



Foster, Ashley

From: Knauss, Beth
Sent: Friday, August 09, 2002 10:40 AM
To: Foster, Ashley
Cc: Dregne, James
Subject: RE: diversified marine tech

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

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

The rule only discusses wastes generated on the vessel.

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

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

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

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

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

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

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

Diversified Marine Tech., Inc.
D.M.T., Inc.
2531 22nd St. Causeway So.
Tampa, FL 33615

Ship Repair & Drydocking
Oil Spill Recovery
Gas Freeing

813-248-9176
813-248-3236
Display Pager: 639-6536
Mobile: 620-9465

ROBERT CAMPBELL
Vice President

MEMO TO DIVERSIFIED MARINE FILE 6/26/02

I have spoken to the EPA and the Coast Guard about which agency has jurisdiction over the Cottee River Barge. Lt. Commander Mike Holland has been very helpful in trying to find answers to my request. His phone number is (813) 228-2191 and one of the Coast Guard's law clerks is helping me to research this issue.

7/11/02 - called Lt. Commander Holland again.

The Lt ~~that~~ is doing the research is

named Lt. Don Brown.

Interna # is (305) 415-
6950

Foster, Ashley

From: Foster, Ashley
Sent: Friday, April 05, 2002 9:50 AM
To: Knauss, Beth
Subject: RE: DES/DMT

CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO SECTION 119.07(3)(1), F.S.

Beth,
I can't pursue the barge's oil processing as a count in this lawsuit because we do not have proof that used oil is held in the barge for more than 35 days. If we didn't settle this case we could find out more about the barge's oil processing during the discovery process. However, Jim has indicated that the barge conveniently doesn't keep adequate records so I am not sure how helpful discovery would be.

Ashley

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

From: Knauss, Beth
Sent: Friday, April 05, 2002 8:55 AM
To: Dregne, James; Foster, Ashley
Subject: RE: DES/DMT

The 1998 memo only applies to barges being used as transfer facilities. It does not address the issue of processing in a barge, or whether the facility is subject to state specific used oil or solid waste permit requirements.

I would be willing to give up the penalty issue if we included the counts in the lawsuit as a method of obtaining a final judicial settlement of the issue.

Another option would be to issue a formal "Request for Information" requiring DES to track ALL material being put on and taken off the barge for a specific period - say 6 months. The facility should be required to gauge the barge (is there only one compartment?) at least once per day, assessing the amount of sludge, water and oil present, with the objective of determining if oil is present in the barge in significant quantities, and if oil or oily waste is stored more than 35 days. This is equivalent to an EPA 3007 order.

Aside from that, we don't have to use the ELRA process if we take the daily penalties into account. We should also add a bad faith adjustment. DES certainly knew better than to operate a transfer facility on the land. They had been told of the requirements repeatedly.

I really don't want to go ELRA - I don't believe it is appropriate in this case.

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

From: Dregne, James
Sent: Thursday, April 04, 2002 6:42 PM
To: Foster, Ashley; Knauss, Beth
Subject: DES/DMT

I understand the rationale for dropping the fight with Diversified over the secondary containment for the Cottee River barge. With the inaction by EPA and the Department's June 18, 1998, letter on Used Oil Transfer Facilities Utilizing Rail Cars and Barges, it would be hard to win this issue in court. I also agree that because of the smoke and mirrors used by DES, it is impossible at this time to determine if used oil is staying in the Cottee River for longer than 35 days. Therefore, the used oil processing violation is also out.

For the current case, that leaves us with three violations. Per the case report, that would be #1 (secondary containment for the 19,838 gallon tank), #3 (labeling tanks and containers "Used Oil"), and #5 (failure to register as a used oil transfer facility). We would have to drop the other five violations because they involve the Cottee River barge and processing. We can add a violation involving DES and the 19K tank and that is 279.46(a). DES does not keep any records of the oil and oily waste that is pumped from the shrimp boats to the 19K tank.

With the other violations going away, we need to recalculate the penalty. Before the Case Report, the penalty was

at \$10,300. The Case Report had the penalty at \$43,100. Eliminating the five violations changes a lot. The first question is do we go ELRA? If we use ELRA the penalty would change dramatically.

ELRA

#1 Secondary Containment = \$3000
#2 Labeling = \$500
#3 Registration = \$500
#4 Tracking Oil = \$500
Cost = \$100
Total \$4600

Argument against ELRA is that we require conditions and we need to go long form Consent Order so we couldn't use ELRA. If we don't use ELRA, but use RCRA Civil Penalty Policy, the penalty would be:

#1 Secondary Containment = \$9000
#2 Labeling = \$900
#3 Register = \$300
#4 Tracking = \$2550
Cost = \$100
Total = \$12850.

Conditions of a Consent Order would include:

1. Register as a used oil transfer facility.
2. Label all containers containing used oil and oily waste "Used Oil"
3. Cease immediately storing used oil in land based storage units for longer than 24 hours until they have secondary containment for the storage units or the storage units are double walled.
4. Provide the Department with a plan that outlines how the company will track all incoming and outgoing used oil shipments in accordance with 279.46.

If DES want to contend that they do not manage used oil or oily waste, but only manage "liquid waste" i.e. solid waste, then the Consent Order would require them to get a solid waste permit.

Also, we need a formal petition from the State of Florida to EPA requesting that EPA make a decision on the barge and rail car issue. Eight years of inaction is long enough.

Comments, Suggestions?

**CONFIDENTIAL ATTORNEY WORK-PRODUCT EXEMPT FROM PUBLIC DISCLOSURE
PURSUANT TO §119.07(3)(I), F.S.**

James M. Dregne

FL. DEPT OF ENVIRONMENTAL PROTECTION
Environmental Specialist III
3804 Coconut Palm Drive
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james.dregne@dep.state.fl.us

Foster, Ashley

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

UPDATE

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

Florida Department of
Environmental Protection

Memorandum

DATE:	S-4		
JM	_____	MM	_____
IG	_____	OTHER	_____
MF	_____		
VK	_____		
AM	_____		
RETURN:	<input type="checkbox"/> YES TO: _____		
OGC#	199		

April 28, 1999

TO: David B. Struhs, Secretary
Kirby B. Green III, Deputy Secretary
All District Managers

cc: ~~Jeff Smith~~
Teresa
Paul
Lee H.

THROUGH: F. Perry Odom, General Counsel
Office of General Counsel

THROUGH: John W. Costigan, Deputy General Counsel
Office of General Counsel

FROM: Ralf E. Michels, Assistant General Counsel
Office of General Counsel

RECEIVED
MAY 03 1999
DEPT. OF ENV. PROTECTION
WEST PALM BEACH

SUBJECT: Legal Opinion Re: Boarding Foreign Registered Vessels

Question:

Does the Department have authority to board and inspect (non-military) foreign registered vessels located within the Department's jurisdiction for the purpose of determining compliance with applicable state laws and rules of the Department regarding the processing, storage, transfer and discharge of pollutants/hazardous materials?

Summary of Answer:

Yes. Sec. 403.091 F.S. authorizes the Department, under certain conditions as stated below, to enter "any property, premises, or place, except a building which is used exclusively for a private residence", for the purpose of determining compliance with the law or rules of the Department. Such entry must be by (i) express consent, or, (ii) if consent is denied, with a warrant issued by a court of competent jurisdiction. Exception: Under international agreements to which the United States is a signatory, both U.S. and foreign military ships possess sovereign immunity under the flag nation, and sec. 403.91 is therefore preempted and not applicable to such vessels.

Background:

The factual basis for this opinion arises from ongoing efforts by the Department to prevent pollution from wastes generated on pleasure cruise ships navigating state jurisdictional waters and using port facilities within the state (see secs. 403.031(13) F.S., def. "waters" and 403.061(26)(a), (b) F.S., powers and duties). These ships must periodically discharge at a dockside transfer facility substantial quantities of accumulated waste products which are hazardous in nature (sewage, combustion byproducts, etc.). Department employees

responsible for enforcement of the state's pollution laws ordinarily will conduct sampling of ship discharges at the external point of discharge, and do not require internal ship access under most circumstances.

Recently, the commercial operator of several popular cruise ship lines, with most or all of its ships operating under registries outside the U.S., has taken the position that the Department may lack authority to conduct onboard inspections of non-domestic ships.

Section 403.091 F.S. describes inspection authority of the Department as follows:

403.091 Inspections.—

(1) (a) Any duly authorized representative of the department may at any reasonable time enter and inspect, for the purpose of ascertaining the state of compliance with the law or rules and regulations of the department, any property, premises, or place, except a building which is used exclusively for a private residence, on or at which:

1. A hazardous waste generator, transporter, or facility or other air or water contaminant source;
2. A discharger, including any nondomestic discharger which introduces any pollutant into a publicly owned treatment works;
3. Any facility, as defined in s. 376.301; or
4. A resource recovery and management facility is located or is being constructed or installed or where records which are required under this chapter, ss. 376.30-376.319, or department rule are kept.

(b) Any duly authorized representative may at reasonable times have access to and copy any records required under this chapter or ss. 376.30-376.319; inspect any monitoring equipment or method; sample for any pollutants as defined in s. 376.301, effluents, or wastes which the owner or operator of such source may be discharging or which may otherwise be located on or underlying the owner's or operator's property; and obtain any other information necessary to determine compliance with permit conditions or other requirements of this chapter, ss. 376.30-376.319, or department rules.

(c) No person shall refuse reasonable entry or access to any authorized representative of the department who requests entry for purposes of inspection and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection. The owner or operator of the premises shall receive a report, if requested, setting forth all facts found which relate to compliance status.

(2) An inspection pursuant to subsection (1) may be conducted only after:

(a) Consent for the inspection is received from the owner, operator, or person in charge; or

(b) The appropriate inspection warrant as provided in this section is obtained.

(3) (a) An inspection warrant as authorized by this chapter may be issued by a judge of any county court or circuit court of this state which has jurisdiction of the place or thing to be searched.

(b) Upon proper affidavit being made, an inspection warrant may be issued under the provisions of this chapter or ss. 376.30-376.319:

1. When it appears that the properties to be inspected may be connected with or contain evidence of the violation of any of the provisions of this chapter or ss. 376.30-376.319 or any rule properly promulgated thereunder; or

2. When the inspection sought is an integral part of a larger scheme of systematic routine inspections which are necessary to, and consistent with, the continuing efforts of the department to ensure compliance with the provisions of this chapter or ss. 376.30-376.319 and any rules adopted thereunder.

(c) The judge shall, before issuing the warrant, have the application for the warrant duly sworn to and subscribed by a representative of the department; and may receive further testimony from witnesses, supporting affidavits, or depositions in writing to support the application. The affidavit and further proof, if had or required, shall set forth the facts tending to establish the grounds specified in paragraph (b) or the reasons for believing that such grounds exist.

(d) Upon examination of the application and proofs submitted and if satisfied that cause exists for the issuing of the inspection warrant, the judge shall thereupon issue a warrant, signed by him or her with the name of his or her office, to any department representative, which warrant will authorize the representative forthwith to inspect the property described in the warrant.

(emphasis added)

While the term "ship" is not explicitly mentioned, the terms "property, premises, or place" without qualification are legally broad enough to include those parts of a ship containing waste processing, storage, and transfer equipment subject to Department inspection. No distinction is made between a "property, premises, or place" that is under foreign ownership or control and one under domestic ownership or control. The statute's sole exception to the above terms is "a building which is used exclusively for a private residence", which under any accepted interpretation would not include a ship or part thereof, whether private or public, foreign or domestic.

Since sec. 403.091 above requires either consent or a judicial warrant to conduct inspections at the locations specified, the statute is consistent with both the U.S. Constitution (Amendment 4) and the Florida Constitution (Article 1, Section 12). It may even be argued that the express consent and search warrant requirements under sec. 403.091 offer more constitutional protection against unreasonable searches and seizures than is demanded in situations involving inspections of ships. By contrast, the United States Coast Guard may conduct all manner of inspections without benefit of either consent or a judicial warrant, such inspections being considered "limited intrusions" upon constitutional protections. See United States v. Royal Caribbean Cruises, Ltd., 24 F.Supp.2d 155 (D. P. R. 1997).

The federal Act to Prevent Pollution from Ships (APPS) (USCA Title 33 Navigation And Navigable Waters , Chapter 33--Prevention Of Pollution From Ships sec. 1901 et. seq. -- essentially a U.S. codification of the Marine Pollution, or MARPOL Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973) does not appear to conflict with or impair the Department's inspection powers under sec. 403.91. The United Nations Convention on the Law of the Sea (the Law of the Sea Convention of 1982, or UNCLOS) also does not appear to conflict with or impair the Department's inspection powers under sec. 403.91. Both MARPOL and UNCLOS are primarily concerned with regulating ship pollution on the high seas. For more discussion on the above see United States v. Royal Caribbean Cruises, Ltd., 11 F.Supp.2d 1358 (S. D. Fla. 1998), and United States v. Royal Caribbean Cruises, Ltd., 24 F.Supp.2d 155 (D. P. R. 1997).

Conclusion:

With respect to ships of foreign registry, other than military vessels, there are currently no federal or international laws or regulations preempting or conflicting with the application of sec. 403.091 to such vessels within the Department's designated jurisdiction, particularly if vessels sought to be inspected are moored at dockside.

Altice, Kekai

4

From: Foster, Ashley
Sent: Friday, August 09, 2002 10:11 AM
To: Altice, Kekai
Subject: diversified marine file

Contact info for the Coast Guard jurisdiction issue.

(305) 415-6874- Eric Mosher

(305) 415-6950 - Don Brown (intern) worked on this issue. From now on contact Lt. Commander Jim Carleson.

CRUISE SHIP WHITE PAPER

United States Environmental Protection Agency

August 22, 2000

I. EXECUTIVE SUMMARY

On March 17, 2000, the Bluewater Network sent a petition to Administrator Carol Browner on behalf of 53 organizations, asking the Environmental Protection Agency (EPA) to take "regulatory action on measures to address pollution by cruise ships." The petition specifically calls for an investigation of wastewater, oil and solid waste discharges from cruise ships, and the implementation of policy or regulatory changes if necessary to assure that these discharges do not threaten the marine environment. In response to the petition, EPA agreed to study cruise ship discharges and waste management approaches.

This EPA paper provides preliminary information regarding cruise ships and waste management practices and provides some preliminary recommendations regarding EPA's response to the petition. It is not intended to provide an in-depth review of the issues or propose final answers to the questions and concerns posed by the petition. The options presented in the paper should not be interpreted as Agency recommendations or as a decision on the Bluewater Network petition. It draws upon existing, readily available, information sources including the petition and documents produced by the cruise line industry and lays the groundwork for responding to the petition. There may also be some U.S. Coast Guard activities addressing environmental regulation of cruise ships which are not described in this paper.

This white paper recommends the following EPA actions:

- (1) Conduct an assessment of:
 - the volumes and characteristics of cruise ship waste streams and their potential impact on water quality and the marine environment;
 - the effectiveness of existing programs (regulatory and non-regulatory) for managing those waste streams; and
 - options for better environmental management of cruise ship waste streams including the issuance of regulations and/or voluntary environmental management programs such as public-private partnerships.
- (2) Solicit additional information from the petitioners, other environmental groups, the cruise ship industry, government agencies, and the public for incorporation into the assessment. Hold public information hearings in Los Angeles, California (Sept. 6, 2000); Juneau, Alaska (Sept. 8, 2000); and Miami, Florida (Sept. 12, 2000) where there is a large amount of cruise ship traffic as a way to solicit this information.
- (3) Once the assessment is drafted, make it available to the public.
- (4) Establish an interagency workgroup with EPA and the Coast Guard in primary roles to review the assessment and take appropriate action.
- (5) Continue to support Coast Guard, State and industry efforts to improve cruise ship waste management practices while assuring that these efforts are consistent with national policy and regulations.

- **Gray Water** (shower, sink, and galley water): A typical cruise ship is estimated to generate up to one million gallons a week. The petition states that current Federal regulations do not restrict gray water discharges except in the Great Lakes, and that gray water may pose environmental impacts as great or greater than sewage.
- **Hazardous Waste** (waste from dry cleaning, photo labs, paint, and maintenance chemicals, etc.): The petition suggests that a lack of clarity in EPA's hazardous waste requirements for vessels under the Resource Conservation and Recovery Act (RCRA) results in insufficient regulation and oversight of cruise line hazardous waste management practices.
- **Solid Waste** (food waste, plastic, paper, wood, cardboard, cans, glass, etc.): The petition suggests cruise ships often dump solid waste at sea in violation of the Marine Protection, Research, and Sanctuaries Act (MPRSA) and the Act to Prevent Pollution from Ships (APPS).
- **Oily Bilge Water**: Cruise ships are estimated to generate up to 25,000 gallons on a one week voyage. The petition states that improved monitoring and enforcement is needed to ensure that cruise ships comply with Coast Guard regulations (33 CFR §§ 151, 153 and 155), which implement the CWA as amended by the Oil Pollution Act (OPA).

The petition requests that EPA: (1) assess the volumes and characteristics of cruise ship waste streams and their potential impact on water quality and the marine environment, (2) examine existing Federal regulations governing cruise ship waste streams, and (3) form recommendations on how to better control and regulate these waste streams. The petition suggests this assessment should include, but not be limited to, the following:

- Quantification of the volumes of all waste streams from large passenger vessels and assessment of the adequacy of existing regulations to control such wastes;
- Delineation of options for a comprehensive monitoring, record-keeping and reporting regulation for all pollutants discharged into US waters and wastes offloaded at U.S. ports from large passenger vessels;
- Evaluation of the effect of repealing 40 CFR § 122.3(a), thereby requiring National Pollution Discharge Elimination System (NPDES) permits for discharges of sewage, gray water and other "incidental" discharges;
- Consideration of the need for, and best means of, more strictly defining and regulating gray water; and
- Consideration of the need for clarifying the regulations governing hazardous and toxic wastes generated on cruise ships, both while at sea and once offloaded, and a delineation of options for whether and how these regulations should be strengthened.

The petition requests that EPA produce a report of its investigations and findings with a list of options to address their concerns.

On August 2, 2000, the Bluewater Network submitted an addendum to the petition requesting that EPA also examine and make recommendations on how to address air pollution from cruise ships. EPA is considering this request, but has not made a final decision on whether to include air pollution in this assessment or to address it through a separate agency evaluation.

C. Other Related Issues

1. Ballast Water Petition

- The TBT-Based Marine Anti-fouling Paint Ban (SB 266) was signed into law on April 14, 2000. It prohibits vessels painted with TBT from entering State waters after January 2001.
- The Cruise Ship Reporting Bills (HB 371 and SB 308) would have required large passenger vessels that enter State waters to register with the Alaska Department of Environmental Conservation and report all releases of pollutants, but neither bill passed.

b. Alaskan Cruise Ship Initiative

The Alaska Department of Environmental Conservation (ADEC) convened a steering committee to review the cruise ship industry's waste management and disposal practices. The committee is made up of representatives from ADEC, the Coast Guard, EPA, and the cruise ship industry. The steering committee chartered four work groups (air, water and solid waste, spill response, and environmental leadership) to: (1) identify waste streams and spill risks, (2) develop pollution-prevention and waste management solutions, (3) assess methods to verify compliance, and (4) inform the public on progress made in this effort. These workgroups recently published a report of their work ("Report of the Work Groups," May 10, 2000).

While work on these efforts is on-going, initial workgroup achievements include:

- The cruise lines agreed not to use "doughnut holes" (areas which are not State waters, but are surrounded by State waters) for discharging waste;
- The operators of larger cruise ships agreed to not discharge gray or black water within 10 miles of Alaskan embarkation or destination ports;
- The cruise ship industry agreed to establish and maintain four spill response barges and vessels stationed throughout southeast Alaska;
- Sampling and analysis of all black and gray water discharge ports on twenty of the large cruise ships twice during the 2000 season; and
- Conducting public "Cruise Ship Awareness Days" during the summer of 2000.

Work groups will continue to work on issues including the identification of environmentally sensitive areas in Alaska that should have additional voluntary cruise ship controls or restrictions.

c. Alaskan Tribal Concerns

On March 4, 2000, the Central Council of the Tlingit and Haida Indian Tribes of Alaska passed resolution EC/00-06, *Object to Cruise Ship Dumping of Pollutants in Southeast Alaska Waters*. The resolution supported the newly formed (Alaskan) Interagency Cruise Ship Initiative (described above), and requests Federal and State governments to:

- Prohibit all discharges from cruise lines within 12 miles of shore;
- Require all cruise lines to have discharge monitoring devices; and
- Prohibit ships caught illegally discharging from entering southeast Alaskan waters.

The resolution cites the threat that cruise line discharges will contaminate subsistence foods, a possible environmental justice issue:

similar to the Type I device, except it is required to produce an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters of water and suspended solids not greater than 150 milligrams per liter of water. Type III MSDs are commonly called holding tanks because the sewage is deposited into a holding tank until it can be properly disposed. Vessels under 65 feet in length with installed toilets must be equipped with a Type I, Type II, or Type III MSD. Vessels over 65 feet in length are required to equip all installed toilets with a Type II or Type III MSD. Most cruise ships employ holding tanks. Whether a cruise ship discharges blackwater at sea or to onshore facilities depends on the circumstances surrounding each voyage (e.g., whether the ship will be on the open ocean, whether facilities for shore-side disposal are available).

b. No Discharge Zones (NDZs)

Section 312(f)(3) allows for the establishment of NDZs for vessel sewage. Under section 312(f)(4)(A) and (B), EPA can issue regulations establishing NDZs for vessel sewage if a State certifies that the waters need additional protection to protect environmentally sensitive areas such as shellfish beds, coral reefs, and/or fish spawning areas or if the waters are used for drinking purposes. Among the factors considered when establishing NDZs are whether there are safe and adequate pump out facilities for shore disposal of vessel sewage.

2. The Oil Pollution Act of 1990 (OPA) and Section 311 of the Clean Water Act

OPA (33 U.S.C. §§ 2701 *et seq.*) is a comprehensive statute designed to expand oil spill prevention, preparedness, and response capabilities of the Federal government and industry. It amends section 311 of the CWA to: clarify Federal response authority, increase penalties for spills, establish Coast Guard response organizations, require tank vessel and facility response plans, and provide for contingency planning in designated areas.

OPA applies to cruise ships and prohibits the discharge of oil or hazardous substances, in such quantities as may be harmful, into or upon: U.S. navigable waters, adjoining shorelines, waters of the contiguous zone, or waters which may affect natural resources in the Exclusive Economic Zone (also known as the "EEZ" and extending some 200 miles offshore). Within twelve miles of shore, OPA's regulations prohibit the discharge of oil unless it is passed through an oil-water separator, and does not cause a visible sheen or exceed 15 ppm. See 33 CFR § 151.10. Beyond twelve miles, oil or an oily mixture may be discharged while proceeding en route if the oil content of the effluent without dilution is less than 100 ppm. Vessels are required to maintain an Oil Record Book, which records, among other things, the disposal of oily residues and the discharge or disposal of bilge water. 33 CFR § 151.25.

3. The International Convention for the Prevention of Pollution from Ships (MARPOL) and the Act to Prevent Pollution From Ships (APPS)

The MARPOL Convention governs the release of oil, hazardous substances, and garbage into the marine environment. MARPOL consists of various annexes. Annex I addresses oil pollution and places requirements on new oil tankers. Annex II governs noxious liquids carried in bulk. Annex III governs packaged harmful substances. Annex IV deals with the control of sewage and other "grey water." Annex V deals with garbage (which includes plastics, metal, glass, galley wastes and other materials). Annex VI addresses vessel air emissions. The Act to Prevent Pollution from Ships (33 U.S.C. §§ 1901 *et seq.*) is U.S. legislation implementing certain provisions of MARPOL.

a. Act to Prevent Pollution from Ships

APPS applies to all U.S. flagged ships anywhere in the world and to all foreign flagged vessels operating in the navigable waters of the United States or while at a port or terminal under the jurisdiction of the United States. With respect to oil and noxious substances, APPS places requirements only on seagoing ships (including cruise ships). Those requirements limit discharges of oil and noxious substances,

ships of other contracting states if there are clear grounds for believing that the ship and its equipment do not substantially comply with the requirements of the Convention.

In 1998, new amendments to SOLAS (Chapter IX) entered into force to make mandatory the International Safety Management (ISM) Code, which had been adopted by the IMO in November 1993 (Assembly resolution A.741(18)). Chapter IX applies to passenger ships and tankers from that date and to cargo ships and mobile drilling units of 500 gross tons and above from July 1, 2002. These requirements are also codified in the Coast Guard regulations. See 33 CFR part 96.

The ISM Code establishes safety management objectives which are:

- To provide for safe practices in ship operation and a safe working environment;
- To establish safeguards against all identified risks; and
- To continuously improve safety management skills of personnel, including preparing for emergencies.

The Code requires Safety Management System (SMS) Plans to be established by shipowners or any person, such as the manager or bareboat charterer, who has assumed responsibility for operating a ship. Those entities must establish and implement a policy for achieving these objectives. This includes providing the necessary resources and shore-based support. The procedures required by the ISM Code are documented and compiled in a Safety Management Manual which is kept on board. While the primary focus of the SMS Plans and Safety Management Manuals is safety, they also have a substantial environmental protection component.

SMS Plans frequently employ the use of third party verification companies (also known as classification societies) such as Det Norske Veritas, Lloyds Register, and American Bureau of Shipping to certify compliance with ISM standards. Oversight for compliance with ISM requirements is carried out through ISM audits by the classification societies and by inspections by the flag states and the Coast Guard.

5. Resource Conservation and Recovery Act (RCRA)

RCRA imposes management requirements on generators or transporters of hazardous waste. Cruise ships regularly use chemicals for operations ranging from routine maintenance such as cleaning and painting, to passenger services such as dry cleaning, beauty parlors, and photography labs. Thus, cruise ships or passenger service facilities within cruise ships may be subject to RCRA requirements. Issues related to RCRA include the point at which a hazardous waste is considered generated; the parties that are generators, storers, treaters or disposers; and the applicability of RCRA requirements to these parties.

6. Marine Protection, Research, and Sanctuaries Act (MPRSA)

Title I of MPRSA (33 U.S.C. §§ 1401 et seq.) (also called the Ocean Dumping Act) provides authority for EPA and the Corps of Engineers to regulate ocean dumping. MPRSA prohibits (1) the transportation of any material from the United States for the purpose of disposal without a permit; and (2) the transportation of any material by U.S. flagged vessels, U.S. departments, agencies, or instrumentalities for the purpose of dumping it into ocean waters without a permit.

The Act also prohibits any person from dumping, without a permit, any material transported from a location outside the United States into the territorial seas or into the contiguous zone, to the extent it may affect the territorial seas or the territory of the United States. EPA is responsible for issuing permits that regulate the disposal of materials at sea using environmental criteria. However, for dredged material disposal, the Corps of Engineers is responsible for issuing permits. The routine discharge of effluent

EPA requires permits for oil and gas facilities, exploratory sea bed mining, and sea food processing vessels out to 200 miles offshore (i.e., to the edge of the Exclusive Economic Zone (EEZ)). If there were cruise ship discharges which did not fall within the vessel exclusion, NPDES permit coverage would be required.

B. U.S. Coast Guard Oversight

In general, the U.S. Coast Guard has primary oversight responsibility for ensuring that vessels such as cruise ships comply with domestic laws and international conventions (i.e., CWA section 312, OPA, MARPOL/APPS, and SOLAS). Other agencies have the authority to ensure compliance with certain environmental requirements. The Coast Guard conducts quarterly inspections of all cruise ships operating in U.S. waters. Those inspections are usually scheduled in advance and performed in port since it would be difficult and disruptive to passengers to conduct surprise inspections while cruise ships are underway. The Coast Guard may also use aircraft to detect illegal pollution discharges from vessels. One concern raised in the GAO report is that the Coast Guard's primary focus on ship and passenger safety, coupled with the large size of most cruise ships, the limited time for inspection, and limited staff resources make it difficult for the Coast Guard to perform detailed reviews on the status of a vessel's environmental compliance.

IV. OPTIONS FOR ADDRESSING CRUISE VESSEL POLLUTION

Below are options that EPA is considering for addressing pollution from cruise ships. It is important to note that the regulatory regime for control of pollution from cruise ships has substantial overlap with the regulations governing other commercial vessels. Accordingly, regulatory revisions or policy changes for the enhancement of pollution control from cruise ships may have direct implications for pollution management by other commercial vessels. Because this paper is only providing preliminary information on the subject of cruise ship pollution and pollution management practices, the options described below should not be interpreted as agency recommendations or as a decision on the Bluewater Network petition.

Regardless of the options presented, it is important that cruise ships be properly defined. At present, no single definition of "cruise ship" exists to conveniently frame a discussion on issues articulated by the petition. For example,

- U.S. shipping regulations (46 CFR 70.10-35) indicate that "cruise ships" may include all passenger vessels over 100 gross tons, or carrying more than 12 passengers.
- California Bill AB 2746 in its current form (discussed above) defines "large passenger vessel" as "a vessel of 300 gross registered tons or greater that is engaged in the carrying of passengers for hire." The definition excludes some vessels, including "vessels without berths or overnight accommodations for passengers."
- The Alaska Cruise Ship Initiative (discussed above) used a much higher tonnage threshold, 20,000 gross tons, in their working definition of cruise ships for their analysis of cruise ship discharges.

A suitable working definition of "cruise ship" is needed to provide focus to the study of cruise ship discharge issues. Available publications indicate the following criteria could be considered individually and in combinations when defining a "cruise ship":

- Vessel's gross tonnage
- Number of passengers

The initial exclusion extended to "discharges of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes; or any other discharge incidental to the normal operation of a vessel." 38 FR 13530. It did not apply to "rubbish, trash, garbage, or other such materials discharged overboard, nor to discharges when the vessel is operating in a capacity other than a vessel such as when a vessel is being used as a storage facility or cannery." *Id.* When promulgating the exclusion, EPA explained in the preamble that "[m]ost discharges from vessels to inland waters are now clearly excluded from the [NPDES] permit requirements. This type of discharge generally causes little pollution and exclusion of vessel wastes from the permit requirements will reduce administrative costs drastically." 38 FR 13528.

In 1979, EPA modified the vessel exclusion to clarify that it did not extend to discharges when the vessel is operating in a capacity other than as a means of transportation such as when being used as an energy or mining facility, a storage facility, or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the United States for the purpose of mineral or oil exploration or development. 44 FR 32902 (June 7, 1979). In proposing this language, EPA concluded that Congress did not intend to exclude from NPDES requirements vessels that were not used for the primary purpose of transportation. See 43 FR 37079 (Aug. 21, 1978).

being used as an oil processing facility?

The regulatory history of section 122.3(a) does not describe what types of discharges are incidental to the normal operation of a vessel other than those specifically enumerated in the exclusion. However, it does give examples of discharges which would not qualify for the exclusion (e.g., discharges of rubbish, trash, garbage, or other such materials discharged overboard; and discharges when the vessel is operating in a capacity other than a means of transportation). Subsequent amendments to the Clean Water Act define "pollutant" to exclude "sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces [within the meaning of section 312]." CWA § 502(6). However, this exclusion of incidental discharges from the definition of "pollutant" only applies to vessels of the Armed Forces.

The language of the CWA only includes gray water in its definition of sewage for the express purpose of regulating commercial vessels on the Great Lakes. Therefore, EPA might be able to narrow the NPDES exclusion for gray water so that it applies only to commercial vessels on the Great Lakes. NPDES permits would be required for other discharges of gray water.

The NPDES vessel exclusion was premised on the assumption that vessel discharges, including gray water, were minor sources of pollutants as compared to other dischargers. The assessment requested by the petition will consider whether this assumption is still valid for gray water.

One possible disadvantage to using NPDES permits to regulate gray water discharges is that such an approach might result in cruise ships being subject to multiple, and possibly inconsistent, permitting requirements under different State NPDES permitting programs. Most States have approved NPDES permit programs and EPA does not issue NPDES permits to facilities which could be subject to an

under article 24 of the Convention of the Territorial Sea and the Contiguous Zone. CWA §502(9). The Convention provides that "the contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured. 15 U.S.T. § 1606 (Article 24(2)). The CWA defines the ocean as any portion of the high seas beyond the contiguous zone. See CWA § 502(9) and (10). On September 3, 1999, Vice President Al Gore announced that President Clinton signed a proclamation giving U.S. authorities the right to enforce environmental and other laws at sea within 24 nautical miles from shore, doubling the current 12 mile area. However, the Executive Order will not have the effect of amending any statutory definitions found in section 502(9). It might, however, result in a movement to amend such definitions legislatively.

As part of its assessment, EPA will consider better implementation⁷ and enforcement of existing laws and regulations. Certain cruise ship waste streams such as oil, garbage, and hazardous waste are regulated under a comprehensive set of laws and regulations. However, as documented in the GAO report, these laws and regulations may not be adequately enforced or implemented.

C. Cross-Media Pollution Management Approaches

The cruise lines have recently taken a number of steps to improve their environmental performance.

1. Safety Management System Plans/Environmental Management Systems

The twelve of the major cruise line companies have implemented Safety Management System (SMS) Plans for: (1) developing enhanced waste management systems to implement the companies' environmental policies and highlight proper waste-handling procedures; (2) increasing internal and third-party audit oversight of environmental procedures to prevent illegal discharges; and (3) improving waste management and equipment to reduce or better treat waste items. These plans are certified in accordance with the International Marine Organization's (IMO) International Safety Management (ISM) Code.

SMS plans and Safety Management Manuals can embody many of the elements of an environmental management system (EMS). An EMS is a formal set of procedures and policies that describe how an organization will assess and manage its potential impacts on the environment, focusing on both regulated and unregulated activities. EMSs are not a wholesale substitute for regulations, but rather a complement to them. When implemented properly, an EMS has the potential to move an organization beyond compliance with regulations, toward a dynamic, continual process for reducing adverse impacts on the environment. The use of EMSs is widespread and growing in the private sector, and is now increasing in the public sector. Most of these efforts use the ISO 14001 International Standard for EMS⁷ as a framework, but the use of "tailored" EMSs that can respond more directly to the needs of a particular sector are also proving to be useful.

EPA is currently working with other sectors, including publicly-owned treatment works and various other public sector organizations, to encourage the use of EMSs in order to assure compliance and address significant unregulated environmental impacts. In addition, the Office of Water is now working with the poultry industry through Project XL to develop an EMS program for egg producing operations that could be implemented through general NPDES permits.

There are a number of potential benefits of adopting EMSs including:

- Addressing all significant environmental impacts of an organization, whether regulated or not;
- Emphasizing pollution prevention instead of corrective action;
- Focusing on continual improvement in environmental performance, instead of only complying with legal requirements; and

⁷ ISO 14001:1996, *Environmental Management Systems - Specification with Guidance for Use*. See also, ISO 14004:1996, *Environmental Management Systems - General Guidelines on Principles, Systems, and Supporting Techniques*; ISO 14010:1996, *Guidelines for Environmental Auditing - General Principles*; ISO 14011:1996, *Guidelines for Environmental Auditing - Audit Procedures - Auditing of Environmental Management Systems*; ISO 14012:1996, *Guidelines for Environmental Auditing - Qualification Criteria for Environmental Auditors*.

- (1) Conduct an assessment of:
 - the volumes and characteristics of cruise ship waste streams and their potential impact on water quality and the marine environment;
 - the effectiveness of existing programs (regulatory and non-regulatory) for managing those waste streams; and
 - options for better environmental management of cruise ship waste streams including the issuance of regulations and/or voluntary environmental management programs such as public-private partnerships.
- (2) Solicit additional information from the petitioners, other environmental groups, the cruise ship industry, government agencies, and the public for incorporation into the assessment. Hold public information hearings in Los Angeles, California (Sept. 6, 2000); Juneau, Alaska (Sept. 8, 2000); and Miami, Florida (Sept. 12, 2000) where there is a large amount of cruise ship traffic as a way to solicit this information.
- (3) Once the assessment is drafted, make it available to the public.
- (4) Establish an interagency workgroup with EPA and the Coast Guard in primary roles to review the assessment and take appropriate action.
- (5) Continue to support Coast Guard, State and industry efforts to improve cruise ship waste management practices while assuring that these efforts are consistent with national policy and regulations.

FaxBack # 11396

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY

WASHINGTON, D.C. 20460

FEBRUARY 8, 1989

MEMORANDUM

SUBJECT: Responses to Questions Raised by the Coast Guard
Regarding the Applicability of
RCRA

FROM: Stephen L. Cochran, Acting Chief
Review Section (OS-332)

THRU: Robert W. Dellinger, Chief
Waste Characterization Branch (OS-332)

TO: Shannon E. Cunniff
Federal Agency Liaison for the Coast Guard
Office of Federal Activities

This memorandum provides written responses to questions raised by the Coast Guard in the January 5, 1989 meeting between representatives of the Coast Guard and representatives of various offices within EPA on proposed regulations implementing Annex V of MARPOL. These responses pertain to the applicability of RCRA to ship wastes; we have responded to questions specific to medical wastes in a previous memorandum.

1. Will garbage/waste from ships which is discharged to a port or

terminal's reception facility fall under RCRA requirements?

Yes. Generally, all wastes are potentially subject to RCRA. Hazardous wastes are subject to Subtitle C of RCRA, medical wastes are subject to Subtitle J, and all other wastes are subject to Subtitle D.

2. What are criteria for determination?

Assuming that this question concerns the criteria for determination of whether the waste is a hazardous waste, the following discussion gives a brief outline of the criteria.

A waste may be classified as hazardous either by being specifically listed as a hazardous waste, or by exhibiting a characteristic of a hazardous waste. Listed hazardous wastes are found at 40 CFR 261 Subpart D. Hazardous wastes from non-specific sources are listed in 40 CFR 261.31, hazardous wastes from specific sources are listed in 40 CFR 261.32, and hazardous wastes that are discarded commercial chemical products, off-specification species, container residues, and spill residues are listed in 40 CFR 261.33. In addition, the characteristics of a hazardous waste are identified in 40 CFR 261 Subpart C. These characteristics are specifically: ignitability (40 CFR 261.21), corrosivity (40 CFR 261.22), reactivity (40 CFR 261.23), and EP toxicity (40 CFR 261.24). As a final note, there are specific materials which are excluded from the definition of a solid waste, or are solid wastes but are excluded from being hazardous wastes. These exclusions are found at 40 CFR 261.4.

3. If so, is the ship the generator or is the shore facility?

At present, the ship is considered to be the generator under RCRA. However, Mr. Tom Bennett (of the Coast Guard) is currently

developing a regulation to allow for the shore facility to be considered the generator.

4. If shore facility, which one: the facility where the ship originally off-loads the garbage, the waste hauler?

As stated above, the ship is currently considered the generator. When the new regulations allowing the shore facility to be considered the generator are developed, we expect that the facility where the ship originally off-loads the waste would be considered the generator.

5. If RCRA will generally apply to ships, how available are RCRA disposal facilities?

The availability of RCRA disposal facilities is a factor of the commercial environment. In other words, the facilities must be contacted, and contracted with to accept the waste. There is a document available, entitled "Directory of Commercial Hazardous Waste Management Facilities," that lists the available facilities by States and specific operations. This directory is available through the National Technical Information Service (NTIS), order number PB88-109699.

