICATE OF DOCUMENTATION

VESSEL NAME COTTEE RIVER		OFFICIAL NUMBER 173680	IMO OR OTHER NUMBER	YEAR COMPLETED 1937	
HAILING PORT TAMPA FL		HULL MATERIAL STEEL		MECHANICAL PROPULSION NO	
GROSS TONNAGE 767 GRT	NET TONNAGE 765 NRT	LENGTH 180.1	BREADTH 40.1	DEPTH 12.9	
PLACE BUILT PORT ARTHUR TX					
OWNERS DIVERSIFIED ENVIRONMENTAL SERVICES, INC.		OPERATIONAL ENDORSEMENTS COASTWISE REGISTRY			
MANAGING OWNER DIVERSIFIED ENVIRONMENTAL SVCS PO BOX 5357 TAMPA, FL 33625					
RESTRICTIONS NONE					
ENTITLEMENTS NONE					
REMARKS NONE					
ISSUE DATE MARCH 18, 2003		 DIRECTOR, NATIONAL VESSEL DOCUMENTATION CENTER			
THIS CERTIFICATE EXPIRES APRIL 30, 2004					



**Department of Homeland Security
United States Coast Guard
National Pollution Funds Center
Arlington VA 22203-1804**



No. 844679 - 08

**VESSEL CERTIFICATE OF FINANCIAL RESPONSIBILITY
(WATER POLLUTION)**

Vessel Operator

DIVERSIFIED ENVIRONMENTAL SERVICES INC

has established evidence of financial responsibility, in accordance with 33 CFR 138, to meet liability under section 1002 of the Oil Pollution Act of 1990, and under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, which may result from the operation of the vessel named below:

Name of Vessel

COTTEE RIVER

Effective Date: 20JUN2003

Expiration Date: 20JUN2006

The use of this certificate is subject to the provisions of Part 138 of Title 33 of the Code of Federal Regulations, as it is or may be amended, and the conditions on the reverse side of this certificate. This certificate is invalid if there are any erasures or alterations hereon (except permitted by 33 CFR 138), and is void if the operator named hereon is not the party responsible for operating the vessel.

Edward C. Anthony

Chief, Vessel Certification
National Pollution Funds Center
By Direction

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Doc. No.	2. Page 1 of
3. Generator's Name and Mailing Address		1-01097		
Tug Valour Maritans Two Harbour Place, 302 Knights Run Ave. 12th. Fl Tam		813-209-0600		
5. Transporter 1 Company Name	6. US EPA ID Number	A. Transporter's Phone		
Tampa Bay Marine	FLD 984 183566	248-4605		
7. Transporter 2 Company Name	8. US EPA ID Number	B. Transporter's Phone		
9. Designated Facility Name and Site Address	10. US EPA ID Number	C. Facility's Phone		
Diversified Environmental Svcs. 2531 22nd S. Cswy Blvd Tampa, F	FLD 984 182733	248-4605		
11. Waste Shipping Name and Description	12. Containers	13. Total Quantity	14. Unit Wt/Vol	
a. Combustible Liquid NOS UN 1993	No. Type			
b.				
c.				
d.				
D. Additional Descriptions for Materials Listed Above		E. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information				
16. GENERATOR'S CERTIFICATION: I certify the materials described above on this manifest are not subject to federal regulations for reporting proper disposal of Hazardous Waste.				
Printed/Typed Name		Signature	Month Day Year	
GRANVILLE S. LILPS			10/10/01	
17. Transporter 1 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature	Month Day Year	
Sam Donohue			10/10/01	
18. Transporter 2 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature	Month Day Year	
KEITH SAHAR				
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in item 19.				
Printed/Typed Name		Signature	Month Day Year	
KEITH SAHAR			10/10/01	

TRANSPORTER #1

12-BLS-C5 Rev. 12/99

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Doc. No.	2. Page 1 of
3. Generator's Name and Mailing Address		1-01109		
Gulf Services" International Ship Repair 1616 Penny St Tampa, FL 33605		813-247-1118		TK# 287
4. Generator's US EPA ID No.	5. Transporter 1 Company Name	6. US EPA ID Number	A. Transporter's Phone	
	Tampa Bay Marine	FLD 984 183566	248-4605	
7. Transporter 2 Company Name	8. US EPA ID Number	B. Transporter's Phone		
9. Designated Facility Name and Site Address	10. US EPA ID Number	C. Facility's Phone		
Diversified Environmental Svc. 2531 S. 22nd St Tampa, FL 33619	FLD 984 182733	248-4605		
11. Waste Shipping Name and Description	12. Containers	13. Total Quantity	14. Unit Wt/Vol	
	No. Type			
a. Combustible Liquid NOS UN				
b. 1993				
c.				
d.				
D. Additional Descriptions for Materials Listed Above		E. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information				
16. GENERATOR'S CERTIFICATION: I certify the materials described above on this manifest are not subject to federal regulations for reporting proper disposal of Hazardous Waste.				
Printed/Typed Name		Signature		Month Day Year
MIKE CUTLER				01/10/01
17. Transporter 1 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature		Month Day Year
KEITH SAHADEO		Keith Sahadeo		01/10/01
18. Transporter 2 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature		Month Day Year
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in item 19.				
Printed/Typed Name		Signature		Month Day Year
Liz Collier Ortiz				01/10/01

TRANSPORTER #1

NON-HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Doc. No.	2. Page 1 of
3. Generator's Name and Mailing Address		1-01122		
Chemical Trader Marine Transport Lines 1200 Harbour Blvd Weehawken NJ 0708		813-248-9310		TKH 292
4. Generator's US EPA ID Number	6. US EPA ID Number	A. Transporter's Phone		
	FLD 984 183566	248-4605		
5. Transporter 1 Company Name	8. US EPA ID Number	B. Transporter's Phone		
Tampa Bay Marine				
7. Transporter 2 Company Name	10. US EPA ID Number	C. Facility's Phone		
		248-4605		
9. Designated Facility Name and Site Address				
Diversified Environmental Svc. 2531 S. 22nd St. Tampa, FL 33619		FLD 984 182733		
11. Waste Shipping Name and Description		12. Containers	13. Total Quantity	14. Unit Wt/Vol
		No.	Type	
a. Combustible Liquid NOS UN 1993		5	25000	
b.				
c.				
d.				
D. Additional Descriptions for Materials Listed Above		E. Handling Codes for Wastes Listed Above		
15. Special Handling Instructions and Additional Information				
16. GENERATOR'S CERTIFICATION: I certify the materials described above on this manifest are not subject to federal regulation for requiring proper disposal of Hazardous Waste.				
Printed/Typed Name		Signature	Month	Day
FEDERICO F. SUINZI		[Signature]	01	11
17. Transporter 1 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature	Month	Day
R. M. SAHADCE		[Signature]	01	11
18. Transporter 2 Acknowledgement of Receipt of Materials				
Printed/Typed Name		Signature	Month	Day
19. Discrepancy Indication Space				
20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in item 19.				
Printed/Typed Name		Signature	Month	Day

TRANSPORTER #1



FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943



August 14, 2003

Mr. Jewel Grubbs, Chief
RCRA Enforcement and Compliance Branch
Waste Management Division
United States Environmental Protection Agency
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-8960

Re: EPA RCRA Request for Information for Diversified Environmental Services located
at 1201 N. 22nd Street in Tampa, Florida

Dear Mr. Grubbs:

We are in receipt of the Environmental Protection Agency's correspondence dated August 5, 2003, which requested additional information in connection with alleged RCRA violations for the Diversified Environmental Services facility in Tampa, Florida. Diversified Environmental Services and this office are in the process of reviewing pertinent records and obtaining additional information responsive to EPA's request for information. However, it will not be possible for Diversified Environmental Services to complete this project and submit the requested responses to EPA within 14 calendar days of Diversified's receipt of EPA's August 5, 2003, correspondence. Therefore, the purpose of this correspondence is to request an extension of time to respond to the EPA Request for Information. Specifically, Diversified Environmental Services and this office request an additional 30-day extension of time from the requested submittal date.

If EPA is in agreement with this request for extension of time, Diversified Environmental Services will submit its responses to the EPA Request for Information on or before September 22,

FOWLER WHITE BOGGS BANKER P.A.

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TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • www.fowlerwhite.com

Mr. Jewel Grubbs, Chief
August 14, 2003
Page 2

2003. If EPA has any objection to this request, please contact me at your convenience to discuss a proposed course of action. Thank you in advance for your assistance and consideration of this request, and we look forward to working with EPA to resolve any outstanding issues and to document that the Diversified Environmental Services facility is in compliance with applicable RCRA requirements. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,



Ron H. Noble

RHN/6500

cc: Mr. Gene Russel
Mr. Jeffrey T. Pallas
Ms. Elizabeth Knauss

City of Tampa

Department of Sanitary Sewers

Howard F. Curren Advanced Wastewater Treatment Plant

To: Jim Dregne
From: John Daily, Environmental Lab Supervisor
Date: July 22, 2003
Subject: Diversified Environmental Services, Inc.

Per your request, attached is a copy of the facility's wastewater discharge permit and recent wastewater discharge figures.

J Daily

DIVERSIFIED ENVIRONMENTAL SERVICES

WASTEWATER DISCHARGE

		100'S CUBIC FT.	GALLONS
2002	JUN	328	245,344
	JUL	498	372,504
	AUG	275	205,700
	SEP	264	197,472
	OCT	247	184,756
	NOV	210	157,080
	DEC	124	92,752
2003	JAN	53	39,644
	FEB	478	357,544
	MAR	445	332,860
	APR	404	302,192
	MAY	564	421,872



CITY OF TAMPA

Department of Sanitary Sewers

Howard F. Curren
Advanced Wastewater Treatment Plant

Mr. Gerry McCormick
Diversified Environmental Services, Inc.
P.O. Box 5986
Tampa, FL 33675

March 28, 2002

Re: Issuance of a Wastewater Discharge Permit to Diversified Environmental Services, Inc.; DBA Tampa Bay Marine Services, by the City of Tampa, Department of Sanitary Sewers.

Dear Mr. McCormick:

The enclosed issued permit, No. 1058, governs the wastewater discharge from the facility located at 2313 2nd Ave., Tampa, Florida 33605, into the City of Tampa's wastewater collection system. All discharges from this facility and actions and reports relating thereto shall be in accordance with the terms and conditions of this permit.

The discharge permit is attached to this letter. I am enclosing two copies of the front page of the discharge permit with a block reserved for your signature indicating acceptance of the limitations and conditions specified in this permit. Please sign both copies of the front page of the permit and return one of the signed copies to Mr. John Daily, City of Tampa, Industrial Waste Section, 2700 Maritime Blvd., Tampa, FL 33605.

If you have any questions about this permit please do not hesitate to contact Mr. Daily at 247-3451.

Sincerely,

Ralph L. Metcalf II, P.E.
Director
Department of Sanitary Sewers

RLM:jmd

CITY OF TAMPA

DEPARTMENT OF SANITARY SEWERS

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Industry Name Diversified Environmental Services, Inc. Permit No. 1058

Acceptance of Permit

Diversified Environmental Services, Inc. accepts the conditions of the permit and agrees
(name of company)

to meet the conditions herein.

Permit period: April 1, 2002 through March 31, 2004

By  3/29/02
(signature) (date)

*Name Gerry McCormick

Title President

* Must be the owner or an authorized representative of the company.

(Return this signed page to the Industrial Waste Section)

Industry Name Diversified Environmental Services, Inc. Permit No. 1058

Acceptance of Permit

Diversified Environmental Services, Inc. accepts the conditions of the permit and agrees
(name of company)

to meet the conditions herein.

Permit period: April 1, 2002 through March 31, 2004

By _____
(signature) (date)

*Name Gerry McCormick

Title President

* Must be the owner or an authorized representative of the company.