6. Is medical waste RCRA waste? If not, what law governs? What are the requirements for disposal?

(See earlier memorandum.)

7. If needed, how can a ship's master determine what RCRA waste is?

This is often a complicated question to answer, especially as a generic question. There are guidance documents available through EPA, as well as private publications, that attempt to simplify the

relevant regulations. The best approach is to contact the State agency (State regulations also apply, and may differ from Federal regulations) and the appropriate EPA Regional office for a regulatory interpretation. Further assistance is available from EPA's RCRA/CERCLA Hotline which can be reached at 1-800-424-9346, or in the Washington, DC metropolitan area, 382-3000. In addition, EPA Headquarters staff is also available to provide information and answers to general regulatory questions. For further information, interested parties may call Mitch Kidwell at (202) 475-8551.

View Record Detail

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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, ????????

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to 90 days without a permit if he complies with the requirements of 260.34(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).

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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 pro-
duct-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 that 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 ship' oily wastes does not necessarily determine the role of the

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port 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,

Original Document signed

Marcia Williams
Director
Office of Solid Waste

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FAXBACK12727

RAW MATERIAL TRANSPORT VASSEL EXCLUSION FOR
ALL WASTES GENERATED ON SUCH VESSELS
9441.1986(65)

SEP 3 1986

OFFICE OF SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Ernest J. Corrado
Vice President
American Institute of Merchant Shipping
1000 16th Street, N.W., Suite 511
Washington, D.C., 20036

Dear Mr. Corrado:

Thank you for your August 6, 1986, letter in which you set forth the maritime industry legal analysis on the application of the Resource Conservation and Recovery Act (RCRA) regulations to vessel wastes. While I do not agree with a number of the conclusions you have drawn regarding Congress' intent to limit RCRA jurisdiction to land disposal, I do agree that the Environmental

Protection Agency (EPA) did in fact promulgate an exemption from RCRA regulation for raw material and product transport vessels.

In my February 5, 1986 letter to Vice Admiral Rots of the Coast Guard, we concluded that different types of wastes generated in vessels were regulated differently under the hazardous waste rules. This conclusion was based on the intent underlying EPA's exemption of hazardous waste generated in product or raw material transport vessels until the waste is purposely removed from the vessel. 40 CFR 261.4(c). We believe that the exemption was intended to cover only those hazardous sediments and residues produced in the units containing valuable product or raw material.

As articulated in the preamble to the rule, EPA judged that:

[T]hese hazardous wastes are contained against release into the environment . . . and the risks they pose to human health or the environment are very low and are only incidental to the risks posed by the valuable product or raw material with which they are associated (emphasis added). 45 Fed. Reg. 72024, 72025 (Oct. 30, 1980).

Since wastes generated on other parts of the ship, including engine room wastes, are not directly associated

to view
the exemption as extending to all hazardous waste
management
activity on the product or raw material transport vessel.
However,
as specified in 261.4(c), all hazardous wastes generated in
the
vessel become subject to RCRA regulation as soon as the
waste is
removed from the vessel (anywhere within U.S. waters) or
within
90 days after the vessel is no longer operated as a product
or
raw material storage or transport vessel.

Therefore, when any hazardous waste is removed from the
vessel, the owner of the product or raw material, the
operator of
the vessel, and the person purposefully removing the
hazardous
waste from the vessel would all be considered "generators",
as
defined in 260.10 of the regulations. Any of those parties
deemed to be a "generator" of the waste, therefore, could
perform
any or all of the duties of the generator. As EPA pointed out
in
the October 30, 1980 preamble to the rule, the Agency
would look
initially to the operator of a central facility operated to
remove sediments and residues from the vessel to perform
the
generator duties, which includes obtaining an EPA

identification

number. Of course, this should not be construed as requiring a

central facility or terminal to remove hazardous waste from a vessel. In situations where hazardous wastes generated in the

vessel are not removed at a central facility, the Agency would

look to the vessel operator to perform the generator duties.

See

45 Fed. Reg. at 72027.

While we have some concern that the literal reading of 261.4(c) exempts from regulation some hazardous wastes that

were not intended to be exempt when EPA promulgated the regulatory

amendment (i.e., waste generated aboard vessels in other than

product or raw material cargo tanks), we believe that such a literal reading of 261.4(c) poses low risk to human health and the environment for several reasons. First, as indicated in

the February 5 letter, we do not believe that generation of hazardous wastes in units not related to product or raw material

storage or transportation, such as bilges, to be a serious problem

while aboard the vessel since the ship itself is designed to prevent leaks. Second, to the extent that oily residues from

propulsion systems are not contaminated with listed wastes, such

as spent solvents, the oily wastewater now required to be discharged to shoreside reception facilities under MARPOL would not meet the definition of hazardous waste. */ Finally, as noted above, any hazardous wastes generated in product or raw material transport vessels are subject to RCRA when they are discharged from or otherwise exit the vessel. Thus releases to the environment would still be regulated under RCRA.

I hope that this has been responsive to your concerns. Please do not hesitate to contact me if you have any further questions.

Sincerely,

Original Document signed

Marcia E. Williams, Director
Office of Solid Waste

*/ As you correctly point out, EPA has proposed to list used oil as a hazardous waste; however, EPA is reconsidering the entire used oil issue. Should the Agency move forward in finalizing rules in this area, those rules would take into consideration the special problems of shipboard wastes.

MEMO TO DIVERSIFIED MARINE FILE 6/26/02

I have spoken to the EPA and the Coast Guard about which agency has jurisdiction over the Cottee River Barge. Lt. Commander Mike Holland has been very helpful in trying to find answers to my request. His phone number is (813) 228-2191 and one of the Coast Guard's law clerks is helping me to research this issue.

7/11/02 - called Lt. Commander Holland again.
The Lt ~~that~~ is doing the research is
named Lt. Donald Brown. Interns # is (305) 415-698.

fax file

**Florida Department of
Environmental Protection**

Facsimile Cover Sheet

To: Ashley Foster
OGC
Phone: (850)
Fax: (850) 488-2439

*DMT/DES
Diversified
marine*

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 7, 2002
Pages including this cover page: 3

FYI

I enlarged the copy of the MOU that I have. If you can't read this faxed copy, let me know and I will mail you a copy. The copy I have is not real good, but it is readable.

NOTICES

DEPARTMENT OF
TRANSPORTATION

Coast Guard

MEMORANDUM OF UNDERSTANDING
BETWEEN THE ENVIRONMENTAL
PROTECTION AGENCY AND THE
DEPARTMENT OF TRANSPORTATION

This memorandum establishes policies and guidelines relating to the definition of transportation and nontransportation related onshore and offshore facilities and the responsibilities of the Environmental Protection Agency and the U.S. Coast Guard with respect to the prevention of oil discharges from vessels and onshore and offshore facilities.

SECTION I—GENERAL

1. Section 11(j)(1)(C) of the Federal Water Pollution Control Act, as amended authorizes the President to issue regulations consistent with maritime safety and with marine and navigation laws establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities.

2. This authority was delegated by the President in Executive Order 11548. Section 1 of that Executive order delegates responsibility and authority to the Secretary of the Interior to carry out the provisions of subsection (j)(1)(C) of section 11 of the Act after consultation with the Secretary of Transportation relating to procedures, methods and requirements for equipment to prevent discharges of oil from nontransportation related onshore and offshore facilities. The authority delegated to the Secretary of the Interior was subsequently vested in the Administrator of the Environmental Protection Agency in Reorganization Plan No. 3 of 1970 and section 9 of Executive Order 11548.

3. Section 2 of Executive Order 11548 delegates responsibility and authority to the Secretary of Transportation in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j)(1)(C) of section 11 of the Act relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities. The Secretary of Transportation in turn re-delegated this authority to the Commandant, U.S. Coast Guard.

4. Although Executive Order 11548 divided responsibility and authority into transportation-related and nontransportation-related facilities, no indication of the extent of transportation relation is given. In the broadest sense every facility is transportation related. Any activity that can possibly discharge oil must transport materials to some extent and have materials transported either to, from, or by the facility.

5. In distinguishing between transportation-related and nontransportation-

related facilities, a systems approach was utilized. It is recognized that the life-cycle of oil is characterized by various operations conducted at many different types of facilities. Most facilities necessarily engage in more than one type of operation. These operations include drilling, producing, refining, storing, transferring, transporting, using and disposing. To the extent possible and considering agency resource capabilities and expertise, it is considered most practical to assign one agency the responsibility for regulating a complete operation at any one facility. The Department of Transportation will generally be responsible for regulating the transferring of oil to or from a vessel at any facility including terminal facilities; the transporting of oil via highway, pipeline, railroad, or vessel; and certain storing operations. The Environmental Protection Agency will generally be responsible for regulating drilling, producing, refining, storing, disposing and certain transferring operations at various types of facilities.

6. While the following definitions are intended to be as specific and inclusive as possible, it is recognized that certain problems concerning these definitions will arise from time to time requiring the cooperation and agreement of the Department of Transportation and the Environmental Protection Agency for resolution.

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term—

(1) "Non-transportation-related onshore and offshore facilities" means—

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding in-line or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) "Transportation-related onshore and offshore facilities" means—

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or

from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

SECTION III—COORDINATION AND ENFORCEMENT

The above definitions have been developed to facilitate the development and enforcement of regulations for prevention of oil discharges and to correspond as much as possible to the existing responsibilities of the Department of Transportation and the Environmental Protection Agency. It is recognized, however, that in some situations the Department of Transportation may have expertise that could be helpful to the Environmental Protection Agency in the development or enforcement of these regulations and vice versa. Such a situation might arise in connection with the regulation of the nontransportation related facilities included within definitions 1 (J) and (K) in section II above.

It is agreed that in such situations the Department of Transportation and the Environmental Protection Agency will provide assistance to and coordinate with each other in the development and enforcement of the regulations to the extent that existing resources permit.

Done this 24th day of November 1971 at the city of Washington.

For the Department of Transportation.

JOHN A. VOLPE.

For the Environmental Protection Agency.

WILLIAM D. RUGGELSHAUS.

[FR Doc. 71-13542 Filed 12-17-71; 3:40 am]

Florida Department of

Memorandum

Environmental Protection

To: Ashley Foster, OGC

From: Elizabeth Knauss, SWD

Date: 4/16/02

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

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

Specifically, we need to have an agreement on

1. The applicability of used oil processor and transfer facility regulations to the barge Cottee River.
2. The applicability of the solid waste processing facility regulations to the barge Cottee River.
3. The applicability of the petroleum contact water rule requirements to the barge's operations.
4. What is acceptable secondary containment for portable tanks at used oil transfer facilities.
5. The waste tracking and recordkeeping requirements applicable to each of the related companies.

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

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

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

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

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

The discussion at 45 FR 72025 regarding when transport vessels etc. become regulated storage units is relevant to the case. EPA chose to exempt raw materials transport vehicles, vessels and tanks. However, EPA also stated that if those units were used to manage waste, or were taken out of service and not emptied within 90 days, the units were subject to regulation as waste management units. EPA clearly stated at pg. 72025 that the waste becomes regulated at the point at which it is removed from the unit at which it is generated. Vessels were not exempted from the 90 day storage limit when taken out of service. Waste taken from one vessel for management in a second was also not exempted from regulation.

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

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

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

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

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

4. Whether or not PCW is being managed properly

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

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

5. Secondary Containment for containers.

The Part 279 secondary containment requirements for container specify that a floor and walls must be provided which are impervious to oil and capable of containing releases. DES has proposed using a portable spill pan as secondary containment for large frac tanks, instead of using double walled tanks. The spill pans cannot hold 100% of the container contents, and are of dubious structural integrity. The District's position is that this type of containment is not acceptable.

6 Recordkeeping requirements

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

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

62.701.710 (9) Recordkeeping.

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

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

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

The District's position is that:

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

Altice, Kekai

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

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

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

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

Jeff,

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

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

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

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

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



MT Case Report.do MT Chronology.do

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

Foster, Ashley

DES/DMT

Confidential

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

Jeff -

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

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

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

Thanks -
Laurie

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

Altice, Kekai

F

To: Foster, Ashley
Subject: RE: DES/DMT Case Report

D. Vels. Fred Marine Tech

I already brought the file back over - but I can pull it and send it on

David just ok'ed the CFJ so I'll bring it to sign

Richard Martin's case
576-5835

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

From: Foster, Ashley
Sent: Thursday, April 18, 2002 2:50 PM
To: Altice, Kekai
Subject: RE: DES/DMT Case Report

Do you have a copy of the CO we sent to Martin? If so, stamp it draft and send it to Kent Zaiser, Esq., P.O. Box 6045, Tallahassee, FL 32314. Zaiser is Martin's new counsel.

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

From: Altice, Kekai
Sent: Thursday, April 18, 2002 2:43 PM
To: Foster, Ashley
Subject: RE: DES/DMT Case Report

6045 fax 525-0616

Hmmmmm? You got me???

Also, I've e-mailed David to let me know when he is free - right now Jon Alden and Jack Chisolm are in there

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

From: Foster, Ashley
Sent: Thursday, April 18, 2002 2:39 PM
To: Altice, Kekai
Subject: RE: DES/DMT Case Report

pallas.jeff worked. Jeez, why would Jim copy me to an e-mail address that didn't work?

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

From: Altice, Kekai
Sent: Thursday, April 18, 2002 2:33 PM
To: Foster, Ashley
Subject: FW: DES/DMT Case Report

Did you ever get through to Jeffrey Pallas? I asked Jim Dregne for one and he sent another possibility for his e-mail address - see below

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

From: Dregne, James
Sent: Thursday, April 18, 2002 1:19 PM
To: Altice, Kekai
Subject: RE: DES/DMT Case Report

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

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

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

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

through for some reason

Thanks,

KeKai Altice
Assistant to Ashley Foster
850-921-9667

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

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

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Assistant General Counsel
FL Department of Environmental Protection
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<< File: DMT Case Report.doc >> << File: DMT Chronology.doc >>

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

Florida Department of
Environmental Protection

Laurie
D. Sartano
(404)
562-8597

Facsimile Cover Sheet

To: Ashley Foster

OGC

Phone: (850)

Fax: (850) 488-2439

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: March 29, 2002

Pages including this 8
cover page:

Ashley:

I have attached the two documents you requested. I will call you Monday morning.

Thanks, Jim.

U.S. Department
of Transportation

United States
Coast Guard



RECEIVED
JUL 10 1996

Department of Environmental Protection
SOUTHWEST DISTRICT
BY

Diversified Env.
Hills Co
Brickell Plaza
Federal Building
909 SE First Avenue
Miami, FL 33131-3050
Staff Symbol: (m)
Phone: (305) 536-5651

16465

JUL 5 1996

Administrator, Bureau of Solid and Hazardous Waste
Department of Environmental Protection
Attn: Mr. David Kelly
3900 Commonwealth Blvd.
Tallahassee, Florida 32399

Dear Mr. Kelly:

I recently received an inquiry from Mr. Thomas Boerger of Boerger and Associates, Inc., Tampa, FL who is a consultant for Tampa Bay Marine Service, Inc. Tampa, FL. Mr. Boerger has requested the Coast Guard's assistance in clarifying and resolving a jurisdictional issue between your Department of Environmental Protection (DEP) office in Tampa and the Coast Guard.

Tampa Bay Marine Service, Inc. owns and operates a Coast Guard inspected and certified tank barge MYAKKA RIVER (O.N. 509900). This barge has a Coast Guard Certificate of Inspection to carry bulk oil. As such, this vessel is required to comply with the applicable U.S. laws and regulations pertaining to tank vessels. Tampa Bay Marine Service, Inc. is licensed by the State of Florida as a Used Oil Transporter. This company is also considered a mobile transfer facility by the Coast Guard. The Coast Guard regulates mobile facilities that transfer oil to or from a vessel with the capacity of 250 barrels or more.

Tampa Bay Marine Service, Inc. receives oily slops from various vessels by tank truck. They temporarily store the waste oil/water in the tank barge MYAKKA RIVER, gravity separate the oil from the water, and sell the oil and properly dispose of the contaminated water.

Recently this operation was inspected by the Tampa DEP office. In their efforts to enforce the federal EPA regulations for used oil, which appear in 40 CFR 129, they had issued a requirement for the owner/operator to provide secondary containment for the barge. Their conclusion was that the barge was being used as a transfer facility or oil processor which they consider to be a "container" which would require secondary containment.

The Coast Guard Marine Safety Office in Tampa has determined that this barge is not a "permanently moored vessel" and therefore continues to require an annual inspection, periodic drydocking, and certification as a tank barge/vessel. The Coast Guard inspection is extremely detailed and focuses on hull/structure integrity, equipment operation, safety issues, pollution prevention compliance, and operational procedures.

16465

JUL 5 1996

The immobile status of the vessel is the focal point of this issue. Since the owner's intent has been not to take the vessel out of navigation service, the Coast Guard has continued to treat the barge as a vessel. 40 CFR 279 essentially applies to land-based storage except when the regulation addresses transporting oil ashore. To provide clarity to this jurisdictional issue, we refer to 40 CFR 112.1(d)(1)(ii) which mentions the Memorandum of Understanding (MOU) between the Secretary of Transportation and the Administrator of the Environmental Protection Agency. The MOU (enclosure 1) delineates the control and authority over equipment and operations of vessels or transportation-related onshore and off shore facilities to the Coast Guard.

In an effort to provide consistency and equity pertaining to marine commerce, the Coast Guard contends that we should have primary pollution prevention authority over this vessel and its operation. Your cooperation in clarifying this matter is appreciated. If you have any questions or need additional information, please contact Lieutenant Commander Eric Mosher, on my staff, at (305) 536-6535/5651.

Sincerely,



G. E. SHAPLEY
Captain, U.S. Coast Guard
Chief, Marine Safety Division
Seventh Coast Guard District
By direction of the District Commander

- Encl: (1) Memorandum of Understanding (MOU) between the Secretary of Transportation and the Administrator of the Environmental Protection Agency dated November 24, 1971.
- Copy: (1) Boerger and Associates, Inc.
Attn: Mr. Thomas W. Boerger
1882 Hills Ave.
Tampa, FL 33605
- (2) Department of Environmental Protection
Attn: Ms. Elizabeth Knauss
3804 Coconut Palm Drive
Tampa, Florida 33619
- (3) USCG MSO Tampa

NOTICES

DEPARTMENT OF
TRANSPORTATION

Coast Guard

MEMORANDUM OF UNDERSTANDING
BETWEEN THE ENVIRONMENTAL
PROTECTION AGENCY AND THE
DEPARTMENT OF TRANSPORTATION

This memorandum establishes policies and guidelines relating to the definition of transportation and nontransportation related onshore and offshore facilities and the responsibilities of the Environmental Protection Agency and the U.S. Coast Guard with respect to the prevention of oil discharges from vessels and onshore and offshore facilities.

SECTION I—GENERAL

1. Section 11(j) (1) (C) of the Federal Water Pollution Control Act, as amended authorizes the President to issue regulations consistent with maritime safety and with marine and navigation laws establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities.

2. This authority was delegated by the President in Executive Order 11548. Section 1 of that Executive order delegates responsibility and authority to the Secretary of the Interior to carry out the provisions of subsection (j) (1) (C) of section 11 of the Act after consultation with the Secretary of Transportation relating to procedures, methods and requirements for equipment to prevent discharges of oil from nontransportation related onshore and offshore facilities. The authority delegated to the Secretary of the Interior was subsequently vested in the Administrator of the Environmental Protection Agency in Reorganization Plan No. 3 of 1970 and section 9 of Executive Order 11548.

3. Section 2 of Executive Order 11548 delegates responsibility and authority to the Secretary of Transportation in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j) (1) (C) of section 11 of the Act relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities. The Secretary of Transportation in turn re-delegated this authority to the Commandant, U.S. Coast Guard.

4. Although Executive Order 11548 divided responsibility and authority into transportation-related and nontransportation-related facilities, no indication of the extent of transportation relation is given. In the broadest sense every facility is transportation related. Any activity that can possibly discharge oil must transport materials to some extent and have materials transported either to, from, or by the facility.

5. In distinguishing between transportation-related and nontransporta-

tion-related facilities, a systems approach was utilized. It is recognized that the life-cycle of oil is characterized by various operations conducted at many different types of facilities. Most facilities necessarily engage in more than one type of operation. These operations include drilling, producing, refining, storing, transferring, transporting, using and disposing. To the extent possible and considering agency resource capabilities and expertise, it is considered most practical to assign one agency the responsibility for regulating a complete operation at any one facility. The Department of Transportation will generally be responsible for regulating the transferring of oil to or from a vessel at any facility including terminal facilities; the transporting of oil via highway, pipeline, railroad, or vessel; and certain storing operations. The Environmental Protection Agency will generally be responsible for regulating drilling, producing, refining, storing, disposing and certain transferring operations at various types of facilities.

6. While the following definitions are intended to be as specific and inclusive as possible, it is recognized that certain problems concerning these definitions will arise from time to time requiring the cooperation and agreement of the Department of Transportation and the Environmental Protection Agency for resolution.

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term—

(1) "Non-transportation-related onshore and offshore facilities" means—

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

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(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding in-line or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

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(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) "Transportation-related onshore and offshore facilities" means—

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or

from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

SECTION III—COORDINATION AND ENFORCEMENT

The above definitions have been developed to facilitate the development and enforcement of regulations for prevention of oil discharges and to correspond as much as possible to the existing responsibilities of the Department of Transportation and the Environmental Protection Agency. It is recognized, however, that in some situations the Department of Transportation may have expertise that could be helpful to the Environmental Protection Agency in the development or enforcement of these regulations and vice versa. Such a situation might arise in connection with the regulation of the nontransportation related facilities included within definitions 1 (J) and (K) in section II above.

It is agreed that in such situations the Department of Transportation and the Environmental Protection Agency will provide assistance to and coordinate with each other in the development and enforcement of the regulations to the extent that existing resources permit.

Done this 24th day of November 1971 at the city of Washington.

For the Department of Transportation,

JOHN A. VOLPE.

For the Environmental Protection Agency,

WILLIAM D. RUCKELSHAUS.

(PR Doc.71-13542 Filed 12-17-71;3:23 am)

Florida Department of
Environmental Protection

Memorandum

TO: Directors of District Management
District Waste Program Administrators

FROM: John M. Ruddell, Director JMR
Division of Waste Management

DATE: June 18, 1998

SUBJECT: Used Oil Transfer Facilities Utilizing Rail Cars and Barges

Chapter 62-710, F.A.C., adopted EPA's used oil management standards in 40 CFR Part 279. Paragraph 279.45(d) (under Subpart E) states that "containers used to store used oil at transfer facilities must be equipped with a secondary containment system." A "container" is defined in Subsection 279.1 as "any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled." An issue has come up as to the logistics of requiring secondary containment under rail cars or "around" barges (non double-hull construction). The existing interpretations of the used oil management standards do not take into account the unique nature of temporarily storing, bulking, and shipping used oil in rail cars or barges or the additional precautions that are employed by the DOT and the Coast Guard regulations when so doing.

The management standards also allow the use of "equivalent secondary containment systems" as defined at 40 CFR 279.45(d)(1)(iii), but fail to define what this might include. The EPA has acknowledged that rail cars and barges were not considered when the used oil management standards were written and that they did not intend for these regulations to apply to rail cars and barges transporting used oil or storing used oil for less than 35 days. The EPA has been asked to clarify this issue through guidance or a revision to the regulations.

Until the EPA clarifies this issue or explains what an "equivalent secondary containment system" is, it is not appropriate to take formal enforcement

against facilities lacking complete secondary containment under rail cars or around barges collecting used oil. Until clarification is issued, DEP will accept, as secondary containment, spill pans placed beneath the rail car, centered under the dome or loading port, and spill pans or other spill control devices or equipment placed under valves and couplings on barges, when used oil is being transferred.

When inspecting facilities that utilize rail cars, it is appropriate to review their Spill Prevention, Control, and Countermeasures (SPCC) Plans or preparedness and prevention plans and ask the operators what safety precautions they take or Best Management Practices (BMPs) they use when used oil is loaded into or unloaded from rail cars or barges. Recommended precautions or BMPs include the following:

- The rail car or barge has a current DOT or Coast Guard certification/documentation that shows it has successfully passed the required inspections and is operating within its inspection interval (i.e., 49 CFR 180, Continuing Qualification and Maintenance of Packaging).
- Training has been provided (and documented) on loading and unloading procedures.
- The level of the rail car or barge contents are checked before loading to calculate the available capacity, always allowing adequate head space for expansion.
- For rail cars, the rail and ballast area are protected from used oil overfills by spill pans placed beneath the rail car, centered under the dome or loading port.
- The rail car or barge is always inspected for leaks, equipment problems, and unintentional releases prior to each loading and prior to shipment, but at a minimum of at least every 72 hours.
- An attendant is always present during loading/unloading operations.
- Used oil is top loaded when possible to minimize the possibility of a release during loading. Bottom valves should not be used during

loading operations since they may become obstructed, allowing for potential releases.

- When top loading, the hose is tied/secured to the opening and the lid/port is closed if possible on the hose for extra security.
- When loading or unloading from bottom or side valves, the hose-to-valve connections are checked and drip pans are placed under the connections.
- All pumping equipment is shut off before disconnecting transfer hoses.
- Spill response equipment is present on site during transfer operations (allowing it to be on the truck or kept on site).
- Rail cars and barges are protected to minimize the possibility of vandalism-caused releases by either fencing or cable seals on valves when the units are not attended.

This guidance is subject to change when the EPA makes a determination on the applicability of secondary containment for used oil transfer facilities utilizing rail cars or barges. Until that time, these BMPs should be considered when conducting inspections of used oil transfer facilities and reviewing permit applications for used oil processing facilities receiving used oil by rail cars or barges.

Note: if a used oil processor utilizes rail cars or barges for the actual processing of used oil, the Department will not issue a permit authorizing such processing unless full secondary containment is provided.

JMR/rcc

LEGAL CASE TRACKING SYSTEM ENFORCEMENT CASE ENTRY FORM

TO: Larry Morgan, OGC

This form accompanied by:

<input type="checkbox"/> Draft Consent Order	<input type="checkbox"/> Draft Temporary Use Agreement
<input checked="" type="checkbox"/> XX Case Report	<input type="checkbox"/> Draft Final Order (those which do not use Model Order language)
<input type="checkbox"/> Draft NOV	<input type="checkbox"/> Draft License and Permit Revocations
<input type="checkbox"/> Draft Site Access Order	

FROM: Deborah A. Getzoff *JPG 2/15/02*

DATE: February 11, 2002

Is this a New case? Yes No Current OGC# _____

The following information will be used for entry in the Legal Case Tracking System.

Case Name: **DIVERSIFIED MARINE TECH**

Case Alias: ELK RIVER

Responsible Office: Southwest District County Hillsborough

District Contact: James Dregne

Program Area: HW 2nd Program Area none

Date Compliance/Enforcement Case Opened by District January 10, 2001

COMET Project No. or other system No.(APIS,PWS) #245262

Permit/Application Number: n/a

Site ID Number: FLD 984182 733 Affected Water Body: Tampa Bay

Comments: _____

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

OGC NUMBER: _____ Date Case Opened: _____

OGC ATTORNEY ASSIGNED: Ashley Foster

Send Copies To: Originator Other _____

CASE REPORT

Southwest District

Type of Violation: Hazardous Waste

Date Submitted: February 11, 2002

AK 2/25/02

1. VIOLATORS:

Diversified Marine Tech, Inc. Business on Property)

Diversified Environmental Services, Inc.

Gerry K. McCormick (President)
1201 North 22nd Street
Tampa, Florida 33605

2. LOCATION OF VIOLATION:

2531 22nd Street Causeway South
Tampa, Florida 33619

3. NATURE OF THE VIOLATION:

Diversified Marine Tech (DMT) is a small shipyard that provides dry-docks and repair services for shrimp boats, tugboats, and other vessels up to about 110 feet in length. The company employs approximately five people. Small quantities of waste marine coatings are generated during the repair operations.

In addition to ship repair operations conducted at the docks, the facility has also operated as a used oil transfer and processing facility. Used oil and oily waste that is collected by Diversified Environmental Services (DES), a used oil transporter, for transport to the DMT facility. Bilge water, used oil, and oily wastewater are collected during tank cleaning, Butterworthing, oil recovery and spill response operations conducted by DES. The wastes are pumped from ported vessels into tanker trucks for transport to the DMT facility. Usually the trucks will then pump the oily waste and used oil into one of the four storage tanks on a barge called the Cottee River. The Cottee River is normally docked at the DMT pier. The Cottee River barge was built in 1937 and has a capacity of 13,600 barrels. The barge is a single hull vessel. Vessels that are less than 5000 gross tons are not required to have double hulls until the year 2015. According to Mr. McCormick, there are no plans to retrofit the Cottee River with a double hull. Occasionally the

Cottee River is moved from the DMT docks to a servicing vessel for a direct transfer of waste.

After the oily waste is pumped into the Cottee River, the oil is allowed to separate from the water and solids. The tanks are routinely dipped, and when the water fraction is adequate for removal, it is pumped into a designated tanker truck for shipment to the Diversified Environmental Service pretreatment facility at 1201 North 22nd Street. The oil fraction from the barge is marketed to shoreside used oil processors. Most of the used oil has been sold to Earth Liquid IPC/Magnum during the last year. The solids that accumulate in the tanks are removed from the barge when it is put in dry dock. The Coast Guard requires the Cottee River class of barge to be dry-docked twice every five years, with no more than three years between docking events. The Cottee River barge was last dry docked in September 2000. The barge was in dry dock at International Ship Repair, Tampa, Florida, for approximately 12 days.

During a joint EPA and FDEP Hazardous Waste Compliance Inspection of the DMT facility on January 10 and 11, 2001, it was determined that Diversified Marine Tech was also operating a land based used oil transfer facility at the 2531 22nd St. Causeway South facility. During this time, the Cottee River was not docked at DMT. This is not the first time DMT operated a land based transfer facility. During the period that the Cottee River was in dry dock, used oil and oily waste was transported by DES from customers at the Port of Tampa to a 19,838 gallon frac tank that was located at the DMT facility.

At the time of the inspection, there were five frac tanks on the DMT docks. One of the tanks (blue tank) was still being used to store used oil. The tank had five transfer hoses connected to the tank to allow for the quick transfer of oil to and from the tank. One of the transfer hoses went from the shrimp dock to the tank. This hose was being used to empty shrimp boat tanks. The other tanks are used by DES in their tank cleaning process. The storage of the used oil in the 19,838 gallon tank at the DMT facility for longer than 24 hours qualifies the facility as a used oil transfer facility under 40 C.F.R. 279.45. DMT failed to register with the Department their used oil handling activities, a violation of 62-710.500(1)(a) F.A.C. The tank used to store the used oil was not labeled "Used Oil" in violation of 40 C.F.R. 279.45(g)(1). Also, the tank did not have secondary containment in violation of 40 C.F.R. 279.45(f).

In addition to the large storage tank, there were five unlabeled five-gallon buckets of used oil. These containers were not labeled "Used Oil" in violation of 40 C.F.R. 279.45(g)(1). According to Mr. McCormick, individuals that generate the use oil at their businesses around the shrimp docks bring these containers to DMT facility for disposal.

DMT and DES were both aware of the requirements for used oil transfer facilities that store oil more than 24 hours. In previous

inspections, the Department was told that neither DES nor DMT stored used oil more than 24 hours in any land based unit. DES and DMT maintained that the Coast Guard regulated the barge, and DEP had no authority over how it was operated.

Since 1996, the Department has maintained that the Cottee River (under either DMT or DES as owner or operator) is subject to at least used oil transfer facility standards under 40 CFR 279 Subpart E because of used oil being stored more than 24 hours. If used oil is stored in the barge for more than 35 days, the DMT facility is also subject to used oil processor standards under 40 CFR 279 Subpart F. Currently, DMT does not keep records showing that the barge is emptied of oil every 35 days. The barge is only emptied during required dry dock events -- twice every 5 years. However, this issue has been unresolved pending Florida's final authorization for the used oil program, which was effective October 22, 2001 (66 FR 44307). Previous to this date, it could have been argued that the used oil transfer facility and processor regulations were preempted under DOT HAZMAT regulations (49 U.S.C. 5125(b)) as the requirements under 40 CFR Part 279 were not effective on the federal level until Florida's authorization.

The Department believes that the Cottee River barge is a used oil processing facility because used oil is stored in the barge for longer than 35 days.

As a result of observations made during the Departments inspections of the DMT facility, the Department alleges that the following violations occurred:

1st Violation: Diversified Marine Tech failed to provide secondary containment for a 19,838 gallon tank used to store used oil in violation of 40 CFR 279.45(f).

2nd Violation: Diversified Marine Tech failed to provide secondary containment for the tanks in the Cottee River barge used to store used oil in violation of 40 CFR 279.54(c).

3rd Violation: Diversified Marine Tech failed to label or mark an above ground storage tank and five containers used to store used oil with the words "Used Oil" in violation of 40 CFR 279.45(g)(1).

4th Violation: Diversified Marine Tech failed to obtain a used oil processor permit from the Department in violation of 62-710.800(2)&(6) F.A.C.

5th Violation: Diversified Marine Tech failed to register with the Department as a used oil transfer facility in violation of 62-710.500(1)(a) F.A.C.

6th Violation: Diversified Marine Tech failed to comply with the requirements of an emergency contingency plan in violation of 40 CFR 279.52(b).

7th Violation: Diversified Marine Tech failed to develop and follow a written analysis plan in violation of 40 CFR 279.55.

8th Violation: Diversified Marine Tech failed to keep records of each used oil shipment accepted for processing in violation of 40 CFR 279.56(a).

4. OTHER INFORMATION:

In 1996 the Department contended that DMT was operating a transfer or processing facility because of the storage of used oil in the Cottee River. Enforcement of the processing and transfer facility standards was delayed by the Department pending Florida's final authorization for the used oil program. Final authorization became effective on October 22, 2001

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

On June 5, 2001, the attorney for DMT and DES raised the claim that DMT and DES were managing "liquid waste," not oily waste. In the past, both companies have been considered by the Department to be exempt from solid waste facility permit requirements as a used oil transporter that conducts processing incidental to transport. If DMT and DES are now managing waste other than used oil or oily waste, then DMT and DES are subject to solid waste permit requirements under FAC Rule 62-701.710 and must submit an application to obtain waste processing facility permit.

A chronology of events is at attachment 1.

5. POTENTIAL WITNESSES

Mr. Gerry K. McCormick
1201 North 22nd Street
Tampa, Florida 33605

Mr. Eugene R. Russel
1201 North 22nd Street
Tampa, Florida 33605

Mr. Edmond J. Burks
Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

Ms. Elizabeth Knauss
Hazardous Waste Section, Southwest District
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Mr. James Dregne
Hazardous Waste Section, Southwest District
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

6. RECOMMENDATION FOR CORRECTIVE ACTION:

The District requests that a complaint be filed to compel Diversified Environmental Services and Diversified Marine Tech to register as a used oil processor, transfer facility and comply with used oil processing standards. This includes providing secondary containment for any tanks used to store used oil for more than 24 hours. In addition, the complaint should seek civil penalties of up to \$10,000.00 per day per violation for violations of the used oil regulations.

7. SETTLEMENT NEGOTIATIONS:

The Department met with representatives of Diversified Marine Tech and Diversified Environmental Services on April 26, 2001, to discuss the alleged violations and discuss the requirements necessary to resolve the case. On June 5, 2001, the attorney representing DMT responded to the Department's Warning Letter. On November 5, 2001, the Department notified the DMT that their counteroffer was unacceptable. On January 16, 2002, the attorney representing DMT and DES requested another meeting with the Department to discuss

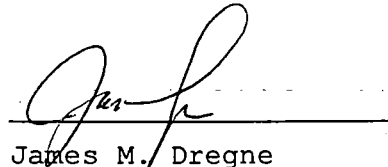
outstanding issues. On January 30, 2002, the District decided to refer the case to OGC for resolution.

8. ATTACHMENTS:

Event Chronology (1)

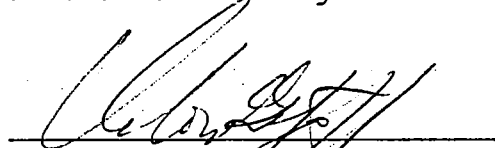
Enforcement File (2)

The information in this Case Report is complete and accurate to the best of my knowledge, information and belief.

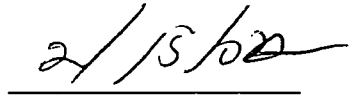


James M. Dregne
Environmental Specialist III

I recommend filing an action against the violator(s) described above.



Deborah A. Getzoff
Director of District Management



Date

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.

Foster, Ashley

DES/DMT

confidential

From: Neves, Richard
Sent: Wednesday, April 24, 2002 12:57 PM
To: Foster, Ashley
Cc: Clarke, Raoul
Subject: FW: Used Oil--secondary containment under rail cars (and barges)

Ms. Foster:

Thank you for your phone call this morning. I am forwarding to you the one email, with all of its relevant attachments, that seems to summarize a year's worth of debate within the Department regarding Used Oil Storage on both rail cars and barges.

In re-reading these emails, I remember that Beth's objection to the 279.20(a)(2) exemption for "vessels" was the barge, though a vessel in nature, was not being used as a vessel. Rather, it was being used as a storage facility in that used oil from other generators (vessels) was being transferred and stored on it. She went on to argue that, as the used oil was being stored on the barge for longer than 35 days (actually, as the oil is continually loaded and off-loaded, its hard to determine an accumulation start date) then the barge was not just a transfer facility, but a processor, by definition (40 CFR 279.1 Definitions: Used oil transfer facility).

I hope this information brings you up to speed on this issue. We have never heard a final word from EPA.

Please keep me posted as to what the Department's official position on this issue is determined to be.

Thank you again,

Rick Neves

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

From: Raoul Clarke TAL
Sent: Fri 3/27/1998 9:48 AM
To: Thomas W. Moody PEN; Michael Fitzsimmons JAX; William Kutash TPA; William Bostwick ORL; Phil Barbaccia FTM; Vivek Kamath WPB; David Crowley TAL; Augusta Posner TAL
Cc: John Ruddell TAL; Bill Hinkley TAL; Linda Frohock TAL; Chris McGuire TAL; Richard Neves TAL; Satish Kastury TAL; Michael Redig TAL; Raoul Clarke TAL; Stephanie Syler TAL; Subra Putcha TAL; Charles Emery FTM; Jeff Smith WPB; John M. Jones WPB; John White ORL; Jennifer Hobbs ORL; Bob Snyder ORL; Beth Knauss TPA; Gilbert Dembeck TPA; William Crawford TPA; Vicky Valade JAX; Ashwin Patel JAX; Jane Gregory PEN; Bill Kellenberger PEN; Joan Flint TAL
Subject: Used Oil--secondary containment under rail cars (and barges)

WPAs: please take some time to review this issue. If you are familiar with it you can go directly to the bottom line and open the first attachment and review the "final" draft guidance memo and let me know if you are in support of asking John to sign it. If you want the longer version please open the second attachment and it will take you through the issue, the background, the various draft memo iterations, and the comments from staff along the way, ending up at the "next to final" memo at which time you can go to the first attachment (which was revised from an editorial/grammar standpoint) and review the

"final" draft.