City of Tampa
Department of Sanitary Sewers
Industrial Wastewater Discharge Permit

Cover Page

Permit No. 1058

In accordance with the provisions of Section 26-122 of the City of Tampa Code:

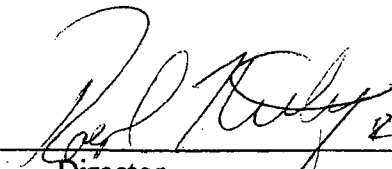
Company Name Diversified Environmental Services, Inc.
Address 2313 2nd Ave.
Telephone Number 248-3256
Name of Applicant Gerry McCormick

Is hereby authorized to discharge industrial wastewater from the above identified facility and through the outfalls identified herein into the City of Tampa sewer system in accordance with the conditions set forth in this permit. Compliance with this permit does not relieve the permittee of its obligation to comply with any or all applicable pretreatment regulations, standards or requirements under local, State, and Federal laws, including any such regulations, standards, requirements, or laws that may become effective during the term of this permit.

Noncompliance with any term or condition of this permit shall constitute a violation of the City of Tampa sewer use ordinance.

This permit shall become effective on April 1, 2002
and shall expire at midnight on March 31, 2004

If the permittee wishes to continue to discharge after the expiration date of this permit, an application must be filed for a renewal permit a minimum of 90 days prior to the expiration date.



Director
Department of Sanitary Sewers

3/28/02

Date

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

PART 1 - APPLICABLE EFFLUENT LIMITATIONS

SECTION 1 - EFFLUENT DISCHARGE LIMITS

- A. During the period of this permit, the permittee is authorized to discharge process wastewater to the City of Tampa from only the outfall described below.

Description of outfalls:

Outfall

Description

001

Outfall 001 is the discharge of the treated water storage tanks located at the northeast corner of the pretreatment facility. All process wastewater is discharged to the City of Tampa from this outfall.

- B. During the period of this permit the discharge from outfall 001 must comply with the following pretreatment regulations established in 40 CFR Part 437 - Subpart B (Oils Treatment and Recovery).

40 CFR Part 437 - Subpart B

Centralized Waste Treatment Point Source Category – Oils Treatment and Recovery Subcategory
437.25 Pretreatment Standards for Existing Sources (PSES)

Metals	Maximum Daily Milligrams per liter (mg/l)	Maximum Monthly Avg. Milligrams per liter (mg/l)
Antimony	0.237	0.141
Barium	0.427	0.281
Chromium	0.947	0.487
Cobalt	56.4	18.8
Copper	0.405	0.301
Lead	0.222	0.172
Molybdenum	3.50	2.09
Tin	0.249	0.146
Zinc	6.95	4.46
Organics		
Bis(2-ethylhexyl)phthalate	0.267	0.158
Carbazole	0.392	0.233
n-Decane	5.79	3.31
Fluoranthene	0.787	0.393
n-Octadecane	1.22	0.925

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

C. During the period of this permit the discharge from the facility at the point where the discharge enters the City's sanitary sewer system shall not exceed the following effluent limitations. In addition, the discharge shall comply with all applicable regulations and standards contained in Chapter 26, City of Tampa code.

Parameter	Daily Maximum mg/l
Arsenic as As	0.21
Beryllium as Be	0.001
Cadmium as Cd	0.13
Chromium as Cr (Total)	2.77 ⁽¹⁾
Copper as Cu	0.67 ⁽²⁾
Lead as Pb	0.70 ⁽³⁾
Mercury as Hg	0.0002
Molybdenum as Mo	0.10 ⁽⁴⁾
Nickel as Ni	0.53
Selenium as Se	0.47
Silver as Ag	1.80
Zinc as Zn	4.60 ⁽⁵⁾
Oil & Grease (Mineral fraction)	100.0
pH	6.0 - 11.0

1 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive.

2 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive.

3 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive.

4 - Note that the daily maximum limitation is more restrictive than the limit expressed in paragraph B.

5 - Note that the daily maximum limitation expressed in paragraph B. is more restrictive.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

PART 2 - MONITORING AND REPORTING REQUIREMENTS

SECTION 1 - MONITORING REQUIREMENTS

A During the period of this permit, the permittee shall monitor outfall 001 for the following:

<u>Parameter</u>	<u>Location</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow	(1)	Monthly	(2)
pH	(1)	Monthly	(3) Grab
Benzene, ug/l	(1)	Monthly	(3) Grab
Toluene, ug/l	(1)	Monthly	(3) Grab
Antimony, mg/l	(1)	(4) Semi-annually	(3) Grab
Barium, mg/l	(1)	(4) Semi-annually	(3) Grab
Chromium, mg/l	(1)	(4) Semi-annually	(3) Grab
Cobalt, mg/l	(1)	(4) Semi-annually	(3) Grab
Copper, mg/l	(1)	(4) Semi-annually	(3) Grab
Lead, mg/l	(1)	(4) Semi-annually	(3) Grab
Molybdenum, mg/l	(1)	(4) Semi-annually	(3) Grab
Tin, mg/l	(1)	(4) Semi-annually	(3) Grab
Zinc, mg/l	(1)	(4) Semi-annually	(3) Grab
Bis(2-ethylhexyl)phthalate	(1)	(4) Semi-annually	(3) Grab
Carbazole	(1)	(4) Semi-annually	(3) Grab
n-Decane	(1)	(4) Semi-annually	(3) Grab
Fluoranthene	(1)	(4) Semi-annually	(3) Grab
n-Octadecane	(1)	(4) Semi-annually	(3) Grab

(1) - Outfall 001

(2) - Flows shall be read on the first business day of each month from the permittee's wastewater discharge flow meter.

(3) - Definitions of sample types are located in PART 4 SECTION 1 of this permit.

(4) - April, October

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

- B. All activities related to sampling and analysis shall comply with Chapter 62-160, F.A.C. Sampling activities and laboratory analyses shall be performed according to procedures specified in "The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92) September 1992. Purgeable Organics shall be analyzed in accordance with EPA Method 624. Base/Neutrals and Acids shall be analyzed in accordance with EPA Method 625. Alternatively, an organization with the required protocols listed in their DEP Approved Comprehensive Quality Assurance Plan may sample and analyze according to the protocols specified in that document.

SECTION 2 - REPORTING REQUIREMENTS

A. Monitoring Reports

1. Analytical monitoring results obtained shall be summarized and reported as follows:
 - a. Parameters monitored monthly shall be reported within the month following the reported period. The report shall also include the total monthly process wastewater discharge flow, the average daily process wastewater discharge flow for the reported period, and the certification statement found in PART 4 SECTION 4 (E) of this permit.
 - b. Parameters monitored semi-annually shall be included in the monthly report due within the month following the semi-annual period.
2. Manifest records shall be submitted with the monthly monitoring reports indicating the volume, the original source (generator), and the specific nature of the wastewater that Diversified Environmental Services, Inc. procures during the reported period.
3. An accounting of the disbursement of all the wastewater that Diversified Environmental Services, Inc. procures during each span of April through March during the period of this permit shall be reported during the month of June during the period of this permit.

- B. The results of monitoring of the pollutants identified in PART 2 SECTION 1 Paragraph A, performed more frequently than required by this permit and using the procedures required in PART 2 SECTION 1 Paragraph B, shall be submitted with the report.

- C. When a self-monitoring report shows any violation of the applicable standards included in PART 1 of this permit, the permittee must resample and submit both results within 30 days of receiving original sample results, except the permittee is not required to resample if:

- (1) The Control Authority performs sampling at the permittee at a frequency of at least once per month,
or

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

- (2) The Control Authority performs sampling at the permittee between the time when the permittee performs its initial sampling and the time when the permittee receives the results of this sampling.

The permittee must notify the Industrial Waste Division within 24 hours of receipt of monitoring results if the results indicate any violation of applicable standards.

D. Signatory requirements are established in PART 4 SECTION 4 (E) of this permit.

E. Accidental Discharge Report

1. The permittee shall notify the City of Tampa, Industrial Waste Section, immediately upon its having knowledge of the occurrence of an accidental discharge of substances regulated by this permit or prohibited by Chapter 26, City of Tampa Code. At all times the City of Tampa, Industrial Waste Section shall be notified by telephone at (813) 247-3451. The notification shall include location of discharge, date and time thereof shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken.
2. Within five days following such notice, the permittee shall submit to the City of Tampa AWTP a detailed written report. The report shall specify:
 - a. Description and cause of the upset, slug or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
 - b. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.
 - c. All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an upset, slug, accidental discharge, or other conditions of non-compliance.
 - d. All reports required of this permit shall be submitted to :

City of Tampa
Industrial Waste Section
2700 Maritime Blvd.
Tampa, FL 33605.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

PART 3 - SPECIAL CONDITIONS / COMPLIANCE SCHEDULES

1. Diversified Environmental Services, Inc. is permitted to discharge only fully treated bilge water and tank wash water that comes off of ships that are located within the City of Tampa service area.
 - a. The service area includes Port Tampa, Port of Tampa, and Port Sutton. Port Manatee is not in the service area.
 - b. It is permissible to treat and discharge water collected during an oil spill emergency remediation within Tampa Bay.
2. The discharge of any treated or untreated land based fuel storage vessel bottom waters or washings, gasoline contaminated water, hydrocarbon solvent contaminated water, groundwater, stormwater, landfill leachate, or wastewater from any other source is strictly prohibited, **unless expressly authorized by the Department.**
3. A variance to exceed the department's daily allowable wastewater discharge flow limit of 14,000 gallons per day will be appraised on a case by case basis. During the period of this permit, all of the conditions of PART 4 SECTION 3 of this permit shall be strictly adhered to.
4. The Department, at its discretion, may collect split samples of untreated wastewater prior to treatment and/or split samples of treated wastewater.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

PART 4 - STANDARD CONDITIONS

SECTION 1 - DEFINITIONS

- A. AWTP - Advanced Wastewater Treatment Plant
- B. Composite sample - shall mean a minimum of eight (8) grab samples collected at equally spaced one (1) hour intervals, per operating shift, and proportioned according to flow. The use of a properly operated automatic composite sampler is acceptable.
- C. Daily maximum - the maximum allowable discharge concentration of pollutant during a calendar day.
- D. Grab sample - a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes. Daily pH monitoring may be performed by either grab sample or continuous pH electrometric probe monitoring.
- E. Monthly average - the maximum allowable value for the average of all observations obtained during one calendar month.
- F. POTW - Publicly Owned Treatment Works

SECTION 2 - GENERAL CONDITIONS

A. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements may be grounds for administrative action, or enforcement proceedings including civil or criminal penalties, injunctive relief and summary abatements.

B. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment, public health or POTW resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

C. Permit Action

This permit may be modified, revoked and reissued, or terminated for causes including, but not limited to, the following:

- Violation of any terms or conditions of this permit;
- Transfer of ownership;
- Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- A change in any condition of the discharge that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- Information indicating that the permitted discharge poses a threat to human health or welfare, or property real;
- Upon request of the permittee, provided such request does not create a violation of any existing applicable requirements, standards, laws, or rules and regulations;
- Material or substantial alterations or additions to the dischargers operation that adversely impact the wastewater discharge and which were not in existence as of the date of the issued permit;
- To incorporate any new or revised Federal, State, or City pretreatment standards or requirements, to protect the operation of the treatment plant;
- Wastewater discharge volumes that have an average change of 20% or more during a six month period. (For new industries, the baseline monitoring report can be used to determine if an average change in discharge volume has exceeded 20% during the first six months of operation.)

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

E. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

F. Limitation on Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation and are not assignable or transferable to any other user. The permittee must inform the City of Tampa at least thirty (30) days in advance of all proposed owner/operator transfers.

G. Dilution

No Permittee shall increase the use of potable or process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

H. Duty To Reapply

If the permittee desires to continue to discharge after the expiration of this permit, the permittee shall reapply on the application forms then in use at least ninety (90) days before this permit expires. Under no circumstances shall the permittee continue to discharge after the expiration of the permit, unless reapplication was submitted as required. Continued discharge under the conditions of the expired permit is authorized until the new permit is issued.

I. Personnel Safety

The permittee shall provide safe inspection conditions for city pretreatment program personnel and shall provide such personnel with all necessary safety information regarding the facility's safety policy pertaining to required personal safety gear.

SECTION 3 - OPERATIONS AND MAINTENANCE OF POLLUTION CONTROLS

A. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. Duty to Halt or Reduce Activity

Upon reduction, loss or failure of the pretreatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until operation of the pretreatment facility is restored. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

C. Bypass of Treatment Facilities

1. Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury or severe property damage or no feasible alternative exists.
2. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation.
3. Notification of bypass:
 - Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice, if possible at least ten days before the date of the bypass, to the City of Tampa AWTP (addresses specified in PART 2 SECTION 2 (E) of this permit).
 - Unanticipated bypass. The permittee shall immediately notify the City of Tampa AWTP and submit a written notice to the City of Tampa AWTP within five days of the bypass as specified in PART 2 SECTION 2 (E) of this permit.

D. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

SECTION 4 - MONITORING AND RECORDS**A. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. The sampling shall be done on a day of normal to maximum process operation. All samples shall be taken at the monitoring points specified in this permit and, unless otherwise specified, before the effluent joins or is diluted by any other wastestream, body of water or substance. Monitoring points shall not be changed without notification to and the approval of the City of Tampa.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

B. Inspection and Entry

The permittee shall allow the City of Tampa, or an authorized representative, upon the presentation of a City of Tampa employee photo-identification card, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- Have access to and copy any records that must be kept under the conditions of this permit;
- Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location;
- Inspect any production, manufacturing, fabricating or storage area where pollutants, regulated under the permit, could originate.

C. Retention of Records

1. The permittee shall retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the City of Tampa at any time.
2. All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City of Tampa shall be retained and preserved by the permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

D. Record Contents

Records of sampling information shall include:

- The date, exact place, time and methods of sampling or measurements, and sample preservation techniques or procedures;
- Who performed the sampling or measurements;

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

- The date(s) analyses were performed;
- Who performed the analyses;
- The analytical techniques or methods used;
- The results of such analyses; and
- Proper chain of custody documentation.

E. Signatory Requirements

All applications, permits, reports or information submitted to the City of Tampa shall be signed and certified as indicated below:

1. By the owner or an authorized representative of the industrial user. An authorized representative of an industrial user shall mean:
 - a. A president, secretary, treasurer or vice president of a corporation in charge of a principal business function, or any person who performs a similar policy-or decision-making function for the corporation.
 - b. A manager of one or more manufacturing, production or operation facilities employing more than 250 persons, or having gross annual sales or expenditures exceeding \$25 million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - c. A general partner or proprietor if the industrial user is a partnership or sole proprietorship respectively.
 - d. A duly authorized representative of a person indicated in (a), (b) or (c) above if authorization has been made in writing on a prescribed authorization form submitted to the City of Tampa Industrial Waste Section. (Should authorization no longer be accurate because a different individual or position has responsibility for environmental matters for the company, a new authorization form for the new representative must be submitted to the City of Tampa Industrial Waste Section.)
2. Certification. Any person signing a document required by this permit shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate."

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

3. Any change in signature shall be submitted to the City of Tampa writing within 30 days after the change.

F. Falsifying Information

Knowingly making any false statement on any report or other document required by this permit, or knowingly rendering any monitoring device or method inaccurate, or not sampling a representative wastewater stream, may result in punishment under criminal law proceedings as well as being subjected to civil penalties and injunctive relief.

SECTION 5 - ADDITIONAL REPORTING REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the City of Tampa 90 days prior to any facility expansion, production increase, or process modifications which results in new or increased discharge volumes that have an average change of 20% or more, over a six month period or which results in a change in the nature of the discharge. The baseline monitoring report can be used to determine if an average change in discharge volume or production has exceeded 20% during the first six months of operation.

B. Duty to Provide Information

The permittee shall furnish to the City of Tampa, within a reasonable time, any information which the City of Tampa may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the City of Tampa upon request, copies of records required to be kept by this permit.

SECTION 6 - ENFORCEMENT

A. Recovery of Costs Incurred

The permittee violating any of the provisions of this permit, Chapter 26, City of Tampa Code, or causing a discharge producing a deposit or obstruction, or causing damage to or otherwise inhibiting the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The City shall bill the permittee for the costs incurred for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this permit and Chapter 26, City of Tampa Code.

Industry Name Diversified Environmental Services, Inc.

Permit No. 1058

B. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the permittee from civil and/or criminal penalties for non-compliance under Chapter 26, City of Tampa Code.

C. Penalties for Violations

1. Pursuant to Chapter 1, City of Tampa Code, any person who violates a permit condition is subject to a civil penalty not to exceed \$1000 per day, or by imprisonment for a period not exceeding six (6) months or by both. Each day any such violation shall continue shall constitute a separate offense and shall be punished as such.
2. The Director of the Sanitary Sewer Department shall endeavor to assure compliance with the requirements of Chapter 26, City of Tampa Code. If such efforts, over a reasonable period of time are futile, the Director shall take formal action to include but not limited to disconnection of water and sewer service.
3. In the event the permittee's discharge exceeds the limits established by this permit and thereby causes damage to the City of Tampa's infrastructure or causes violations of the AWTP discharge permits, or causes injury to any person or property, the permittee shall indemnify the City of Tampa for all costs, including court costs, Attorney's fee and liabilities incurred as a result of said discharge.
4. Issuance of this permit shall not relieve the permittee from complying with all applicable permits, laws, regulations and ordinances promulgated by the City or other governmental authorities. Nor shall issuance of this permit be construed as a representation by the City that the discharge permitted herein complies with all such permits, laws, regulations and ordinances.
5. Any non-compliance with this permit or Chapter 26, City of Tampa Code, shall be grounds for administrative action and/or enforcement proceedings including civil or criminal penalties, injunctive relief and summary abatements.

AUTHORIZATION OF APPROVED REPRESENTATIVE

Industrial User Name _____

Address _____

Date _____

Discharge Permit No. _____

To: Industrial Waste Section

City of Tampa
2700 Maritime Blvd.
Tampa, FL 33605

I, _____, hereby certify that I am a responsible corporate officer, manager, general partner or proprietor of the above named company and that I am in charge of principal business functions and am able to perform policy and decision making functions for the company.

I hereby duly authorize _____, whose signature also appears below to be my representative. I authorize my representative to sign all Industrial Pretreatment self-monitoring certification statements on my behalf.

Signed _____

Title _____

Signature of Authorized Representative _____

Title of Representative _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 17 1986

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Honorable Gillespie V. Montgomery
House of Representatives
Washington, D. C. 20515

Dear Mr. Montgomery:

I am responding to your letter of February 21, 1986, to Mr. Matthew Straus in which you express concern that EPA is considering classifying port facilities as generators of vessel oily waste.

In response to questions raised by the Coast Guard, EPA issued a directive on February 5, 1986, which clarified the applicability of EPA's regulations under the Resource Conservation and Recovery Act (RCRA) to operational waste from ships. A copy of that directive is enclosed. In particular, the Coast Guard asked EPA to determine who is the generator of oily waste that is produced on ships and discharged to reception facilities at ports and terminals.

EPA has determined that for any oily waste that is produced in product or raw material vessel units both the ship, and in some circumstances, the operator of the port facility would be considered hazardous waste generators. For other types of oily waste, such as bilge water in vessel engine rooms contaminated with engine lubricant drippings or solvents, only the ship would be deemed to be the hazardous waste generator. A more detailed discussion of EPA's regulations for generators of oily hazardous waste is contained in the February 5 directive to the Coast Guard.

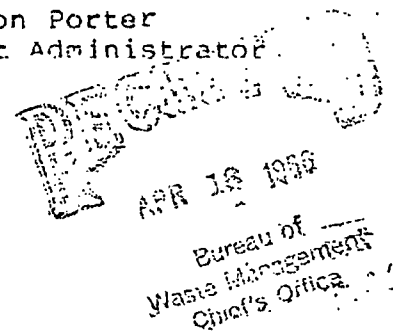
We hope that this has been responsive to your concerns regarding the applicability of EPA's hazardous waste regulations to terminals. If you have other questions on this subject, please don't hesitate to contact Carolyn Barley of my staff on 202-382-2217.

Sincerely yours,

J. Winston Porter
Assistant Administrator

Enclosure

Region IV



Math
187

CONTROL SLIP FOR OFFICE OF CONGRESSIONAL CORRESPONDENCE
RM. 227-G, WSMW
382 7640

CONTRCL NO: AL600576

DUE DATE: 03/13/86
Due AA 3/12

FROM: HONORABLE G.V. (SONNY) MONTGOMERY D/MS/03
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

INCOMING: 02/21/86

RECEIVED: 02/27/86

ASSIGNED: 02/27/86

CONSTITUENT:

00000

CLOSED: _____

SUBJECT: RCRA/PORT FACILITIES

ASSIGNED: 1 SOLID WASTE & EMERG RESP

3 OSW

2 ~~OSW~~

4 Claussen

SIGNATURE: ASSISTANT ADMINISTRATOR

cc: OSW
Lynn
Haynes
Seay

John R. Key 3/3
3/86

SPECIAL INSTRUCTIONS:

MUST BE RETURNED TO RM. 227-G WSMW, FOR REVIEW AND DISPATCH-
ING. INCLUDE COPY OF REPLY FOR CONGRESSIONAL FILES.

NOTE:

COURTESY COPIES:

REGION 04
CONGRESSIONAL LIAISON



600576 187

WASHINGTON OFFICE
2184 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON DC 20515
(202) 225-5031

G.V. "SONNY" MONTGOMERY
3d DISTRICT, MISSISSIPPI

DISTRICT OFFICES.
FEDERAL BUILDING
MERIDIAN, MS 39301
(601) 693-6681

GOLDEN TRIANGLE AIRPORT
COLUMBUS, MS 39701
(601) 327-2766

FEDERAL BUILDING
LAUREL, MS 39440
(601) 649-1231

COMMITTEES:
VETERANS' AFFAIRS
CHAIRMAN
ARMED SERVICES

ADMINISTRATIVE ASSISTANT:
ANDRE CLEMANDOT

Congress of the United States
House of Representatives
Washington, DC 20515

February 21, 1986

Mr. Matthew Strauss
Office of Solid Waste
Environmental Protection Agency
401 M Street, S.W.
Washington, D. C. 20515

Dear Mr. Strauss:

I view with concern proposed regulations under the Resource Conservation and Recovery Act to classify port facilities as generators of hazardous materials.

Ports in Mississippi are now taking steps to comply with MARPOL 73/78 requirements concerning vessel oil waste disposal. It would appear that the proposed regulations would place port facilities in double jeopardy simply because they are complying with MARPOL 73/78.

I would respectfully request that port facilities not be considered as generators of hazardous waste under the proposed regulations.

Sincerely,


GILLESPIE V. MONTGOMERY
Member of Congress

GVM:ac

RECEIVED
2/27/86

United States
Environmental Protection
Agency

Office of
Solid Waste and
Emergency Response



DIRECTIVE NUMBER: 9451.00-1A

TITLE: Letter to Vice Admiral Peter J. Rotz concerning the interaction between MARPOL and RCRA regulations from Marcia Williams

APPROVAL DATE: February 5, 1986

EFFECTIVE DATE:

ORIGINATING OFFICE: OSW

☒ **FINAL**

☐ **DRAFT**

STATUS:

REFERENCE (other documents):