The issue is secondary containment under rail cars (and barges) used as used oil transfer facilities under 40 CFR 279.45.

The EPA promulgated used oil management standards and Florida adopted them. 40 CFR 279.45(d) states that "containers used to store used oil at transfer facilities must be equipped with a secondary containment system." ("container" include tank trucks, rail cars and barges.) Almost immediately we (Florida) and the EPA and the National Oil Recyclers Asst. were asked "what about rail cars (and barges), does this apply to us?" EPA has stated verbally that they never considered rail cars and barges when the management standards were written and did not intend for the regs. to apply to rail

cars and barges---But they (the EPA) have not put that in writing or issued any clarification or guidance. Therefore, we are asking you, the WPAs, and John to sign off on the attached guidance.

All staff in the districts and Mike Redig (taking the lead in Satish's shop)

have had an opportunity to review the memo and they have reached this consensus.

Please email or call me (SC 291-9216) if you have any questions or comments.

Thanks,

Raoul

Altice, Kekai

From: Foster, Ashley
Sent: Friday, April 05, 2002 8:32 AM
To: Altice, Kekai
Subject: FW: DES/DMT

for the file

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

From: Dregne, James
Sent: Thursday, April 04, 2002 6:42 PM
To: Foster, Ashley; Knauss, Beth
Subject: DES/DMT

I understand the rationale for dropping the fight with Diversified over the secondary containment for the Cottee River barge. With the inaction by EPA and the Department's June 18, 1998, letter on Used Oil Transfer Facilities Utilizing Rail Cars and Barges, it would be hard to win this issue in court. I also agree that because of the smoke and mirrors used by DES, it is impossible at this time to determine if used oil is staying in the Cottee River for longer than 35 days. Therefore, the used oil processing violation is also out.

For the current case, that leaves us with three violations. Per the case report, that would be #1 (secondary containment for the 19,838 gallon tank), #3 (labeling tanks and containers "Used Oil"), and #5 (failure to register as a used oil transfer facility). We would have to drop the other five violations because they involve the Cottee River barge and processing. We can add a violation involving DES and the 19K tank and that is 279.46(a). DES does not keep any records of the oil and oily waste that is pumped from the shrimp boats to the 19K tank.

With the other violations going away, we need to recalculate the penalty. Before the Case Report, the penalty was at \$10,300. The Case Report had the penalty at \$43,100. Eliminating the five violations changes a lot. The first question is do we go ELRA? If we use ELRA the penalty would change dramatically.

ELRA

#1 Secondary Containment = \$3000
#2 Labeling = \$500
#3 Registration = \$500
#4 Tracking Oil = \$500
Cost = \$100
Total \$4600

Argument against ELRA is that we require conditions and we need to go long form Consent Order so we couldn't use ELRA. If we don't use ELRA, but use RCRA Civil Penalty Policy, the penalty would be:

#1 Secondary Containment = \$9000
#2 Labeling = \$900
#3 Register = \$300
#4 Tracking = \$2550
Cost = \$100
Total = \$12850.

Conditions of a Consent Order would include:

1. Register as a used oil transfer facility.
2. Label all containers containing used oil and oily waste "Used Oil"
3. Cease immediately storing used oil in land based storage units for longer than 24 hours until they have secondary containment for the storage units or the storage units are double walled.
4. Provide the Department with a plan that outlines how the company will track all incoming and outgoing used oil shipments in accordance with 279.46.

If DES want to contend that they do not manage used oil or oily waste, but only manage "liquid waste" i.e. solid waste, then the Consent Order would require them to get a solid waste permit.

Also, we need a formal petition from the State of Florida to EPA requesting that EPA make a decision on the barge and

rail car issue. Eight years of inaction is long enough.

Comments, Suggestions?

CONFIDENTIAL ATTORNEY WORK-PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO § 119.07(3)(I), F.S.

James M. Dregne

FL. DEPT OF ENVIRONMENTAL PROTECTION

Environmental Specialist III

3804 Coconut Palm Drive

Tampa, FL 33619

ph (813) 744-6100 ext.410, fax (813) 744-6125

james.dregne@dep.state.fl.us

**OFFICE OF GENERAL COUNSEL
CORRESPONDENCE REVIEW FORM**

Prepared By:	<u>Ashley D. Foster</u>	<u>OGC</u>	<u>3/29/02</u>
	Name	Division	Date
Reviewed By:	<u>Larry R. Morgan</u> <i>LRM</i>	<u>OGC</u>	<u>3/29/02</u>
	<u>Tom M. Beason</u> <i>mm</i>	<u>OGC</u>	<u>4/1/02</u>
	<u>Teri L. Donaldson</u>	<u>OGC</u>	

Comments: DEP vs. Diversified Marine Tech, Inc.


OGC Case No.: 02-0305

Authorization to Sue

Signed

Florida Department of
Environmental Protection

Memorandum

To: Teri Donaldson, General Counsel
Through: Tom Beason, Chief Deputy General Counsel
Through: Larry Morgan, Deputy General Counsel 
From: Ashley Foster, Assistant General Counsel
Re: DEP v. Diversified Marine Tech, Inc.
OGC Case No.: 02-0305

I. Nature of the Case

Diversified Marine Tech (DMT) is a small shipyard that repairs shrimp boats, tugboats, and other vessels. DMT also operates a used oil transfer and processing facility on a barge, the Cottee River. Diversified Environmental Services (DES) transports used oil to the Cottee River. Cottee River is a 65 year old single hull vessel with a capacity to hold 13,600 barrels of oil. The Cottee River has four storage compartments. The Cottee River transports tanks of oil and oily waste in its four storage compartments. Vessels that are less than 5,000 gross tons are not required to have double hulls until 2015. The owner of DMT is unwilling to retrofit Cottee River with a double hull. Generally, Cottee River is docked at a DMT pier. However, twice every five years, the Coast Guard requires Cottee River to be dry docked.

During a joint EPA and FDEP Hazardous Waste Compliance Inspection of the DMT facility on January 10 and 11, 2001, DEP and EPA inspectors discovered DMT was also operating a land based used oil transfer facility at its 2531 22nd St. Causeway facility ("Causeway Facility") while Cottee River was dry docked. DMT failed to register their oil handling activities at the Causeway Facility with the Department. Additionally, at the Causeway Facility, DEP and EPA inspectors discovered an unlabeled 19,838 gallon frac tank. The 19,838 gallon frac tank did not have secondary containment. DEP and EPA inspectors also discovered five unlabeled five-gallon buckets of used oil.

1st violation: DMT failed to provide secondary containment for the 19,838 gall frac tank used to store used oil. DMT violated 40 CFR 279.45(f).

2nd violation: DMT failed to provide secondary containment for the tanks containing used oil that are stored in the Cottee River. DMT violated 40 CFR 279.54 (c).

3rd violation: DMT failed to label or mark the frac tank and the five gallon buckets of oil at its Causeway Facility. DMT violated 40 CFR 279.45(g)1.

4th violation: DMT failed to obtain a used oil processor permit from the Department. DMT violated 62-701.800(2) and (6), F.A.C.

5th violation: DMT failed to register with the Department as a used oil transfer facility. DMT violated 62-701.500(1)(a), F.A.C.

6th violation: DMT failed to comply with the requirement of an emergency contingency plan. DMT violated 40 CFR 279.52(b).

7th violation: DMT failed to develop and follow a written analysis plan. DMT violated 40 CFR 279.55.

8th violation: DMT failed to keep records of each used oil shipment accepted for used oil processing. DMT violated 40 CFR 279.56 (a).

II. Other Information

There are two additional issues. First, the District staff believes that the Cottee River stores used oil for more than 35 days. If so, the Cottee River would be subject to the oil processor regulations of 40 CFR Subpart F. DMT and DES do not keep records to document that Cottee River is emptied of oil every 35 days. DMT and DES have always maintained that the Coast Guard regulates the Cottee River and the Department does not have the jurisdiction to inspect and regulate the Cottee River.

Second, during recent settlement meetings DMT claimed the company is managing "liquid waste" not oily waste. In the past, both companies have been considered by the District staff to be exempt from solid waste facility permit requirements because DMT is a transporter that conducts processing incidental to transport. However, if DMT is now managing waste other than used oil or oily waste, then DMT and DES are subject to solid waste permit requirements under 62-701.710, F.A.C. and must submit an application to obtain a waste processing facility permit.

III. Settlement Negotiations

The District met with DMT and DES on April 26, 2001 to discuss the alleged violations and discuss the requirements necessary to resolve the case. On June 5, 2001, the attorney representing DMT responded to the Department's Warning Letter. On November 5, 2001, the Department notified the DMT that their counteroffer was unacceptable.

IV. Requested Relief

The District requests that a Complaint be filed in circuit court to require corrective actions and to seek civil penalties.

_____ APPROVED _____ DISAPPROVED

DATE: 4/12/02


TERI DONALDSON
General Counsel

Comments: _____

CASE REPORT

Southwest District

Type of Violation: Hazardous Waste

Date Submitted: February 11, 2002

AK 2/25/02

1. VIOLATORS:

Diversified Marine Tech, Inc. Business on Property)

Diversified Environmental Services, Inc.

Gerry K. McCormick (President)
1201 North 22nd Street
Tampa, Florida 33605

2. LOCATION OF VIOLATION:

2531 22nd Street Causeway South
Tampa, Florida 33619

*Used oil
is being
dumped in
hole in
dock property.
IP Ho L. 1000
and used water
Run off need
to be cleaned
up.*

3. NATURE OF THE VIOLATION:

Diversified Marine Tech (DMT) is a small shipyard that provides dry-docks and repair services for shrimp boats, tugboats, and other vessels up to about 110 feet in length. The company employs approximately five people. Small quantities of waste marine coatings are generated during the repair operations.

In addition to ship repair operations conducted at the docks, the facility has also operated as a used oil transfer and processing facility. Used oil and oily waste that is collected by Diversified Environmental Services (DES), a used oil transporter, for transport to the DMT facility. Bilge water, used oil, and oily wastewater are collected during tank cleaning, Butterworthing, oil recovery and spill response operations conducted by DES. The wastes are pumped from ported vessels into tanker trucks for transport to the DMT facility. Usually the trucks will then pump the oily waste and used oil into one of the four storage tanks on a barge called the Cottee River. The Cottee River is normally docked at the DMT pier. The Cottee River barge was built in 1937 and has a capacity of 13,600 barrels. The barge is a single hull vessel. Vessels that are less than 5000 gross tons are not required to have double hulls until the year 2015. According to Mr. McCormick, there are no plans to retrofit the Cottee River with a double hull. Occasionally the

*How long
has it
been
there?*

Cottee River is moved from the DMT docks to a servicing vessel for a direct transfer of waste.

After the oily waste is pumped into the Cottee River, the oil is allowed to separate from the water and solids. The tanks are routinely dipped, and when the water fraction is adequate for removal, it is pumped into a designated tanker truck for shipment to the Diversified Environmental Service pretreatment facility at 1201 North 22nd Street. The oil fraction from the barge is marketed to shoreside used oil processors. Most of the used oil has been sold to Earth Liquid IPC/Magnum during the last year. The solids that accumulate in the tanks are removed from the barge when it is put in dry dock. The Coast Guard requires the Cottee River class of barge to be dry-docked twice every five years, with no more than three years between docking events. The Cottee River barge was last dry docked in September 2000. The barge was in dry dock at International Ship Repair, Tampa, Florida, for approximately 12 days.

During a joint EPA and FDEP Hazardous Waste Compliance Inspection of the DMT facility on January 10 and 11, 2001, it was determined that Diversified Marine Tech was also operating a land based used oil transfer facility at the 2531 22nd St. Causeway South facility. During this time, the Cottee River was not docked at DMT. This is not the first time DMT operated a land based transfer facility. During the period that the Cottee River was in dry dock, used oil and oily waste was transported by DES from customers at the Port of Tampa to a 19,838 gallon frac tank that was located at the DMT facility.

At the time of the inspection, there were five frac tanks on the DMT docks. One of the tanks (blue tank) was still being used to store used oil. The tank had five transfer hoses connected to the tank to allow for the quick transfer of oil to and from the tank. One of the transfer hoses went from the shrimp dock to the tank. This hose was being used to empty shrimp boat tanks. The other tanks are used by DES in their tank cleaning process. The storage of the used oil in the 19,838 gallon tank at the DMT facility for longer than 24 hours qualifies the facility as a used oil transfer facility under 40 C.F.R. 279.45. DMT failed to register with the Department their used oil handling activities, a violation of 62-710.500(1)(a) F.A.C. The tank used to store the used oil was not labeled "Used Oil" in violation of 40 C.F.R. 279.45(g)(1). Also, the tank did not have secondary containment in violation of 40 C.F.R. 279.45(f).

In addition to the large storage tank, there were five unlabeled five-gallon buckets of used oil. These containers were not labeled "Used Oil" in violation of 40 C.F.R. 279.45(g)(1). According to Mr. McCormick, individuals that generate the use oil at their businesses around the shrimp docks bring these containers to DMT facility for disposal.

DMT and DES were both aware of the requirements for used oil transfer facilities that store oil more than 24 hours. In previous

inspections, the Department was told that neither DES nor DMT stored used oil more than 24 hours in any land based unit. DES and DMT maintained that the Coast Guard regulated the barge, and DEP had no authority over how it was operated.

Since 1996, the Department has maintained that the Cottee River (under either DMT or DES as owner or operator) is subject to at least used oil transfer facility standards under 40 CFR 279 Subpart E because of used oil being stored more than 24 hours. If used oil is stored in the barge for more than 35 days, the DMT facility is also subject to used oil processor standards under 40 CFR 279 Subpart F. Currently, DMT does not keep records showing that the barge is emptied of oil every 35 days. The barge is only emptied during required dry dock events -- twice every 5 years. However, this issue has been unresolved pending Florida's final authorization for the used oil program, which was effective October 22, 2001 (66 FR 44307). Previous to this date, it could have been argued that the used oil transfer facility and processor regulations were preempted under DOT HAZMAT regulations (49 U.S.C. 5125(b)) as the requirements under 40 CFR Part 279 were not effective on the federal level until Florida's authorization.

The Department believes that the Cottee River barge is a used oil processing facility because used oil is stored in the barge for longer than 35 days.

As a result of observations made during the Departments inspections of the DMT facility, the Department alleges that the following violations occurred:

1st Violation: Diversified Marine Tech failed to provide secondary containment for a 19,838 gallon tank used to store used oil in violation of 40 CFR 279.45(f).

2nd Violation: Diversified Marine Tech failed to provide secondary containment for the tanks in the Cottee River barge used to store used oil in violation of 40 CFR 279.54(c).

3rd Violation: Diversified Marine Tech failed to label or mark an above ground storage tank and five containers used to store used oil with the words "Used Oil" in violation of 40 CFR 279.45(g) (1).

4th Violation: Diversified Marine Tech failed to obtain a used oil processor permit from the Department in violation of 62-710.800(2)&(6) F.A.C.

5th Violation: Diversified Marine Tech failed to register with the Department as a used oil transfer facility in violation of 62-710.500(1) (a) F.A.C.

6th Violation: Diversified Marine Tech failed to comply with the requirements of an emergency contingency plan in violation of 40 CFR 279.52(b).

7th Violation: Diversified Marine Tech failed to develop and follow a written analysis plan in violation of 40 CFR 279.55.

8th Violation: Diversified Marine Tech failed to keep records of each used oil shipment accepted for processing in violation of 40 CFR 279.56(a).

4. OTHER INFORMATION:

In 1996 the Department contended that DMT was operating a transfer or processing facility because of the storage of used oil in the Cottee River. Enforcement of the processing and transfer facility standards was delayed by the Department pending Florida's final authorization for the used oil program. Final authorization became effective on October 22, 2001

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

On June 5, 2001, the attorney for DMT and DES raised the claim that DMT and DES were managing "liquid waste," not oily waste. In the past, both companies have been considered by the Department to be exempt from solid waste facility permit requirements as a used oil transporter that conducts processing incidental to transport. If DMT and DES are now managing waste other than used oil or oily waste, then DMT and DES are subject to solid waste permit requirements under ~~FAC Rule 62-701.710~~ and must submit an application to obtain waste processing facility permit.

A chronology of events is at attachment 1.

5. POTENTIAL WITNESSES

Mr. Gerry K. McCormick
1201 North 22nd Street
Tampa, Florida 33605

Mr. Eugene R. Russel
1201 North 22nd Street
Tampa, Florida 33605

Mr. Edmond J. Burks
Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

Ms. Elizabeth Knauss
Hazardous Waste Section, Southwest District
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

Mr. James Dregne
Hazardous Waste Section, Southwest District
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619-8318

6. RECOMMENDATION FOR CORRECTIVE ACTION:

The District requests that a complaint be filed to compel Diversified Environmental Services and Diversified Marine Tech to register as a used oil processor, transfer facility and comply with used oil processing standards. This includes providing secondary containment for any tanks used to store used oil for more than 24 hours. In addition, the complaint should seek civil penalties of up to \$10,000.00 per day per violation for violations of the used oil regulations.

7. SETTLEMENT NEGOTIATIONS:

The Department met with representatives of Diversified Marine Tech and Diversified Environmental Services on April 26, 2001, to discuss the alleged violations and discuss the requirements necessary to resolve the case. On June 5, 2001, the attorney representing DMT responded to the Department's Warning Letter. On November 5, 2001, the Department notified the DMT that their counteroffer was unacceptable. On January 16, 2002, the attorney representing DMT and DES requested another meeting with the Department to discuss

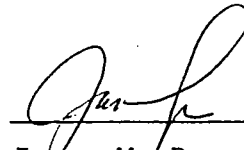
outstanding issues. On January 30, 2002, the District decided to refer the case to OGC for resolution.

8. ATTACHMENTS:

Event Chronology (1)

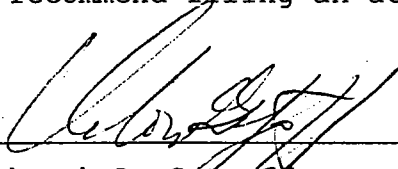
Enforcement File (2)

The information in this Case Report is complete and accurate to the best of my knowledge, information and belief.

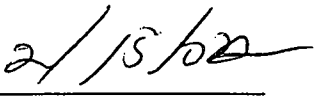


James M. Dregne
Environmental Specialist III

I recommend filing an action against the violator(s) described above.



Deborah A. Getzoff
Director of District Management



Date

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.

HANDLER INFORMATION

EPA ID:FLD984183566 Site ID:37414 Previous EPA ID:
Handler Name: DIVERSIFIED ENVIRONMENTAL SERVI Land Type:M Non-Notifier:
District:SWD Access: Access Date: Notif Date:15-OCT-1990

Site Name: DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

Directions:

Address: 1201 N 22ND ST #200

County:

29 HILLSBOROUGH

SIC CODE(S)

	SIC Code	Description
Primary	3999	MANUFACTURING - MANUFACTURING INDUSTRIES
Secondary		

HAZARDOUS-WASTE

Generator: LQG SQG CES XNHR Closed

USED OIL STATUS

*Transporter:

Marketer: To Off-Spec Burner
First Claimant

TSD: Treater Storer Disposer

Burner: Utility Boiler
Industrial Boiler
Industrial Furnace

*Used Oil: X

Recycler: Commercial Non-Commercial

Transporter: XTransporter
Transfer Facility

*HW Fuel:

Processor: Processor
Re-refiner

UIC:

*OTHER:

Generator:

*CORR:

EPA ID:FLD984183566 Source:INSPECTION Date:21-OCT-1997 Comments:

Enter 'X' if the handler directs shipments of used oil to burners

Count: *3

<Replace>

Project Id: 88466 | Open Date: 08-FEB-1996 | Priority: N | Status: CLOSED

Name: DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

Prog Area	Activity	Date Done	Date Due	Date Completed	E V
HW	CWOE COMPLIANCE W/O FORMAL ENF	23-APR-1996			
HW	RCL RETURN TO COMPLIANCE LETT	23-APR-1996			
HW	EMT ENFORCEMENT MEETING	21-MAR-1996			
HW	WLI WARNING LETTER ISSUED	23-FEB-1996			
HW	CEI COMPLIANCE EVALUATION INS	08-FEB-1996			Y
HW	OTH OTHER INSPECTION	24-JUN-1992			
HW	WLI WARNING LETTER ISSUED	24-JUN-1992			
HW	CSE COMPLIANCE SCHEDULE EVALU	09-JUN-1992			Y
HW	CEI COMPLIANCE EVALUATION INS	18-MAY-1992			Y

Press [PAGE DOWN] for Activity Details (Change View)

At last record

Count: *9

<Replace>

HANDLER INFORMATION

EPA ID:FLD984182733	Site ID:37415	Previous EPA ID:
Handler Name:ELK RIVER CORP		Land Type:P Non-Notifier:
District:SWD	Access: Access Date:	Notif Date:15-OCT-1990

Site Name: DIVERSIFIED MARINE TECH
 Directions:
 Address: 2531 22ND ST CAUSEWAY S County:
 29 HILLSBOROUGH
 City: TAMPA State: FL Zip: 33675-0

Mail Address: PO BOX 5326

City: TAMPA State: FL Zip: 33675-0

Feature:	Method: ADDM	Datum:	Date: 15-OCT-1990
Coordinates:	Latitude Degrees: 27	Minutes: 38	Seconds: 38
	Longitude Degrees: 82	Minutes: 43	Seconds: 38
Comments:			

Enter the accessibility indicator

Count: *1

<List><Replace>

-----HANDLER INFORMATION-----

EPA ID:FLD984182733 Site ID:37415 Previous EPA ID:
Handler Name:ELK RIVER CORP Land Type:P Non-Notifier:
District:SWD Access: Access Date: Notif Date:15-OCT-1990

Site Name:DIVERSIFIED MARINE TECH

Directions:

Address:2531 22ND ST CAUSEWAY S

County:
29 HILLSBOROUGH

-----CONTACT INFORMATION-----

Name L:RUSSEL F:EUGENE Title:V PRES
Phone:(813)248-3256 Type:N

Address:PO BOX 5326

City:TAMPA

State:FL Zip:33675 - 0000

-----2/6-----

Enter contact person's last name
Count: *1

<Replace>

HANDLER INFORMATION

EPA ID:FLD984182733	Site ID:37415	Previous EPA ID:
Handler Name:ELK RIVER CORP		Land Type:P Non-Notifier:
District:SWD	Access: Access Date:	Notif Date:15-OCT-1990

Site Name:DIVERSIFIED MARINE TECH
 Directions:
 Address:2531 22ND ST CAUSEWAY S
 County:
 29 HILLSBOROUGH

OWNER/OPERATOR INFORMATION

Indicator:CO Current Owner

Name:CURT LESSL, V PRES	
Address:PO BOX 5326	
City:TAMPA	State:FL Zip:33675-0000
Phone:(813)248-3256	Type:P Date:

HAZARDOUS-WASTE ACTIVITIES

Generator: LQG SQG CES XNHR Closed

*Transporter:

TSD: Treater Storer Disposer

*Used Oil:

Recycler: Commercial Non-Commercial

*HW Fuel:

UIC:

*OTHER:

*CORR:

* Denotes detail screen

EPA ID:FLD984182733 Source:NOTIFICATION Date:24-FEB-1993 Comments:

Enter 'X' if the facility is a large quantity generator

Count: 1

v

<Replace>

HAZARDOUS-WASTE

Generator: LQG SQG XCES NHR Closed

USED OIL STATUS

*Transporter:

TSD: Treater Storer Disposer

Marketer: To Off-Spec Burner
 First Claimant

*Used Oil: X

Burner: Utility Boiler
 Industrial Boiler
 Industrial Furnace

Recycler: Commercial Non-Commercial

Transporter: Transporter
 XTransfer Facility

*HW Fuel:

UIC:

Processor: Processor
 Re-refiner

*OTHER:

*CORR:

Generator:

EPA ID:FLD984182733 Source:INSPECTION Date:10-JAN-2001 Comments:

Enter 'X' if the handler directs shipments of used oil to burners

Count: *2

<Replace>

-----HANDLER INFORMATION-----

EPA ID:FLD984182733 Site ID:37415 Previous EPA ID:
Handler Name:ELK RIVER CORP Land Type:P Non-Notifier:
District:SWD Access: Access Date: Notif Date:15-OCT-1990

Site Name: DIVERSIFIED MARINE TECH
Directions:
Address: 2531 22ND ST CAUSEWAY S County:
29 HILLSBOROUGH

-----SIC CODE(S)-----

	SIC Code	Description
Primary	4231	TRANS. & UTILITIES - TRUCKING TERMINAL F
Secondary		

Count: *1

<List><Replace>

HANDLER INFORMATION

EPA ID:FLD984182733	Site ID:37415	Previous EPA ID:
Handler Name:ELK RIVER CORP		Land Type:P Non-Notifier:
District:SWD	Access: Access Date:	Notif Date:15-OCT-1990

Site Name: DIVERSIFIED MARINE TECH

Directions:

Address: 2531 22ND ST CAUSEWAY S

County:

29 HILLSBOROUGH

WASTE CODE(S)

SOURCE	CODE
N	D000
N	D018

Enter the Source for the Waste Code or Press [LIST] to pick

Count: *2

<List><Replace>

Florida Department of
Memorandum Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: Deborah A. Getzoff, Director of District Management *cto 4/10/01*
 William Kutash, Environmental Administrator
 Office of General Counsel, ATTN: _____

FROM: *W* William Kutash, Environmental Administrator
ST Stanley Tam, Professional Engineer II
Elizabeth Knauss, Environmental Manager
J Jim Dregne, Environmental Specialist III

DATE: April 5, 2001

FILE NAME: Diversified Marine Tech (DMT)

PROJECT #: 245262

PROGRAM: Hazardous Waste

COUNTY: Hillsborough

TYPE OF DOCUMENT:

draft or final

NOV

Consent Order

Final Order

Case Report

Penalty Authorization

Warning Letter

Other

DESCRIPTION OF VIOLATIONS: DMT operates a barge at the Port of Tampa that is used to temporarily store used oil and other oily waste. The Department has been discussing with the US Coast Guard and the EPA concerning who has jurisdiction over the barge. For now, the Coast Guard regulates the barge. Since at least September 2000 DMT has been storing used oil in a large tank at their facility. The company failed to notify the Department of this activity. DMT qualifies as a used oil transfer facility. The company failed to label the tank and did not have secondary containment.

SUMMARY OF CORRECTIVE ACTIONS: If DMT is going to continue to operate as a transfer facility, it must notify the Department, label the tank and construct secondary containment around the tank. The company must also enter into a Consent Order and pay a penalty.

PENALTY SUMMARY:

Potential for Harm: Major

Extent of Deviation: Major

Penalty Amount: \$11,700.00

Expenses: \$100.00

TOTAL PENALTY AMOUNT: \$11,800.00

TO SECRETARY

PHOTOGRAPHS

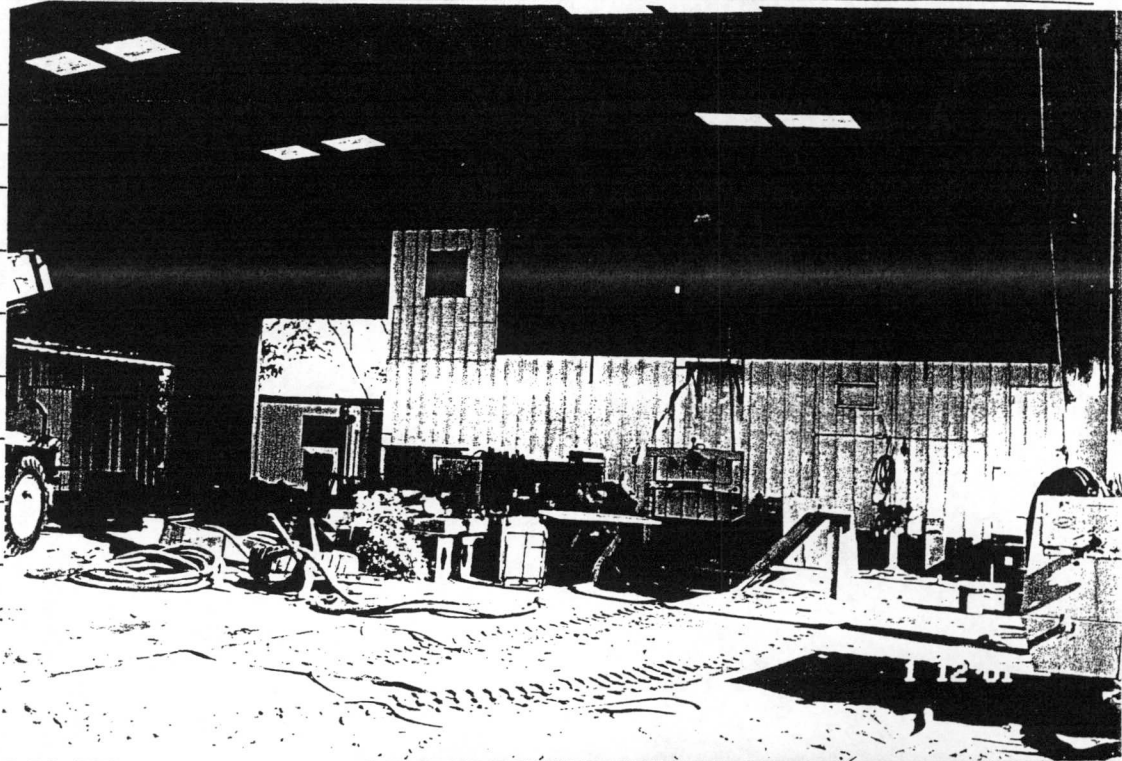
Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Tim Dregne

Site/Location: Diversified Marine Tech./2591 22nd St. Causeway South,
TAMPA, FL

Description:

- work building
- and equipment
- storage area

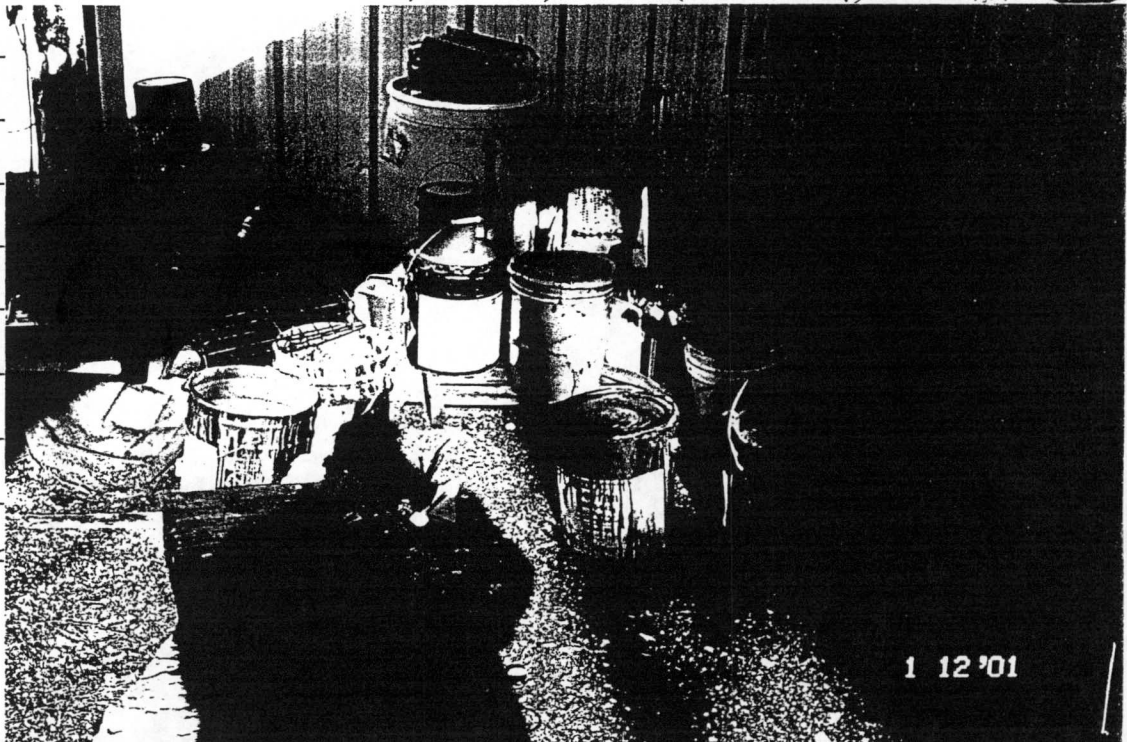


Draw North Arrow



Description:

- paint storage
- area.
- open containers
- of old paint-
- paint + water



Draw North Arrow

1 12 '01

PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

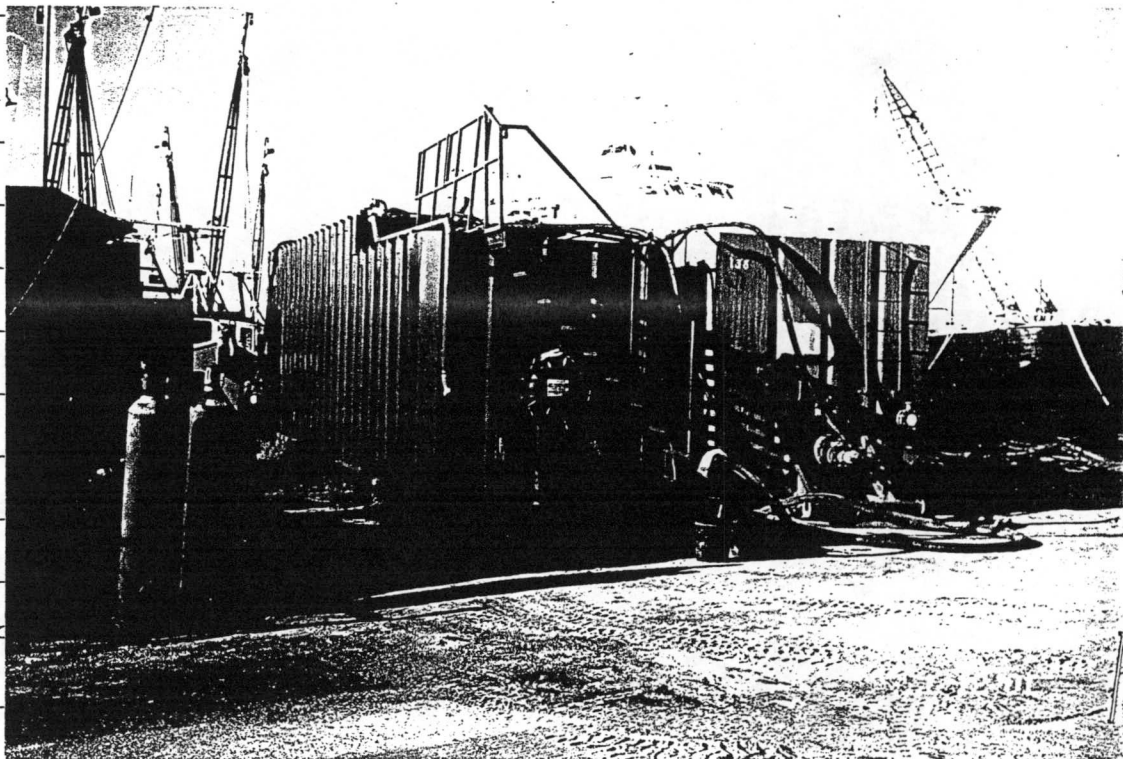
Taken By: Jim Dregne

Site/Location: Diversified MARINE Tech./ 2591 22ND ST CAUSEWAY South,
TAMPA, FL

Description:

- two frac tanks
- blue tank
CONTAINS USED
oil.
- recovery hoses
ON GROUND IN
front of tank

Draw North Arr



Description:

- two frac tanks
- four separate hoses
- two lower hoses
AND two hoses
to top of blue
tank

Draw North Arr



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregue

Site/Location: Diversified Marine Tech./2591 22nd St. Causeway South,
TAMPA, FL

Description:

- top of used
oil frac tank
- dispensing hoses
leading to top
portal of tank

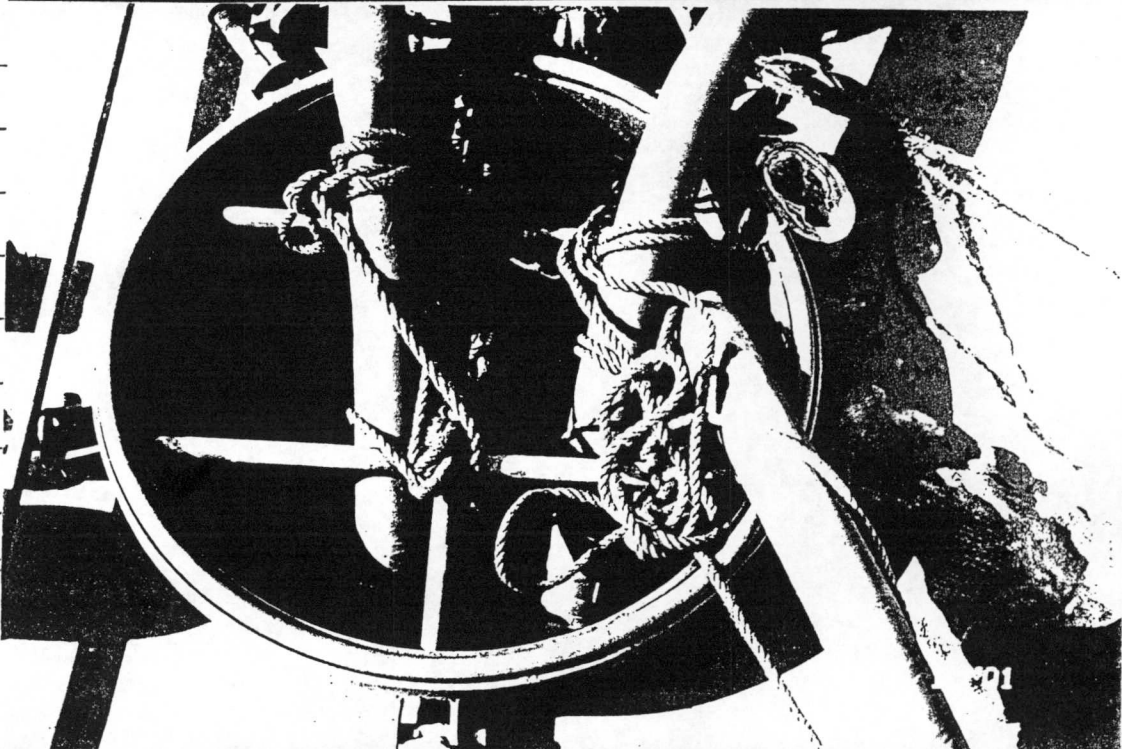
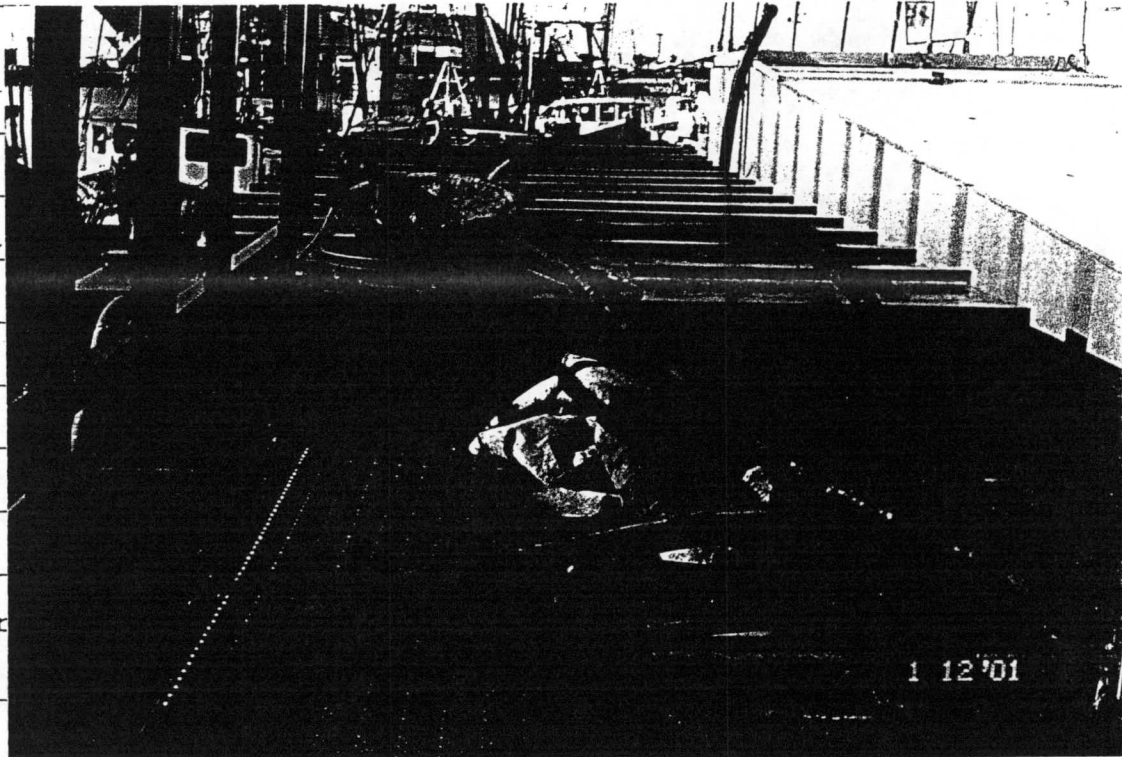
Draw North Arr

AN

Description:

- three hoses
leading to
top portal of
frac tank.
- hoses tied
in place with
rope.

Draw North Arr



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregue

Site/Location: Diversified Marine Tech, 2571 22nd St. Causeway South, TAMPA, FL

Description:

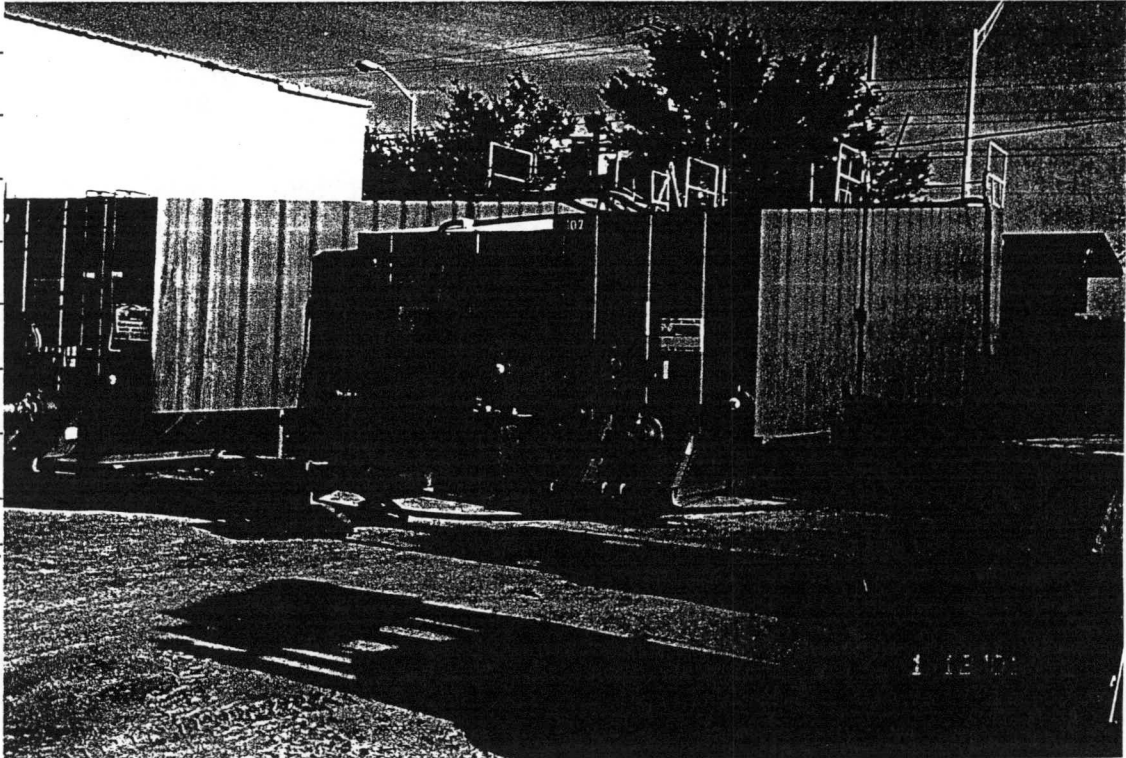
- hose coming
from shrimp
boats to top
of used oil
frac tank



Draw North Arr

Description:

- three frac
tanks for hot
water and
cleaning ships



Draw North Arr

PHOTOGRAPHS

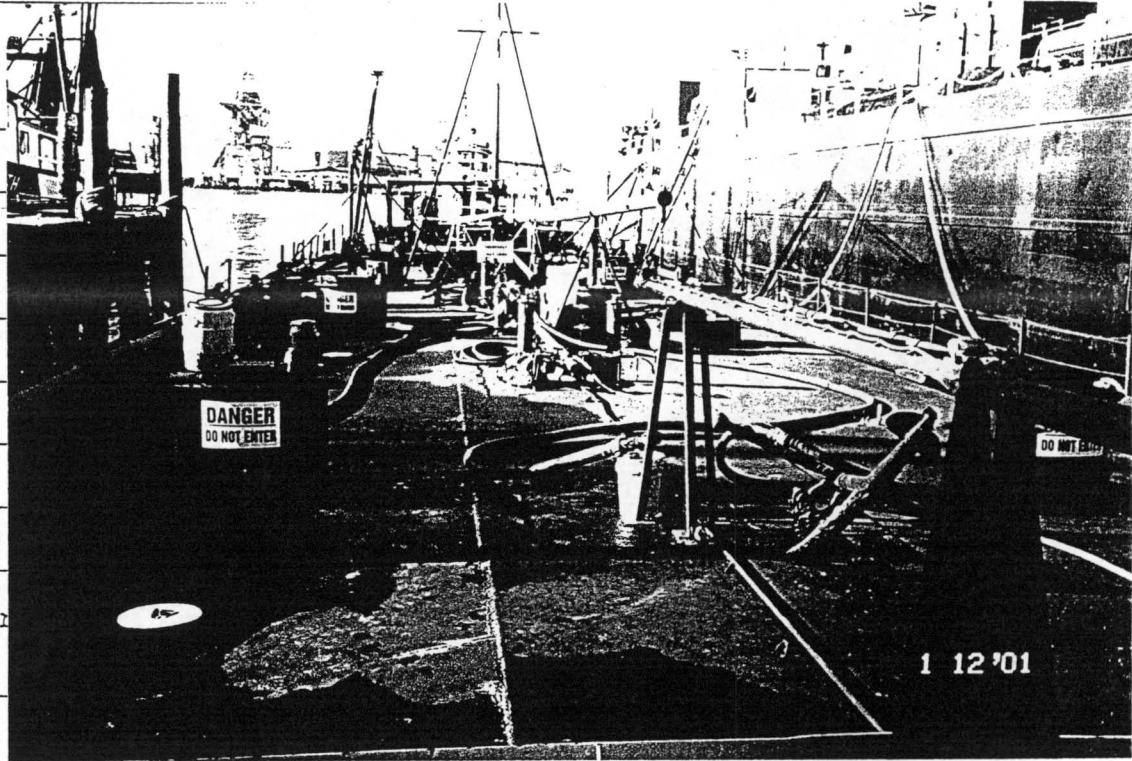
Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Tim Dregne

Site/Location: Diversified Marine Tech / 2571 22nd St Causeway South,
TAMPA, FL

Description:

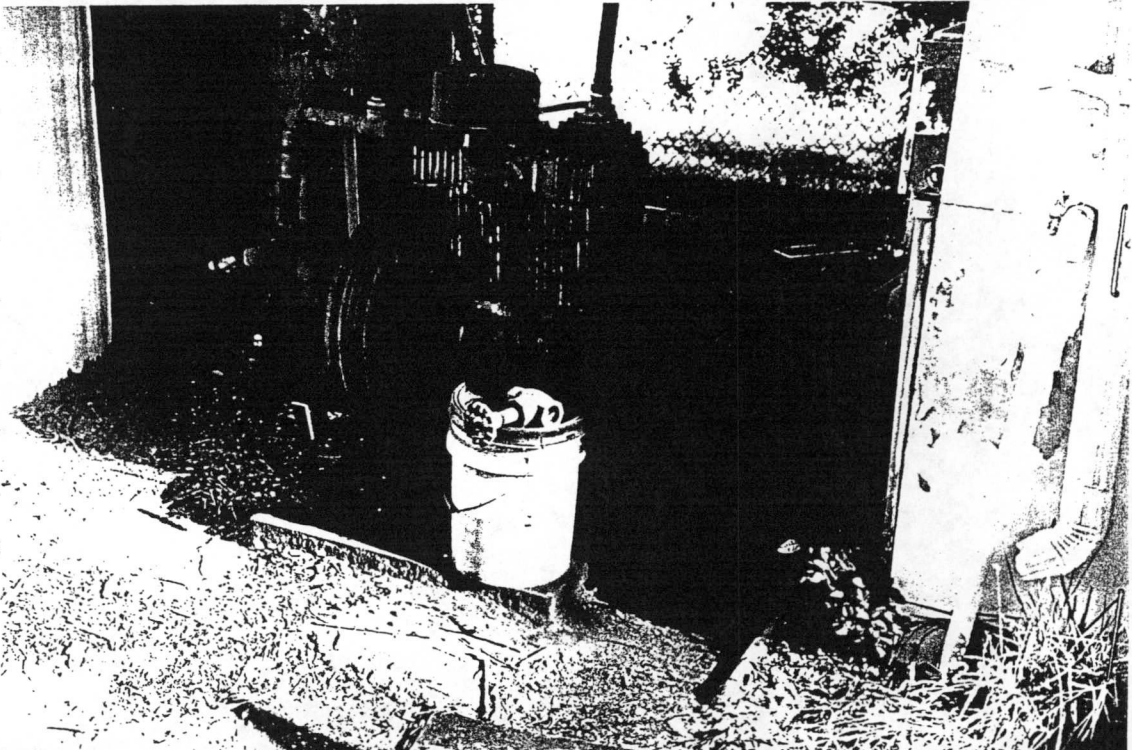
- deck of
Coffee River
Barge.



Draw North Arr

Description:

- old compressor
oil staining
on ground



Draw North Arr

PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregne

Site/Location: Diversified Marine Tech./2571 22nd St. Causeway South,
TAMPA, FL

Description:

- five gallon
buckets of used
oil after being
move into
shipping con-
tainer

- No labels.

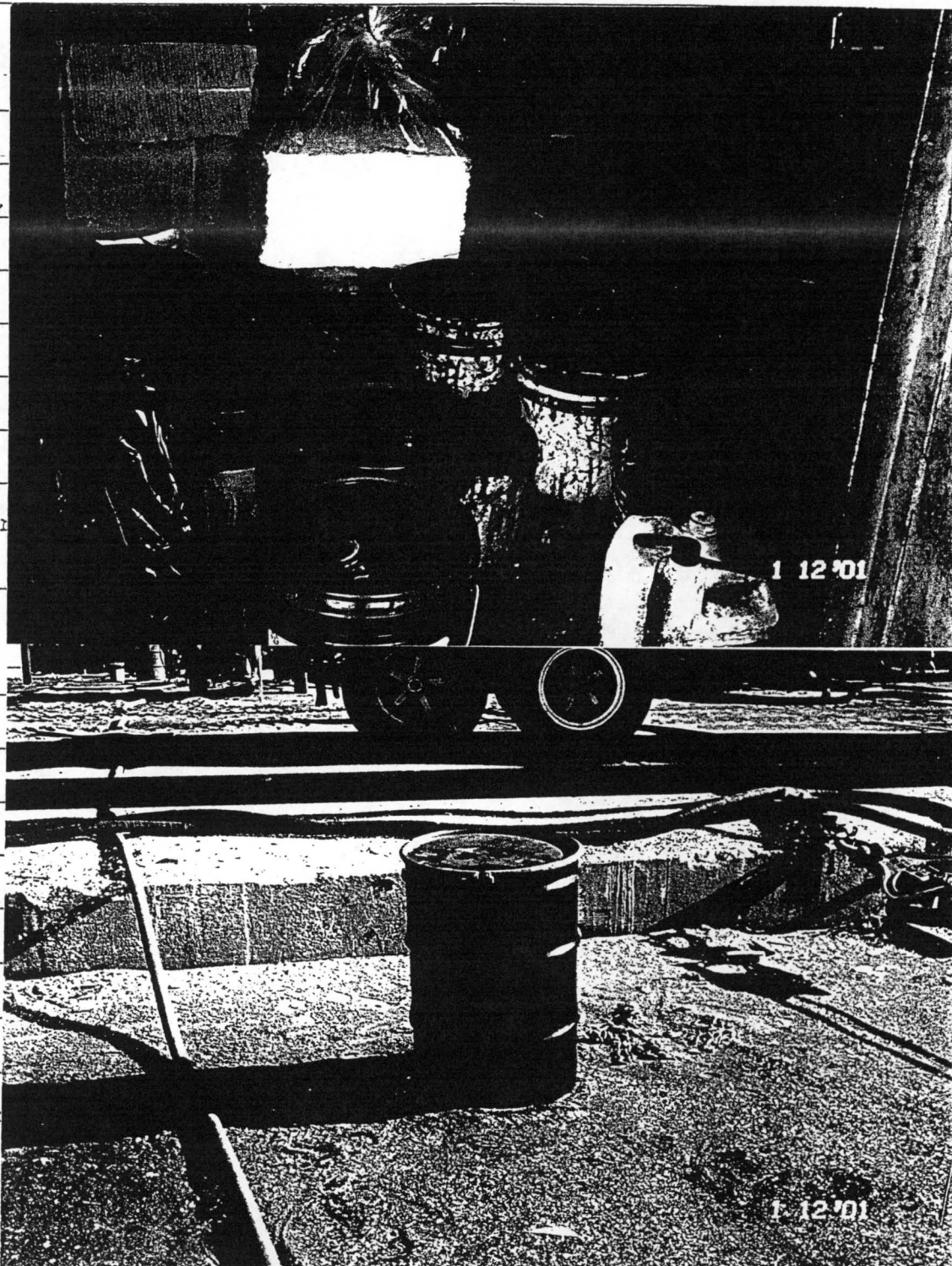
Draw North Arr

N

Description:

- drum of
oily waste
no label

Draw North Arr



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Tim Dregue

Site/Location: Diversified Marine Tech./2571 82nd St. Causeway South,
TAMPA, FL

Description:

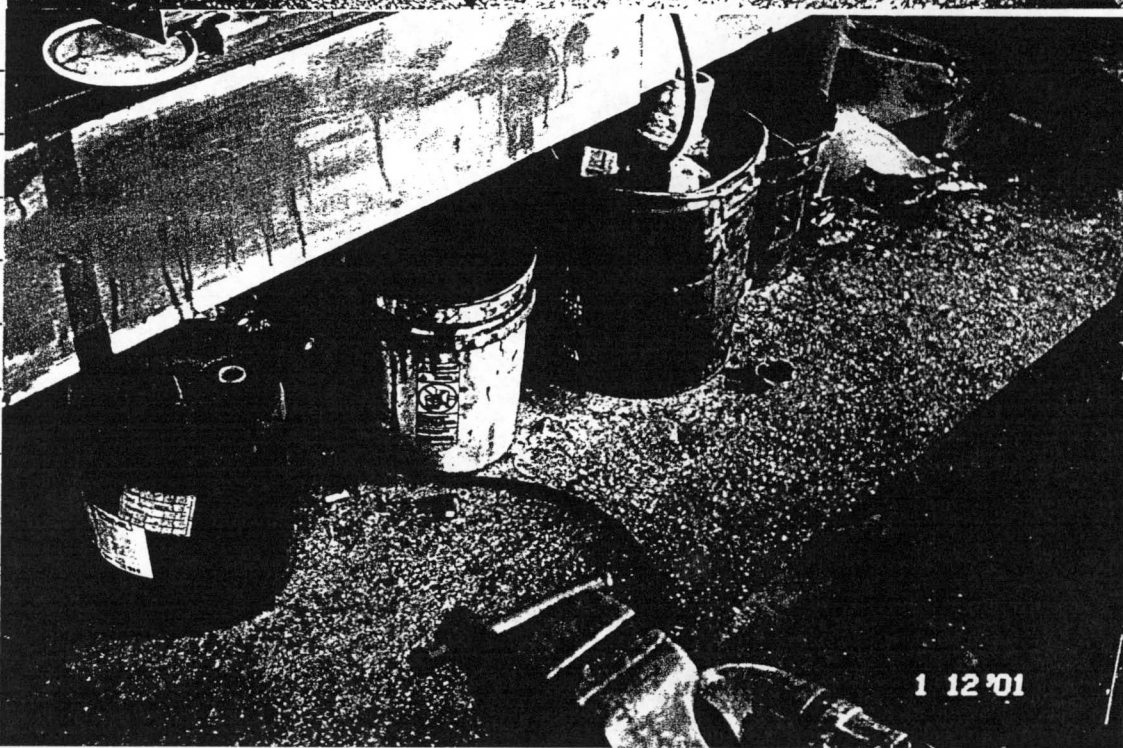
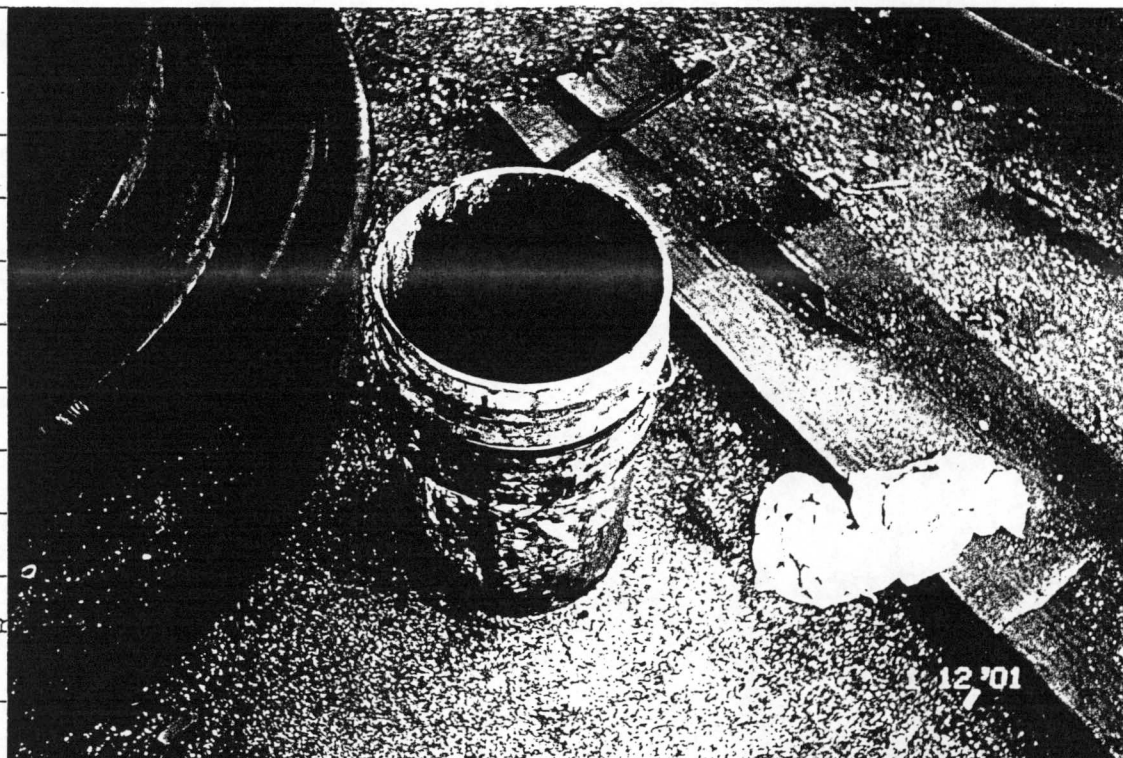
- bucket of used oil
- no label

Draw North Arr

Description:

- bucket of used oil
- no label

Draw North Arr



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregue

Site/Location: Diversified Marine Tech./ 2571 22nd St. Causeway South,
TAMPA, FL

Description:

- drum of oily waste
- no marking
- worker cleaning-up area during inspection

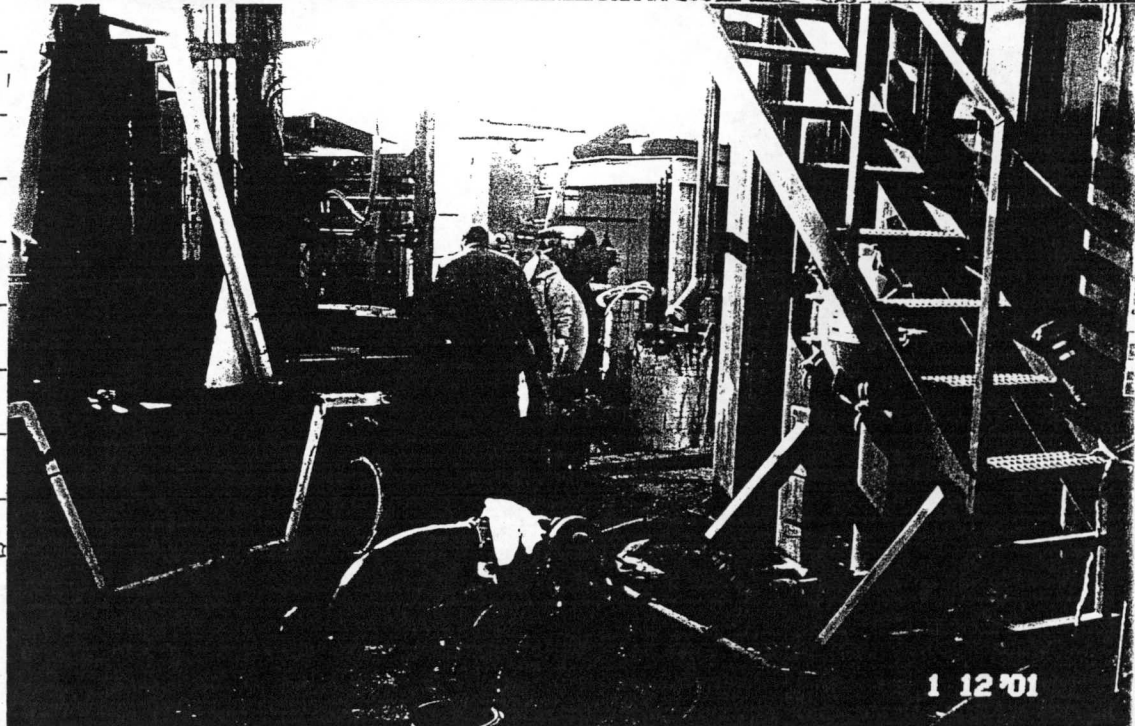
Draw North Arr



Description:

- workers cleaning area around shed during inspection.
- moving drums into shipping container

Draw North Arr



dep report

2K01283	d		6000	0	0
2K01284	d		6000	0	0
2K01285	n		1000	0	0
2K01311	d		6500	0	0
2K01312	d		6500	0	0
2K01313	d		6500	0	0
2K01314	d		6500	0	0
2K01315	d		6500	0	0
2K01316	d		6500	0	0
2K01317	n	7000	0	0	7000
2K02011	n	350	0	0	350
2K02012	n	5500	0	0	5500
2K02031	d		6000	0	0
2K02032	d		6000	0	0
2K02033	n	2600	0	0	2600
2K01041	d		6000	0	0
2K01042	d		6500	0	0
2K01043	d		6500	0	0
2K01044	d		6500	0	0
2K01045	D		6500	0	0
2K02041	n	715	0	0	715
2K02042	n	165	0	0	165
2K02071	d		6500	0	0
2K02072	d		6500	0	0
2K02073	d		6500	0	0
2K02075	d		6000	0	0
2K02076	n	110	0	0	110
2K02077	n	1100	0	0	1100
2K02081	d		6500	0	0
2K02082	d		6500	0	0
2K02111	n	6500	0	0	6500
2K02121	n	3800	0	0	3800
02-140	n	4500	0	0	4500
01-091	i		0	5674	0
01-104	i		0	5378	0
2K02142	n	6500	0	0	6500
2K02143	n	190	0	0	190
01-105	i		0	5685	0
2K02161	n	2800	0	0	2800
2K02162	n	1800	0	0	1800
2K02163	n	7000	0	0	7000
2K02164	n	3500	0	0	3500
2K02165	n	7800	0	0	7800
2K02171	d		0	6000	0
2K02172	D		0	6000	0
2K02173	d		6000	0	0
2K02181	n		0	6500	0
2K02182	n	2700	0	0	2700
2K02183	i		0	6376	0
2K02191	n	100	0	0	100
2K02192	n	2000	0	0	2000
2K02211	n		7000	0	0
2K02212	n	3500	0	0	3500
2K02213	n	1500	0	0	1500

dep report

2K02214	n	7500	0	0	7500
2K02215	n	5500	0	0	5500
2K02216	n	50	0	0	50
2K02221	i		0	6500	0
2K02222	i		0	6755	0
2K02233	n	500	0	0	500
2K02224	d		6000	0	0
2K02225	d		6500	0	0
2K02226	n	6000	0	0	6000
2K02231	n	350	0	0	350
2K02232	n	4200	0	0	4200
2K02233	n	1000	0	0	1000
2K02234	n	1650	0	0	1650
00-250R	n	1478	0	0	1478
2K02241	n	4200	0	0	4200
2K02242	n	8000	0	0	8000
2K02243	d		6000	0	0
2K02244	d		6500	0	0
2K02245	d		6000	0	0
2K02246	d		6000	0	0
2K02247	n	7200	0	0	7200
2K02249	n	5000	0	0	5000
2K02252	n	8000	0	0	8000
2K02271	n	2000	0	0	2000
00-250T	n	1543	0	0	1543
00-250U	n	142	0	0	142
2K02291	d		6500	0	0
2K02292	d		6500	0	0
2K02293	n	1000	0	0	1000
2K02294	n	550	0	0	550
2K02295	n	800	0	0	800
2K02296	n	2000	0	0	2000
2K03012	d		6000	0	0
2K03013	d		6500	0	0
2K03014	n	3000	0	0	3000
2K03021	n	6076	0	0	6076
2K03022	d		6500	0	0
2K03023	d		6000	0	0
2K03024	i		0	6500	0
2K03025	i		0	6500	0
2K03026	n	500	0	0	500
2K03027	n	750	0	0	750
2K03031	n	3699	0	0	3699
2K03032	d		6500	0	0
2K03041	n	7000	0	0	7000
2K03042	n	350	0	0	350
2K03061	n	7500	0	0	7500
03-071	n	1500	0	0	1500
03-076	n	5500	0	0	5500
2K03071	d		6500	0	0
2K03072	d		6500	0	0
2K03073	d		6000	0	0
2K03074	D	7000	0	0	0
2K03075	d	7000	0	0	0

dep report

2K03077	n	500	0	0	500
2K03078	n	130	0	0	130
2K03079	n	350	0	0	350
3-0801	i		0	6500	0
3-0802	d		4000	0	0
2K03081	l		0	6500	0
2K03082	l		0	7390	0
2K03091	D		6500	0	0
2K03092	d		6500	0	0
2K03093	i		0	6217	0
2K03095	n	1200	0	0	1200
2K03096	N	5200	0	0	5200
2K03101	d		6500	0	0
2K03111	n	7400	0	0	7400
2K03112	n	5500	0	0	5500
2K03113	n	3500	0	0	3500
2K03114	n	5500	0	0	5500
2K03115	n	5000	0	0	5000
2K03131	d		6500	0	0
2K03132	d		6500	0	0
2K03133	d		6500	0	0
2K03134	n	200	0	0	200
2K03135	d		6500	0	0
2K03136	d		6500	0	0
2K03137	d		6500	0	0
2K03141	d		6500	0	0
2K03142	d		6500	0	0
2K03143	D		6500	0	0
2K03144	d		6500	0	0
2K03145	d		6500	0	0
2K03146	d		6500	0	0
2K03151	n	2112	0	0	2112
2K03152	n	25	0	0	25
2K03153	d		6500	0	0
2K03154	d		6500	0	0
2K03155	d		6500	0	0
2K03156	d		6500	0	0
2K03156	d		6500	0	0
2K03157	d		6500	0	0
2K03158	d		6500	0	0
2K03159	d		6000	0	0
2K031510	D		6500	0	0
2K03161	D		6500	0	0
2K03162	D		6500	0	0
2K03163	D		6500	0	0
2K03164	D		6500	0	0
2K03166	d		6500	0	0
2K03167	d		5700	0	0
2K03168	D		6000	0	0
2K03169	n	1290	0	0	1290
2K03171	N	500	0	0	500
2K03172	n	1500	0	0	1500
2K03181	n	7000	0	0	7000
2K03183	n	150	0	0	150

dep report

2K03185	n	800	0	0	800
2K03211	n	6500	0	0	6500
2K03212	n	50	0	0	50
2K03213	n	6500	0	0	6500
2K03221	n	1000	0	0	1000
2K03222	N	5000	0	0	5000
2K03231	n	6500	0	0	6500
2K03232	d		6000	0	0
2K03233	d		6000	0	0
2K03234	d		6000	0	0
2K03234A	n	3000	0	0	3000
2K03241	N	3000	0	0	3000
2K03243	n	150	0	0	150
2K03244	N	2000	0	0	2000
2K03251	N	3000	0	0	3000
2K03252	d		6000	0	0
2K03253	d		5100	0	0
2K03254	d		5700	0	0
2K03255	d		6500	0	0
2K03256	d		6500	0	0
2K03257	d		6000	0	0
2K03258	d		6000	0	0
2K03259	d		6000	0	0
2K03261	d		6000	0	0
2K03271	d		6500	0	0
2K03272	d		6500	0	0
2K03273	d		6500	0	0
2K03274	d		6500	0	0
2K03281	d		6500	0	0
2K03282	d		6500	0	0
2K03283	d		0	0	0
2K03284	n	6000	0	0	6000
2K03285	n	900	0	0	900
2K03286	n	1300	0	0	1300
2K03287	n	2377	0	0	2377
2K03288	n	2000	0	0	2000
2K03289	n	500	0	0	500
2K03291	N	3000	0	0	3000
2K03292	N	1000	0	0	1000
2K03293	N	750	0	0	750
2K03294	n	6000	0	0	6000
2K03301	n	5500	0	0	5500
2K03302	n	1700	0	0	1700
2K03311	n	1200	0	0	1200
2K04011	n	3000	0	0	3000
2K04012	n	3000	0	0	3000
2K04013	n	3000	0	0	3000
2K04015	n	1500	0	0	1500
2K04016	n	3200	0	0	3200
2K04021	n	4000	0	0	4000
2K04031	d	8000	8000	0	8000
2K04032	d	7490	7490	0	7490
2K04033	n	8000	0	0	8000
2K04034	n	4200	0	0	4200

dep report

2K04035	n	4000	0	0	4000
2K04036	n	3300	0	0	3300
2K04037	n	1600	0	0	1600
2K04038	n	3000	0	0	3000
2K04039	d	2500	2500	0	2500
2K040310	d	7000	7000	0	0
2K040311	d	7000	7000	0	0
04-400	N	2200	0	0	2200
2K04041	N	2750	0	0	2750
2K04042	n	600	0	0	600
2K04043	n	3500	0	0	3500
2K04044	d	3000	3000	0	0
2K04046	n	3300	0	0	3300
2K04047	n	800	0	0	800
2K04061	n	6000	0	0	0
2K04062	n	6500	0	0	6500
2K04063	d		6500	0	0
2K04064	n	6500	0	0	6500
04-070	n	4200	0	0	4200
2K04071	d		6500	0	0
2K04072	d		6500	0	0
2K04073	n	6500	0	0	6500
2K04074	n	2200	0	0	2200
2K04081	n	400	0	0	400
2K04091	n	1500	0	0	1500
2K04092	n	2300	0	0	2300
2K04093	N	440	0	0	440
2K04111	n	1700	0	0	1700
2K04112	d		6500	0	0
2K04113	d		6500	0	0
2K04114	d		6000	0	0
2K04115	d		6500	0	0
2K04116	n	300	0	0	300
2K04121	n	6500	0	0	6500
2K04122	d		6500	0	0
2K04123	d		6000	0	0
2K04124	d		6500	0	0
2K04125	d		6500	0	0
2K04126	n	800	0	0	800
2K04131	n	7000	0	0	7000
2K04132	n	3300	0	0	3300
1K04133	n	2000	0	0	2000
2K04134	d		6500	0	0
2K04135	d		6500	0	0
2K04136	d		6500	0	0
2K04137	n	2100	0	0	2100
2K04138	d	5000	5000	0	5000
2K04141	n	1800	0	0	1800
2K04142	n	750	0	0	750
2K04143	N	5500	0	0	5500
2K04144	n	800	0	0	800
2K04147	n	700	0	0	700
2K04171	d		6500	0	0
2K04172	d		6500	0	0

2K04143

150

120

10
M
857/855

1032
1021

dep report

2K04172	d		6500	0	0
2K04173	d		6500	0	0
2K04174	d	7000	7000	0	7000
2K04175	n	1400	0	0	1400
2K04181	d	4400	4400	0	4400
2K04182	d	500	500	0	500
2K04191	n	450	0	0	450
2K04192	d		6500	0	0
2K04193	d		6500	0	0
2K04194	d		6500	0	0
2K04195	d	1000	1000	0	1000
2K04201	n	850	0	0	850
2K04182	n	800	0	0	800
2K04211	n	3000	0	0	3000
2K04212	n	3000	0	0	3000
2K04213	n	350	0	0	350
2K04214	n	2700	0	0	2700
2K04215	d	1500	1500	0	1500
2K04216	n	2500	0	0	2500
2K04221	n	1500	0	0	1500
2K04241	n	5000	0	0	5000
2K04243	n	2000	0	0	2000
2K04244	n	500	0	0	500
2K04245	d	200	200	0	200
2K04250	n	547	0	0	547
2K04251	d		6500	0	0
2K04252	d		6500	0	0
2K04253	d		6000	0	0
2K04254	n	2250	0	0	2250
2K04255	d		6500	0	0
2K04256	d		6500	0	0
2K04261	D	1500	1500	0	1500
2K04262	d		1200	0	0
2K04263	d		6500	0	0
2K04264	d		6500	0	0
2K04265	d		5500	0	0
2K04266	n	4200	0	0	4200
2K04267	n	3000	0	0	3000
2K04268	n	1600	0	0	1600
2K04269	d	3000	3000	0	3000
2K042610	d	6500	6500	0	6500
2K042611	d	1500	1500	0	1500
2K04271	d		6500	0	0
2K04272	d		6500	0	0
2K04273	d		6500	0	0
2K04274	n	6500	0	0	6500
2K04281	n	1400	0	0	1400
2K04283	n	250	0	0	250
2K04284	n	3100	0	0	3100
2K04285	n	2000	0	0	2000
2K04291	N	1000	0	0	1000
00-632	n	1200	0	0	1200
2K05031	n	500	0	0	500
2K05041	d	3200	3200	0	3200