OSWER OSWER OSWER
/F DIRECTIVE DIRECTIVE D

OSWER Directive Initiation Request		United States Environmental Protection Agency Washington, DC 20460 Interim Directive Number 9451.00-1A
Originator Information		
Name of Contact Person Bruce R. Weddle	Mail Code WH-563	Telephone Number 382-4746
Lead Office <input type="checkbox"/> OERR <input checked="" type="checkbox"/> OSW	<input type="checkbox"/> OUST <input type="checkbox"/> OWPE <input type="checkbox"/> AA-OSWER	Approved for Review <div style="display: flex; justify-content: space-between;"> <div> Signature of Office Director </div> <div> Date 2/11/86 </div> </div>
Title Letter to Vice Admiral Peter J. Rotz concerning the interaction between Marpol and RCRA regulations from Marcia Williams.		
Summary of Directive <p>The Coast Guard's Reception Facility Requirements for Waste Materials Retained on Board, issued under Annex I of MARPOL 73/78 (50 FR 36768, September 9, 1985), have raised a number of questions regarding the status of ships and terminals/ports under the RCRA regulations. In particular, who is the generator of oily waste that is produced on ships and required under the Coast Guard's September 9, 1985 regulations to be discharged to reception facilities at ports and terminals.</p> <p>We have determined that, as a general matter, for any oily waste that is produced in product or raw material vessel units, such as those used for bulk shipment of oil, both the ship and, in some circumstances, the operator of the central facility involved in removing the waste from the ship would be considered hazardous waste generators. For other types of oily waste, such as bilge water in vessel engine rooms contaminated with engine lubricant drippings or solvents, only the ship would be deemed to be the hazardous waste generator.</p>		
Type of Directive (Manual, Policy Directive, Announcement, etc.) Letter		Status <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final <input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Does it Supplement Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" to Either Question, What Directive (number, title)		
Review Plan <div style="display: flex; flex-wrap: wrap;"> <div style="width: 25%;"><input type="checkbox"/> AA-OSWER</div> <div style="width: 25%;"><input type="checkbox"/> OUST</div> <div style="width: 25%;"><input type="checkbox"/> OECM</div> <div style="width: 25%;"><input type="checkbox"/> Other (Specify)</div> <div style="width: 25%;"><input type="checkbox"/> OERR</div> <div style="width: 25%;"><input type="checkbox"/> OWPE</div> <div style="width: 25%;"><input type="checkbox"/> OGC</div> <div style="width: 25%;"><input type="checkbox"/> OPPE</div> <div style="width: 25%;"><input type="checkbox"/> OSW</div> <div style="width: 25%;"><input type="checkbox"/> Regions</div> </div>		
This Request Meets OSWER Directives System Format		
Signature of Lead Office Directives Officer		Date
Signature of OSWER Directives Officer		Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OSWER POLICY DIRECTIVE NO.
9451.00-1A

FEB 5 1986

Vice Admiral Peter J. Rotz
Chief, Office of Marine Environment
and Systems
United States Coast Guard
2100 2nd St., S.W.
Washington, D.C. 20593

Dear Vice Admiral Rotz:

We have been asked by members of your staff to clarify the applicability of EPA's regulations under the Resource Conservation and Recovery Act (RCRA) to operational wastes from ships. The Coast Guard's Reception Facility-Requirements for Waste Materials Retained On Board, issued under Annex I of MARPOL 73/78 (50 FR 36768, September 9, 1985), have raised a number of questions regarding the status of ships and terminals/ports under the RCRA regulations. In particular, we have been asked to determine who is the generator of oily waste that is produced on ships and required under the Coast Guard's September 9, 1985 regulations to be discharged to reception facilities at ports and terminals.

We have determined that, as a general matter, for any oily waste that is produced in product or raw material vessel units, such as those used for bulk shipment of oil, both the ship and, in some circumstances, the operator of the central facility involved in removing the waste from the ship would be considered hazardous waste generators. For other types of oily waste, such as bilge water in vessel engine rooms contaminated with engine lubricant drippings or solvents, only the ship would be deemed to be the hazardous waste generator.

1. Generator requirements

The RCRA regulations define a generator as any person, by site, whose act or process produces hazardous waste identified or listed in 40 CFR Part 261 or whose act first causes a hazardous waste to become subject to regulation. 40 CFR §260.10. Any person who generates a solid waste must determine if that waste is hazardous, and if so, must receive an EPA identification (ID) number before treating, storing, transporting or disposing of the waste. If the generator plans to move the waste off-site for treatment, storage or disposal, he must comply with certain requirements in Part 262, including preparing an EPA manifest, marking the waste, keeping records and filing reports. In addition, a generator may accumulate hazardous waste on-site for up

- 2 -

to 90 days without a permit if he complies with the requirements of §262.34(a)(1-4).

2. Types of waste subject to regulation

The oily wastes subject to Coast Guard regulation under MARPOL Annex I generally are produced in two ways. The first is through bulk shipment of oil, whereby sludges and sediments that settle out in the oil storage tank or unit must be periodically removed. Oil tankers also need to periodically dispose of oily ballast water and tank cleaning water. The second type of waste is produced from the use of oil as a fuel and lubricant in a ship's propulsion and auxiliary system. Bilge water that accumulates in engine rooms often contains high concentrations of oil from lubricant drippings and other routine losses. The bilge water may also be contaminated with other types of wastes. Both types of waste are solid wastes under §261.2.

Whether these wastes are hazardous wastes would be determined under §261.3. In general, the waste would have to be either (1) listed in Subpart D of Part 261; (2) identified in Subpart C of Part 261 (e.g., exhibits ignitability characteristic); (3) a mixture of solid waste and a listed hazardous waste; or (4) is derived from treating a listed hazardous waste. Under current EPA regulations, used oil is not listed as a hazardous waste,*/ and therefore, would have to meet (2), (3) or (4) above. We do not anticipate many situations in which one of these criteria would be met, with the possible exception of contamination of bilge water with spent solvents. (§261.31) However, even this possibility can be minimized if the bilge waters are segregated from other wastes generated on the ship.**/

*/ EPA's recent proposal to list used oil as a hazardous waste, if finalized, will change its current status under the RCRA regulations. See 50 Fed. Reg. 49212 (November 29, 1985).

**/ Under EPA's spent solvent listing, since a solvent is considered "spent" when it has been used and is no longer fit for use without being reclaimed or reprocessed, it is likely that solvents dripping from machinery and collecting in bilge water would not cause the wastewater to be hazardous. See 50 Fed. Reg. 53315, 53316 (December 31, 1985).

3. Regulation of oily waste under RCRA

The two types of oily waste from ships - - waste produced in product transport units and waste produced in the propulsion and auxiliary systems - - are treated differently under the RCRA regulations. Under §261.4(c), a hazardous waste generated in a product or raw material transport vessel is exempt from regulation until it exits the unit in which it was generated or unless it remains in the unit more than 90 days after the unit ceases to be operated for storage or transportation of the product or raw materials. These wastes are sludges and residues produced in tanks or holds that carry products or raw materials, where the products or raw materials are not in themselves hazardous wastes. See 45 Fed. Reg. 72024, 72026-27 (October 30, 1980).

As a result of this exemption, parties who remove the waste from the ship at a central facility by either emptying the product-holding unit or cleaning the holding tank are deemed to be generators under 40 CFR §260.10 because their actions cause the hazardous waste to become subject to regulation. In addition, the actions of both the operator and owner of the vessel and the owner of the product or raw material result in production of the hazardous waste. Thus, these parties, and any others that fit the generator definition, are jointly and severally liable as generators. See id. at 72026.

The Agency looks primarily to the central facility operated to remove sediments and residues to perform the generator duties, since it is the party best able to perform such generator duties as determining whether the waste is hazardous. Where the wastes are not removed at a central facility, however, the Agency looks to the operator of the vessel to perform the generator duties. Id. at 72027.

Engine-related wastes are treated quite differently in that they are regulated from the moment they are produced. Since the operation of the ship's propulsion system produces the oily wastes, the ship's owner and/or operator are generators. The facility involved in removing this waste from the ship is not a generator because it is not causing the waste to become subject to regulation - - this waste is already subject to regulation when produced in the ship. The facility may be a transporter (Part 263) or a treatment storage or disposal (TSD) facility (Parts 264-265), depending upon the actions it takes.

The Coast Guard's requirement that certain ports and terminals be certified to have available adequate reception facilities for ships' oily wastes does not necessarily determine the role of the

- 4 -

c or terminal in the RCRA regulatory scheme.*/ For example, a port or terminal that has available an independent waste hauler who transfers engine room waste directly into a tank truck does not appear to fit the definition of generator, transporter or TSD facility. The waste hauler, or whoever is engaged in the offsite (i.e., off the ship) transportation of the waste, would be deemed the transporter.

Of course, if the manifested waste is stored for any period of time in tanks or containers at the port or terminal, or if the waste is removed to and stored in a barge, both the port and barge storing the waste would be deemed TSD facilities subject to the requirements of Parts 270, 264 and 265. If whoever is transporting the manifested waste from the ship stores the waste in containers meeting the requirements of §262.30 at a transfer facility, such as a loading dock, the waste may be stored for 10 days without being subject to regulation under Parts 270, 264 and 265. See 40 CFR §263.12.

The ship, as the generator, is also a TSD facility to the extent that it is storing hazardous waste on board. Under §262.34, a generator may accumulate hazardous waste on site for 90 days or less without having a permit provided certain requirements are met. EPA is currently finalizing a proposed regulation that would extend this accumulation period for generators who generate between 100 - 1000 kilograms of hazardous waste per month. See 50 Fed. Reg. 31278 (August 1, 1985).

The Agency believes that the application of the RCRA regulations in this way will be workable for the ships and reception facilities subject to Coast Guard regulations. In situations where ships' owners or operators are unable to perform the generator duties, ships' agents that are available at ports or terminals to handle fueling and other necessary functions, such as carrying out Customs requirements, may perform these duties on behalf of the ship. The Agency would expect the shipping company or agent handling the required manifesting and record keeping functions to retain records either at its U.S. business headquarters or at the local agent's office located near the port or terminal where the ships have their waste removed.

*/ Similarly, potential liability of parties under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) is not necessarily determined by RCRA responsibilities. For example, under CERCLA §107, persons who arrange for transportation, disposal or treatment of hazardous substances are liable for certain costs, so that parties who are not "generators" under RCRA may nonetheless have certain CERCLA liabilities.

- 5 -

Also, any parties liable for performing generator duties may designate among themselves the person who will actually carry out those functions. For example, where both the ship and a central waste removal facility are deemed to be generators, they may mutually agree that the central facility will perform the generator duties.

We hope that this has been responsive to the Coast Guard's concerns regarding the interaction between the MARPOL and RCRA regulations. Please don't hesitate to contact me or Bruce Weddle of my staff at 382-4746 if you have any further questions.

Sincerely,

Marcia Williams

Marcia Williams
Director
Office of Solid Waste

Florida Department of
Environmental Protection

Facsimile Cover Sheet

To: Javier Garcia
EPA REGION 4

Phone: (404) 562-8616

Fax: (404) 562-8566

From: Jim Dregne

Company: DEP Hazardous Waste Section
3804 Coconut Palm Drive
Tampa, Florida 33619

Phone: (813) 744-6100, extension 410
or S.C. 512-1042, extension 410

Fax: (813) 744-6125

Date: May 12, 2004

Pages including this 10
cover page:

FYI

DES/DMT

June 6, 2002

Mr. Eugene R. Russell
Tampa Bay Marine Services
P O Box 5357
Tampa FL 33675-5357

BE IT KNOWN THAT

Tampa Bay Marine Services
1201 N 22nd St
Tampa

IS HEREBY REGISTERED AS A USED OIL

Transporter, Transfer Facility, and Filter Transporter

pursuant to Chapter 62-710, Florida Administrative Code (F.A.C.)

The Department of Environmental Protection hereby issues

Registration Number **FLD984183566** on June 6, 2002

This registration will expire on June 30, 2003

This certificate documents receipt of your annual registration and annual report. It shall be displayed in a prominent place at your facility. This certificate and your cancelled check are your receipts.

Richard C. Neves
Environmental Specialist
Hazardous Waste Management Section

DMT and DES CHRONOLOGY

May 18, 1992	Department HW Compliance Inspection of DMT and DES. (Schoenbacher)
June 1, 1992	Department sends Case Closed letter to DMT citing no violations at Cottee River.
June 9, 1992	Department Warning Letter #WL92-0044HW29SWD issued to DES.
November 23, 1992	Short Form Consent Order executed against DES. Violations included no training program, deficient contingency plans, and missing LDR's. Penalty \$1,550.00.
January 8, 1996	Department HW Compliance Inspection of DMT and DES. (Rice)
February 23, 1996	Department Warning Letter WL#88468 issued to DMT. Violation, failure to register as used oil transfer facility, no secondary containment, failure to label tanks and containers.
March 21, 1996	Enforcement Meeting
March 28, 1996	Knauss has telephone conversation with Lt. Campbell, United States Coast Guard over jurisdiction over Cottee River.
July 5, 1996	Coast Guard letter reference Coast Guard vs. FDEP jurisdiction.
June 18, 1998	Interim guidance on secondary containment for barges published by Department.
January 10, 11, 2001	Joint EPA and FDEP HW Compliance Inspection of DMT. (Dregne)
April 10, 2001	Department Warning Letter WL#245262. Violation
April 23, 2001	EPA Inspection Report of DMT.
April 25, 2001	Initial response letter from DMT to Department Warning Letter.
April 26, 2001	Enforcement meeting between Department and DMT and DES.
April 30, 2001	Letter from DMT describing possible secondary containment for used oil storage tank.
June 5, 2001	Formal response and counteroffer letter from DMT to Warning Letter.
November 5, 2001	Department rejection letter of DMT counteroffer.
January 16, 2002	DMT request for formal meeting.
January 30, 2002	Informed attorney for DMT of Department's intentions to refer case to OGC.



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☐ COMPLAINT ☒ ROUTINE ☐ FOLLOW-UP ☐ PERMITTING
FACILITY NAME Diversified Environmental Services DEP/EPA ID# FLD984183566
STREET ADDRESS 1201 N. 22nd St., Tampa, FL 33605
MAILING ADDRESS P.O. Box 5986, Tampa, FL 33625
COUNTY Hillsborough PHONE (813) 248-3256 DATE 1/8/96 TIME 1000

NOTIFIED AS:

☐ Non Handler
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☒ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☐ Used Oil

CURRENT STATUS:

☒ Non Handler ☐ Non-Notifier
☐ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
Unit Type(s):
☐ Exempt Treatment Facility
☒ Used Oil

2. Applicable Regulations:

☐ 40 CFR 261.5 ☐ 40 CFR 262 ☐ 40 CFR 263 ☐ 40 CFR 264 ☒ 40 CFR 279
☐ 40 CFR 265 ☐ 40 CFR 266 ☐ 40 CFR 268 ☐ 40 CFR 273

3. Responsible Officials:

Gerry McCormick, President

4. Survey Participants and Principal Inspector:

Gerry McCormick - Diversified
Captain Tom Boerger - Diversified
Timyn J. Rice - FDEP

5. Facility Location: Latitude: 27°57'21" Longitude: 82°26'04"

6. SIC Code: 3731

7. Type of Ownership: ☐ FEDERAL ☐ STATE ☐ COUNTY ☐ MUNICIPAL ☒ PRIVATE

8. Permit No.: Date Issued: Exp. Date:

9. Pre-Arranged Inspection: Y ☐ N ☒

10. Facility Description:

Diversified Environmental Services, Inc. (Diversified) was inspected to evaluate their compliance with state and federal hazardous waste regulations. Diversified is mainly a seaside oil spill response company. Captain Tom Boerger and Mr. Gerry McCormick represented the facility during the inspection.

Diversified was last inspected in May of 1992. At that time, they were a large quantity generator of hazardous waste due to petroleum related ship cleaning activities. They have since renotified as a small quantity generator. In actuality, ship cleaning operations are undertaken by the subsidiary companies Tampa Bay Marine Services (TBMS) and Diversified Marine Tech., Inc. (DMT), both of which have separate facilities at the Port of Tampa. Early this year, these companies merged with Diversified. In June, 1994 Diversified moved from 1825 Knox Rd to the new building on 22nd St. The new building houses the offices and records for all of the operations.

The 22nd Avenue facility consists of a large warehouse with offices. There is a parking lot behind the facility for tractor trailers filled with response equipment. None of the operations at this facility generate hazardous waste. However, several drums of hazardous waste that had been brought from the Diversified Marine Tech (DMT) site were stored in the warehouse. Although DMT appears to be a conditionally exempt small quantity generator of hazardous waste, DES is not permitted, authorized, licensed, or registered to accept delivery of hazardous waste from off site facilities. This waste must be expeditiously sent off to a permitted disposal facility.

Of the seven drums in the storage area, two drums of paint waste were identified. One of these drums was left open, and the other had no label indicating its contents. Drums of hazardous waste must be kept closed and should be clearly labeled. Two drums of fiberglass resin were stored in the area. Mr. Boerger stated that the resin was no good and would be disposed of. A hazardous waste determination must be conducted on this material for proper disposal. One drum of waste oil was stored in the area. It was open and was not labeled. The two remaining drums of unknown material were later determined to contain biodegradable grease product and virgin lacquer thinner, respectively. Mr. Boerger arranged for disposal of the paint waste through Florida Waste Environmental, Inc., although the waste had not yet been removed at the time of this completed inspection report.

As a result of this inspection, Diversified changed their status to non-handler. It has been Diversified's experience that once every few years they will get a contract to clean out a gasoline or petrochemical tanker. However these wastes would be managed by DMT or TBMS, since they are at the port. Waste generation rates would apply to the company removing the waste from the vessel. I advised Diversified that they must meet the regulatory requirements for a large quantity generator during any month that they generate more than 1000 kilograms of hazardous waste. I also provided a summary of hazardous waste regulations for guidance in these instances.

11. Summary of Alleged Violations:

- 40 CFR 262.11 Failure to determine if two drums of waste fiberglass resin meet the definition of hazardous waste.
- 40 CFR 279.22(c)(1) Failure to label a drum containing used oil with the words "used oil".

12. Recommendations:

- 40 CFR 262.11 Determine if the fiberglass resin is a hazardous waste (analysis or product knowledge). If the resin is a hazardous waste, arrange for proper disposal.
- 40 CFR 279.22(c)(1) Label all drums of used oil with the words "used oil".

Diversified must notify the Department of the proper status of its other facilities. For example, Diversified Marine Tech. is currently listed as a non-handler of hazardous waste and an off-specification used oil marketer. A Notification of Regulated Waste Activity form should be submitted for DMT indicating its status as a conditionally exempt small quantity generator and its true used oil status. Tampa Bay Marine Services is listed as a non-handler and does not have its used oil transporter status associated with the EPA identification number. A Notification of Regulated Waste Activity form should be submitted for TBMS indicating its status as a used oil transporter. In addition, if TBMS or DMT assumes generator responsibility for hazardous wastes from vessels, the appropriate physical site must notify of its hazardous waste generator status for the applicable calendar month.

Report prepared by:

Timyn J. Rice
Timyn J. Rice

Approved by:

Elizabeth Knauss
Elizabeth Knauss

Date

2/22/86

CESQG CHECKLIST

 Date: 2/8/96

 Facility Name: DIVERSIFIED ENV. SVC. Facility ID #: FLD981099533

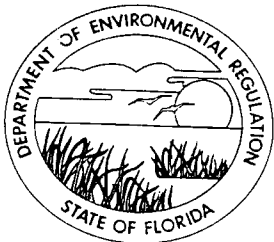
 Facility Representative: G. MCCORMICK Inspector: RICE
40 CFR 261.5
1. Describe the facility's hazardous and potentially hazardous waste streams. 40 CFR 262.11:

Waste	EPA Waste #s	Generation Rate	Disposal facility?	Proper Waste ID?
PAINT WASTE	D001, F003	Ø	Fl. Waste ENV.	YES
RESIN	D001?	Ø	WASTE DET. REQD.	

(describe discrepancies in waste identification in narrative)

Standards for Conditionally Exempt Small Quantity Generators - 40 CFR 261.5

- Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous waste? Y ☒ N ☐
 And less than 1kg/mo of acutely toxic (P-listed, 40 CFR 262.33) hazardous wastes? Y ☒ N ☐
- Has the facility obtained an EPA ID #? (not required for CESQGs) Y ☒ N ☐
- Is the facility disposing of all its hazardous wastes to facilities permitted to accept the waste? (40 CFR 261.5) Describe discrepancies in narrative. Y ☒ N ☐
- Can the facility document proper disposal of all hazardous wastes? 62-730.030(3) F. A. C. Y ☒ N ☐
- Are any hazardous wastes treated or disposed of on site? Describe in narrative: Y ☐ N ☒
- Are there any unpermitted discharges of other wastes to the environment? Y ☐ N ☒



Florida Department of Environmental Regulation

Southwest District

Lawton Chiles, Governor

4520 Oak Fair Boulevard

813-620-6100

Tampa, Florida 33610-7347

Carol M. Browner, Secretary

December 1, 1992

Mr. Curt W. Lessl
Diversified Environmental Service, Inc.
Post Office Box 5357
Tampa, FL 33675

Re: Diversified Environmental Service, Inc.
OGC Case No.: 92-2017
Hillsborough County

Dear Mr. Lessl:

Please find enclosed a copy of the executed Consent Order for the above mentioned case.

The remaining issue at this time is the payment of the assessed penalty of \$1,550.00. This payment must be submitted to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notations "Pollution Recovery Fund". The payment shall be sent to the Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida, 33619-8318. Once this payment is received, a case closure letter will be sent to you and the case will be officially closed. Please disregard this notice if you have already submitted the \$1,550.00 to this office.

Should you have any further questions regarding this correspondence you may contact me at (813) 744-6100 ext. 387.

Sincerely,

Jeffery T. Schoenbacher
Jeffery T. Schoenbacher
Environmental Specialist II
Division of Waste Management

JTS:

enclosure

cc: Don Trussell, BP&R
Alan Farmer, USEPA/Region IV
David Thulman, OGC
Compliance File



Florida Department of Environmental Regulation

Southwest District

4520 Oak Fair Boulevard

Tampa, Florida 33610-7347

Lawton Chiles, Governor

813-620-6100

Carol M. Browner, Secretary

NOV 30 1992

NOV 13 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Curt W. Lessl
Diversified Environmental Service, Inc.
Post Office Box 5357
Tampa, Florida 33675

Re: Proposed Final Agency Action (Consent Order) in Case
of Diversified Environmental Service, Inc.
OGC File No.: 92-2017.

Dear Mr. Lessl:

The purpose of this letter is to complete the resolution of the violations previously identified by the Department of Environmental Regulation ("DER") in the Warning Letter WL92-044HW29SWD, dated October 12, 1992, which is attached. The corrective actions required to bring your facility into compliance have been performed. However, you must pay to the Department the amount of \$1,450.00 in civil penalties to complete settlement of the violations described in the attached Warning Letter, along with \$100.00 to reimburse the DER's costs, for a total of \$1,550.00. This payment must be made to "The Department of Environmental Regulation" by certified check or money order and shall include thereon the OGC number assigned above and the notation "Pollution Recovery Fund". The payment shall be sent to the Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-8318 within 10 days of your signing this letter.

Your signing of this letter where indicated at the end of page two of this letter constitutes your acceptance of DER's offer to settle this case on these terms. If you sign this letter, please return it to DER at the address above. DER will then countersign the letter and file it with the Clerk of the DER. When the signed letter is filed with the Clerk, the letter shall constitute a consent order, which is final agency action of the DER, the terms and conditions of which may be enforced in a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Florida Statutes. Failure to comply with the terms of this letter once signed by you shall constitute a violation of Section 403.161(1)(b), Florida Statutes.

NOV 13 1992

Diversified Environmental Service, Inc.
OGC File No. 92-2017

Page Two

By countersigning this settlement offer, the DER waives its right to seek judicial imposition of damages, or civil penalties for the violations described above. By accepting this offer of settlement, you waive your rights as described on the back of this document in the Notice of Rights. If you do not sign and return this letter to the Department at the Southwest District address given above within 10 days, it will be referred to the Department's Office of General Counsel with a recommendation that formal enforcement action be taken against you. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the DER Clerk.

Sincerely,



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER.

For Diversified Environmental: For the DER:
Services, Inc.

By:



Curt Lessl



Richard D. Garrity, Ph.D.
Director of District Management
State of Florida Department
of Environmental Regulation

DATE: 23 November, 1992

ENTERED this 10 day of Dec, 1992 in
Tampa, Florida.

RDG/jsr
Attachments

FILING AND ACKNOWLEDGEMENT

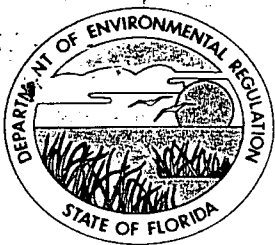
FILED, on this date, pursuant to §1-102
Florida Statutes, with the designation of Depart-
ment Clerk, receipt of which is hereby acknow-
ledged.



Clerk

12-11-92

Date



Florida Department of Environmental Regulation

Southwest District

4520 Oak Fair Boulevard

Tampa, Florida 33610-7347

Lawton Chiles, Governor

813-620-6100

Carol M. Browner, Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 9 1992

Diversified Environmental Service
1825 Knox Road
Tampa, Florida 33675

Attn: Curt Lessl, Vice President

WARNING LETTER #WL92-0044HW29SWD

Re: Diversified Environmental Service
Hillsborough County
FLD 984182733

Dear Mr. Lessl:

A hazardous waste compliance inspection was conducted at your facility on May 18, 1992. This inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes, in order to determine the compliance status of your facility with Title 40 Code of Federal Regulations Parts 260 through 268, as adopted in Florida Administrative Code Chapter 17-730.