2K04257

2750

1500

dep report

2K05042	n	1300	0	0	1300
2K05043	d		6500	0	0
2K05044	d		6500	0	0
2K05045	d		6500	0	0
05-050	n	4200	0	0	4200
2K05051	n	2700	0	0	2700
2K05052	i		0	7200	0
2K05054	i		0	6500	0
2K05055	i		0	6000	0
2K05056	n	2800	0	0	2800
2K05057	d	1000	1000	0	1000
05-080	n	2500	0	0	2500
2K05081	n	1000	0	0	1000
2K05082	i		0	7500	0
2K05083	i		0	6500	0
2K05084	n	3125	0	0	3125
2K05085	n	350	0	0	350
2K05085	d		6000	0	0
2K05086	d		5700	0	0
2K05087	n	2750	0	0	2750
2K05091	d		5700	0	0
2K05092	d		5700	0	0
2K05093	d		5700	0	0
2K05094	d		7118	0	0
2K05095	i		0	6500	0
2K05096	d	2250	2250	0	2250
05-010	n	3500	0	0	3500
2K05101	n	6000	0	0	6000
2K05102	i		0	6275	0
2K05103	n	600	0	0	600
2K05104	n	2300	0	0	2300
2K05105	n	2000	0	0	2000
2K05106	n	2500	0	0	2500
2K05111	d	1100	1100	0	1100
2K05112	d		6000	0	0
2K05113	d	5000	5000	0	5000
2K05115	n	1000	0	0	1000
2K05116	i		0	6768	0
2K05121	i		0	5992	0
2K05122	N	7000	0	0	7000
2K05123	n	4200	0	0	4200
2K05131	d	9500	9500	0	9500
2K05132	n	2000	0	0	2000
2K05133	d	2500	2500	0	2500
2K05134	d	500	500	0	500
2K05151	n	2100	0	0	2100
2K05152	d	150	150	0	150
2K05153	d	1800	1800	0	1800
2K05154	i		0	6500	0
2K05156	d	6000	6000	0	6000
2K05157	d	7000	7000	0	7000
2K05158	n	1050	0	0	1050
2K051510	d	1100	1100	0	1100
2K051511	n	800	0	0	800

dep report

2K05161	i		0	6000	0
2K05163	n	4200	0	0	4200
2K05164	i		0	6300	0
2K05172	i		0	6500	0
2K05181	n	5500	0	0	5500
2K05182	D	7000	7000		7000
2K05191	n	1600	0	0	1600
2K05192	n	3300	0	0	3300
2K05193	n	800	0	0	800
2K05194	d	6500	6500	0	6500
2K05201	n	2000	0	0	2000
2K05221	n	500	0	0	500
2K05222	d	6500	6500	0	6500
2K05223	d	800	800	0	0
2K05224	d	6500	6500	0	6500
2K05225	d	6000	6000	0	6000
2K05226	d	6000	6000	0	6000
2K05227	d	6000	6000	0	6000
2K05228	n	2100	0	0	2100
2K05231	d	6000	6000	0	6000
2K05231	d	4000	4000	0	4000
2K05233	d	3700	3700	0	3700
2K05234	d		6500	0	0
2K05235	i		0	6416	0
2K05236	n		0	0	0
2K05251	n	6000	0	0	6000
2K05252	d		5700	0	0
2K05253	d		5700	0	0
2K05254	i		0	5992	0
2K05255	n	4000	0	0	4000
2K05261	d		5700	0	0
2K05263	d		5700	0	0
2K05264	n	750	0	0	750
2K05271	n	750	0	0	750
05-301	d	2400	2400		2400
2K05301	n	4200	0	0	4200
2K05302	n	1700	0	0	1700
2K05311	n	50	0	0	50
2K06011	n	4200	0	0	4200
2K06012	n	110	0	0	110
2K06021	n	6500	0	0	6500
2K06022	d		0	0	0
2K06023	d		5700	0	0
2K06024	d		6500	0	0
2K06025	i		0	6500	0
2K06026	n	1600	0	0	1600
2K06041	n	7000	0	0	7000
2K06052	i		0	6000	0
2K06053	n	100	0	0	100
2K06054	n	600	0	0	600
2K06061	n	4000	0	0	4000
2K06062	n	3000	0	0	3000
2K06063	n	800	0	0	800
2K06071	d		6000	0	0

dep report

2K06072	d		5700	0	0
2K06073	n	3300	0	0	3300
2K06074	n	950	0	0	950
2K06075	i		0	5300	0
2K06081	N	1200	0	0	1200
2K06091	n	1300	0	0	1300
2K06092	i		0	5541	0
2K06094	n	1800	0	0	1800
2K06095	n	2800	0	0	2800
2K06096	n	1000	0	0	1000
06-121	n	55	0	0	0
2K06122	i		0	6500	0
2K06123	n	3500	0	0	3500
2K06131	n	5500	0	0	5500
2K06132	n	1855	0	0	1855
2K06133	D		6000	0	0
2K06134	n	6000	0	0	6000
2K06135	n	1500	0	0	1500
2K06136	n	3300	0	0	3300
2K06141	n	1650	0	0	1650
2K06142	D		6000	0	0
2K06143	i		0	6500	0
2K06151	D	3300	3300	0	0
2K06152	D	500	500	0	500
2K06153	N	800	0	0	800
2K06161	D	2000	2000	0	2000
2K06162	D	2500	2500	0	2500
2K06163	D	2700	2700	0	0
2K06192	D	500	500	0	500
2K06193	n	3300	0	0	3300
2K06194	N	3000	0	0	3000
2K06201	n	4500	0	0	4500
2K06202	D	3500	3500	0	3500
2K06203	d	6000	0	0	0
2K06212	i		0	6500	0
2K06213	i		0	6500	0
2K06214	D		6500	0	0
2K06215	D		5700	0	0
2K06221	d	5500	5500	0	5500
2K06222	n	600	0	0	600
2K06261	n	1600	0	0	1600
2K06262	d	6000	6000	0	6000
2K06263	d	7000	7000	0	7000
2K06264	d	6000	6000	0	6000
00-656	n	4600	0	0	4600
2K06271	n	1700	0	0	1700
2K06272	d	0	6000	0	0
2K06273	d	0	6500	0	0
2K06281	n	1800	0	0	1800
2K06282	N	3300	0	0	3300
2K06283	n	2000	0	0	2000
2K06284	d		6500	0	0
2K06285	d		6000	0	0
2K06291	n	5000	0	0	5000

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2K06291	n	5000	0	0	5000
2K06292	n	4200	0	0	4200
2K06293	d	5500	5500	0	5500
2K06294	d	5700	5700	0	5700
2K06295	d	7000	7000	0	7000
2K06296	d	5500	5500	0	5500
2K06297	n	4000	0	0	4000
2K06301	n	1200	0	0	1200
2K06303	d	5000	5000	0	5000
2K06304	n	2100	0	0	2100
2K06305	d		5700	0	0
2K07011	n	6500	0	0	6500
2K07051	n	7000	0	0	7000
2K07052	n	7000	0	0	7000
07-060	n	2700	0	0	2700
2K07061	n	3000	0	0	3000
2K07062	d		5700	0	0
2K07063	d		7000	0	0
2K07064	d		7000	0	0
2K07065	d		6000	0	0
2K07066	d		6500	0	0
2K07067	d		6500	0	0
2K07068	n	3000	0	0	3000
2K07069	n	2000	0	0	2000
2K07071	i		0	5650	0
2K07072	i		0	6832	0
2K07101	n	4000	0	0	4000
2K07111	i		0	7073	0
2K07113	n	2200	0	0	2200
2K07114	d		4500	0	0
2K07115	n	900	0	0	900
2K07116	d		6000	0	0
00-666	n	6119	0	0	6119
2K07131	n	750	0	0	750
2K07141	d		5700	0	0
2K07142	d		5700	0	0
2K07143	n	6500	0	0	6500
2K07144	n	1800	0	0	1800
2K07145	n	5500	0	0	5500
2K07146	n	1000	0	0	1000
2K07147	d	2400	2400	0	2400
2K07148	d	5500	5500	0	5500
2K07151	n	1000	0	0	1000
07-170	n	1000	0	0	1000
2K07171	n	4000	0	0	4000
2K07172	n	3300	0	0	3300
2K07173	d		6000	0	0
2K07174	n	1614	0	0	1614
2K07181	n	2000	0	0	2000
2K07182	d		7000	0	0
2K07183	d		7000	0	0
2K07191	d		7000	0	0
2K07192	d		7000	0	0
2K07201	d		7000	0	0

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2K07202	d		7000	0	0
2K07203	n	25	0	0	25
2K07204	d		5700	0	0
2K07205	d		6000	0	0
2K07211	n	1000	0	0	1000
2K07212	n	330	0	0	330
2K07213	n	1000	0	0	1000
2K07214	d		6000	0	0
2K07215	d		6000	0	0
2K07216	n	2000	0	0	2000
2k07241	n	7000	0	0	7000
00-668	n	2200	0	0	2200
2K07251	n	700	0	0	700
2K07252	n	5000	0	0	5000
2K07253	d		6000	0	0
2K07254	d		6000	0	0
2K07255	d		5700	0	0
01-043	n	5000	0	0	5000
2K07261	d		5700	0	0
2K07262	d		7000	0	0
2K07263	d		5700	0	0
2K07264	n	2900	0	0	2900
2K07271	n	1800	0	0	1800
2K07272	n	1000	0	0	1000
2K07273	n	500	0	0	500
2K07274	n	1000	0	0	1000
2K07281	n	3300	0	0	3300
2K07282	n	1200	0	0	1200
2K07283	n	4200	0	0	4200
2K07284	n	900	0	0	900
2K07301	n	792	0	0	792
2K07311	n	3300	0	0	3300
2K07312	i		0	7021	0
2K07313	n	3065	0	0	3065
2K07314	d		6000	0	0
2K07315	d		6000	0	0
2K07316	n	4200	0	0	4200
2K07317	i		0	7310	0
2K07318	n	6500	0	0	6500
2K08011	n	4000	0	0	4000
2K08012	d		6500	0	0
2K08013	n	3800	0	0	3800
2K08014	n	375	0	0	375
2K08021	n	3000	0	0	3000
2K08022	d		3000	0	0
2K08023	d		6500	0	0
2K08024	i		0	5974	0
2K08025	n	6000	0	0	6000
2K08026	n	2750	0	0	2750
2K08031	i		0	6940	0
2K08032	d		6500	0	0
2K08033	d		5700	0	0
2K08041	i		0	6800	0
2K08042	d	2500	2500	0	2500

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2K08043	d	2700	2700	0	2700
2K08044	d	4200	4200	0	4200
2K08045	d	1000	1000	0	1000
2K08046	n	3500	0	0	3500
2K08051	n	1500	0	0	1500
2K08071	n	1800	0	0	1800
2K08072	n	8000	0	0	8000
2K08073	d		1800	0	0
2K08081	n	500	0	0	500
2K08082	d		1400	0	0
2K08083	d		0	0	0
2K08084	n	5000	0	0	5000
2K08085	d		5700	0	0
2K08086	d		5700	0	0
2K08087	d		2800	0	0
2K08088	d	7500	7500	0	7500
2K08089	n	5500	0	0	5500
2K080810	n	1500	0	0	1500
2K08091	n	73	0	0	73
2K08092	n	4200	0	0	4200
2K08093	d		6000	0	0
2K08094	d		4200	0	0
2K08095	d		6000	0	0
2K08096	i		0	6800	0
2K08097	n	1000	0	0	1000
2K08098	n	3100	0	0	3100
2K08099	n	1500	0	0	1500
2K080910	n	500	0	0	500
2K080912	n	5500	0	0	5500
2K08101	d	8482	8482	0	8482
2K08102	d	6720	6720	0	6720
2K08103	i		0	6800	0
2K08104	n	250	0	0	250
12-936	i		0	6800	0
08-111	n	1300	0	0	1300
2K08111	n	7932	0	0	7932
2K08112	n	2100	0	0	2100
2K08114	i		0	6500	0
2K08115	i		0	6500	0
2K08116	i		0	6500	0
2K08117	i		0	7000	0
01-135	n	5000	0	0	5000
2K08141	n	1500	0	0	1500
2K08151	n	4500	0	0	4500
2K08152	i		0	6500	0
2K08153			0	0	0
2K08154	d		7000	0	0
2K08155	n	3300	0	0	3300
2K08156	n	1500	0	0	1500
2K08157	d	3300	3300	0	3300
2K08161	n		5250	0	0
2K08162	n	6500	0	0	6500
2K08163	d		7000	0	0
2K08164	d		5700	0	0

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2K08165	n	900	0	0	900
2K08166	d	2000	2000	0	2000
2K08167	d	1500	1500	0	1500
2K08172	d	4200	4200	0	4200
2K08173	n	150	0	0	150
2K08181	d		5700	0	0
2K08182	d		4200	0	0
2K08183	n	1000	0	0	1000
2K08184	n	2500	0	0	2500
2K08185	n	5000	0	0	5000
2K08186	d	2500	2500	0	2500
2K08211	n		4200	0	0
2K08214	d	2600	2600	0	2600
2K08221	n	2800	0	0	2800
2K08222	n	3300	0	0	3300
2K08224	d		5700	0	0
2K08225	d		0	6500	0
2K08226	d		6000	0	0
2K08227	d		5700	0	0
2K08231	n	3500	0	0	3500
2K08232	i		0	6500	0
2K08233	n	1100	0	0	1100
2K08234	N	3000	0	0	3000
2K08235	n	2000	0	0	2000
2K08241	n	3400	0	0	3400
2K08242			0	0	0
2K08243	n	500	0	0	500
2K08244	n	1000	0	0	1000
2K08251	n	4200	0	0	4200
2K08252	n	2600	0	0	2600
2K08253	n	1300	0	0	1300
2K08261	d		7000	0	0
2K08262	d		6000	0	0
3K08263	d		6000	0	0
2K08264	d		3000	0	0
2K08264	d		6500	0	0
2K08265			0	0	0
2K08281	i		0	7000	0
2K08282	i		0	6600	0
2K08283	n	800	0	0	800
2K08284	d	3700	3700	0	3700
2K08291	n	7000	0	0	7000
2K08292	n	2000	0	0	2000
01-137	n	5500	0	0	5500
2K08301	i		0	7000	0
2K08302			0	0	0
2K08303	n	165	0	0	165
2K08304	d		4000	0	0
2K08312	n	2100	0	0	2100
2K08313	n	500	0	0	500
126-240	i		0	7000	0
126-241	i		0	7000	0
126-188	i		0	7000	0
09-01BR	n	2750	0	0	2750

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2K09014	d		5700	0	0
2K09015	d		6000	0	0
2K09016	n	3300	0	0	3300
2K09017	n	1000	0	0	1000
2K09051	d		6000	0	0
2K09052	i		0	6900	0
2K09053	d		1000	0	0
2K09055	d		7000	0	0
2K09056	d		5700	0	0
2K09057	i		0	6900	0
2K09061	n	2500	0	0	2500
2K09063	i		0	7000	0
2K09064	d		5700	0	0
2K09065	d		5500	0	0
2K09071	d	110	110	0	110
2K09072	d	5500	5500	0	5500
2K09073	d	4200	4200	0	4200
2K09074	d	50	50	0	50
2K09082	d	1100	1100	0	1100
2K09083	d	1000	1000	0	1000
2K09091	n	1650	0	0	1650
2K09092	d	1500	1500	0	1500
2K09112	d	300	300	0	300
2K09113	n	1200	0	0	1200
2K09114	n	400	0	0	400
2K09121	n	2500	0	0	2500
2K09122	d		5700	0	0
2K09123	d		5700	0	0
2K09124	n	300	0	0	300
2K09125	n	110	0	0	110
2K09131	n	5200		0	5200
2K09132	n	800	0	0	800
2K09142	d		2000	0	0
2K09143	d		6000	0	0
2K09151	n	500	0	0	500
2K09154	n	6500	0	0	6500
2K09161	n	3150	0	0	3150
2K09181	d		6000	0	0
2K09182	d		2000	0	0
2K09183	d		5700	0	0
2K09191	n	300	0	0	300
2K09193	n	7000	0	0	7000
2K09194	N	4150	0	0	4150
2K09195	n	300	0	0	300
2K09201	N	1000	0	0	1000
2K09202	n	1000	0	0	1000
2K09203	d	800	800	0	800
01-139	n	5500	0	0	5500
2K09211	n	2500	0	0	2500
2K09221	n	500	0	0	500
2K09222	d	2000	2000	0	2000
2K09223	d		5700	0	0
2K09224	d		5700	0	0

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2K09225	d		6000	0	0
2K09226	d		2000	0	0
2K09231	n	350	0	0	350
2K09251	n	2000	0	0	2000
2K09253	d		2000	0	0
2K09254	d		2000	0	0
2K09255	n	400	0	0	400
2K09256	n	7000	0	0	7000
2K09257	n	7000	0	0	7000
2K09258	n	6000	0	0	6000
2K09259	d	7000	7000	0	7000
2K092510	d	7000	7000	0	7000
2K092511	d	7000	7000	0	7000
2K092512	d	6000	6000	0	6000
2K092513	d	7000	7000	0	7000
2K09261	d		2000	0	0
2K09262	d		2500	0	0
2K09263	d	0	2000	0	0
2K09264	n	700	0	0	700
2K09265	n	2000	0	0	2000
2K09266	n	2000	0	0	2000
09-271	n	3600	0	0	3600
2K09271	n	5500	0	0	5500
2K09272	d	6000	6000	0	6000
2K09273	d	7000	7000	0	7000
2K09274	d	7000	7000	0	7000
2K09275	d	7000	7000	0	7000
2K09276			0	0	0
2K09277	d	7000	7000	0	7000
2K09278	d	7000	7000	0	7000
2K09279	d	7000	7000	0	7000
2K092710	d	7000	7000	0	7000
2K092711	d	9000	9000	0	9000
2K092712	d	4550	4550	0	4550
2K092713	n	7925	0	0	7925
2K09281	n	1200	0	0	1200
2K09291	n	1500	0	0	1500
2K09292	d		5500	0	0
2K10021	n	3300	0	0	3300
2K10022	i		0	6993	0
2K10023	i		0	7061	0
2K10024	n	7925	0	0	7925
2K10026	d		2000	0	0
2K10027	d		5000	0	0
2K10031	n	2500	0	0	2500
2K10032	n	2200	0	0	2200
2K10041	n	2500	0	0	2500
2K10043	n	900	0	0	900
2K10043	n	7000	0	0	7000
2K10051	d		6000	0	0
2K10052	d		2000	0	0
2K10054	n	650	0	0	650
2K10061	n	2500	0	0	2500
2K10062	N	4000	0	0	4000

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2K10064	n	2700	0	0	2700
2K10065	i		0	7097	0
2K10091	n	5500	0	0	5500
2K10092	i		0	7023	0
2K10093	n	200	0	0	200
2K10094	n	550	0	0	550
2K10095	n	1700	0	0	1700
2K10101	n	5500	0	0	5500
2K10111	n	5200	0	0	5200
2K10112	n	165	0	0	165
2K10113	i		0	6995	0
2K10114	n	1500	0	0	1500
2K10115	n	1800	0	0	1800
2K10122	n	1800	0	0	1800
2K10131	n	800	0	0	800
2K10132	n	6000	0	0	6000
2K10161	n	2500	0	0	2500
2K10162	d		5000	0	0
00-701	n	2000	0	0	2000
2K10171	d		2000	0	0
2K10172	D		2000	0	0
2K10173	d		2000	0	0
2K10181	n	2800	0	0	2800
1019-00	i		0	21000	0
2K10191	n	1565	0	0	1565
2K10192	n	2100	0	0	2100
2K10201	n	100	0	0	100
2K10202	n	5000	0	0	5000
2K10211	n	1700	0	0	1700
2K10231	d	5177	5177	0	5177
2K10233	n	1300	0	0	1300
2K10234	d		5000	0	0
2K10235	d		3000	0	0
2K10241	n	4500	0	0	4500
2K10242	n	1000	0	0	1000
2K10243	n	400	0	0	400
2K10244	n	900	0	0	900
2K10245	d		2000	0	0
2K10246	d		2000	0	0
2K10251	n	5500	0	0	5500
2K10252	n	2900	0	0	2900
2K10253	n	300	0	0	300
2K10254	n	500	0	0	500
2K10255	n	600	0	0	600
2K10261	i		0	7000	0
2K10262	i		0	7000	0
2K10263	n	750	0	0	750
2K10264	d		2000	0	0
2K10265	d		6000	0	0
2K10301	n	800	0	0	800
2K10302	n	2100	0	0	2100
2K10303	n	55	0	0	55
2K10311	d	6000	6000	0	6000
2K10313	d	7000	7000	0	7000

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Manifest	NcType	Amount	total D	total I	total N
2K01011	n	3600	0	0	3600
2K01041	n	1600	0	0	1600
2K01042	n	4000	0	0	4000
2K01043	n	6300	0	0	6300
2K01044	n	4000	0	0	4000
2K01051	n	2000	0	0	2000
2K01052	d		6500	0	0
2K01061	n	770	0	0	770
2K01062	n	1000	0	0	1000
2K01071	n	1050	0	0	1050
2K01081	n	4750	0	0	4750
59-049	n	1000	0	0	1000
2K01101	n	1500	0	0	1500
2K01102	n	950	0	0	950
2K01103	n	2000	0	0	2000
2K01104	d		6500	0	0
2K01111	d		6500	0	0
2K01112	n	2600	0	0	2600
2K01121	n	1600	0	0	1600
2K01122	d		6500	0	0
2K01131	d		6500	0	0
2K01171	N	300	0	0	300
2K01172	n	2000	0	0	2000
2K01181	n	500	0	0	500
2K01182	n	1000	0	0	1000
2K01191	n	3250	0	0	3250
2K01192	n	6000	0	0	6000
2K01193	n	6000	0	0	6000
2K01194	n	6000	0	0	6000
2K01195	n	6500	0	0	6500
2K01196	n	6500	0	0	6500
2K01197	n	6500	0	0	6500
2K01198	n	6500	0	0	6500
2K01199	n	6500	0	0	6500
2K011910	n	6500	0	0	6500
2K011911	n	1000	0	0	1000
23-900	i		0	8523	0
23-902	i		0	5882	0
2K01201	n	5500	0	0	5500
2K01202	n	5500	0	0	5500
2K01203	n	3100	0	0	3100
2K01204	n	6500	0	0	6500
2K01205	n	6500	0	0	6500
2K01206	d		6000	0	0
2K01211	n	5000	0	0	5000
2K01212	d		6000	0	0
2K01213	d		6000	0	0
2K01214	d		6000	0	0
2K01215	n	6500	0	0	6500
2K01216	n	6500	0	0	6500
2K01217	n	6500	0	0	6500
2K01218	n	5000	0	0	5000
2K01221	d		6000	0	0

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2K01222	d		6000	0	0
2K01223	d		6000	0	0
2K01225	d		6000	0	0
2K01226	d		6000	0	0
2K01227	n	7000	0	0	7000
2K01228	n	6000	0	0	6000
2K01229	n	6500	0	0	6500
2K01231	n	6500	0	0	6500
2K01233	d	7000	7000	0	7000
2K01234	d	7000	7000	0	7000
2K01235	n	7000	0	0	7000
2K01244	d	7000	7000	0	7000
2K01245	d		6000	0	0
2K01246	d		6000	0	0
2K01247	d		6000	0	0
2K01248	d	6000	0	0	0
2K01249	n	5500	0	0	5500
2K012410	n	4200	0	0	4200
2K01251	d		6000	0	0
2K01252	d		6000	0	0
2K01253	d		6000	0	0
2K01254	d		6000	0	0
2K01255	n	7000	0	0	7000
2K01256	n	7000	0	0	7000
2K01257	n	7000	0	0	7000
2K01258	n	7000	0	0	7000
2K01259	N	715	0	0	715
2K01261	n	4400	0	0	4400
2K01262	n	7000	0	0	7000
2K01263	d	7000	7000	0	7000
2K01264	d	7000	7000	0	7000
2K01265	d	7000	7000	0	7000
2K01266	d		6000	0	0
2K01267	d		6000	0	0
2K01268	d	7000	7000	0	7000
2K01269	n	1400	0	0	1400
2K01271	d		6000	0	0
2K01272	d		6500	0	0
2K01273	d		6500	0	0
2K01274	d		6500	0	0
2K01275	d		6000	0	0
2K01276	d		6000	0	0
2K01277	n	7000	0	0	7000
2K01278	d	7000	7000	0	7000
2K01279	d	7000	7000	0	7000
2K012710	d	7000	7000	0	7000
2K012711	n	2000	0	0	2000
2K012712	n	5500	0	0	5500
2K012713	n	3300	0	0	3300
2K012714	n	190	0	0	190
2K012715	d	7000	7000	0	7000
2K012716	D	7000	7000	0	7000
2K01281	n	1200	0	0	1200
2K01282	n	1500	0	0	1500



EMERGENCY RESPONSE

OIL SPILL RESPONSE

VACUUM TRUCKS

MARINE TANK CLEANING

TANK CLEANING

SITE CLEANUP

SHIPYARD SERVICES

WASTEWATER TREATMENT

HAZWHOPER TRAINING SCHOOL

WASTE MANAGEMENT

FRAC TANK RENTAL

FACSIMILE TRANSMITTAL

Diversified Environmental Services, Inc.
 Complete Environmental & Emergency Response Contractors
 24-Hour Emergency Hot-line 1-800-786-3256

Phone: 813-248-3256

Fax: 813-247-5453

Fax Number:

Date: 1-10-2001

Company:

To: MR. JAMES DREGNE

From: GARY RUSSEL

Number of Pages Including Cover: 5

Message:

AS PER OUR CONVERSATION

Thank You:

This is a facsimile transmission from the offices of Diversified Environmental Services, Inc. If you incur any problems or this has been sent in error, please contact us as soon as possible. Thank You

A:\FAXCOVER.doc



THORNTON LABORATORIES, INC.
MARINE, ANALYTICAL AND ENVIRONMENTAL SERVICES

1145 EAST CASS STREET, TAMPA, FLORIDA 33602
P.O. BOX 2880, TAMPA, FLORIDA 33601-2880
CompQAP# 860124, HR# 84147, EB4100, EB4324

TELEPHONE (813) 223-9702
FAX (813) 223-9332

25-Sep-2000

Page 1

Report For: Diversified Environmental Services, Inc.
1201 N. 22nd Street
TAMPA, FL 33605

Sample Identification:

Sediment
Id: Tank Bottom
ATTN: Gene Russell

Data Received: 20-Sep-2000

Laboratory Number: 146985

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Standard Detection Limit- Units	Analysis Date	Analyst
EPA 1311	TCLP Extraction for Metals & Volatiles			22-Sep-2000	Hatem El Gendi/Sabine Rutgers
EPA 7062	Arsenic (As) in Extract	< 0.5	mg/L	28-Sep-2000	Ellen Smith Demers
EPA 7886	Barium (Ba) in Extract	< 10	mg/L	29-Sep-2000	Ellen Smith Demers
EPA 7130	Cadmium (Cd) in Extract	< 0.1	mg/L	25-Sep-2000	Ellen Smith Demers
EPA 7190	Chromium (Cr) in Extract	< 0.5	mg/L	25-Sep-2000	Ellen Smith Demers
EPA 7420	Lead (Pb) in Extract	< 0.5	mg/L	26-Sep-2000	Ellen Smith Demers
EPA 7470	Mercury (Hg) in Extract	< 0.02	mg/L	27-Sep-2000	Ellen Smith Demers
EPA 7742	Selenium (Se) in Extract	< 0.1	mg/L	28-Sep-2000	Ellen Smith Demers
EPA 7760	Silver (Ag) in Extract	< 0.5	mg/L	29-Sep-2000	Ellen Smith Demers
EPA 8210	Benzene in Extract	730	ug/L	28-Sep-2000	Ellen Smith Demers
	Carbon Tetrachloride in Extract	< 50	ug/L	28-Sep-2000	Ellen Smith Demers
	1,4 Dichlorobenzene in Extract	< 750	ug/L	28-Sep-2000	Ellen Smith Demers
	1,2-Dichloroethane in Extract	< 50	ug/L	28-Sep-2000	Ellen Smith Demers
	1,1-Dichloroethene in Extract	< 70	ug/L	28-Sep-2000	Ellen Smith Demers
	Methyl Ethyl Ketone in Extract	< 20	mg/L	28-Sep-2000	Ellen Smith Demers
	Tetrachloroethene in Extract	< 70	ug/L	28-Sep-2000	Ellen Smith Demers
	Trichloroethene in Extract	< 50	ug/L	28-Sep-2000	Ellen Smith Demers
	Vinyl Chloride in Extract	< 20	ug/L	28-Sep-2000	Ellen Smith Demers
	Chloroform in Extract	< 600	ug/L	28-Sep-2000	Ellen Smith Demers
	Chlorobenzene in Extract	< 10	mg/L	28-Sep-2000	Ellen Smith Demers

THORNTON LABORATORIES, INC.
Steve Fickett, III

THORNTON LABORATORIES, INC.
THORNTON INTERNATIONAL SERVICES
1145 E. CASS ST., TAMPA, FL. 33602
PH# 813-223-9702 FAX# -9332

THORNTON LABS SAMPLE RESULTS FAX

DATE: 13 OCT. 2000

PAGES INCL: 7

SENT TO: DIVERSIFIED ENVIRONMENTAL SERVICES
ATTN: GENE RUSSEL
FAX#: 247-5453
RE: RESULTS -
FROM: STEVE FICKETT

*** FAX ASAP ***

MSG:

GENE,
ANALYSIS RESULTS FOR YOUR ATTENTION.
ORIGINAL CERTIFICATE OF ANALYSIS WILL BE MAILED ON MONDAY.

WE APPRECIATE YOUR BUSINESS.

REGARDS,

Lab #: 148740 Sample of: WASTE Supervisor: Steve Fickett, III
Date Received: 6-Oct-2000 Status: UT Date approved:
Waste Attn: Gene Russel
Id: Tank Bottoms

Method	Parameter	Result	Units
EPA 1010	Flash Point, Pensky Martins Closed Cup	> 140	o F
EPA 1311 EPA 8240	TCLP Extraction for Volatiles Benzene in Extract	< 50	ug/L

NON-HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

FL000000

Manifest Document No. 10700

2. Page 1 of 1

3. Generator's Name and Mailing Address

DIVERSIFIED ENV. SVC. INC.
1201 N. 22ND STREET
TAMPA, FL 33605

4. Generator's Phone (813) 248-3256

5. Transporter 1 Company Name

6. US EPA ID Number

A. Transporter's Phone

WASTE RESEARCH & RECOVERY

BAR000007484

7. Transporter 2 Company Name

8. US EPA ID Number

B. Transporter's Phone

(800)336-1591

9. Designated Facility Name and Site Address

10. US EPA ID Number

C. Facility's Phone

WASTE RESEARCH & RECOVERY
100 WASTE RESEARCH DRIVE
MADON, GA 31206

BAR000007484

(800)336-1591

11. Waste Shipping Name and Description

12. Containers No. Type

13. Total Quantity

14. Unit Wt/Vol

a. NON-REGULATED MATERIAL (SLUDGE),

001 CM 0.0020 Y

D. Additional Descriptions for Materials Listed Above

E. Handling Codes for Wastes Listed Above

a) D1N 019 - SLUDGE

b)

c)

a)

b)

c)

d)

18. Special Handling Instructions and Additional Information

a) NHL-1

24 HOUR EMERGENCY PHONE (813) 623-5302

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

Milton J. Bird Jr

Signature

Milton J. Bird Jr

Month Day Year

1 01 00

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Kent Wilmore

Signature

Kent Wilmore

Month Day Year

1 01 00

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

GENERATOR'S COPY

GENERATOR

TRANSPORTER

FACILITY

NON-HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. FL00000

Manifest Document No. 17-030

2. Page 1 of 1

3. Generator's Name and Mailing Address

DIVERSIFIED ENV. SVC. INC.
1201 N. 22ND STREET
TAMPA, FL 33605

4. Generator's Phone (813) 240-3256

5. Transporter 1 Company Name USI CITY ENVIRONMENTAL

6. US EPA ID Number

A. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

B. Transporter's Phone (813) 623-5302

9. Designated Facility Name and Site Address

USI CITY ENVIRONMENTAL
2002 NORTH ORIENT ROAD
TAMPA, FL 33619-4453

10. US EPA ID Number

C. Facility's Phone

11. Waste Shipping Name and Description

FL0001932494

12. Container No. Type Total Quantity

14. Unit Wt/Vol

a. NON-REGULATED MATERIALS (BILGE SLUDGE),

0.42 DM 2.310 G

D. Additional Descriptions for Materials Listed Above

- a) DIN 020 - BILGE MUCK
- b)
- c)

E. Handling Codes for Wastes Listed Above

- a) M14
- b)
- c)
- d)

13. Special Handling Instructions and Additional Information

W01 DIN16713
24 HOUR EMERGENCY PHONE (813) 623-5302

a) NHL-2

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

EUGENE R. RUSSELL

Signature

Eugene Russell

Month Day Year

1/13/01

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Bryan Thompson

Signature

Bryan Thompson

Month Day Year

1/13/01

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

Eugene Russell

Signature

Eugene Russell

Month Day Year

1/13/01

NON-HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. FL0200

Manifest Document No. 177300

2. Page 1 of 1

3. Generator's Name and Mailing Address
DIVERSIFIED ENV. SVC. INC.
1201 N. 22ND STREET
TAMPA, FL 33605

4. Generator's Phone (813 248-3256)

5. Transporter 1 Company Name
USL CITY ENVIRONMENTAL

6. US EPA ID Number
FL0981932194

A. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

B. Transporter's Phone

(813) 623-5302

9. Designated Facility Name and Site Address
USL CITY ENVIRONMENTAL
2102 NORTH ORIENT ROAD
TAMPA, FL 33619 4453

10. US EPA ID Number
FL0981932194

C. Facility's Phone

11. Waste Shipping Name and Description
NON-REGULATED MATERIALS (BILGE SLUDGE)

12. Container No.	13. Total Quantity	14. Unit Wt/Vol
0-2-1	1.155	G

D. Additional Descriptions for Materials Listed Above
a) DIN 020 - BILGE MUCK
b)
c)

E. Handling Codes for Wastes Listed Above
a) M141 b)
c) d)

15. Special Handling Instructions and Additional Information
WORK ORDER #DIN16713A
24 HOUR EMERGENCY PHONE (813) 623-5302
a) NHL-2

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 M. SENEZ-JW84 Signature _____ Month Day Year 1/13/01

17. Transporter 1 Acknowledgement of Receipt of Materials
Printed/Typed Name Vigo Thompson Signature _____ Month Day Year 1/13/01

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 _____

9451.1986(02)

March 17, 1986

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

Dear Mr. Montgomery:

I am responding to your letter of February 11, 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, 1985, 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 at 202-382-2217.

Sincerely yours,

J. Winston Porter
Assistant Administrator

bearing soil in and around facilities; drill cuttings; materials (such as hydrocarbon, water, sand and emulsion) produced from a well in conjunction with crude oil, natural gas, or geothermal energy; and the accumulated material (such as hydrocarbon, water, sand, and emulsion) from production separators, fluid treating vessels, storage vessels, and production impoundments.

"The phrase 'intrinsically derived from the primary field operation . . . ' is intended to differentiate exploration, development, and production operations from transportation (from the point of custody transfer or of production separation and dehydration) and manufacturing operations.'

"Given the above background, EPA intends to employ four criteria to assist in determining whether a waste is exempt:

"1. Only waste streams intrinsic to the exploration for, or development and production of, crude oil, natural gas, or geothermal energy are subject to exemption. Waste streams generated at oil, gas, and geothermal energy facilities that are not directly associated with exploration, development, or production activities are not exempt (one example would be spent solvents from equipment cleanup).

"2. Exempt wastes must be associated with 'extraction' processes, which include measures to 1) remove oil, natural gas, or geothermal energy from the ground; or 2) remove impurities from such substances, provided that the purification process is an integral part of normal field operations.

"3. The proximity of waste streams to primary field operations is another factor in determining the scope of the exemption. Process operations that are distant from the exploration, development, or production operations may not be subject to exemption.

"4. Wastes associated with transportation are not exempt. The point of custody transfer, or of production separation and dehydration, may be used as evidence in making this determination."

[January 13, 1987; 5621; 3 pages]

Q Are gas plant cooling tower wastes exempt under the oil and gas waste exclusion?

A Cooling tower blowdown is exempt, but gas plant cooling tower cleaning wastes are not exempt. "The difference between the two is that blowdown is comprised only of water, scale, or other wastes generated by the actual operation of the cooling tower; whereas cleaning wastes include any solvents, scrubbing agents, or other cleaning materials introduced into the process solely to remove buildup or otherwise clean the equipment and are not included as part of the functional operation of the cooling tower. Since these cleaning wastes can come from any cooling tower, they are not intrinsically derived from primary field operations for natural gas production. The determining factor for defining the exemption is not the frequency with which the cooling tower is blown down, either with or without cleaning agents, but whether the resulting waste is solely derived from the normal operation of the tower for natural gas production or from any added cleaning materials."

[June 6, 1989; 5654; 2 pages]

Hotel and Motel Wastes

Q Are wastes from dry cleaning services and maintenance services at hotels and motels excluded as household wastes under §261.4(b)(1)?

A "The household waste exclusion was intended to remove normal households from regulatory control under RCRA. This was extended to normal household-type waste from hotels, motels, etc. For example, empty containers and the like resulting from normal room cleaning or pesticide spraying of the room could be excluded. However, dry cleaning and vehicle fleet or equipment maintenance are not routine household operations; wastes resulting from such activities at hotels and motels, if hazardous, are subject to RCRA regulatory control."

[April 21, 1986; 5597; 1 page]

Transport Vessels

Q Are all wastes generated on ships, including engine room wastes, exempt from regulation as hazardous wastes? Or does the exemption in §261.4(c) apply only

to wastes directly associated with the storage or transport of products or raw materials?

A "It is believed that the exemption was intended to cover only those hazardous sediments and residues produced in the units containing valuable product or raw material. However, . . . the language of §261.4(c) refers to *hazardous waste generated in a product or raw material transport vessel* as being exempt, rather than the product-containing unit itself. EPA defined the term 'vessel' in §260.10 to include 'every description of watercraft . . . ' which describes the whole vessel rather than any particular tank or unit in the vessel. Thus, . . . there is a regulatory basis for considering all waste generated in the vessel to be exempt from regulation until it is purposely removed. In addition, . . . the regulated community has relied on this broader view of the exemption since 1980. Given the fact that there has been substantial reliance for some time on a legitimate, although unintended, reading of the regulatory language, . . . it is reasonable to view the exemption as extending to all hazardous waste management activity on the product or raw material transport vessel. However, as specified in §261.4(c), all hazardous wastes generated in the vessel become subject to RCRA regulation as soon as the waste is removed from the vessel (anywhere within U.S. waters) or within 90 days after the vessel is no longer operated as a product or raw material storage or transport vessel."

[September 3, 1986; 5608; 3 pages]

De Minimis Wastewater Exemption

Q A company uses monochlorobenzene (MCB) in a number of processes. The MCB is used as a solvent as defined/interpreted under the hazardous waste rules. The MCB then undergoes further processing and is recovered in a distillation column. The bottoms from the recovery column are sent to an onsite thermal oxidizer where they are incinerated along with several other wastes, which are characteristically hazardous. The scrubber liquor from the incinerator (which contains MCB) is then sent to the wastewater treatment system. The concentration of MCB at the headworks of the treatment system is variable, but exceeds 25 ppm. Is the wastewater entering the wastewater treatment system covered under the mixture rule exemption of §261.3(a)(2)(iv)(B)?

PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech

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

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

ComHaz Case #: 245262

Date: April 4, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	261.5(g)(3) improper disposal		Minor	Major	\$2,999 -- \$1,500			\$1,500
2.	279.45(f) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
3.	279.45(g)(1) no label		Minor	Major	\$1,199 -- \$600			\$900
4.	62-710.500(1)(a) failed to register				\$300			\$300
TOTAL								\$11,700

mobile tanks - "except" - but fall under the
container rules which refer to secondary containment

liquid codes &
oil codes

6/5/01
letter
to
USDA

SEC. Containment for oil containers 40 CFR 279.45(f)

- a fuel tank registered as a motor vehicle

a 19,875 gallon tank in which oil stored for
with the other

62. - 710-500(1)(a)



Job Bush
Governor

Department of Environmental Protection

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

David B. Struhs
Secretary

February 26, 2003

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

RE: RCRA Enforcement Referral

Dear Ms. Grubbs:

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

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

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

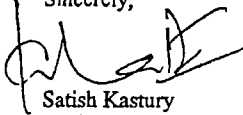
"More Protection. Less Process"

Printed on recycled paper.

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

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

Sincerely,



Satish Kastury
Environmental Administrator
Hazardous Waste Regulation Section

SK/srh

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



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

FOWLER WHITE BOGGS BANKER P.A.


TAMPA • CLEARWATER • FORT MYERS • NAPLES • 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



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
PLACE BUILT PORT ARTHUR TX					SELF PROPELLED NO
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		
ISSUE DATE APRIL 18, 1997			 JAIROS BUTLER DOCUMENTATION OFFICER		
THIS CERTIFICATE EXPIRES ON THE LAST DAY OF <u>APR98</u> 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 TANKERMAN.

___ 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 ON 18MAY01, THIS VESSEL IS CERTIFIED BY THE OFFICER IN CHARGE, MARINE INSPECTION, TAMPA, FLORIDA, TO BE IN ALL RESPECTS IN CONFORMITY WITH THE APPLICABLE VESSEL INSPECTION LAWS AND THE RULES AND REGULATIONS PRESCRIBED THEREUNDER.

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



Certificate of Inspection

COTTEE RIVER

PAGE 2

CERTIFICATION DATE: 18MAY01

--- HULL EXAMS ---

-EXAM TYPE-	-NEXT EXAM-	-LAST EXAM-	-PRIOR EXAM-
DRYDOCK	15AUG02	12OCT00	15AUG97
INTERNAL STRUCTURAL	15AUG02	12OCT00	15AUG97
CARGO TANK INTERNAL	15AUG02	12OCT00	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

IDENTIFICATION	-INTERNAL EXAM-		-EXTERNAL EXAM-		SAFETY	--HYDRO TEST---	
	LAST	NEXT	LAST	NEXT	VALVES	LAST	NEXT
NO.1-4 P/S	12OCT00	15AUG02					

--- FIRE FIGHTING EQUIPMENT ---

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

*** END ***

W



FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

January 16, 2002

D.E.P.
JAN 17 2002
Southwest District Tampa

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

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ATTACHMEN



**FOWLER WHITE
BOGGS BANKER**
ATTORNEYS AT LAW

Fax

Writer's Direct Line (813) 222-1175

Please deliver the following pages immediately to:

Name: Jim Dregne
Firm: Department of Environmental Protection
Number: 744-6125
Message: See attached.

Total Number of Pages 2 (including this cover page)

From: Ron H. Noble
Date: January 16, 2002
File: Diversified
File No.: 1013754

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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 Cotec 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

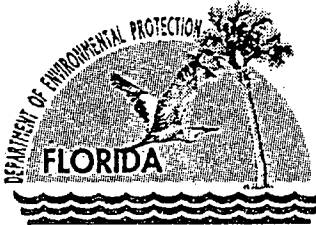
RHN/5549

cc: Mr. Gene Russel

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Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

November 5, 2001

Fowler White Attorneys at Law
501 East Kennedy Blvd., Suite 1700
Tampa, FL 33602

ATTN: Ron H. Noble

RE: Diversified Marine Tech
Warning Letter #245262
EPA ID# FLD 984 182 733
Hillsborough County

Dear Mr. Noble:

The Department has completed its review of your response to the Department's Warning Letter dated April 10, 2001. The Department appreciates the additional information you provided in your letter and sincerely hopes that this matter can be resolved satisfactorily without resorting to litigation.

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

Your letter of June 5, 2001 raises the claim that DMT and DES are managing "liquid waste," not oily waste. In the past, both companies have been considered to be exempt from solid waste facility permit requirements as a used oil transporter that conducts processing incidental to transport. If DMT is managing waste other than used oil or oily waste, the facility is subject to solid waste permit requirements under FAC Rule 62-701.710 and must submit an application to obtain waste processing facility permit. These permits typically include waste acceptance, analytical and screening requirements to ensure that hazardous waste is not accepted. A waste processing facility permitted under this section may not accept used oil for processing. However, in accordance with 62-701.320(5) and 62-701.710(1)(a), FAC, "owners or operators which manage several types of wastes, including used oil, ... contaminated soil, ... may apply for a single permit which addresses all applicable requirements." In the Southwest District, there are a number of solid waste and used oil facility permits that have specific conditions related to the management of petroleum contaminated materials.

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

"More Protection, Less Process"

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

The Department agreed to defer a final determination on secondary containment requirements for the barge *Cottee River* to EPA. To date EPA has declined to make a determination pending Florida's final authorization for the used oil program. Final authorization became effective on October 22, 2001. It is the District's intent to request a formal determination on the secondary containment issue from EPA Region IV.

However, this issue is separate from the facts of the 2001 inspection, where a land based unit was being used for storing used oil more than 24 hours. The land based storage unit was a 19,838-gallon storage tank kept adjacent to the facility's docks. Used oil was not only being put in the storage tank during the period that the *Cottee River* was in dry dock, but also when the barge was away from the facility. Used oil transfer facilities are defined as "transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and no longer than 35 days." The DMT facility qualified as a used oil transfer facility because it was storing used oil in a land based storage unit for longer than 24 hours.

The follow comments are provided in response to your rebuttal to the alleged violations cited in the Warning Letter:

40 CFR 261.5(g)(3): Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.

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.

62-710.500(1)(a): F.A.C.: Failure to register with the Department their used oil handling activities.

Currently DES is registered as a used oil transporter only. Neither DES nor DMT have registered as used oil transfer facilities. In the past, DES has claimed that no used oil is stored more than 24 hours. DMT has acknowledged that wastes are stored more than 24 hours but claim that only the Coast Guard has authority to regulate their operations. DMT has claimed that they either do not manage used oil or are exempt from EPA regulation. Regardless of the final determination of this issue, either DMT or DES was operating an unregistered used oil transfer facility adjacent to the shrimp docks. The Department acknowledges your return to compliance and willingness to pay the assessed penalty.

40 CFR 279.45(f): Failure to provide secondary containment for tanks and containers used to store used oil.

The "blue" frac tank at the DMT facility was being used to store used oil and oily waste. It was being used to store the waste during times when the barge *Cottee River* was away from the facility. While frac tanks can be mobile, the frac tank in question was not being used as a mobile tank. It was located next to the shrimp boats and the pier for the express purpose of storing used oil and oily waste. The method used to connect the five fill and dispensing hoses to the tank are clear indications that there were no plans by DMT to move the "blue" frac tank. The Department remains convinced that the "blue" tank was not being used as a mobile tank, but was a "fixed"

how
do we
know
this?
do we have
any photos right then?

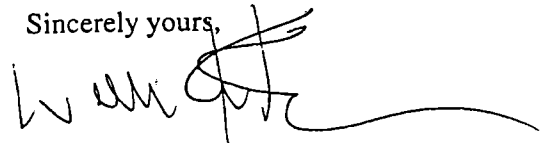
storage tank that had been in place for several months. Also, while some frac tanks are doubled walled, the tank being used by DMT was a single walled storage tank. Regardless of whether the tank was fixed or mobile, secondary containment requirements are applicable to both tanks and containers storing used oil more than 24 hours at a transporter's facility. Based on all the information available, the Department believes that the alleged violation is valid and the proposed penalty is appropriate.

40 CFR 279.45(g)(1): Failure to label or mark containers and an above ground tank used to store used oil with the words "Used Oil".

The Department observed eleven containers at the facility being used to store used oil. Part 279 does not differentiate a container based on its capacity. On the day of the inspection, the containers of used oil observed at the facility ranged in size from five to fifty-five gallons. While some of the containers held oil generated by shrimp boat operators, the other containers held oil generated by DMT. None of the containers were labeled "Used Oil". The District has consistently held the position that all containers used to store used oil must be labeled "Used Oil". Based on all the information available to the Department, the Department believes that the alleged violation is valid and the proposed penalty is appropriate.

The Department would like to resolve this matter through entry into a Consent Order that would include a civil penalty in the amount of \$10,200.00, along with \$100.00 in Department costs. An additional condition of the Consent Order would include an agreement by DMT to immediately cease storing used oil and oily waste in any land based storage units without secondary containment. 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. You are requested to respond to this offer within 20 days. If you have any questions, please call Jim Dregne at (813) 744-6100 extension 410.

Sincerely yours,



William Kutash
Program Administrator
Division of Waste Management

WK/jmd

CC: Edmond Burks, EPA, Region IV
Raoul Clarke, FDEP, HWM
Chris Rossbach, FDEP, BER
Robert Butera, FDEP, Solid Waste Section
Eugene R. Russel, DMT
Gerry K. McCormack, DES
David A. Parche', Tampa Port Authority



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ATTORNEYS AT LAW

Fax

Writer's Direct Line (813) 222-1175

Please deliver the following pages immediately to:

Name: Jim Dregne
Firm: Department of Environmental Protection
Number: 744-6125
Message: See attached.

Total Number of Pages 8 (including this cover page)

From: Ron H. Noble
Date: September 12, 2001
File: Diversified
File No.: 1013754

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ATTORNEYS AT LAW

ESTABLISHED 1943

June 5, 2001

Mr. James M. Dregne
Environmental Specialist III
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

Re: Response to DEP Warning Letter #245262 for Diversified Marine Tech located at
2531 22nd St. Causeway South in Tampa, Hillsborough County, Florida
FLD 984 182 733

Dear Mr. Dregne:

This firm represents Diversified Marine Tech, Inc. an affiliate of Diversified Environmental Services, Inc. ("DES"), regarding environmental compliance matters at its facility located at 2531 22nd Street Causeway South in Tampa, Hillsborough County, Florida. Pursuant to our telephone conversation of last month, the purpose of this correspondence is to respond to the Department's Warning Letter dated April 10, 2001, which alleged several RCRA violations identified during a field inspection conducted by the Department on January 10 and 11, 2001. Below please find additional information submitted on behalf of Diversified Marine Tech, Inc. ("DMT") which documents that no RCRA violations have occurred at this facility based upon the prevailing interpretation of the existing rules administered by the United States Environmental Protection Agency, Region IV out of Atlanta, Georgia and the Department's headquarters in Tallahassee, Florida.

As we discussed, the DMT facility is unique in nature and I think you agree that its operations and waste handling and storage practices do not fall "neatly" within the broad categories of facilities identified in EPA's and the Department's rules. The applicability of the vast majority of rules cited by the Department in the April 11, 2001, Warning Letter are not applicable to the DMT facility, or at best, are very questionable as to applicability. However, one fact not in question is DMT's commitment to environmental compliance as well as its efforts to cooperate with the

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Mr. James M. Dregne
June 5, 2001
Page 2

Department to maintain and document compliance with applicable rules.

DMT and Diversified Environmental Services ("DES") serve a critical function at the Port of Tampa by properly handling and disposing of millions of gallons of liquid wastes which might otherwise be improperly disposed in Tampa Bay. Many individuals familiar with the Port's waste handling and disposal operations believe DMT and DES serve as the Port's most significant environmental contractor because of its excellent reputation and consistently high standards for providing environmental services. The Department's Division of Law Enforcement, Bureau of Emergency Response, has certified DES as an Approved Discharge Cleanup Organization, and DES is highly regarded by the Department for the services it provides in response to a wide range of potentially devastating releases of pollutants. In addition, DES has been granted a Discharge Prevention and Response Certificate from the Department based upon its demonstrations regarding pollutant discharge containment and cleanup capabilities at a terminal facility.

Prior to addressing the alleged violations in detail, we need to clarify several issues regarding the Department's characterization of the DMT operations set forth in Section 9 (Facility Description) of the January, 2001, Hazardous Waste Inspection Report. Specifically, DMT is not in the business of handling or processing used oil. Rather, DMT handles "liquid wastes" and "oily wastes" as those terms are defined in Chapter 62-701, Florida Administrative Code. In addition, DMT may or may not be handling "petroleum contact water" as that term is defined in Chapter 62-740, Florida Administrative Code. As you know, petroleum contact water managed for the recovery of "product" in accordance with the management standards set forth in Chapter 62-740, Florida Administrative Code is not a solid waste under RCRA. Based upon our negotiations and the resolution of the issues set forth below, DMT and this office reserve the right to assert additional arguments and exemptions for the materials handled at the DMT facility pursuant to Chapters 62-701 and 62-740, Florida Administrative Code.

"Used oil" is a specifically defined term under both EPA's and the Department's Rules. The Department's written guidance has stated for years that the Department will not attempt to specify a numerical limit or volume content for distinguishing wastewater from used oil. Rather, the identification or designation of a waste material is the responsibility of the generator of that material. Specifically, it is the generator's responsibility to make the determination of what type of material is being handled by DMT. In the event that a customer/generator characterizes liquid waste as "used oil" then DES is registered as a Used Oil Transporter and the materials will be handled in accordance with all applicable provisions of Chapter 62-710, Florida Administrative Code. However, as set forth above and as explained below in greater detail, DMT is not in the business of storing used oil at its facility, and therefore, DMT is not a Used Oil Transfer Facility. If a material is characterized by the generator as used oil, or in the event that DMT generates used oil from its operations, this

Mr. James M. Dregne

June 5, 2001

Page 3

material is transferred directly onto and stored in the Cottee River barge. The Cottee River is neither a Used Oil Transfer Facility nor is it regulated under RCRA in Florida because it is under the jurisdiction of the United States Coast Guard.

Below please find DMT's responses to the alleged violations set forth in Section 10 of the Department's Hazardous Waste Inspection Report:

1. **40 CFR 261.5(g)(3): Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.**

Response: The marine coatings handled and applied by DMT are not "hazardous waste paint." DMT utilizes a 2-part epoxy which requires that a hardener be added prior to use and application. These epoxies are applied by brush or roller (as opposed to spraying) in order to keep overspray out of the marine environment. Once the hardener is added, the epoxy coating hardens very rapidly, and although the material is mixed in very small batches, it often hardens in the can or paint tray before it can be successfully applied. After the hardener is added to the epoxy materials, the hardening process cannot be reversed. In addition, it does not matter whether the epoxy is stored in an open or closed can after the hardening agent is added. The mixed epoxy will harden even if it is in a sealed container just as rapidly as if it were exposed to the air.

The Department's facility description is not accurate when it attempts to characterize "hazardous paint waste" left in open containers and "allowed to evaporate." Again, these materials harden on their own whether they are in open or sealed containers, and no improper evaporation of epoxy or paint waste has occurred at this facility. When this material hardens in a paint tray or container, it is my understanding that such materials are not a hazardous waste under RCRA, and the dried material and the container can be disposed of as solid waste in the facility dumpster. If my understanding is not correct, please let me know immediately.

From a practical standpoint, these marine coatings cost up to \$90 a gallon, and it is clearly not in DMT's interest to waste the material or allow it to harden before it can be used. In an abundance of caution and in an effort to demonstrate to the Department its intent to cooperate with the issues identified during the Department's inspection, DMT has agreed to store all

Mr. James M. Drogne
June 5, 2001
Page 4

empty or partially empty coating containers in a 55 gallon drum which will be labeled and kept closed at all times except when adding or removing waste materials. For now, all spent coating containers have been delivered to a facility certified to accept hazardous waste. Again, we do not believe that the hardened epoxy is a "hazardous waste paint" which must be handled in accordance with the requirements set forth in 40 CFR 261.5(g)(3). In any event, DMT has acted proactively to address the Department's concern and no harm or release has occurred from these handling practices. Based upon the proactive actions which have been initiated as outlined above, we do not believe any penalty is warranted for this issue.

2. **40 CFR 279.45(f): Failure to provide secondary containment for tanks used to store used oil.**

Response: As set forth above, DMT is not storing used oil in the 19,838 gallon frac tank in a manner that would subject DMT to regulation as a Used Oil Transfer Facility. Because this tank is not used to store used oil, there is no secondary containment requirement under 40 CFR 279.45(f). This tank is used to store liquid wastes, industrial wastewater and possibly petroleum contact water, and as such, there are no attendant secondary containment requirements. *W/vent 1.5
per: 5.0*

The frac tank in question is not a "tank" pursuant to the definitions set forth in both the Department's and EPA's rules. In addition, this frac tank is specifically exempted from the Department's storage tank rules pursuant to Rule 62-761.300(2)(b)(3) as an exempt mobile tank. Finally, this frac tank is a fully licensed motor vehicle which is authorized to utilize the State Highway System.

We have discussed industrial wastewater, petroleum contact water, liquid waste and used oil storage and containment issues with the Department and EPA for many years. Neither EPA Region IV staff in Atlanta nor the Department's representatives in Tallahassee have ever attempted to assert that a frac tank registered as a licensed vehicle is required to install secondary containment for the storage of liquid wastes, oily wastes, industrial wastewater or petroleum contact water. Taking the Department's interpretation of this rule to its extreme, any container at a Used Oil Transfer Facility would be required to maintain secondary containment, including

Mr. James M. Dregne

June 5, 2001

Page 5

containers attached to vehicles for the transportation of such materials. That is clearly not the intent of either EPA's or the Department's rules, and it is clearly not how facilities are being managed or regulated by the Department. In fact, I am not aware of any such intent to apply secondary containment requirements to mobile frac tanks used to store waste oil. As set forth above, DMT has not and will not store "used oil" in the on-site frac tanks. To the extent that used oil will be stored in any tanks or other containers in the future in addition to the Cottee River barge, DMT will comply with all requirements of Chapter 62-710, FAC, as applicable to each individual storage tank or container. Based upon DMT's cooperation and proactive efforts to address the Department's concerns, and especially considering the confusion over the applicability of the secondary containment requirements, we do not believe that the imposition of any penalty is warranted regarding this matter.

3. **40 CFR 279.45(g)(1): Failure to label or mark containers and an above-ground tank used to store used oil with the words "Used Oil."**

Response: As set forth above, the frac tank was not utilized and will not be utilized to store used oil, and therefore, there is no attendant labeling requirement. The Department also identified five unlabeled 5-gallon buckets of used oil at the DMT facility which were not labeled. I believe DMT personnel reported to the Department these five gallon buckets were generated from the adjacent shrimp boats and were brought to the DMT facility by the shrimp boat owner/operators for disposal. These used oils would typically be transferred immediately to the Cottee River barge, however, you were aware that the barge was not at the dock at the time the five gallon buckets were delivered from the shrimp docks. In any event, DMT is not the generator of those used oils and it is not the owner or operator of the 5-gallon buckets. Quite frankly, DMT is simply acting as a good Samaritan by accepting this material at no cost to the shrimp boat fleet to allow a cost-effective and appropriate recycling alternative. You can be assured the shrimp boat owners are not going to go to the trouble of establishing labeled and registered waste oil recycling facilities, but rather, you can be equally assured this used oil will be subject to improper disposal alternatives which will not benefit the environment. The Port of Tampa, the shrimp docks, Hillsborough County and the Department are all in agreement that this is a valuable service which was being provided in good faith by

Mr. James M. Dregne

June 5, 2001

Page 6

DMT for which DMT was not achieving any economic benefit. However, based upon the concerns raised by the Department, DMT will discontinue offering this service unless the Department provides written verification that it has no objection to this recycling alternative. In any event, because the unlabeled buckets were not owned or operated by DMT, and because DMT was acting solely as a good Samaritan in providing this recycling service, we do not believe that any penalty is warranted for this matter. Jim, if the Southwest district truly believes that a 5-gallon bucket from a boat temporarily used for the storage of used oil requires labeling under 40 CFR 279.45(g)(1), then I believe we should discuss this issue further with EPA representatives in Atlanta and DEP headquarters in Tallahassee.

4. **62-710.500(1)(a), F.A.C.: Failure to register with the Department their used oil handling activities.**

Response: DES is registered as a Used Oil Transporter, and we do not see any trigger or requirement which would mandate DMT's registration as a Used Oil Transfer Facility. Simply stated, DMT does not hold used oil for more than 24 hours except in connection with the operation of the Cottee River barge. In an abundance of caution, DES has already notified DEP in Tallahassee of the Southwest District's enforcement action and further notified as a Used Oil Transfer Facility, which notification was effective as of April 30, 2001. DEP staff in Tallahassee were surprised to learn the Southwest District was pursuing an enforcement action regarding the registration issue under these facts and circumstances. I have advised DMT and DES they are not required to register as a Used Oil Transfer Facility, however, in their continuing efforts to cooperate in good faith with the Department, they have made the requested notification and registration. Finally, in an effort to resolve the Department's warning letter in an amicable manner, DMT is also willing to pay the \$300 penalty requested by the Department for this matter.

*Paul Clark
Nick Hanson*

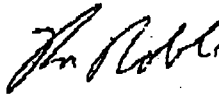
The Department is aware that Diversified has always demonstrated its commitment to unequivocal and complete compliance with applicable environmental protection statutes and regulations. They are a true leader in environmental protection at the Port of Tampa, and they work closely with the Department and the United States Coast Guard to enhance environmental protection and respond to marine environmental emergencies. Based upon Diversified's history of compliance and their cooperative attempts to address these very questionable alleged violations, we simply do

Mr. James M. Dregue
June 5, 2001
Page 7

not believe that any enforcement proceedings nor any imposition of monetary penalties is warranted to resolve the issues set forth in the Warning Letter. The imposition of monetary penalties will not serve any deterrent goals in light of the fact that Diversified is already fully committed to environmental compliance and Diversified has not received any economic benefit from these alleged violations. If the Southwest District believes that some amount of penalty imposition is warranted, we would appreciate and reserve the opportunity to submit additional information to the Department regarding mitigating factors which document that any proposed penalties should be reduced to zero dollars.

Jim, we hope we can resolve these issues with the Southwest District in the very near future. As set forth above, it may be in all parties best interest to involve Department representatives from Tallahassee, EPA staff in Atlanta and United States Coast Guard staff so we have a consistent application and interpretation of the applicable rules and policies. After you have an opportunity to review the above matters, please contact me at your earliest convenience to discuss a proposed course of action. 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/5311

cc: Mr. Eugene R. Russel
Mr. Gerry McCormick



FOWLER WHITE

ATTORNEYS AT LAW

ESTABLISHED 1943

D.E.P.
JUN 06 2001
Southwest District Tampa

June 5, 2001

Mr. James M. Dregne
Environmental Specialist III
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

Re: Response to DEP Warning Letter #245262 for Diversified Marine Tech located at
2531 22nd St. Causeway South in Tampa, Hillsborough County, Florida
FLD 984 182 733

Dear Mr. Dregne:

This firm represents Diversified Marine Tech, Inc. an affiliate of Diversified Environmental Services, Inc. ("DES"), regarding environmental compliance matters at its facility located at 2531 22nd Street Causeway South in Tampa, Hillsborough County, Florida. Pursuant to our telephone conversation of last month, the purpose of this correspondence is to respond to the Department's Warning Letter dated April 10, 2001, which alleged several RCRA violations identified during a field inspection conducted by the Department on January 10 and 11, 2001. Below please find additional information submitted on behalf of Diversified Marine Tech, Inc. ("DMT") which documents that no RCRA violations have occurred at this facility based upon the prevailing interpretation of the existing rules administered by the United States Environmental Protection Agency, Region IV out of Atlanta, Georgia and the Department's headquarters in Tallahassee, Florida.

As we discussed, the DMT facility is unique in nature and I think you agree that its operations and waste handling and storage practices do not fall "neatly" within the broad categories of facilities identified in EPA's and the Department's rules. The applicability of the vast majority of rules cited by the Department in the April 11, 2001, Warning Letter are not applicable to the DMT facility, or at best, are very questionable as to applicability. However, one fact not in question is DMT's commitment to environmental compliance as well as its efforts to cooperate with the

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June 5, 2001
Page 2

Department to maintain and document compliance with applicable rules.

DMT and Diversified Environmental Services ("DES") serve a critical function at the Port of Tampa by properly handling and disposing of millions of gallons of liquid wastes which might otherwise be improperly disposed in Tampa Bay. Many individuals familiar with the Port's waste handling and disposal operations believe DMT and DES serve as the Port's most significant environmental contractor because of its excellent reputation and consistently high standards for providing environmental services. The Department's Division of Law Enforcement, Bureau of Emergency Response, has certified DES as an Approved Discharge Cleanup Organization, and DES is highly regarded by the Department for the services it provides in response to a wide range of potentially devastating releases of pollutants. In addition, DES has been granted a Discharge Prevention and Response Certificate from the Department based upon its demonstrations regarding pollutant discharge containment and cleanup capabilities at a terminal facility.

Prior to addressing the alleged violations in detail, we need to clarify several issues regarding the Department's characterization of the DMT operations set forth in Section 9 (Facility Description) of the January, 2001, Hazardous Waste Inspection Report. Specifically, DMT is not in the business of handling or processing used oil. Rather, DMT handles "liquid wastes" and "oily wastes" as those terms are defined in Chapter 62-701, Florida Administrative Code. In addition, DMT may or may not be handling "petroleum contact water" as that term is defined in Chapter 62-740, Florida Administrative Code. As you know, petroleum contact water managed for the recovery of "product" in accordance with the management standards set forth in Chapter 62-740, Florida Administrative Code is not a solid waste under RCRA. Based upon our negotiations and the resolution of the issues set forth below, DMT and this office reserve the right to assert additional arguments and exemptions for the materials handled at the DMT facility pursuant to Chapters 62-701 and 62-740, Florida Administrative Code.

"Used oil" is a specifically defined term under both EPA's and the Department's Rules. The Department's written guidance has stated for years that the Department will not attempt to specify a numerical limit or volume content for distinguishing wastewater from used oil. Rather, the identification or designation of a waste material is the responsibility of the generator of that material. Specifically, it is the generator's responsibility to make the determination of what type of material is being handled by DMT. In the event that a customer/generator characterizes liquid waste as "used oil" then DES is registered as a Used Oil Transporter and the materials will be handled in accordance with all applicable provisions of Chapter 62-710, Florida Administrative Code. However, as set forth above and as explained below in greater detail, DMT is not in the business of storing used oil at its facility, and therefore, DMT is not a Used Oil Transfer Facility. If a material is characterized by the generator as used oil, or in the event that DMT generates used oil from its operations, this

Mr. James M. Dregne
June 5, 2001
Page 3

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Southwest District Tampa

material is transferred directly onto and stored in the Cottee River barge. The Cottee River is neither a Used Oil Transfer Facility nor is it regulated under RCRA in Florida because it is under the jurisdiction of the United States Coast Guard.

Below please find DMT's responses to the alleged violations set forth in Section 10 of the Department's Hazardous Waste Inspection Report:

1. **40 CFR 261.5(g)(3): Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.**

Response: The marine coatings handled and applied by DMT are not "hazardous waste paint." DMT utilizes a 2-part epoxy which requires that a hardener be added prior to use and application. These epoxies are applied by brush or roller (as opposed to spraying) in order to keep overspray out of the marine environment. Once the hardener is added, the epoxy coating hardens very rapidly, and although the material is mixed in very small batches, it often hardens in the can or paint tray before it can be successfully applied. After the hardener is added to the epoxy materials, the hardening process cannot be reversed. In addition, it does not matter whether the epoxy is stored in an open or closed can after the hardening agent is added. The mixed epoxy will harden even if it is in a sealed container just as rapidly as if it were exposed to the air.

The Department's facility description is not accurate when it attempts to characterize "hazardous paint waste" left in open containers and "allowed to evaporate." Again, these materials harden on their own whether they are in open or sealed containers, and no improper evaporation of epoxy or paint waste has occurred at this facility. When this material hardens in a paint tray or container, it is my understanding that such materials are not a hazardous waste under RCRA, and the dried material and the container can be disposed of as solid waste in the facility dumpster. If my understanding is not correct, please let me know immediately.

From a practical standpoint, these marine coatings cost up to \$90 a gallon, and it is clearly not in DMT's interest to waste the material or allow it to harden before it can be used. In an abundance of caution and in an effort to demonstrate to the Department its intent to cooperate with the issues identified during the Department's inspection, DMT has agreed to store all

empty or partially empty coating containers in a 55 gallon drum which will be labeled and kept closed at all times except when adding or removing waste materials. For now, all spent coating containers have been delivered to a facility certified to accept hazardous waste. Again, we do not believe that the hardened epoxy is a "hazardous waste paint" which must be handled in accordance with the requirements set forth in 40 CFR 261.5(g)(3). In any event, DMT has acted proactively to address the Department's concern and no harm or release has occurred from these handling practices. Based upon the proactive actions which have been initiated as outlined above, we do not believe any penalty is warranted for this issue.

2. **40 CFR 279.45(f): Failure to provide secondary containment for tanks used to store used oil.**

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

The frac tank in question is not a "tank" pursuant to the definitions set forth in both the Department's and EPA's rules. In addition, this frac tank is specifically exempted from the Department's storage tank rules pursuant to Rule 62-761.300(2)(b)(3) as an exempt mobile tank. Finally, this frac tank is a fully licensed motor vehicle which is authorized to utilize the State Highway System.

We have discussed industrial wastewater, petroleum contact water, liquid waste and used oil storage and containment issues with the Department and EPA for many years. Neither EPA Region IV staff in Atlanta nor the Department's representatives in Tallahassee have ever attempted to assert that a frac tank registered as a licensed vehicle is required to install secondary containment for the storage of liquid wastes, oily wastes, industrial wastewater or petroleum contact water. Taking the Department's interpretation of this rule to its extreme, any container at a Used Oil Transfer Facility would be required to maintain secondary containment, including

containers attached to vehicles for the transportation of such materials. That is clearly not the intent of either EPA's or the Department's rules, and it is clearly not how facilities are being managed or regulated by the Department. In fact, I am not aware of any such intent to apply secondary containment requirements to mobile frac tanks used to store waste oil. As set forth above, DMT has not and will not store "used oil" in the on-site frac tanks. To the extent that used oil will be stored in any tanks or other containers in the future in addition to the Cottee River barge, DMT will comply with all requirements of Chapter 62-710, FAC, as applicable to each individual storage tank or container. Based upon DMT's cooperation and proactive efforts to address the Department's concerns, and especially considering the confusion over the applicability of the secondary containment requirements, we do not believe that the imposition of any penalty is warranted regarding this matter.

3. **40 CFR 279.45(g)(1): Failure to label or mark containers and an above-ground tank used to store used oil with the words "Used Oil."**

Response: As set forth above, the frac tank was not utilized and will not be utilized to store used oil, and therefore, there is no attendant labeling requirement. The Department also identified five unlabeled 5-gallon buckets of used oil at the DMT facility which were not labeled. I believe DMT personnel reported to the Department these five gallon buckets were generated from the adjacent shrimp boats and were brought to the DMT facility by the shrimp boat owner/operators for disposal. These used oils would typically be transferred immediately to the Cottee River barge, however, you were aware that the barge was not at the dock at the time the five gallon buckets were delivered from the shrimp docks. In any event, DMT is not the generator of those used oils and it is not the owner or operator of the 5-gallon buckets. Quite frankly, DMT is simply acting as a good Samaritan by accepting this material at no cost to the shrimp boat fleet to allow a cost-effective and appropriate recycling alternative. You can be assured the shrimp boat owners are not going to go to the trouble of establishing labeled and registered waste oil recycling facilities, but rather, you can be equally assured this used oil will be subject to improper disposal alternatives which will not benefit the environment. The Port of Tampa, the shrimp docks, Hillsborough County and the Department are all in agreement that this is a valuable service which was being provided in good faith by

DMT for which DMT was not achieving any economic benefit. However, based upon the concerns raised by the Department, DMT will discontinue offering this service unless the Department provides written verification that it has no objection to this recycling alternative. In any event, because the unlabeled buckets were not owned or operated by DMT, and because DMT was acting solely as a good Samaritan in providing this recycling service, we do not believe that any penalty is warranted for this matter. Jim, if the Southwest district truly believes that a 5-gallon bucket from a boat temporarily used for the storage of used oil requires labeling under 40 CFR 279.45(g)(1), then I believe we should discuss this issue further with EPA representatives in Atlanta and DEP headquarters in Tallahassee.

4. **62-710.500(1)(a), F.A.C.: Failure to register with the Department their used oil handling activities.**

Response: DES is registered as a Used Oil Transporter, and we do not see any trigger or requirement which would mandate DMT's registration as a Used Oil Transfer Facility. Simply stated, DMT does not hold used oil for more than 24 hours except in connection with the operation of the Cottee River barge. In an abundance of caution, DES has already notified DEP in Tallahassee of the Southwest District's enforcement action and further notified as a Used Oil Transfer Facility, which notification was effective as of April 30, 2001. DEP staff in Tallahassee were surprised to learn the Southwest District was pursuing an enforcement action regarding the registration issue under these facts and circumstances. I have advised DMT and DES they are not required to register as a Used Oil Transfer Facility, however, in their continuing efforts to cooperate in good faith with the Department, they have made the requested notification and registration. Finally, in an effort to resolve the Department's warning letter in an amicable manner, DMT is also willing to pay the \$300 penalty requested by the Department for this matter.

The Department is aware that Diversified has always demonstrated its commitment to unequivocal and complete compliance with applicable environmental protection statutes and regulations. They are a true leader in environmental protection at the Port of Tampa, and they work closely with the Department and the United States Coast Guard to enhance environmental protection and respond to marine environmental emergencies. Based upon Diversified's history of compliance and their cooperative attempts to address these very questionable alleged violations, we simply do

Mr. James M. Dregne
June 5, 2001
Page 7

not believe that any enforcement proceedings nor any imposition of monetary penalties is warranted to resolve the issues set forth in the Warning Letter. The imposition of monetary penalties will not serve any deterrent goals in light of the fact that Diversified is already fully committed to environmental compliance and Diversified has not received any economic benefit from these alleged violations. If the Southwest District believes that some amount of penalty imposition is warranted, we would appreciate and reserve the opportunity to submit additional information to the Department regarding mitigating factors which document that any proposed penalties should be reduced to zero dollars.

Jim, we hope we can resolve these issues with the Southwest District in the very near future. As set forth above, it may be in all parties best interest to involve Department representatives from Tallahassee, EPA staff in Atlanta and United States Coast Guard staff so we have a consistent application and interpretation of the applicable rules and policies. After you have an opportunity to review the above matters, please contact me at your earliest convenience to discuss a proposed course of action. 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/5311

cc: Mr. Eugene R. Russel
Mr. Gerry McCormick

Previous enforcement cases have been about how diversified has managed waste oil while being stored and processed aboard vessels. Diversified has repeatedly maintained that they operate without any land based storage units. The Department has agreed to defer to the Coast Guard regarding management of waste oil aboard vessels, partly because it was our understanding that double walled vessels that will meet the Department's secondary containment requirements were being phased in over time

As documented in this inspection, despite previous claims, Diversified was clearly operating a land based unit that stored used oil more than 24 hours. The company was aware of secondary containment requirements for used oil transfer facilities because of previous enforcement actions. There is no ambiguity in these standards.



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WASTE
MANAGEMENT

FRAC TANK
RENTAL

Fax Number:

Date: 4/30/2001

Company: DGP

To: MR Jim Drabek

From: Gert Russek

Number of Pages Including Cover: 3

Message:

Thank You:

This is a facsimile transmission from the offices of Diversified Environmental Services, Inc. If you incur any problems or this has been sent in error, please contact us as soon as possible. Thank You

A:\FAXCOVER.doc

DIVERSIFIED ENVIRONMENTAL SERVICES, INC.



P.O. Box 5357
Tampa, FL 33675-5357
1 (800) 786-3256
Fax: 1 (813) 247-5453

DEP Hazardous Waste Section
3804 Coconut Palm Drive
Tampa Florida 33619
Attn: Mr. Jim Dregne

4/30/2001

Dear Mr. Dregne:

Since our meeting on 4/26/2001 we have been looking into secondary containment systems for the mobile frac tanks. There are several companies that make systems that were specifically designed for frac tanks. So far the three that I have gotten information on look about the same; I have included with this fax a copy of one.

As per our conversation it was stated that even though the rules state that "mobile Tanks" were exempt, they fell under the "container" rules which require some form of secondary containment; although not necessarily the same as permanent above ground storage tanks.

We would like to know if this type of secondary containment would be approved as adequate.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Eugene R. Russel". The signature is written in black ink and is positioned above the printed name.

Eugene R. Russel
Vice President

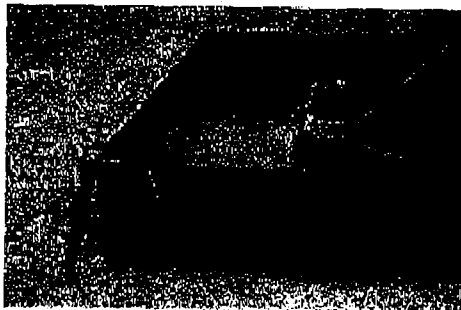
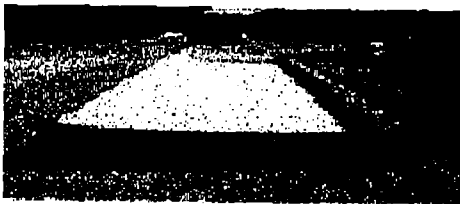
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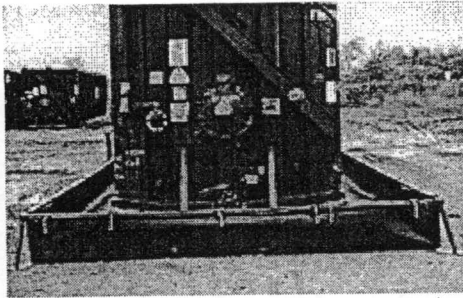
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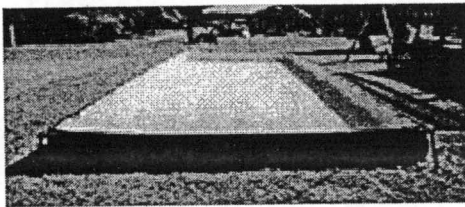
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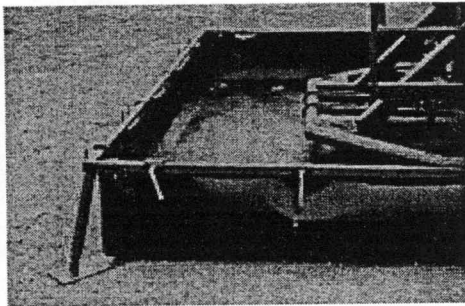
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

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61 FORSYTH STREET S.W.
ATLANTA, GEORGIA 30303

D.E.P.

APR 25 2001

Southwest District Tampa

APR 23 2001

4WD-RCRA

Mr. Satish Kastury, Administrator
Hazardous Waste Programs
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Dear Mr. Kastury:

On January 10, 2001, a Compliance Evaluation Inspection was conducted by the United States Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) at the Diversified Environmental Services, located on 1201 North 22nd Street, Tampa, Florida to determine the facility's compliance status with RCRA.

Enclosed is the EPA RCRA Compliance Evaluation Inspection (CEI) Report which indicates that violations of RCRA were discovered. Pursuant to the EPA - FDEP Memorandum of Agreement, FDEP is the lead agency for enforcement of the violations discovered during this inspection.

Pursuant to the 1996 Hazardous Waste Civil Enforcement Response Policy (ERP), Day 0 is the date of the inspection referenced above. Based upon the violations discovered during the referenced inspection, the facility is determined to be a Secondary Violator (SV). Therefore, you must issue an informal enforcement action to the facility within ninety (90) days from Day 0, and the facility must return to compliance within 90 days from receipt of that informal action.

If you have any questions, please contact Edmond Burks of my staff, by phone at (404) 562-8587 or by email at burks.edmond@epa.gov.

Sincerely,

Jeffrey T. Pallas, Chief
South Enforcement and Compliance Section
RCRA Enforcement and Compliance Branch

Enclosure

cc: Jim Dregne - FDEP Tampa

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
COMPLIANCE EVALUATION INSPECTION REPORT

1) **Inspector and Author of Report**

Edmond J. Burks, Environmental Scientist
South Section, Enforcement and Compliance Branch
U.S. Environmental Protection Agency, Region 4 (EPA)
Phone: (404) 562-8587 FAX: (404) 562-8566

2) **Facility Information**

Diversified Environmental Services (DES)
Post Office Box 5986
1201 North 22nd Street, Tampa, Florida, 33605
FLD 984 183 566 (813) 248-3256 Facility SIC code: 3999
Facility Latitude; 29.95642 Facility longitude; 82.43447

3) **Responsible Official (s)**

Gerry K. McCormick, President

4) **Inspection Participants**

Gerry K. McCormick - DES
Jim Dregne - FDEP
Edmond Burks - EPA

5) **Date and Time of Inspection**

January 10, 2001 10:00 a.m.

6) **Applicable Regulations**

Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 270, and 279, and Florida Statute Part IV Resource Recovery and Management, Chapter 403, Part IV, Section 403.701 and 403.091, Florida Statutes, and the regulations promulgated and adopted by reference pursuant to and set forth at the Florida Administrative Code (F.A.C.) Annotated Chapter 62-710 and 62-730.