During this inspection, possible violations of rules regarding hazardous waste management were noted. These possible violations are described in the "Summary of Violations" section of the attached inspection report.

You are advised that any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately. Operation of a facility in violation of state statutes or rules may result in liability for damages and restoration, and the judicial imposition of civil penalties up to \$50,000 per violation per day pursuant to section 403.727, Florida Statutes.

You are requested to contact Jeffery Schoenbacher of this office at (813) 620-6100, ext. 387, within 10 calendar days of receipt of this Warning Letter to arrange a meeting with department personnel to discuss the issues raised in this Warning Letter. You may wish to consult an attorney and to have the attorney attend the meeting with the department.

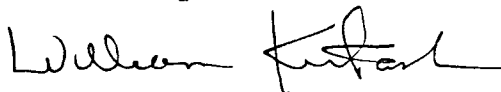
9 1992

Page Two

PLEASE BE ADVISED that this Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The purpose of this letter is to advise you of potential violations and to set up a meeting to discuss possible resolutions to any potential violations that may have occurred for which you may be responsible. Under the Department's agreement with the United States Environmental Protection Agency (EPA), a formal administrative complaint or "Notice of Violation" (NOV) must be issued within 120 days of the date of the attached inspection report. The issuance of the NOV may be avoided through the entry of a consent order or a demonstration that the listed violations did not occur. If the Department issues a Notice of Violation, and you are named as a party, you will be informed of your rights to contest any determination made by the Department in the Notice of Violation.

If after further investigation, the Department determines that the violation occurred, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule and an appropriate penalty. In accordance with the RCRA Civil Penalty Policy of May 8, 1984, the penalties which would be assessed in this case are \$6,450.00.

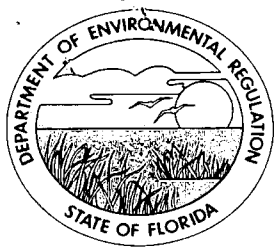
Sincerely,



Richard D. Garrity, Ph.D.
Director of District Management
Southwest District

RDG/jts
Attachment

cc: Don Trussell, BWP&R
Alan Farmer, USEPA/Region IV
Compliance File



Florida Department of Environmental Regulation

Southwest District

4520 Oak Fair Boulevard

Tampa, Florida 33610-7347

Lawton Chiles, Governor

813-620-6100

Carol M. Browner, Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION REPORT ☒ COMPLAINT ☐ ROUTINE ☐ FOLLOW-UP ☐ PERMITTING ☐

FACILITY NAME: Diversified Environmental Service DER/EPA ID FLD 984183566

ADDRESS: 1825 Knox Road CITY: Tampa STATE: FL
ZIP: 33675

COUNTY: Hillsborough PHONE: 813-248-3246 DATE: 5/18/92 TIME: 10:00 a.m.
12:05 p.m.

TYPE OF FACILITY:

GENERATOR

☒ Generator

☐ 100-1000 Kg

☐ Cond. Exempt SQG

STORAGE

☐ Container

☐ Tank

☐ Waste Pile

☐ Surface Imp.

TREATMENT

☐ Tank

☐ Land Treatment

☐ Thermal

☐ Chem/Phys/Bio

☐ Incinerator

☐ Surface Imp.

TRANSPORTER

☐ Transporter

☐ Transfer Fac.

☐ Non-Handler

DISPOSAL

☐ Landfill

☐ Surface Imp.

2. APPLICABLE REGULATIONS:

☐ 40 CFR 261 ☐ 40 CFR 262 ☐ 40 CFR 263 ☐ 40 CFR 264 ☒ 40 CFR 265

3. RESPONSIBLE OFFICIAL:

Curt Lessl, Vice President

4. SURVEY PARTICIPANTS AND PRINCIPAL INSPECTOR:

Curt Lessl, Vice President

Jeff Schoenbacher, FDER

5. FACILITY LATITUDE

27.38.38.00

LONGITUDE

82.43.38.00

6. TYPE OF OWNERSHIP: FEDERAL STATE COUNTY MUNICIPAL PRIVATE

7. PERMIT No.: _____ DATE ISSUED: _____ EXP. DATE: _____

8. PRE-ARRANGED INSPECTION: ☒ Yes ☐ No Pre-inspection letter mailed.

Diversified Environmental Services, Inc.
Hillsborough County - FLD984183566

9) PROCESS DESCRIPTION

On May 18, 1992, I conducted a Generator CEI inspection at the above mentioned facility. Representing Diversified Environmental Services during the inspection was Curt Lessl who is the acting Environmental Coordinator. The facility is located in Tampa, Florida and employs 20 individuals within the corporation. Diversified Environmental Services has notified the Department as being a Large Quantity Generator, Storage, and Treatment facility. This corporation handles all the hazardous waste generated from Tampa Bay Marine Service and the Elk River Corporation. In addition to handling the waste from these corporations, Diversified also operates a waste water treatment system. Diversified Environmental Services, Tampa Bay Marine Service and Elk River Corporation are all managed under Curt Lessl.

The main waste streams managed at this site are as follows:

<u>WASTE</u>	<u>EPA #</u>	<u>M/UNITS</u>	<u>P/GEN</u>	<u>DISPOSAL COMPANY</u>
Waste Oil	Recycled	Varies	Elk River	Mid-Florida Mining International Petroleum
Tank Rust Flakes	D001 U239 U220	Varies	Ship Repair	Southeastern Chemical & Solvent Incorporated Sumter, SC
WWTP Sludge	N/A	Varies	WWTP Unit	Hillsborough County Landfill (Non-Haz)

Note: M/Units = Monthly Generation

P/Gen = Point of Generation

gal. = gallons

All of these waste streams are moderately generated from the activities conducted by Tampa Bay Marine Service and Elk River Corporation. The waste oil is generated from the Elk River barge which is utilized as a holding vessel for the bilge sludge and oil. The barge is anchored within the bay and has a total capacity of 20,000 barrels. The oil and sludge that is accumulated in the barge is generated from various points. Commercial ships can pump their bilge sludge directly to the barge or can port and transfer this waste to a tanker truck. The tanker truck then transports this waste oil to the Elk River Barge. The Elk River barge contains ten storage tanks where the waste oil is allowed to separate from the water and solids. According to Mr. Lessl, since he has been employed at the company the solids have not been removed from the vessel. However, the water that is separated from the oil is transported to Diversified Environmental headquarters. At this location the water is sent through an on-site waste water

9) PROCESS DESCRIPTION

treatment plant. The facility has a 28,000 gallon discharge permit for Hooker Point POTW, which accepts the treated water. A filter cake is generated from the on-site waste water treatment system in various amounts. Mr. Lessl provided a TCLP analysis dated February 12, 1992, for the filter cake (enclosed). According to this analysis the filter cake does not exhibit any hazardous characteristics. Mr. Lessl stated that no hazardous waste had been shipped off-site since June 26-27, 1991. He went on to say that the hazardous waste generation for the activities of the two corporations is very sporadic.

During the initial inspection, out-going hazardous waste manifests were examined, in addition to the contingency plan and training records. As previously stated, the facility possessed two completed manifests dated June 26-27 1991. Per Mr. Lessel, this was waste generated from a vessel which had petroleum cargo. When the restoration activities were being conducted, the rust scale that was generated exhibited flammability due to the presence of Xylene and Toluene. According to the manifests, 100 drums of this material were generated from this project. The established contingency plan and training records that are on-site meet the requirements for the Coast Guard. However, neither the contingency or training plan meet the requirements of 40 CFR 265.50-56 and 40 CFR 265.16.

In conclusion, it appears the facility is regulated as a Large Quantity Generator due to the volume of sporadic generation of hazardous waste.

10) SUMMARY OF VIOLATION:

40 CFR 265.16

The facility does not have a training program which satisfies the requirements of this part.

40 CFR 265.37

Failure to inform local hospitals, police, and fire departments of the properties of hazardous waste handled at the facility. Furthermore, the types of illness or injury that could result from fire, explosion, or release at the facility were not documented.

40 CFR 265.50-56

A contingency plan has been established for the Coast Guard requirements. However, the current plan needs to be revised and include the hazardous waste management practices and procedures.

Page 3.
Diversified Environmental Services, Inc.
Hillsborough County - FLD984183566

10) SUMMARY OF VIOLATION:

40 CFR 268.7

Failure to retain the proper Land Ban Notifications with the manifest.

11) CORRECTIVE ACTION

40 CFR 265.16

Respondent must have personnel training program for all employees managing hazardous waste in accordance with 40 CFR 265, Subpart B. The training program shall include all the provisions included within this Part. The training program must be completed and verification sent to the Department within 60 days of receipt of the warning letter. Verification shall consist of copies of job titles, names of employees, position descriptions, and a written description of the training given to each employee. The description must also include the date training occurred and a signed statement from the employee verifying training.

40 CFR 265.37

Documentation of arrangement with local authorities must be submitted to the Department within 20 days of the warning letter.

40 CFR 265.50-56

A contingency plan has been established for the Coast Guard requirements. However, the current plan needs to be revised and include the hazardous waste management practices and procedures.

40 CFR 268.7

The Respondent must retain the proper Land Ban Notifications with the hazardous waste manifests.

Inspector: Jeffery T. Schoenbacher
Jeffery T. Schoenbacher
Environmental Specialist I

Approved: Elizabeth Knauss
Elizabeth Knauss
Environmental Specialist III

Date: 4/8/92

JTS:

Date 5/18/92
Inspector J. Schoenbach
Facility ID# 984 183 566

RCRA INSPECTION REPORT
GENERATOR'S CHECKLIST

Note: On multiple part questions, check those not in compliance.

Section A - Site Identification No.

1. Site Name: Diversified Environmental Svc.
2. Responsible Official: Curt Lass, VP
3. Survey Participants: J. Schoenbach

Section B - Hazardous Waste Determination (262.11)

1. Does generator generate hazardous waste(s) listed in Subpart D (261.30-261.33 - List of Hazardous Waste)? ☒ Yes ☐ No
a. If yes, list wastes, EPA numbers and quantities. D001 / 4239 / 4220
2. Does generator generate solid waste(s) that exhibit hazardous characteristics? (corrosivity, ignitability, reactivity, toxicity characteristic) (261.20-261.24 - Characteristics of Hazardous Waste) ☒ Yes ☐ No
a. If yes, list wastes, EPA numbers, and quantities. _____
b. Does generator determine characteristics by testing, by product knowledge, or by applying process knowledge? ☒ Yes ☐ No
 - (1) If determined by testing, did generator use test methods in Part 261, Subpart C (or equivalent)? ☐ Yes ☐ No
 - (2) If equivalent test methods used, attach copy of equivalent methods used.
3. Is generator subject to full regulation under Part 262? ☒ Yes ☐ No
(If no, check appropriate exemptions)
Conditionally exempt small quantity generator (261.5 - Special requirements) (Describe small quantity disposal practices and checklist) _____
OR
Produces non-hazardous waste at this time (261.4 - Exclusions) _____
OR
Recycles, reclaims, uses or reuses hazardous waste at this time (261.6 - Exclusions) (Describe how this is achieved.) _____

rev. 1-92

DATE 5/18/92
FACILITY ID 984 183 566

OR

Being a farmer disposing of waste pesticides for his own use on his own property (262.10(d) - Farmers) _____

OR

Burns hazardous waste as a fuel for the purpose of recovering usable energy (266.30(c)(2)) _____

Section C - Manifest (262.20-262.23)

1. Has generator shipped hazardous waste off-site since November 19, 1980? (Subpart B - The Manifest) X Yes ___ No

a. If no, do not fill out Section C and D.

b. If yes, identify primary off-site facilities. List facilities in narrative report.

*Refer
to Narrative*

2. Does generator use manifest? (262.20 - General requirements) X Yes ___ No
Is EPA form 8700-22 (Rev 9-88) used? X Yes ___ No

If yes, inspect manifests at random. Do all manifests reviewed include the following information?
(262, Appendix) (Check items not on manifest.)