7) **Purpose of Inspection**

To conduct a Compliance Evaluation Inspection (CEI) and determine the compliance of the Diversified Environmental Services facility with the applicable State and Federal RCRA rules and regulations. The facility inspection was part of One DOT's Multi-Agency Strike Force: Operation Buccaneer.

8) Facility Description

Diversified Environmental Services (DES), share office space with Diversified Marine Tech (DMT), at 1201 North 22nd Street, Tampa, Florida. DES is a Used Oil Processor. DMT is listed as shipbuilders and ship repairers. Available data and file reviews indicated that this facility was inspected by Florida Department Environmental Protection (FDEP) in February 1996.

9) Findings

The findings in this report were discovered during the inspection of the facility. Agency inspectors conducted an entrance interview with the DES representatives. During the entrance interview the inspectors presented their agency credentials. A walk through of the facility operations was conducted. Unless otherwise described, all containers and tanks were closed, properly identified, and appeared to be in good condition.

DES employs approximately 17 people at this location. The facility notified pursuant to RCRA regulation on March 18, 1996, as a Small Quantity Generator of hazardous waste, a Used oil transport facility, and a used oil recycler. DES operates principally in and around Tampa Bay. DES and its affiliate, DMT provides marine cleaning, ship repair, and oil spill remediation support activities to ships based in the bay, and those ships which deliver freight to the Tampa area. DES and DMT's support services consist of the temporary storage of waste oils, and oil/water mixtures, and the gravitational and/or mechanical separation of aqueous and petroleum fractions.

DES operates the Cottee River, a barge designed to operate on lakes, bays, and sands. The barge is single hulled, with eight compartments. The Coast Guard allows single hull vessels which are less than 5,000 gross tons to remain in use until 2015. The barge collects 13,600 barrels of waste oil, wash water, gas, and bilge water. DES operates five tank trucks, and four vacuum trucks. Ship to ship transfers are conducted using fendering equipment, transfer hoses, portable pumps, air compressors, and associated equipment which are maintained at the DMT shipyard. During normal operations, when the barge is near capacity, the water layer is decanted off and sent by tank truck to the DES pretreatment plant located at the 22nd street address, from there the spent wastewater is treated by the Tampa POTW.

According to DES representatives, waste oil, wash water, gas, and bilge water is collected from incoming ships. Many incoming vessels are of foreign registries. IPC of Tampa, Florida, is the facility that receives DES waste oil, oily waste water. Oil is sampled when the spent oil reaches IPC. Spent oil is analyzed for the halogens, and water. IPC then brokers the oil to used oil burners. According to DES officials, metal concentrations are evaluated prior to transfers to IPC.

To complete ship to ship transfers, a recovery hose and pipeline are utilized. The recovery hose and the pipeline are pressure tested to 250 psi annually per USCG regulation. According to DES representatives, transfers of spent materials from ship to ship are reflected in the manifest and "all-age sheets". Transfers from trucks to the barge are not recorded. Transfers from ships to the

9) Findings Cont.

barge are reflected in "in-age table", and "all-ages sheets". DES representatives believe the barge is rarely entirely empty "unless the barge is in the shipyard." According to DES representatives, the total volume of the barge is not normally known at that specific moment of transfers from ships to the Cottee River. USCG regulation requires the barge to be dry-docked a minimum of twice every five years. Record review indicates the Cutty River was last dry-docked in August 2000. According to DES representatives, about 60% of used oil recovery by DES is burned for energy recovery.

A walk through of the DES operations was conducted. Once the Cutty River was located in the harbor, the ship was visited by the inspectors. At the time of the CEI, DES personnel were "Butterworth" the inside hull of another ship. Butterworth is the use of wands attached with butterworth spray heads, powered with steam, and hot water utilized to clean the surface of the tanker. The wands are lowered into the hull at fixed levels and then raised or lower incrementally to facilitate the cleaning of residues and/or oils from the interior of the tank. DES attaches drain lines which then collect wash and/or waste water utilized in the butterworth device. At the time of the CEI, DES personnel indicated that the majority of the used oil on board had been removed the previous week.

The walk through proceeded to the DES harbor operation, located at the DMT shipyard. DES shares operations with DMT at this location. At the time of the CEI, one of the DES tank trucks was at the yard. Also observed were four 500 barrels, or 18,000 pound Frac Tanks. According to DES personnel, the Frac Tanks are used to circulate recycle water, collected from butter worth operation. According to DES personnel, the butterworth water is recycled through a screen or strainer. The wash water is heated by steam and then reused in the butterworth device. The Frac tanks reportedly hold oily wastewater, and sometimes oil for a time exceeding 24hrs, but less than thirty-five days. The tanks failed to have any identifying labels, e.g. Used Oil. *The inspectors informed DES personnel, that the review of the facility indicates that DES is a Used Oil Transfer Facility as defined in 40 CFR 260.10, and is subject to record keeping requirements specified at 40CFR 279.46.* DES officials passionately disagreed.

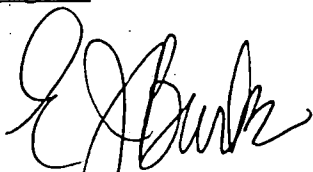
At the time of the CEI, 10 - 15 paint containers, of various sizes and types were observed in one of the designed work areas. Some containers were opened and/or dented, and generally in poor condition. *DES has failed to adhere to a condition for exemption from RCRA § 3005 given in 40 C.F.R. § 265.31, as incorporated by 40 C.F.R. § 262.34(a)(4). This regulation requires the facility to be maintained and operated in a manner which minimizes the possibility of any unplanned release of hazardous waste or hazardous waste constituents into the environment. As such, the facility is illegally storing wastes in violation of RCRA § 3005.*

The DES facility manifest, training records and contingency plan were reviewed. The records appeared to be complete and in order. Other records associated with the Cottee River,

9) Findings Cont.

were also evaluated, e.g., the USCG Certificate of Inspection (COI). The COI states the following; Single skin unmanned tank barges, on or before January 1, 2015, must meet the US double hull design standard as specified in 33C.F.R 157.10. The vessel may not carry cargoes with a benzene content in excess of 0.5% by volume unless the operational requirements in 46 CFR197 subpart C are met. The DES oil spill contingency plan is intended to comply with requirements D, E, F, G of 33 C.F.R. Part 155 for unmanned barges that carry oil as a primary cargo.

10) Signed



Edmond J. Burks
Inspector and Author of Report

4/26/01

Date

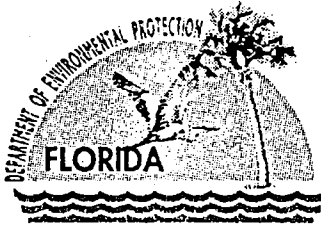
11) Concurrence and Approval



Jeffrey T. Pallas, Chief
South Enforcement and Compliance Section
Enforcement and Compliance Branch

4/28/01

Date



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

April 10, 2001

Mr. Eugene Russel
Diversified Marine Tech
1201 North 22nd Street
Tampa, Florida 33605

Re: Diversified Marine Tech (DMT)
FLD 984 182 733
Warning Letter #245262
Hillsborough County

Dear Mr. Russel:

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 January 10 and 11, 2001, 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 10 of the report lists a summary of alleged violations of Department Rules.

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

You are requested to contact Jim Dregne at (813)744-6100, extension 410, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

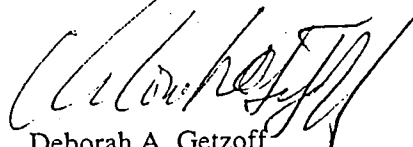
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties which would be assessed in this case are \$11,700.00. Costs and expenses in this case will be a

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Printed on recycled paper.

minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's agreement with the 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 yours,

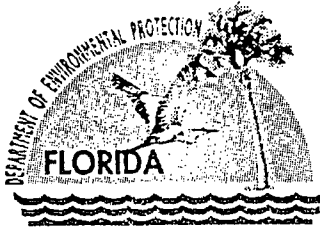


Deborah A. Getzoff
Director of District Management
Southwest District

DAG/jmd

Attachment

cc: Kelley Boatwright, Hillsborough County EPC
Steve Ray, HWR Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: Routine Complaint Permitting Follow-Up Pre-Arranged

FACILITY NAME Diversified Marine Tech, Inc. EPA ID # FLD 984 182 733

STREET ADDRESS 2531 22nd St. Causeway South, Tampa, Florida 33619

COUNTY Hillsborough PHONE (813) 248-3256 DATE Jan. 10,11,26, 2001 TIME 15:00 pm

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
- 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: Transfer Facility

2. APPLICABLE REGULATIONS:

- | | | | |
|--|---|--------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input type="checkbox"/> 62-730, FAC | <input type="checkbox"/> 62-740, FAC |

3. RESPONSIBLE OFFICIAL(s):

Eugene Russel - Vice President

4. INSPECTION PARTICIPANTS:

Eugene Russel - DMT
Gerry McCormick - DES

Edmond Burks - EPA
Jim Dregne - FDEP

5. LATITUDE/LONGITUDE 27° 55' 26" 82° 25' 17"

6. SIC Code: 2999

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: EXP. DATE:

"More Protection, Less Process"

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9: FACILITY DESCRIPTION:

Diversified Marine Tech, Inc. (DMT) was initially inspected on January 10, 2001, to evaluate the facility's compliance with State and Federal hazardous waste regulations. Mr. Gerry McCormick accompanied the inspectors throughout the inspection. The inspection verified that the company was generating hazardous waste at a conditionally exempt small quantity rate and was a used oil transfer facility. A parent company of DMT is Diversified Marine Services (DMS) which has its facility at the corner of 22nd Street and Highway 60.

DMT is a small shipyard that provides dry-docks and repair services for shrimp boats, tugboats, and other vessels up to about 110 feet in length. The company employs approximately five people. Small quantities of paint waste are generated and collected in small-unlabelled containers. Approximate 15 one and five gallon containers of paint and paint waste were located next to a storage shed at the facility. Many of the containers were left open and were being allowed to solidify. Hazardous paint waste should not be left in open containers and allowed to evaporate and harden. Failure to ensure delivery of hazardous waste to a facility approved to accept hazardous waste is a violation of 40 CFR 261.5(g)(3).

In addition to ship repair operations conducted at the DMT docks, the facility also serves as a temporary storage location for used oil and oily waste that is collected by DMS. Bilge water, used oil, and oily wastewater is collected during tank cleaning, Butterworthing, oil recovery and spill response operations conducted by DMS. The wastes are pumped from ported vessels into tanker trucks for transport to the DMT facility. Usually the trucks will then pump the oily waste and used oil into one of the four storage tanks on a barge called the Cottee River. The Cottee River is normally docked at the DMT pier. The Cottee River barge was built in 1937 and has a capacity of 13,600 barrels. The barge is a single hull vessel. Vessels that are less than 5000 gross tons are not required to have double hulls until the year 2015. According to Mr. McCormick, there are no plans to retrofit the Cottee River with a double hull. Occasionally the Cottee River is moved from the DMT docks to a servicing vessel for a direct transfer of waste.

After the oily waste is pumped into the Cottee River, the oil is allowed to separate from the water and solids. The tanks are routinely dipped, and when the water fraction is adequate for removal, it is pumped into a designated tanker truck for shipment to the Diversified Marine Service pretreatment facility at 22nd Street. The oil fraction from the barge is marketed to shoreside used oil processors. Most of the used oil has been sold to Earth Liquid IPC/Magnum during the last year. The solids that accumulate in the tanks are removed from the barge when it is put in dry dock. The Coast Guard requires the Cottee River class of barge to be dry-docked twice every five years, with no more than three years between docking events. The Cottee River barge was last dry docked in September 2000. The barge was in dry dock at International Ship Repair for approximately 12 days. The sludge that was removed from the Cottee River was tested and was determined to be non-hazardous. The sludge was disposed of by U.S. Liquids of Florida (formerly City Environmental Services).

At the time of the inspection, DMT was also operating a used oil transfer facility. During the period that the Cottee River was in dry dock, used oil and oily waste was being transported by DMS from customers at the Port of Tampa to a 19,838 gallon frac tank that was located at the DMT facility. At the time of the inspection, there were five frac tanks on the DMT docks. One of the tanks (blue tank) was still being used to store used oil. The tank had five transfer hoses connected to the tank to allow for the quick transfer of oil to and from the tank. One of the transfer hoses went from the shrimp dock to the tank. This hose was being used to empty shrimp boat tanks. The other tanks are used by DMS in their tank cleaning process. The storage of used oil at the DMT facility for more than 24 hours qualifies the facility as a used oil transfer facility under 40 C.F.R. 279.45. DMT failed to register with the Department their used oil handling activities, a violation of 62-710.500(1)(a) F.A.C. The tank used to store the used oil was not labeled "Used Oil" in violation of 40 C.F.R. 279.45(g)(1). Also, the tank did not have secondary containment in violation of 40 C.F.R. 279.45(f).

In addition to the large storage tank, there were five unlabeled five-gallon buckets of used oil. These containers were not labeled "Used Oil" in violation of 40 C.F.R. 279.45(g)(1). According to Mr. McCormick, individuals that generate the use oil at their businesses around the shrimp docks bring these containers to DMT facility for disposal.

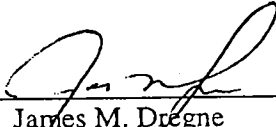
The Department has had previous discussions with DMS and DMT about the status of barges docked at the DMT facility that are being used to store used oil. Whether the Cottee River barge qualifies as a used oil transfer facility and a used oil processing facility will not be addressed in this report because the subject is presently under review by the US Coast Guard and the Environmental Protection Agency.

10. SUMMARY OF ALLEGED VIOLATIONS:

- | | |
|----------------------|---|
| 40 CFR 261.5(g)(3) | Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste. |
| 40 CFR 279.45(f) | Failure to provide secondary containment for tanks used to store used oil. |
| 40 CFR 279.45(g)(1) | Failure to label or mark containers and an aboveground tank used to store used oil with the words "Used Oil". |
| 62-710.500(1)(a) FAC | Failure to register with the Department their used oil handling activities. |

11. RECOMMENDATIONS:

- | | |
|----------------------|--|
| 40 CFR 261.5(g)(3) | DMT shall ensure that its hazardous waste paint is delivered to a facility approved to accept hazardous waste. |
| 40 CFR 279.45(f) | DMT shall provide secondary containment for any tank used to store used oil. |
| 40 CFR 279.45(g)(1) | DMT must insure that all containers and tanks containing used oil are marked with the words "Used Oil". |
| 62-710.500(1)(a) FAC | Within thirty days DMT must registered with the Department all used oil handling activities or cease being a used oil transfer facility. |

Inspected: 
James M. Dregne
Environmental Specialist III

Approved:  Date: 4/13/01
Elizabeth B. Knauss
Environmental Manager

PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech

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

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

ComHaz Case #: 245262

Date: April 4, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	261.5(g)(3) improper disposal		Minor	Major	\$2,999 -- \$1,500			\$1,500
2.	279.45(f) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
3.	279.45(g)(1) no label		Minor	Major	\$1,199 -- \$600			\$900
4.	62-710.500(1)(a) failed to register				\$300			\$300
TOTAL								\$11,700

WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Diversified Marine Tech EPA ID No.: FLD 984 182 722

ComHaz Case #: 245262 Date: April 4, 2001

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
1.	261.5(g)(3)	Improper disposal	4	2	4	1	11

SCORING SYSTEM

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

MAJOR POTENTIAL FOR HARM: 19-24
 MODERATE POTENTIAL FOR HARM: 13-18
 MINOR POTENTIAL FOR HARM: 8-12

Facility: Divers Ltd MARINE TECH
Date: JANUARY 10, 2001

Rebuttable Presumption -- 279.44

1. Does the transporter determine whether used oil stored being transported or stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y ___ N ___
- Is this done by testing? NOT Y ___ N ___
- Is this done by process knowledge? Describe basis in narrative. Y ___ N ___
- Are test records or copies of records providing basis for determination kept for 3 years? [279.44(d)] Y ___ N ___
2. Have any analyses showed exceedances of the 1,000 ppm level? Y ___ N ___
- If so, was the oil managed as hazardous waste? Y ___ N ___
- If not, was the oil exempt? Describe in narrative. N/A ___ Y ___ N ___

Transfer Facility Standards -- 279.45

1. Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F N/A ___ Y N ___
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y ___ N
2. Is used oil stored only in tanks or containers? (Circle applicable units) Y N ___
3. If the facility has tanks, do they comply with 62-761 F. A. C. rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y ___ N
- Is secondary containment provided and adequate? Y ___ N ___
4. Are containers, and tank trailers in good condition and not leaking? Y N ___
5. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y ___ N
- Is the containment system impervious to oil so as to prevent migration? Y ___ N
6. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y ___ N
7. Are used oil filters stored more than 10 days? Y ___ N
- If so, is the facility a registered used oil filter transfer facility? [62-710.850] N/A Y ___ N ___
8. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y ___ N

CESQG CHECKLIST

Date: January 10, 11, 2001

Facility Name: DIVERSIFIED MARINE Facility ID #: ELD 984 182 733

Facility Representative: E. Russel, G. McCormick Inspector: E. Burks / J. Diegme

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?
<u>PAINT WASTE</u>	<u>D001</u>	<u>?</u>	<u>None</u>	<u>-</u>

(describe discrepancies in waste identification in narrative)

Standards for Conditionally Exempt Small Quantity Generators - 40 CFR 261.5

2. Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous wastes? Y N

And less than 1kg/mo of acutely toxic (P-listed, 40 CFR 262.33) hazardous wastes? Y N

3. Has the facility obtained an EPA ID #? (not required for CESQGs) Y N

4. 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

5. Can the facility document proper disposal of all hazardous wastes? Y N

6. Are any hazardous wastes treated or disposed of on site? Describe in narrative: Y N

7. Are there any unpermitted discharges of other wastes to the environment? Y N

To: Eugene Russel
Company: Diversified Environmental Services
Phone: (813) 248-3256
Fax: (813) 247-5453

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: April 27, 2001

**Pages including this
 cover page:** 1

Comments: Tom Boerger called yesterday asking where he could find the Enforcement Manual and the Civil Penalty Matrix on the Internet. I would appreciate it if you could pass this information on to him. If he can't get it off the Internet, I can fax him the pages he wants.

Enforcement Manual - On DEP web site under OGC Division:

<http://www.dep.state.fl.us/OGC/documents/enfmanual/appendix/dep923.doc>

Penalty Matrix - On page 19

<http://depnet/dwm/bureaus/bshw/RCRA/compliance/inspection/enforcement/rcracivilpenaltypolicy.pdf>

	* O K	1	0'25"	27,22:01	NORMAL	92475453
Note	Result	Pages	Time	Start	Mode	Telephone Number

Apr 27 2001 22:02

P.1

** Transmit Conf. Report **

WASTE MGT TAMPA SMD Fax:8137446125



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Scruhs
Secretary

DATE: 4/26/01

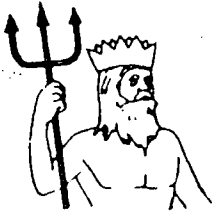
TIME: _____

SUBJECT: Enforcement Meeting - DMT

ATTENDEES

<u>Name</u>	<u>Affiliation</u>	<u>Telephone</u>
<u>Jim Dregne</u>	<u>FDEP</u>	<u>(813) 344-6100 x41</u>
<u>TOM BOERGER</u>	<u>BOERGER ASSO.</u>	<u>813 832 3168</u>
<u>Berry McCormick Jr</u>	<u>DES</u>	<u>800-786-3256</u>
<u>EUGENE R. RUSSEL</u>	<u>DIES</u>	<u>813-848 3256</u>
<u>Bob Hancock</u>	<u>FDEP</u>	<u>744-6100 x383</u>
_____	_____	_____
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DIVERSIFIED ENVIRONMENTAL SERVICES, INC.



P.O. Box 5357
Tampa, FL 33675-5357
1 (800) 786-3256
Fax: 1 (813) 247-5453

25 April, 2001

Deborah A. Getzoff
Director of District Management
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

Re: Diversified Marine Tech, Inc. Warning Letter #182733

Dear Ms Getzoff,

This is an initial response to the above referenced Warning Letter that resulted from the unannounced routine Hazardous Waste Inspection conducted by Jim Dregne on 10 and 11 January, 2001. The inspection covered the operations conducted at our facility at 2531 22nd St. Causeway South, Tampa, FL 33619. Diversified Marine Tech (DMT) is a subsidiary of Diversified Environmental Services, Inc. (DES), 1201 N. 22nd St., Tampa, FL. 33605.

Diversified Marine Tech Alleged Violations

40 CFR 261.5(g)(3) Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.

Action taken: All empty or partially empty paint cans have been delivered to a facility approved to accept hazardous waste. A 55-gallon drum has been set aside for collecting paint wastes and has been properly labeled. Drum containing waste paint will be kept closed at all times except when adding or removing wastes. It is important to note that dried paint in cans and paint trays is a continuing operational problem at DMT since in almost all cases paint is applied by roller or brush and not sprayed. This is done for environmental reasons to keep overspray out of the water. Since much of the paint is two-part epoxy and requires a hardener be added it often hardens in the can or paint tray before all of it can be applied. Once the hardener is added the process cannot be reversed, i.e. the paint will harden quickly and often becomes too thick to apply while we are in the process of painting.

40 CFR 279.45(g)(1) Failure to label or mark containers and an aboveground tank used to store used oil with the words "Used Oil".

Action taken: The five unlabeled five-gallon buckets of used oil have been properly disposed of. This used oil came from shrimp boats that delivered it to DMT for disposal and it was temporarily stored within a containment area. We no longer accept used oil delivered to our facility from the shrimp boat fleet, and have advised them of this. With regard to the aboveground tank please see the below discussion.

40 CFR 279.45(f) Failure to provide secondary containment for tanks used to store used oil.

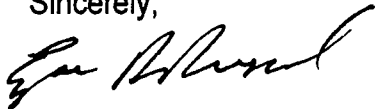
This violation refers to containment around an aboveground tank; the tank in question is a "Frac Tank" and as such is a "Mobile tank". We believe 62-761.300(2)(b)(3) specifically exempt mobile tanks from petroleum storage systems requirements of FAC 62-761. We have discussed containment requirements with other owners of Frac tanks and none have ever been required by Florida DEP to place containment around them or to label them with regard to content.

62-710.500(1)(a) FAC Failure to register with the Department their used oil handling activities.

Action taken: This violation presumes that Diversified Environmental Services, Inc. was conducting activities associated with a Used Oil Transfer Facility or a Used Oil Processor during the period in which the tank barge Cottee River was out of service. During this period DES continued to operate as a registered Used Oil Transporter and the Frac tank in question was being used to temporarily consolidate loads of used oil. This consolidation was desirable in order to further transport the water fraction (in almost all cases in excess of 90%) to our water treatment facility at 1201 N. 22nd St. We feel this use falls within the parameters contemplated in 40 CFR 279.41(a)&(b). I recognize that your Department may not agree with this interpretation, however it was made in good faith. I propose that if we have occasion in the future to use the Frac tanks to temporarily consolidate used oil loads we will apply for the required permit as a used oil transfer facility and mark any Frac tanks we use "Used Oil". With regard to secondary containment I ask for further clarification of the requirements applicable to "Mobile Tanks".

Diversified Environmental Services, Inc. continues to be committed to protecting Florida's environment and complying fully with all applicable laws and regulations. We look forward to meeting with you and Mr. Dregne to resolve any differences in interpretation of the applicable rules and to further assure you of our commitment to the environmentally responsible management of DES.

Sincerely,



Eugene R. Russel
Vice President

Close	Add Comment	Show docs related to...
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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: Caller Address:	Gary McCormick
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**

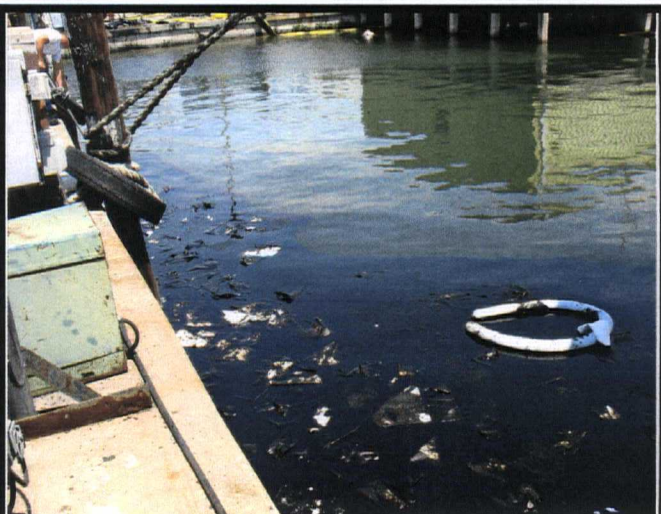
Responsible Party:	Gary McCormick
Responsible Party Address:	1201 North 22nd Street
Responsible Party Phone:	813 918 3773
Materials Involved:	
Container:	Other: bilge
Container Size:	
Amount Released:	unknown
Rate of Release:	
Cause of Release:	
Estimated Spill Extent:	
Time Discovered:	



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



Response

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 Closed	Direction of Closure
Air:	N		
Road:	N		Major Artery:N
Waterway:	N		
Track:	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
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You are user **chris.rossbach@dep.state.fl.us** with **Responder** permissions. [Logout]



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US Government main portal: USA.gov.

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$$\frac{411}{42 \text{ ml}}$$

27 55 43.4
82 25 38.5

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)
 10:00 09 10 04

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:	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, 11F

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)
 (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.

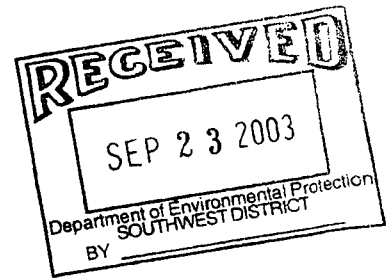
*** END INCIDENT REPORT #901520 ***

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ATTORNEYS AT LAW
ESTABLISHED 1943



September 22, 2003

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

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

Dear Mr. Pallas:

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

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

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

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

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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

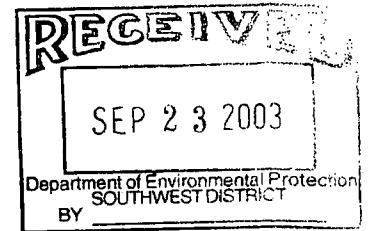
refer to the United States Supreme Court Case United States vs. Locke, 529 US 89). Also enclosed please find correspondence submitted to the FDEP on behalf of DES and DMT dated May 9, 2002, which provides the USCG Certificate of Documentation and Certificate of Inspection for the *Cottee River*.

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

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

(813) 248-3256

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

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

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

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

Response

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

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

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

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

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

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

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

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

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

Response:

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

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

Response:

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

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

Response:

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

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

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

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

Response:

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

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

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

Response:

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

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

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

Response:

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

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

Jeffrey T. Pallas, Chief
September 22, 2003
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

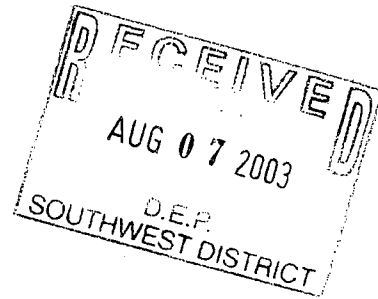
cc: Mr. Gene Russel (w/o encl.)
Mr. Mark Tumlin (w/o encl.)
Ms. Elizabeth Knauss (w/encl.)

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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



AUG 05 2003

4WD-RCRA

FEDERAL EXPRESS

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

SUBJ: Request for Information Pursuant to § 3007 of RCRA

Dear Mr. McCormick:

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

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

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

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

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

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

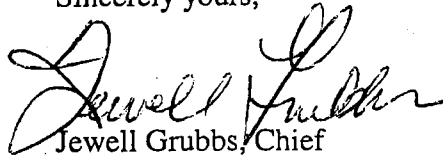
Elizabeth Knauss, Environmental Manager
Waste Management Programs
Florida Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-8318.

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

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

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

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jewell Grubbs".

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

Enclosure

cc w/encl: Beth Knauss, FDEP Southwest District

ENCLOSURE A

INFORMATION REQUEST

Instructions

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

Definitions

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

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

Information Requests for Diversified Marine Tech and Diversified Environmental Services.

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

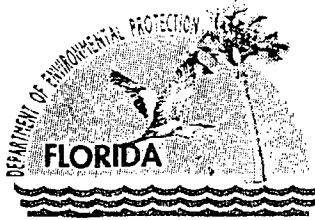
"DMT is not storing used oil in the 19,838 gallon frac tank in a manner that would subject DMT to regulation as a Used Oil Transfer Facility. Because this tank is not used to store used oil, there is no secondary containment requirement under 40 CFR 279.45(f). This tank is used to store liquid wastes,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

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

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

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

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



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

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

May 9, 2003

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

Dear Ms. Digaetano:

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

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

Sincerely,

James M. Dregne
Environmental Specialist III
Waste Management Division

JMD/jd

Attachments:

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

cc: Angela Dempsey, OGC (without attachments)

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**Florida Department of
Environmental Protection**

Memorandum

To: James J. Dregne
Environmental Specialist II
Southwest District

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

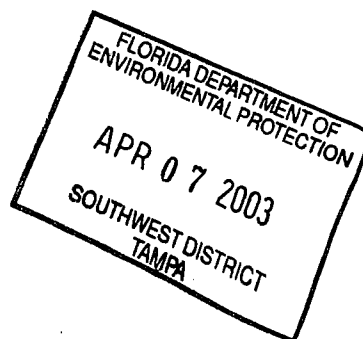
Date: April 4, 2003

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

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

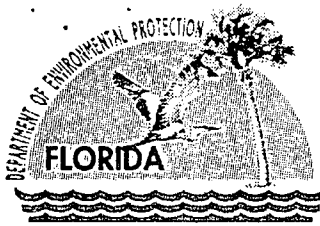
I have attached all correspondence and other information generated since this case was referred to OGC. Most of this information is confidential attorney work-product exempt from public disclosure pursuant to §119.07(3)(l), Florida Statutes. It should remain confidential under Federal law as enforcement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

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



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.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

April 10, 2001

Mr. Eugene Russel
Diversified Marine Tech
1201 North 22nd Street
Tampa, Florida 33605

Re: Diversified Marine Tech (DMT)
FLD 984 182 733
Warning Letter #245262
Hillsborough County

Dear Mr. Russel:

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 January 10 and 11, 2001, 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 10 of the report lists a summary of alleged violations of Department Rules.

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

You are requested to contact Jim Dregne at (813)744-6100, extension 410, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

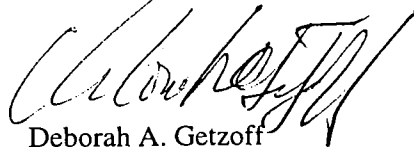
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties which would be assessed in this case are \$11,700.00. Costs and expenses in this case will be a

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minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's agreement with the 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 yours,



Deborah A. Getzoff
Director of District Management
Southwest District

DAG/jmd

Attachment

cc: Kelley Boatwright, Hillsborough County EPC
Steve Ray, HWR Section
Compliance File ✓

PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech

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

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

ComHaz Case #: 245262

Date: April 4, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	261.5(g)(3) improper disposal		Minor	Major	\$2,999 -- \$1,500			\$1,500
2.	279.45(f) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
3.	279.45(g)(1) no label		Minor	Major	\$1,199 -- \$600			\$900
4.	62-710.500(1)(a) failed to register				\$300			\$300
TOTAL								\$11,700

WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Diversified Marine Tech EPA ID No.: FLD 984 182 722

ComHaz Case #: 245262 Date: April 4, 2001

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
1.	261.5(g)(3)	Improper disposal	4	2	4	1	11

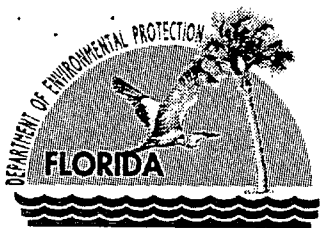
SCORING SYSTEM

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

MAJOR POTENTIAL FOR HARM: 19-24

MODERATE POTENTIAL FOR HARM: 13-18

MINOR POTENTIAL FOR HARM: 8-12



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. **INSPECTION TYPE:** Routine Complaint Permitting Follow-Up Pre-Arranged

FACILITY NAME Diversified Marine Tech, Inc. **EPA ID #** FLD 984 182 733

STREET ADDRESS 2531 22nd St. Causeway South, Tampa, Florida 33619

COUNTY Hillsborough **PHONE** (813) 248-3256 **DATE** Jan. 10,11,26, 2001 **TIME** 15:00 pm

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
- 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: Transfer Facility

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|--------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input type="checkbox"/> 40 CFR 268 | <input type="checkbox"/> 40 CFR 273 |
| <input checked="" type="checkbox"/> 40 CFR 279 | <input checked="" type="checkbox"/> 62-710, FAC | <input type="checkbox"/> 62-730, FAC | <input type="checkbox"/> 62-740, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Eugene Russel – Vice President

4. **INSPECTION PARTICIPANTS:**

Eugene Russel – DMT
Gerry McCormick - DES

Edmond Burks - EPA
Jim Dregne – FDEP

5. **LATITUDE/LONGITUDE** 27° 55' 26" 82° 25' 17"

6. **SIC Code:** 2999

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** N/A **ISSUE DATE:** **EXP. DATE:**

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9. FACILITY DESCRIPTION:

Diversified Marine Tech, Inc. (DMT) was initially inspected on January 10, 2001, to evaluate the facility's compliance with State and Federal hazardous waste regulations. Mr. Gerry McCormick accompanied the inspectors throughout the inspection. The inspection verified that the company was generating hazardous waste at a conditionally exempt small quantity rate and was a used oil transfer facility. A parent company of DMT is Diversified Marine Services (DMS) which has its facility at the corner of 22nd Street and Highway 60.

DMT is a small shipyard that provides dry-docks and repair services for shrimp boats, tugboats, and other vessels up to about 110 feet in length. The company employs approximately five people. Small quantities of paint waste are generated and collected in small-unlabelled containers. Approximate 15 one and five gallon containers of paint and paint waste were located next to a storage shed at the facility. Many of the containers were left open and were being allowed to solidify. Hazardous paint waste should not be left in open containers and allowed to evaporate and harden. Failure to ensure delivery of hazardous waste to a facility approved to accept hazardous waste is a violation of **40 CFR 261.5(g)(3)**.

In addition to ship repair operations conducted at the DMT docks, the facility also serves as a temporary storage location for used oil and oily waste that is collected by DMS. Bilge water, used oil, and oily wastewater is collected during tank cleaning, Butterworthing, oil recovery and spill response operations conducted by DMS. The wastes are pumped from ported vessels into tanker trucks for transport to the DMT facility. Usually the trucks will then pump the oily waste and used oil into one of the four storage tanks on a barge called the Cottee River. The Cottee River is normally docked at the DMT pier. The Cottee River barge was built in 1937 and has a capacity of 13,600 barrels. The barge is a single hull vessel. Vessels that are less than 5000 gross tons are not required to have double hulls until the year 2015. According to Mr. McCormick, there are no plans to retrofit the Cottee River with a double hull. Occasionally the Cottee River is moved from the DMT docks to a servicing vessel for a direct transfer of waste.

After the oily waste is pumped into the Cottee River, the oil is allowed to separate from the water and solids. The tanks are routinely dipped, and when the water fraction is adequate for removal, it is pumped into a designated tanker truck for shipment to the Diversified Marine Service pretreatment facility at 22nd Street. The oil fraction from the barge is marketed to shoreside used oil processors. Most of the used oil has been sold to Earth Liquid IPC/Magnum during the last year. The solids that accumulate in the tanks are removed from the barge when it is put in dry dock. The Coast Guard requires the Cottee River class of barge to be dry-docked twice every five years, with no more than three years between docking events. The Cottee River barge was last dry docked in September 2000. The barge was in dry dock at International Ship Repair for approximately 12 days. The sludge that was removed from the Cottee River was tested and was determined to be non-hazardous. The sludge was disposed of by U.S. Liquids of Florida (formerly City Environmental Services).

At the time of the inspection, DMT was also operating a used oil transfer facility. During the period that the Cottee River was in dry dock, used oil and oily waste was being transported by DMS from customers at the Port of Tampa to a 19,838 gallon frac tank that was located at the DMT facility. At the time of the inspection, there were five frac tanks on the DMT docks. One of the tanks (blue tank) was still being used to store used oil. The tank had five transfer hoses connected to the tank to allow for the quick transfer of oil to and from the tank. One of the transfer hoses went from the shrimp dock to the tank. This hose was being used to empty shrimp boat tanks. The other tanks are used by DMS in their tank cleaning process. The storage of used oil at the DMT facility for more than 24 hours qualifies the facility as a used oil transfer facility under 40 C.F.R. 279.45. DMT failed to register with the Department their used oil handling activities, a violation of **62-710.500(1)(a) F.A.C.** The tank used to store the used oil was not labeled "Used Oil" in violation of **40 C.F.R. 279.45(g)(1)**. Also, the tank did not have secondary containment in violation of **40 C.F.R. 279.45(f)**.

In addition to the large storage tank, there were five unlabeled five-gallon buckets of used oil. These containers were not labeled "Used Oil" in violation of **40 C.F.R. 279.45(g)(1)**. According to Mr. McCormick, individuals that generate the use oil at their businesses around the shrimp docks bring these containers to DMT facility for disposal.

The Department has had previous discussions with DMS and DMT about the status of barges docked at the DMT facility that are being used to store used oil. Whether the Cottee River barge qualifies as a used oil transfer facility and a used oil processing facility will not be addressed in this report because the subject is presently under review by the US Coast Guard and the Environmental Protection Agency.