- a. Generator EPA ID No. X Yes ___ No
- b. Manifest Document No. X Yes ___ No
- c. Generator's Name, Mailing Address, Telephone No. X Yes ___ No
- d. Transporter(s) Name, EPA I.D. No., Telephone No. X Yes ___ No
- e. Facility Name, Address, EPA I.D. No., Telephone No. X Yes ___ No
- f. DOT description of the waste X Yes ___ No
- g. (1) Containers (number and type) X Yes ___ No
(2) Quantity (weight or volume) X Yes ___ No
- h. EPA waste no. X Yes ___ No
- i. Emergency Information (optional)
(Special handling instructions, Phone No.) X Yes ___ No
- j. Is the following certification on each manifest form? X Yes ___ No

I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and

DATE 5/18/92
FACILITY ID 984 183 566

are in all respects in proper condition for transport by highway according to applicable international and national government regulations.

If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage or disposal currently available to me which minimizes the present and future threat to human health and the environment.

k. Signatures and dates

(1) Generator	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(2) Transporter	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(3) Disposer (returned copy)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

l. Indicate number of manifests inspected and number of violations.
Note type of violation in report.

7

m. If copy of manifest from facility was not returned within 35 days, did generator file an exception report? (262.42 - Exception reporting)

N/A
___ Yes ___ No

If yes, did it contain the following information?
Legible copy of manifest

___ Yes ___ No

AND

Cover letter explaining generators efforts to locate waste.

___ Yes ___ No

n. Does (will) generator retain copies for 3 years?

___ Yes ___ No

Section D - Pre-Transport Requirements (262.30-262.34)

1. Does generator package waste for transport?

☒ N/A NO
waste ready for transportation
___ Yes ___ No

If no, skip to question 8.

If yes, complete the following questions.

2. Does generator package waste in accordance with 49 CFR 173, 178, and 179 (DOT requirements)? (262.30 - Packaging)

___ Yes ___ No

FACILITY ID

984 183 566

- Yes No

- Yes No

- ____ Yes ____ No

- ☒ Yes No

- ☒ Yes ☐ No

Manifest Document Number

- Yes No

- Yes ☒ No

 X Yes No

Yes ☒ No

GEN 4 of 8

DATE 5/18/92
FACILITY ID 984 182 566

- c. Are containers used to ~~store~~ ^{accumulate} wastes? (262.34(a)(1)) ☒ Yes ☐ No

If yes, complete Container Storage Checklist for Generators.

Is the beginning date of accumulation time clearly indicated? (262.34(a)(2))

☒ Yes ☐ No

- d. Are tanks used to store wastes? (262.34(a)(1))

☐ Yes ☒ No

If yes, complete Tanks Checklist for Generators.

- e. While being accumulated, is each container or tank clearly marked "Hazardous Waste"? (262.34(a)(3))

☒ Yes ☐ No

NOTE: If generator accumulates waste on site but is not a storage facility, fill out Appendix A to Generators Checklist.

9. Describe storage area. Use photos and narrative.

Section E - Recordkeeping and Records (262.40-262.43)

☐ N/A

Explain _____

1. Is generator keeping the following reports? (262.40 - Record keeping)
(Note: The following must be kept for a minimum of three years.)

a. Biennial reports (262.41).

☒ Yes ☐ No

b. Exception reports where applicable (262.42).

☒ Yes ☐ No

c. Test results where applicable.

☒ Yes ☐ No

2. Where are records kept (at facility or elsewhere)? _____

3. Who is in charge of keeping the records?

Name Carl Lessl, VP Title

N/A

4. Any additional reporting? (262.43 - Additional Reporting)

☐ Yes ☐ No

Section F - Special Condition (262.50 - International Shipments)

N/A ☐ Yes ☐ No

Explain _____

DATE 5/18/92
FACILITY ID 984 185 506

1. Has generator received from, or transported to, a foreign source, any hazardous waste? Yes ☒ No
- a. If yes, has he filed a notice with the Regional Administrator? Yes No
- b. Is this waste manifested and signed by Foreign consignee? Yes No
- c. If generator transported wastes out of the country, has he received confirmation of delivered shipment? Yes No

Appendix A

Section A - Personnel Training (265.16)

1. Do management personnel complete hazardous waste training? Yes ☒ No
- a. Is training on-the-job? ☒ Yes No
- b. Is training in the classroom? Yes ☒ No
2. Do laborers who handle hazardous waste complete training? Yes ☒ No
- a. Is training on-the-job? Yes ☒ No
- b. Is training in the classroom? Yes ☒ No
3. Does training include:
- a. Emergency response procedures? Yes ☒ No
- b. Inspection procedures? Yes ☒ No
- c. Operation of hazardous waste handling equipment? Yes ☒ No
4. How often is training reviewed? _____
5. Does the facility have personnel training records including:
- a. Job title and description of position? Yes ☒ No
- b. Description of employee's training? Yes ☒ No
6. Are records maintained for three years? Yes ☒ No

*Coast
Guard
Requirement*

FACILITY ID:

FACILITY ID 984183566

Section B - Preparedness and Prevention (265.30-265.37)

1. Is there evidence of fire, explosion or contamination of the environment? (265.31 - Maintenance and Operation of Facility) Yes ☒ No

If yes, use narrative explanation.

2. Is the facility equipped with (265.32 - Required equipment)

- a. Internal communications or alarm system? X Yes ___ No
Is it easily accessible in case of emergency? X Yes ___ No

- b. Telephone or two-way radio to call emergency response personnel? X Yes No

- c. Portable fire extinguishers, fire control equipment,
spill control equipment and decontamination equipment? ☒ Yes ☐ No
Is this equipment tested to assure its proper operation? ☒ Yes ☐ No

How frequently? Monthly

- d. Water of adequate volume for hoses, sprinklers or water spray system? ___Yes ___No

- (1) Describe source of water _____

- (2) Indicate flow rate and/or pressure and storage, if applicable.

3. Is there sufficient aisle space to allow unobstructed movement of personnel and equipment? (e.g., adequate aisle space in between containers to check for leakage, corrosion and proper labeling, etc.) (265.35 - Required Aisle Space) ☒ Yes ☐ No

4. Has the owner/operator made arrangements with the local authorities to familiarize them with characteristics of the facility? (Layout of facility, properties of hazardous waste handled and associated hazards, places where facility personnel would normally be working, entrances to roads inside facility, possible evacuation routes.)
(265.37 - Arrangements with Local Authorities)

If N/A, explain.

If N/A, explain Need to Update Cont. plan
to include Haz. waste management.

5. In the case that more than one police or fire department might respond, is there a designated primary authority?
(265.37 - Arrangements with Local Authorities) _____ N/A _____ Yes ☒ No

If yes, indicate primary authority_____

Is the fire department a city or volunteer fire department?_____

6. Does the owner/operator have phone numbers of and agreements with state emergency response teams, emergency response contractors and equipment suppliers? (265.37 - Arrangements with Local Authorities) ☒ Yes ☐ No
- Are they readily available to the emergency coordinator? ☒ Yes ☐ No
7. Has the owner/operator arranged to familiarize local hospitals with the properties of hazardous waste handled and types of injuries that could result from fires, explosions, or releases at the facility? (265.37 - Arrangements with Local Authorities) ☒ Yes ☐ No
- If no, has the owner/operator attempted to do this? ☒ Yes ☐ No
8. If the State, or local authorities decline to enter into the above referenced agreements, has this been documented in the operating record? (265.37(b) - Arrangements with Local Authorities) ☐ Yes ☒ No

Section C - Contingency Plan and Emergency Procedures (265.50-265.56)

1. Does the facility have a contingency plan? (265.51 - Purpose and Implementation of Contingency Plan) ☒ Yes ☐ No
2. Is it maintained at the facility? (265.53 - Copies of Contingency Plan) ☒ Yes ☐ No
3. Is the contingency plan a revised SPCC Plan? (265.53 - Content of Contingency Plan) ☐ Yes ☒ No
- a. Does the plan include:
- (1) Action personnel will take? ☐ Yes ☒ No
 - (2) Evacuation routes? ☐ Yes ☒ No
 - (3) Emergency equipment? ☐ Yes ☒ No
 - (4) Is the emergency equipment properly inspected and maintained? ☐ Yes ☒ No
4. Is there an emergency coordinator on site or within short driving distance of the plant at all times? ☒ Yes ☐ No
5. Who is the emergency coordinator? Curt Lessl
6. Has the facility supplied local police and fire departments with a copy of the contingency plan? (265.53 - Copies of Contingency Plan) ☒ Yes ☐ No

Need to Implement
for update Haz. waste management

RCRA INSPECTION REPORT
L) DISPOSAL RESTRICTIONS CHECKLIST

Facility ID#: 984183 566 Date of Inspection: 5/18/92

Facility Name: Diversified Environmental Svc.

Facility Address: _____

Facility Phone #: () _____ Facility Contact: _____

Contact's Title: _____

Persons present for Inspection: _____

Date and Time Inspection Began: _____

Date and Time Inspection Ended: _____

- I. (a) Describe the generator's restricted waste streams (use the LDR Treatment Standards list) and the destination of each:

POOL / U239 / U220

Ship Scale / for restoration

Revision # 1
Date 3-12-91

- (b) Are the wastes correctly identified? (You may need to review TOC, TSS, HOC, TCLP, PFLT, 3rd Thirds WW, NWW, Technology Acronyms, Tables 268.41, 268.42 & 268.43.) [268.7 Notices for 3rd Thirds includes variance until 8-8-90: Minimum Technology]

yes

- (c) Is the generator storing restricted waste on site?

no

Is the generator complying with 268.50?

yes

Is the generator complying with 262.34 as required by 268.50(a)(1)?

yes

Are the wastes identified correctly?

yes

Revision # 1
Date 3-12-91

LDR CHECKLIST

Have LDR wastes been stored over 90 days (generator)?

NO

If the facility is a TSD and has been storing LDR wastes for over a year, can the TSD prove (if challenged) that the reason for such storage is solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal?

N/A

(d) Does the generator have a case-by-case extension or a variance? (specify)

NO

II. Waste with Treatment Standards

(a) Do the Notifications required by 268.7 include:

EPA Hazardous Waste #: ~~Yes~~ NO Notification

Applicable Treatment Standards or proper reference for wastes other than F001-F005, F020-F023, F026-F028, and California List (3rd Third Rule):

~~Yes~~ N/A

Manifest Document #'s: _____

Waste Analysis Data, where available: _____

Certification Statement if Generator is
Claiming to meet Treatment Standards: _____

Date Waste is Subject to Prohibitions if
Subject to a Case-By-Case Extension or Variance: _____

Revision # 1
Date 3-12-91

LDR CHECKLIST

III. Does the generator maintain the above records on-site for five (5) years?

NO Laval Band val

file

IV. Additional Notes and Comments:
(Check for soft hammer compliance prior to May 8, 1990.)

Revision # 1
Date 3-12-91

Generator: Diversified Environmental FLD 984183566

[illegible]

W3D
Low
band
Notification

PART 268 GENERATOR VIOLATIONS

1. Restricted waste identified as unrestricted.
2. No LDR notice sent to TSD for restricted waste.
3. Copy of LDR notice not kept (after 8-8-88) §268.7(a)(6).
4. Notice does not include all applicable EPA waste codes (effective 5-8-90 for all wastes -- effective as applicable for bulked shipments) §268.7.
5. Notice does not include all applicable treatment standards:
 - a. Standard for 1 or more waste code omitted or incorrect;
 - b. Standard for 1 or more hazardous constituent omitted or incorrect;
 - c. Incorrect determination of treatability group or subcategory;
 - d. California list restrictions omitted.
6. Notice does not reference manifest document number - §268.7.
7. Insufficient analytical data to support generators certification that waste meets treatment standard - §268.7(a)(2).
8. No waste analysis plan (§268.7(a)(4), 5/8/90).
9. Certification statement omitted or not signed by generator for wastes meeting treatment standards - §268.7(a)(2).
10. Notice omits or gives incorrect dates wastes subject to variance or case by case extensions will be prohibited from land disposal §268.7(a)(3)(v).
11. Lab packs incorrectly certified - contains wastes from both Appendix IV and V - §268.7(a)(7+8).
12. Ineligible facility is using tolling agreement exemption §268.7(a)(9).
13. No soft hammer certifications/demonstrations (n/a after 5/8/90).
14. Copy of generators soft hammer certification/demonstration not forwarded by storage/treatment facility to disposal facility.
15. Other

Notice Types

- N. Unrestricted from land disposal
- R. Restricted from land disposal - requires treatment
- T. Restricted - meets treatment standards
- V. Restricted - subject to variance
- E. Restricted - subject to case by case extension or exemption
- S. SQG tolling agreement
- L. Lab pack with only Appendix IV or V wastes
- H. Soft hammer certifications or demonstrations

Facility: _____

Emptied: _____

Inspection:_____

Date: _____

GOING

Date	Destination	EPA Waste Number(s)	DOT Name, Number	Treatment Standard	Notice Type	Comments

MING

[illegible]

FIELD SHEET CODES

Waste Codes:

- S - listed solvent
- D - dioxins-F020 F021 F022 F023 F026 F027 F028
- pH - acids pH \leq 2
- PCB - hazardous wastes with PCB $>$ 50 ppm
- HOC - liquids/solids with Part 268 Appendix III HOCs \geq 1000 mg/l (mg/kg).
- CN - free liquids with CN \geq 1000 mg/l
- metal-free liquids
 - As \geq 500 mg/l
 - Cd \geq 100 mg/l
 - Cr VI $>$ 500 mg/l
 - Pb \geq 500 mg/l
 - Hg \geq 20 mg/l
 - Ni \geq 134 mg/l
 - Se \geq 100 mg/l
 - Tl \geq 130 mg/l

X

- 3 - first, second or third waste

Notice Defect:

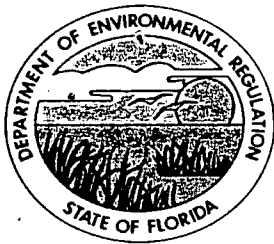
1. Incorrect or no EPA waste number;
2. Incorrect notice or determination of treatability group;
3. Incorrect or no notice of all treatment standards;
4. Failure to correctly identify all applicable prohibitions (ex. soft hammer vs. California list);
5. Incorrect or no manifest document number;
6. Insufficient supporting waste analysis data;
7. No signed certification statement for wastes meeting standards or otherwise exempt;
8. Other - see narrative or comments.

Demonstration Type:

1. Good faith effort has been made and no alternate has been found. Certification that there is no practical treatment must be made to EPA;
2. Generator has certified that the specified treatment yields the greatest environmental benefit;
3. Generator certifies that he has personally examined the treatment technology so that it complies with the demonstration.

LAND DISPOSAL NOTICE TYPES

1. Unrestricted waste - no notice required
2. Restricted waste - meets all applicable treatment standards
3. Restricted waste - does not meet treatment standards:
 - A. Solvent
 - B. Dioxin
 - C. California List:
 - i ph < 2
 - ii PCB's > 50 ppm
 - iii HOC's > 1000 ppm
 - iv Free liquids with > 1000 mg/l Cn
 - v Free liquids with > 500 mg/l As
 - vi Free liquids with > 100 mg/l Cd
 - vii Free liquids with > 500 mg/l Cr VI
 - viii Free liquids with > 500 mg/l Pb
 - ix Free liquids with > 20 mg/l Hg
 - x Free liquids with > 134 mg/l Ni
 - xi Free liquids with > 100 mg/l Se
 - xii Free liquids with > 130 mg/l Th
 - D. 1st 3rd
 - E. 2nd 3rd
 - F. 3rd 3rd
4. Regulated waste - land disposal allowed subject to:
 - A. 268.5 - case by case extension
 - B. 268.6 - no migration exemption
 - C. Subpart C - national capacity variance
5. Restricted waste - no treatment standard set (soft-hammer)
 - A. Generator certifies he has made good faith effort to find treatment soft-hammer demonstration and certification made to Administrator that there is no practical alternative to land disposal.
 - B. Generator certifies he has contracted for treatment yielding greatest environmental benefit.
 - C. Treatment/recovery facility certifies that the owner/operator has personally examined treatment technology and operation, and believes the waste has been treated as specified in the generator's demonstration.



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

November 14, 1991

Carol M. Browner, Secretary

Mr. Curt Lessl
Diversified Environmental Services
Post Office Box 5986
Tampa, Florida 33675

RE: Workshop to Discuss Issuance/Modification of State Permits
for Managing TC Wastes

Dear Mr. Lessl:

The State of Florida adopted the Toxicity Characteristic (TC) test in the recently revised 17-730 rule. In order to clarify the relationship between your status with EPA and state permitting requirements, you are invited to attend a workshop to be held on December 13, 1991 at the Roadway Inn in Orlando. The workshop will cover the impact of the newly adopted rule on regulated facilities, state permitting procedures for either permit issuance or modification and revised hazardous waste permit fees.

In order to assist us in planning for adequate facilities and materials, please let us know who will be attending from your facility by December 4, 1991. A registration form is enclosed. A copy of workshop materials will be provided on disk in Word Perfect format. If necessary, printed copies can be provided after the workshop. An agenda for the workshop is attached. There is no fee for attending the workshop.

The telephone number for reservations at the Roadway Inn is 1-800-826-4847. You should request the room rate for the TC Workshop. The Inn is located at 9956 Hawaiian Court just off International Drive.

If you have any questions or need additional information on the workshop, please call Mr. Doug Outlaw at 904/488-0300.

Sincerely,

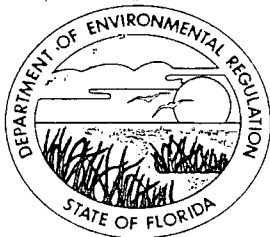
Bill Neime

h Satish Kastury
Environmental Administrator
Hazardous Waste Regulation

SK/DGO/rz

Enclosures

cc: Jim Kutzman, EPA/Region IV
District Program Administrators



Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

October 10, 1991

Carol M. Browner, Secretary

Mr. Curt Lessl
Diversified Environmental Services
P.O. Box 5986
Tampa, Florida 33675

Re: Temporary Operation Permit (TOP) for Handling TC Waste

Dear Mr. Lessl:

The purpose of this letter is to notify you of the revised Florida Administrative Code (FAC) 17-730 rule that may apply to your facility. Facilities newly regulated under Toxicity Characteristics (TC) rule must comply with FAC 17-730.231 for obtaining a Temporary Operation Permit (TOP). To obtain the TOP status, you must submit to the Department of Environmental Regulation (DER) Part I of the Application for a Hazardous Waste Facility Permit (form enclosed) and the TOP fee of \$1000 prior to October 30, 1991. Please note that the current permit fee structure may increase substantially under FAC 17-4 in the near future. If you wish to continue to operate a TSD facility, you must submit a complete application for an operating permit prior to September 10, 1992.

If your facility chooses not to apply for a storage permit and subsequently generates TC waste, this waste must be shipped off-site using proper ID number and manifests to a permitted TSD facility within ninety (90) days under existing hazardous waste regulations. If the 90 day limit is exceeded, the facility may be in violation for storing hazardous waste without a permit and may be subjected to enforcement action.

Enclosed is a copy of DER Form 17-730.900(2) and map indicating district boundaries and contact telephone numbers. Your application should be submitted directly to the appropriate District Office. You must submit an application for a TOP even though you have obtained EPA interim status. If you have any questions, please call Bill Neimes at 904/488-0300.

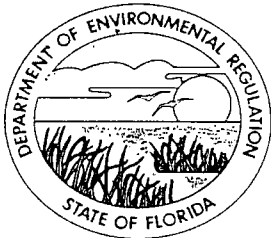
Sincerely,

Satish Kastury, Administrator
Hazardous Waste Regulation

SK/do
Enclosure

cc: District Waste Program Administrators
District Enforcement Supervisors
District Permitting Supervisors
Gary Early, DER/OGC
James Scarbrough, EPA/Region IV





Florida Department of Environmental Regulation

Twin Towers Office Bldg. • 2600 Blair Stone Road • Tallahassee, Florida 32399-2400

Lawton Chiles, Governor

October 10, 1991

Carol M. Browner, Secretary

Mr. Curt Lessl
Diversified Environmental Services
P.O. Box 5986
Tampa, Florida 33675

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Satish Kastury, Administrator
Hazardous Waste Regulation

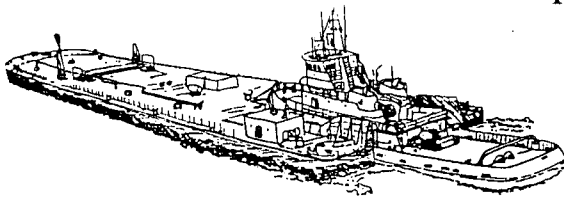
SK/do
Enclosure

cc: District Waste Program Administrators
District Enforcement Supervisors
District Permitting Supervisors
Gary Early, DER/OGC
James Scarbrough, EPA/Region IV



TAMPA BAY MARINE SERVICES, INC.

P.O. Box 5986
Tampa, Florida 33675-5986
(813) 248-4605
Fax: 1 (813) 247-5453



D.E.R.

FEB 25 1991

SOUTHWEST DISTRICT
TAMPA.

22 February, 1991

Mr. John Daily
City of Tampa
Industrial Waste Division
2700 Maritime Blvd.
Tampa, Fl. 33605

Re: Hazardous Waste Notification

Dear John,

In response to your letter of 21 December, 1990, following is the information required by 40 CFR Part 403.12 (p)(1).

As you know, our wastewater pretreatment plant is a batch process, handling approximately 6,500 gallons per batch. As a result of exposure to petroleum products, this wastewater is potentially contaminated with benzene, which was recently added to the list of RCRA regulated materials with the promulgation of the "TC" rule. Accordingly, Tampa Bay Marine Services, Inc., and its affiliate, Diversified Environmental Services, Inc. submit the following information:

Name of Waste: Waste Hazardous Liquid, N.O.S., UN1114

EPA Hazardous Waste Number: D018

Type of Discharge: Batch

Hazardous Constituent(s): Benzene (CAS #71-43-2), EPA # U019

Estimated Monthly Discharge: 3.8 lbs.

Estimated Monthly Concentration: 2.0 parts per million (max)

Estimated Annual Discharge: 45.6 lbs.

The above estimates are based upon a daily discharge of 13,000 gallons per day, 20 days per month, and a Benzene concentration of 2.0 ppm. We feel this is a high estimate, assuming the maximum parameters reasonably anticipated.

Page 2

In accordance with 40 CFR Part 403.12 (p)(4), we hereby certify that we have an active, ongoing policy of waste minimization which is accomplished primarily through the use of waste stream segregation and product recycling.

As always, should you have any questions regarding this matter, please feel free to contact me at any time.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. W. Lessl', written in a cursive style.

Curt W. Lessl, Ch.E.
Vice President, Environmental Services

cc: Director, Waste Management Division
USEPA Region IV

Administrator, Waste Management Program
FDER Southwest District

LEPC, District 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

JAN 22 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

4WD-RCRA&FFB

Mr. Curt W. Lessl
Vice-President
Diversified Environmental Services, Inc.
P.O. Box 5986
Tampa, Florida 33675

RE: Receipt of Part A Application Pursuant to the Toxicity
Characteristic (TC) Final Rule

Dear Mr. Lessl:

The purpose of this letter is to acknowledge receipt of the Part A
application submitted by Diversified Environmental Services, Inc.

The submittal is timely and complete. Effective September 25, 1990,
Diversified Environmental Services, Inc. has interim status to manage
the TC wastes described in the submittal. Diversified Environmental
Services, Inc. must submit a Part B application when called upon to do
so by EPA.

Interim status for TC wastes requires that Diversified Environmental
Services, Inc. manage these wastes in compliance with all the applicable
regulations in 40 CFR 265 until such time as a final decision is made on
the completed hazardous waste permit application, which includes the
Part B.

If you have any questions regarding this letter, please contact Ms. Lisa
Perras of my staff at (404) 347-7603. Florida has not adopted the TC
regulations as state law. Questions regarding state TC requirements
should be directed to the Florida Department of Environmental
Regulation.

Sincerely yours,

ORIGINAL
SIGNED BY

James H. Scarbrough, P.E., Chief
RCRA and Federal Facilities Branch
Waste Management Division

cc: Mr. Barry Swihart, Florida DER
Dr. Richard D. Garrity, Florida DER

*How
comp?*