10. SUMMARY OF ALLEGED VIOLATIONS:

- | | |
|----------------------|---|
| 40 CFR 261.5(g)(3) | Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste. |
| 40 CFR 279.45(f) | Failure to provide secondary containment for tanks used to store used oil. |
| 40 CFR 279.45(g)(1) | Failure to label or mark containers and an aboveground tank used to store used oil with the words "Used Oil". |
| 62-710.500(1)(a) FAC | Failure to register with the Department their used oil handling activities. |

11. RECOMMENDATIONS:

- | | |
|----------------------|--|
| 40 CFR 261.5(g)(3) | DMT shall ensure that its hazardous waste paint is delivered to a facility approved to accept hazardous waste. |
| 40 CFR 279.45(f) | DMT shall provide secondary containment for any tank used to store used oil. |
| 40 CFR 279.45(g)(1) | DMT must insure that all containers and tanks containing used oil are marked with the words "Used Oil". |
| 62-710.500(1)(a) FAC | Within thirty days DMT must registered with the Department all used oil handling activities or cease being a used oil transfer facility. |

Inspected: 
James M. Dregne
Environmental Specialist III

Approved: 
Elizabeth B. Knauss
Environmental Manager

Date: 4/10/01

Rebuttable Presumption -- 279.44

1. Does the transporter determine whether used oil stored being transported or stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y ___ N ___
Is this done by testing? NOT Y ___ N ___
Is this done by process knowledge? Describe basis in narrative. Y ___ N ___
Are test records or copies of records providing used basis for determination kept for 3 years? [279.44(d)] Y ___ N ___
2. Have any analyses showed exceedances of the 1,000 ppm level? Y ___ N ___
If so, was the oil managed as hazardous waste? Y ___ N ___
If not, was the oil exempt? Describe in narrative. N/A ___ Y ___ N ___

Transfer Facility Standards -- 279.45

1. Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F N/A ___ Y N ___
Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y ___ N
2. Is used oil stored only in tanks or containers? (Circle applicable units) Y N ___
3. If the facility has tanks, do they comply with 62-761 F. A. C. rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y ___ N
Is secondary containment provided and adequate? Y ___ N ___
4. Are containers, and tank trailers in good condition and not leaking? Y N ___
5. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y ___ N
Is the containment system impervious to oil so as to prevent migration? Y ___ N
6. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y ___ N
7. Are used oil filters stored more than 10 days? Y ___ N
If so, is the facility a registered used oil filter transfer facility? [62-710.850] N/A Y ___ N ___
8. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y ___ N

CESQG CHECKLIST

Date: January 10, 11, 2001

Facility Name: DIVERSIFIED MARINE Facility ID #: ELD 984 182 733

Facility Representative: E. Russel, G. McCormick Inspector: E. Burks / J. Dregne

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?
<u>PAINT WASTE</u>	<u>DD01</u>	<u>?</u>	<u>NONE</u>	<u>-</u>

(describe discrepancies in waste identification in narrative)

Standards for Conditionally Exempt Small Quantity Generators - 40 CFR 261.5

2. Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous wastes? Y N

And less than 1kg/mo of acutely toxic (P-listed, 40 CFR 262.33) hazardous wastes? Y N

3. Has the facility obtained an EPA ID #? (not required for CESQGs) Y N

4. 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

5. Can the facility document proper disposal of all hazardous wastes? Y N

6. Are any hazardous wastes treated or disposed of on site? Describe in narrative: Y N

7. Are there any unpermitted discharges of other wastes to the environment? Y N

PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregue

Site/Location: Diversified MARINE Tech./2571 22nd St. CAUSEWAY SOUTH

Description:

- work building
- and equipment
- storage area



Draw North Arrow



Description:

- paint storage
- area.
- open containers
- of old paint.
- paint + water



Draw North Arrow



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregne

Site/Location: Diversified Marine Tech./2531 22nd St. CAUSEWAY South.

Description:

- two frac tanks
- blue tank
contains used
oil.
- recovery hoses
on ground in
front of tank.

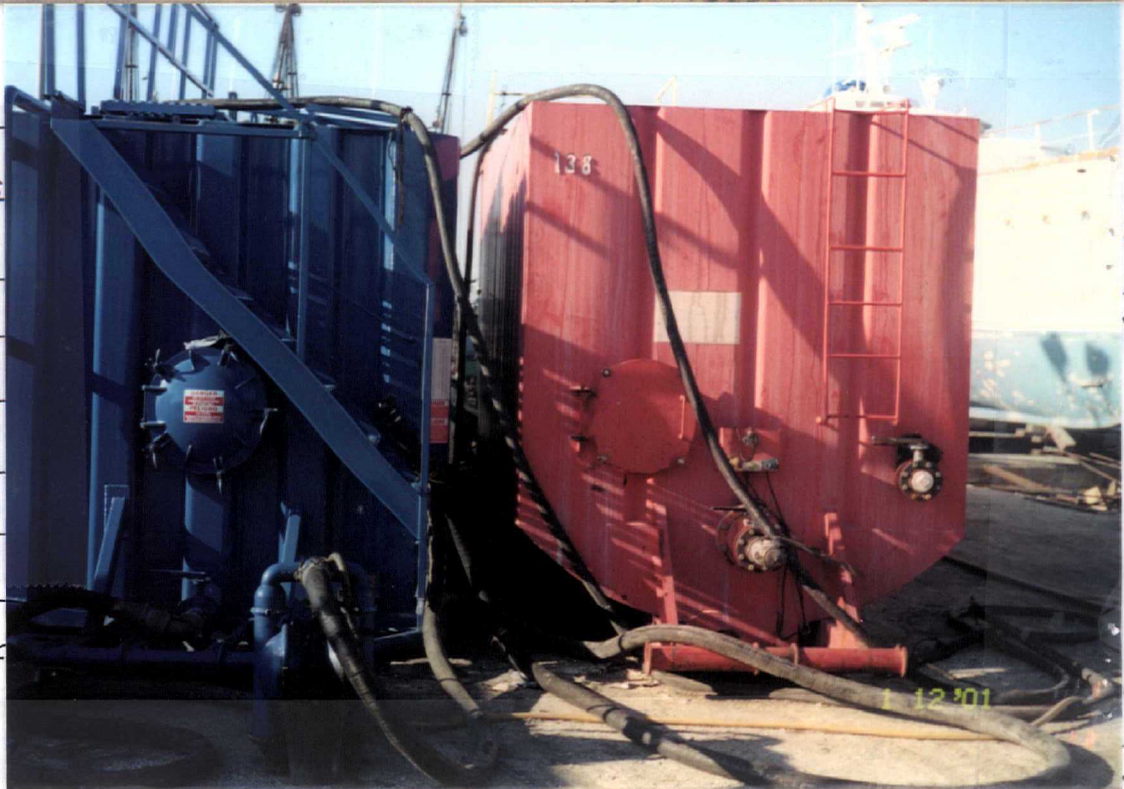
Draw North Arrow
→ N



Description:

- two frac tanks
- four separate hoses
- two lower hoses
and two hoses
to top of blue
tank

Draw North Arrow



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Tim Dregue

Site/Location: Diversified Marine Tech / 2531 22nd St. Causeway South, TAMPA, FL

Description:

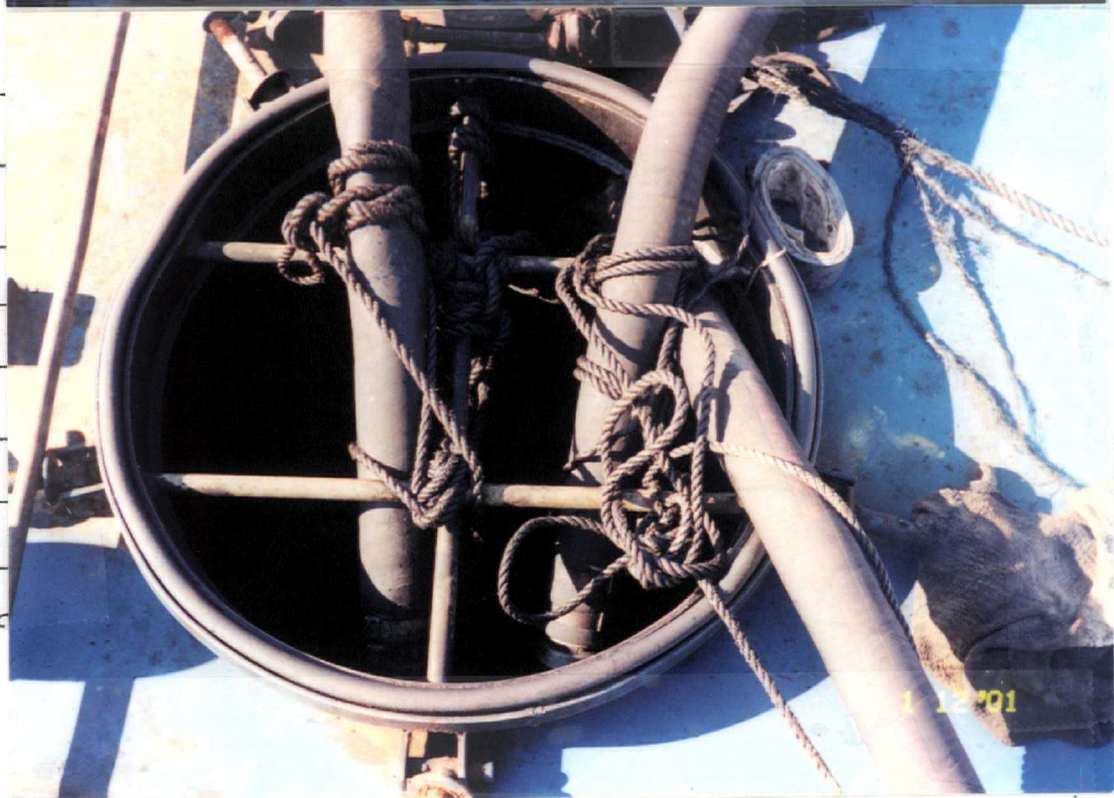
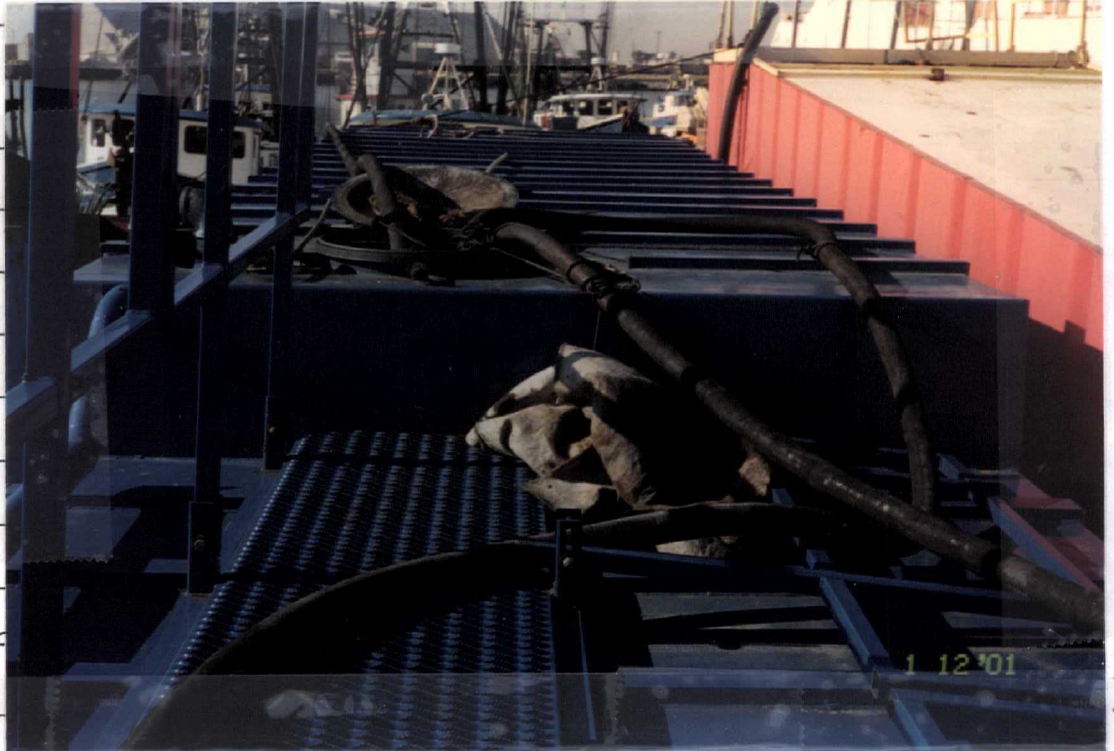
- top of used
oil frac tank
- dispensing hoses
leading to top
portal of tank

Draw North Arrow
Arrow 

Description:

- three hoses
leading to
top portal of
frac tank.
- hoses tied
in place with
rope.

Draw North Arrow
Arrow



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregue

Site/Location: Diversified MARINE Tech / 2531 22nd St. CAUSEWAY SOUTH, TAMPA, FL

Description:

- hose coming
from shrimp
boats to top
of used oil
frac tank



Draw North Arrow

Description:

- three frac
tanks for hot
water and
cleaning ships



Draw North Arrow

PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregue

Site/Location: Diversified Marine Tech / 2591 22nd St CAUSEWAY SOUTH, TAMPA, FL

Description:

- deck of
Coffee River
Barge.



Draw North Arrow

Description:

- old compressor
- oil staining
on ground



Draw North Arrow

PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Tim Dregue

Site/Location: Diversified Marine Tech / 2531 22nd St. CAUSEWAY SOUTH, TAMPA, FL

Description:

- five gallon
buckets of used
oil after being
move into
shipping con-
tainer

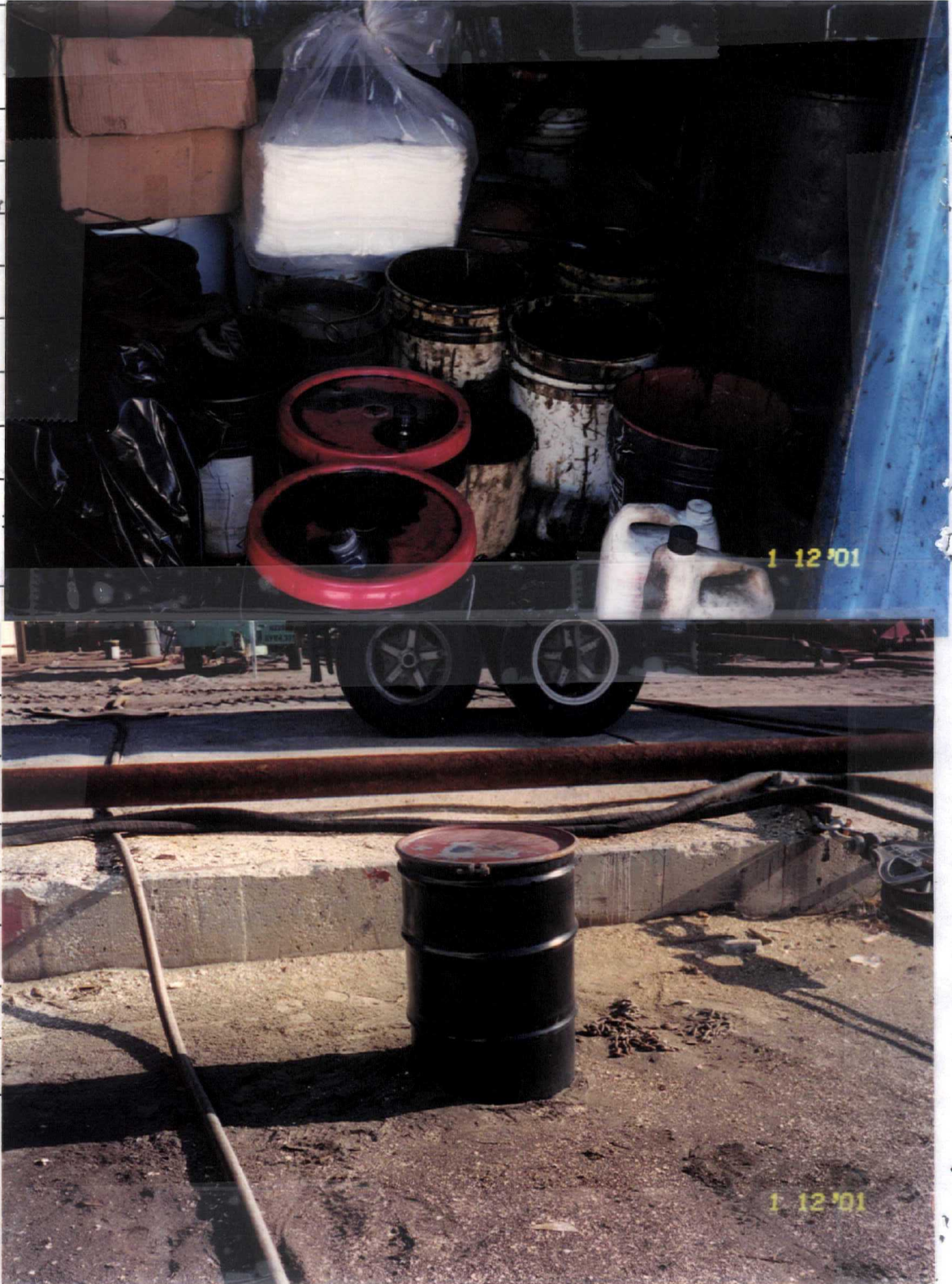
- No labels.

Draw North Ar
Arrow
N

Description:

- drum of
oily waste
- no label

Draw North Ar
arrow



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Tim Dregue

Site/Location: Diversified Marine Tech / 2531 82nd St. CAUSEWAY SOUTH, TAMPA, FL

Description

- bucket of
- used oil
- NO label

Draw North
Arrow



Description

- bucket of
- used oil
- NO label

Draw North
Arrow



PHOTOGRAPHS

Date Taken: JANUARY 11, 2001 * *date on photo one day off.

Taken By: Jim Dregne

Site/Location: Diversified Marine Tech / 2531 22nd St. CAUSEWAY SOUTH, TAMPA, FL

Description:

- drum of oily waste
- No Marking
- worker cleaning-up area during inspection

Draw North Arrow



Description:

- workers cleaning area around shed during inspection.
- Moving drums into shipping container

Draw North Arrow



To:

EUGENE RUSSEL
Diversified Environmental Serv.

Phone: (813) 248-3256

Fax phone: (813) 247-5453

CC:

From:

Jim Dregne
HAZARDOUS WASTE SECTION

Phone: (813) 744-6100 X410

Fax phone: (813) 744-6125

REMARKS:



Urgent



For your review



Reply ASAP



Please comment

GENE:

I have sent the two forms that you need to complete. Please send them back to ME when they are completed.

Your status for June will change from a non-handler to a large quantity generator

I will be out of town until August 26th. If you have any questions, my boss, BETH KNAUS (x383) can help you.

When I get back we can talk about what Diversified Envir. Services needs to do about complying with HUS rules

Jim

92475453	NORMAL	7,16:18	6.32"	5	OK	
Telephone Number	Mode	Start	Time	Pages	Result	Note

Jul 7 1999 16:25

P.1

** Transmit Conf. Report **

WASTE MGT TAMPA SMD Fax: 8137446125

Memorandum

To: Jim Dregne
From: Elizabeth Knauss
Date: July 7, 1999
Subject: Tampa Shipyards
Hillsborough County

Today I received a call from

David Callaghan
O. S. G. Ship Maintenance
212/578-1890
fax 212/251-1145

He was requesting a temporary EPA ID number for 12 to 16 drums of tank bottom sludge which had been removed from the ship Overseas Vivian as part of a routine Coast Guard maintenance. Diversified Marine was to handle the bottoms, and had them tested. After determining the waste was hazardous, the disposal job was given to City Environmental. Callaghan is faxing us the results.

Callaghan said that the OMC people did the tank cleaning and drummed the waste. He also said that the waste is already off the ship – he seems to be under the impression that the waste is at City. This may be why Tampa Ship does not want their EPA ID number to be associated with the job. Callaghan did not know if the waste was offloaded directly from the ship to the transport vehicle. Callaghan did not know why Tampa Ship wanted OSG to get a temporary number. The first he heard of the situation was yesterday. Callaghan's contact is Manny --- at 247-1304.

Have you heard about this situation at all?

OSG SHIP MANAGEMENT, INC.

A WHOLLY-OWNED SUBSIDIARY OF OSG

511 FIFTH AVENUE
NEW YORK, N.Y. 10017TELEPHONE: (212) 953-4100
CABLE: OSGSHIP
TELEX: 420347 OSGSHIP**FAX COVER SHEET**

TO: <i>Beth Karanuss</i>	FROM: <i>David P. Callaghan</i>
DATE: <i>7/7/99</i>	TOTAL NO. OF PAGES INCLUDING COVER: <i>4</i>
RECEIVING FAX NUMBER: <i>813-744-6125</i>	SENDER'S FAX NUMBER: <i>212-251-1145</i>
SENDER'S PHONE NUMBER: <i>212-578-1890</i>	SENDER'S EMAIL ADDRESS: <i>dcallaghan@osgship.com</i>

PLEASE NOTE: The information contained in this facsimile is confidential and is intended only for the use of the person named above. If this facsimile has come to you in error, please call the sender or operator at the number given above.

 URGENT FOR YOUR INFORMATION PLEASE REPLY

MESSAGE:

*Attached is the Laboratory Analysis
for the Overseas Vindicator as per our
telcom.*

Thanks
[Signature]

FROM: KONICA FAX

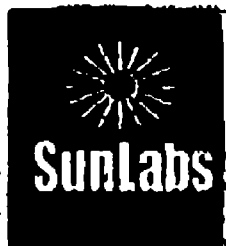
TO:

8132476553

FEB 19, 1998

2:14PM

P.02



Report of Laboratory Analysis
Project Number 980510.04
June 22, 1998

SunLabs Sample No.
Sample Designation
Date Sampled

4454
O.S. Veian
6/10/99

Compound	Method	Units	Results
<u>Volatiles Organic Compounds By EPA Method 8021</u>			
Date Analyzed			6/17/99
Surrogate	8021	%	80
TCLP Benzene	8021	mg/L	2.3

<u>Florida Petroleum Range Organics</u>			
Date Extracted			-
Date Analyzed			-
Surrogate		%	-
Petroleum Range Organics	FLPRO	mg/kg	-

<u>RCRA 8 metals</u>			
Silver	8010	mg/kg	<12
Arsenic	8010B	mg/kg	260
Barium	8010	mg/kg	130
Cadmium	8010	mg/kg	75
Chromium	8010	mg/kg	180
Lead	8010	mg/kg	70
Selenium	8010	mg/kg	<12
Mercury	7471	mg/kg	0.73

Flashpoint	1010	Flashed at or below 60F
------------	------	-------------------------

SunLabs, Inc.

PO Box 20074

DEP Comp/QAP # 970077

Phone 813 881 5481
Fax 813 881 5481
email sunlabs@aol.com

FROM: KONICA FAX

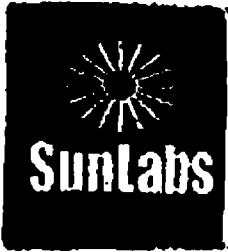
TO:

8132476553

FEB 19, 1999

2:14PM

P.03



Page 3

Report of Laboratory Analysis
Project Number 980610.04
June 22, 1999

SunLabs Sample No.
Sample Designation
Date Sampled

4454
O.S. Milan
6/10/99

Compound	Method	Units	Results
<u>Semi-volatile Organics by EPA method 8270</u>			
Date Extracted	-	-	6/17/99
Date Analyzed	-	-	6/18/99
2-Fluorophenol	8270	%	SD
Phenol-d6	8270	%	SD
2,4,6-Tribromophenol	8270	%	SD
2-Fluorobiphenyl	8270	%	SD
Nitrobenzene-d5	8270	%	SD
4-Terphenyl-d14	8270	%	SD
2,4-Dinitrotoluene	8270	mg/kg	<3300
Hexachlorobenzene	8270	mg/kg	<3300
Hexachlorobutadiene	8270	mg/kg	<3300
Hexachloroethane	8270	mg/kg	<3300
Nitrobenzene	8270	mg/kg	<3300
Pyridine	8270	mg/kg	<3300
m-Cresol	8270	mg/kg	<3300
o-Cresol	8270	mg/kg	<3300
p-Cresol	8270	mg/kg	<3300
Pentachlorophenol	8270	mg/kg	<3300
2,4,5-Trichlorophenol	8270	mg/kg	<3300
2,4,6-Trichlorophenol	8270	mg/kg	<3300

SunLabs, Inc.

DEP CompQAP 8 870077

Phone: 813 881-4101
Fax: 813 881-9401
e-mail: info@sunlabs.com

FD No. 760154

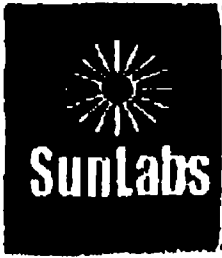
FROM: KONICA FAX

TO:

8132476553

FEB 19, 1999

2:15PM P.84



Page 4

Report of Laboratory Analysis
Project Number 990810.04
June 22, 1999

Footnotes

- MI=Matrix Interference-Sample formed a heavy emulsion upon extraction.
- SMI=Surrogate recovery out of range due to the presence of non-target analytes.
- D=Sample diluted due to the presence of target and/or non-target analytes.
- SD=Surrogate diluted out.
- C1=Compound confirmed by secondary column.
- C2=Compound confirmed by Gas Chromatography/Mass Spectroscopy(GC/MS).
- MB=Method Blank
- MS=Matrix Spike
- MSD=Matrix Spike Duplicate
- LCS=Laboratory Control Sample
- LCSD=Laboratory Control Sample Duplicate
- RPD=Relative Percent Difference

SunLabs, Inc.

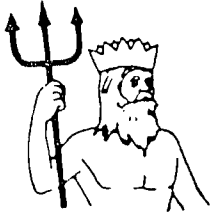
15102 W. 01
CHAS. H. WOOD

DEP CompQAP # 870077

Phone 877-841-8400
Fax 813-881-2451
Email: service@sunlabs.com

~~BOB~~

DIVERSIFIED ENVIRONMENTAL SERVICES, INC.



P.O. Box 5357
Tampa, FL 33675-5357
(813) 248-3256
1 (800) 786-3256
Fax: 1 (813) 247-5453

OIL AND OILY WASTE TRANSFER PROCEDURES

TANK BARGE COTTEE RIVER, O.N. 173680

1. OIL PRODUCTS CARRIED ON BOARD

The following oil products are carried on board the COTTEE RIVER

- a. Waste oils, grades B and lower
- b. Diesel oil No. 2

FIRST AID: No. 2 fuel oil has a Yellow-brown oily liquid appearance (diesel fuel may be dyed red) with a distinct fuel oil odor. Waste oils are made up primarily of water with varying amounts of lube and/or fuel oils mixed. These products are flammable or combustible, with a flash point above 110 degrees F. and must be kept away from heat or open flames.

Exposure to liquids may be irritating to the skin and eyes, harmful if swallowed. First aid should include the following: Call for Medical Aid, Remove contaminated clothing and shoes, Flush affected areas with plenty of water, IF IN EYES hold eyelids open and flush with plenty of water, IF SWALLOWED and victim is conscious, have victim drink water or milk. DO NOT INDUCE VOMITING.

For safe handling, wear rubber gloves, protective clothing, and face shield or splash proof goggles. If a spill occurs follow the procedures outlined in the Shipboard Oil Pollution Emergency Plan.

If a fire occurs use the portable CO2 or dry chemical fire extinguishers.

These Transfer Procedures apply to all fuel and cargo oil and oily waste transfers including tank to tank transfers within the barge and transfers between ship and barge or from a shore facility.

REVISED 1 NOVEMBER, 1997

2. OIL TRANSFER SYSTEM DESCRIPTION

See the attached drawing of the barge piping system which includes each valve, pump, control device, vent, overflow, and fuel and lube oil tank locations. Tank capacities are as follows:

- No. 1 Main cargo tanks P & S capacity at 98% full: 70,422 gallons ea.
- No. 2 Main cargo tanks P & S capacity at 98% full: 71,520 gallons ea.
- No. 3 Main cargo tanks P & S capacity at 98% full: 71,526 gallons ea.
- No. 4 Main cargo tanks P & S capacity at 98% full: 70,423 gallons ea.

Total capacity at 98% full: 13,406 BBLS.

Aft. generator and cargo pump tank capacity at 90% full: 450 gallons

Generator day tank capacity at 90% full: 9 gallons

Filling the main cargo tanks is accomplished from either port or starboard sides through 6 inch cargo manifold. Soundings are taken using sounding tubes located on deck at the inboard sides of the tanks. Each tank is vented to the main deck and each tank is fitted with a Bergan Guard Level 07324MSD Magnetically Coupled Dip-stick which gives a visual tank level indication of the upper 1.0 meter (3.28 feet) of the tank. Discharge containment around each tank vent and deck fill station consists of a fixed box of at least 1/2 BBL capacity, and is emptied manually with a barrel pump or buckets and rags. Each containment is fitted with a drain plug and cover to keep rain water out when not in use. The entire main deck is enclosed by a 6 inch coming fitted with drain holes and plugs.

Cargo is transferred between main cargo tanks using the barge fixed piping system and either the deep well pump or the below deck diesel driven pump. The barge deep well transfer pump is normally used when transferring cargo on or off of the barge.

The after generator and cargo pump day tank mounted on deck, aft port side and is vented through a goose neck vent on top of the tank, the tank is located within the main deck fixed containment area. The tank is sounded locally with a sounding tube at the tank top. The tank is fueled from shore by a mobile fuel truck using the truck transfer hose and pump. The transfer hose is equipped with a back pressure shut off valve.

3. PERSONNEL REQUIRED FOR TRANSFER

One licensed Tankerman shall remain on the barge during any transfer to or from or within the barge. He is designated the Person-in-Charge (PIC) on the barge. One additional employee may be assigned to assist the PIC anytime oil is being transferred on, off, or within the barge.

4. DUTIES OF PERSONNEL DURING TRANSFER OPERATIONS

The Person-in-Charge (PIC) must be thoroughly familiar with all of the barge piping systems, tank locations and capacities, Federal requirements contained in 33 CFR 154 and 156, any state and local requirements, Tampa Bay Marine mobile facility operations manual, and the contents of these Vessel Specific Oil and Oily Waste Transfer Procedures.

The following specific procedures must be followed during a transfer:

A. ALL TRANSFERS -

- 1) Close or plug all scuppers. Display red warning flag during daylight hours and red cargo light from dusk till dawn. Post warning sign at gangway.
- 2) Insure fixed containment under vents and manifolds are empty, covers removed, and drain plugs in place.
- 3) Verify Barge is properly and securely moored/Anchored.

B. TAKING ON or DISCHARGING CARGO USING SHORE PUMP-

- 4) Gauge cargo tanks being loaded and enter the following information in oil log.

tank #	tank gauge feet/inches	barrels in tank	tank capacity at 100%	available cap. at 98%	expected receipt	actual receipt
_____	_____	_____	_____	_____	_____	_____

- 5) Verify all cargo tank suction/discharge valves and pump isolation valves are securely closed.
- 6) Remove cap on magnetically coupled level indicator for tank being filled
- 7) Conduct pre-transfer conference with the transferring facility PIC and complete Declaration of Inspection with him.
- 8) Connect Cargo transfer hose to Port or Starboard manifold connection
- 9) Open the cargo tank valve for the tank to be filled.
- 10) Open manifold valve
- 11) Begin transfer using transferring facility pump.
- 12) Check cargo transfer rate and gauge tank you are pumping to regularly.

C. TAKING ON or DISCHARGING CARGO USING DEEP WELL PUMP-

- 4) Gauge cargo tanks being loaded and enter the following information in oil log.

tank #	tank gauge feet/inches	barrels in tank	tank capacity at 100%	available cap. at 98%	expected receipt	actual receipt
_____	_____	_____	_____	_____	_____	_____

- 5) Verify all cargo tank suction/discharge valves and pump isolation valves are securely closed.
- 6) Remove cap on magnetically coupled level indicator for tank being filled
- 7) Conduct pre-transfer conference with the transferring facility PIC and complete Declaration of Inspection with him.
- 8) Connect Cargo transfer hose to Port or Starboard manifold connection
- 9) Open the cargo tank valve for the tank to be filled.
- 10) Open pump suction and discharge valves.
- 11) Open manifold valve.
- 12) Begin transfer using deep well pump.
- 13) Check cargo transfer rate and gauge tank you are pumping to regularly.

D. DISCHARGING CARGO/WATER THROUGH EXPANSION TRUNK -

- 4) Gauge cargo tanks being loaded and enter the following information in oil log.

tank #	tank gauge feet/inches	barrels of oil in tank	barrels of water in tank
_____	_____	_____	_____

- 5) Verify all cargo tank suction/discharge valves and pump isolation valves are securely closed.
- 6) Conduct pre-transfer conference with the transferring facility PIC and complete Declaration of Inspection with him.
- 7) Open the cargo tank expansion trunk for the tank to be pumped from.
- 8) Rig air pump and suction wand as shown on attached diagram.
- 9) Begin transfer using air diaphragm pump.
- 10) Check cargo transfer rate and gauge tank you are pumping to regularly.

Note: This procedure outlined in DMT letter dated 30 November, 1995 to Marine Safety Office, Tampa, FL

E. FUELING GENERATOR/DEEP WELL PUMP TANK -

- 4) Conduct pre-transfer conference with the transferring facility PIC and complete Declaration of Inspection with him.
- 5) Start transfer using tank truck hose with back pressure shut off valve.
- 6) Do not fill tank more than 90% full.
- 7) Barge PIC must remain at tank during entire time it is being fueled.

5. VESSEL MOORINGS

The crewman assigned to assist the barge PIC shall, at regular intervals, check and adjust mooring lines as required.

6. COMMUNICATIONS AND EMERGENCY SHUTDOWN

During transfers to or from the COTTEE RIVER the PIC will normally be in visual contact with the delivering ship or barge, or shore side PIC . When this is not the case they must remain in voice contact by Intrinsically safe radio.

Emergency shutdown when taking on or discharging cargo using the onboard deep well pump is accomplished by voice or radio command to the transferring PIC and the emergency shut off control located midship just forward of the cargo manifold. The below deck pump engine shutdown is located at the forward end of the aft deckhouse on the port side next to the steps.

Emergency shutdown when fueling barge day tank is accomplished by the shore side PIC stopping the transfer pump, and shutting the valve at the tank .

7. TOPPING OFF TANKS

The PIC must regularly sound all cargo tanks when receiving cargo or fueling generator/pump tank. When diesel fuel tank reaches approximately 80% reduce the loading rate and do not fill fuel tank more than 90% of total capacity. Do not fill any cargo tank to more than 98% of total capacity.

8. SECURING FROM TRANSFER OPERATIONS

The PIC shall ensure the following tasks are completed following any transfer operation.

A. Properly drain all hoses used in transfer operation, cap or blank off all hose ends when connections are broken.

B. Verify the following valves are closed: (Cargo transfers): Tank fill/suction valves, deck station valves, pump isolation valves; (Fueling day tanks): main deck fuel fill cap.

C. Empty any oil from containment areas and properly dispose of waste oil tank.

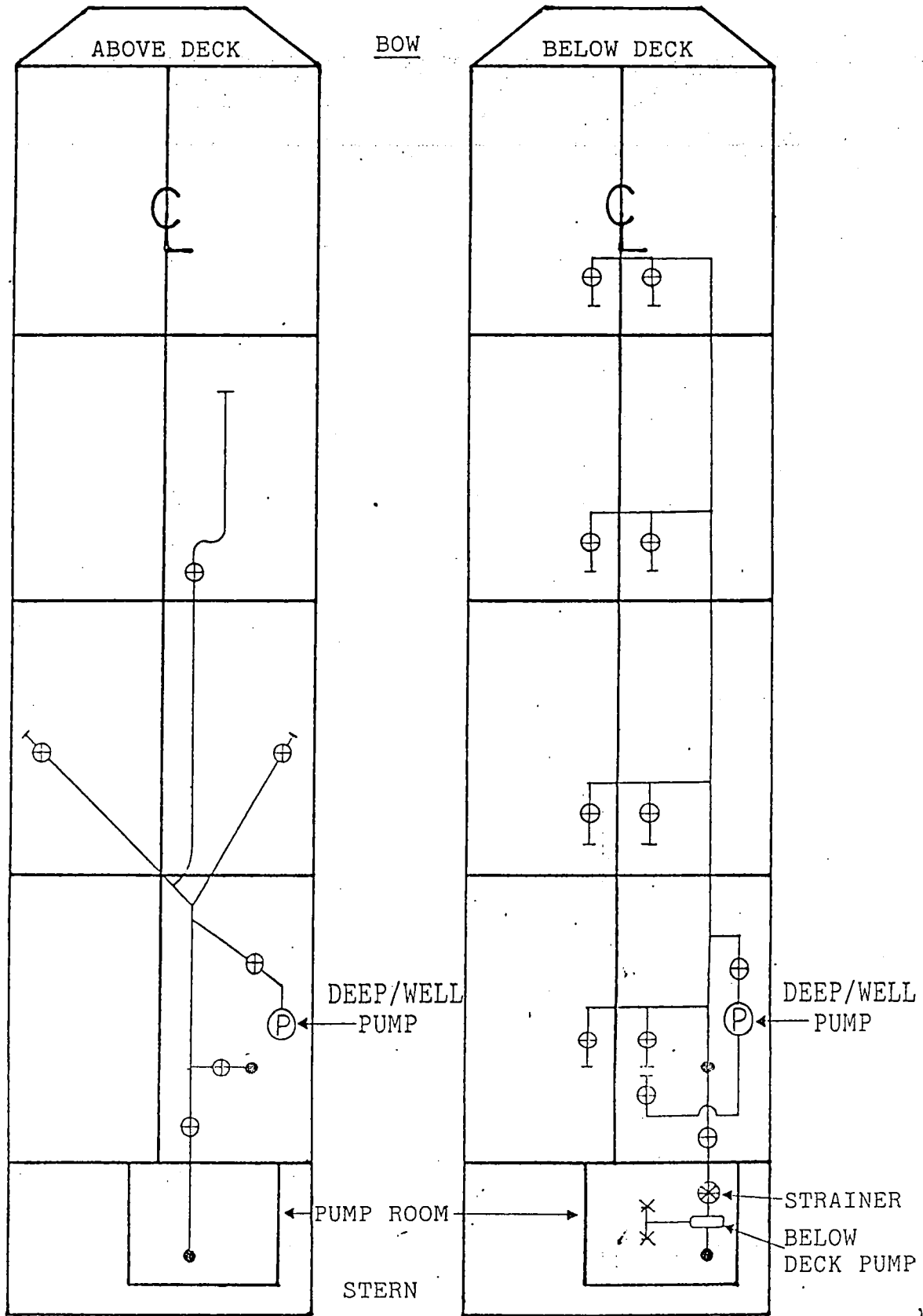
D. Check fuel tank for water and take final tank gaugings. Compare final gaugings with initial gaugings to determine amount of fuel received/transferred.

E. Secure all equipment used in the transfer operation

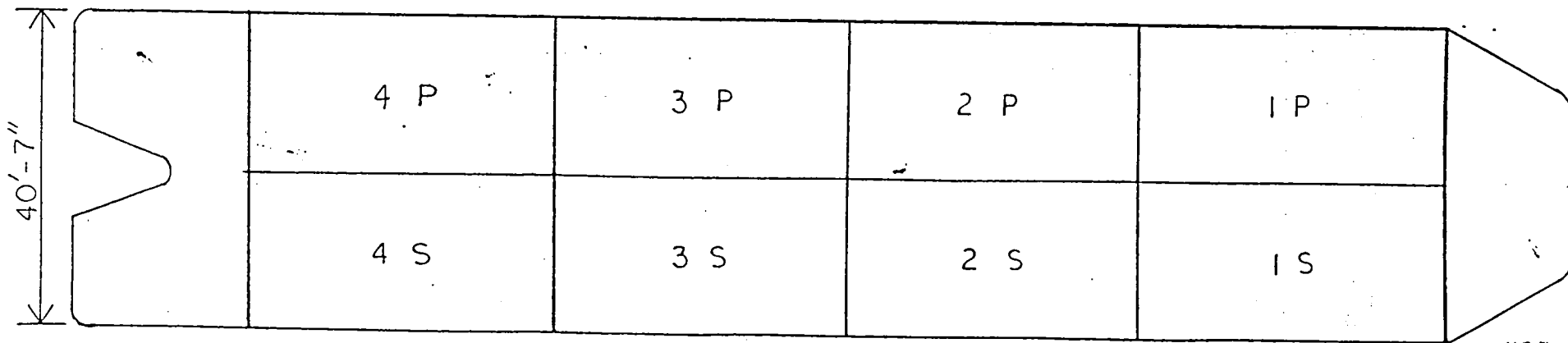
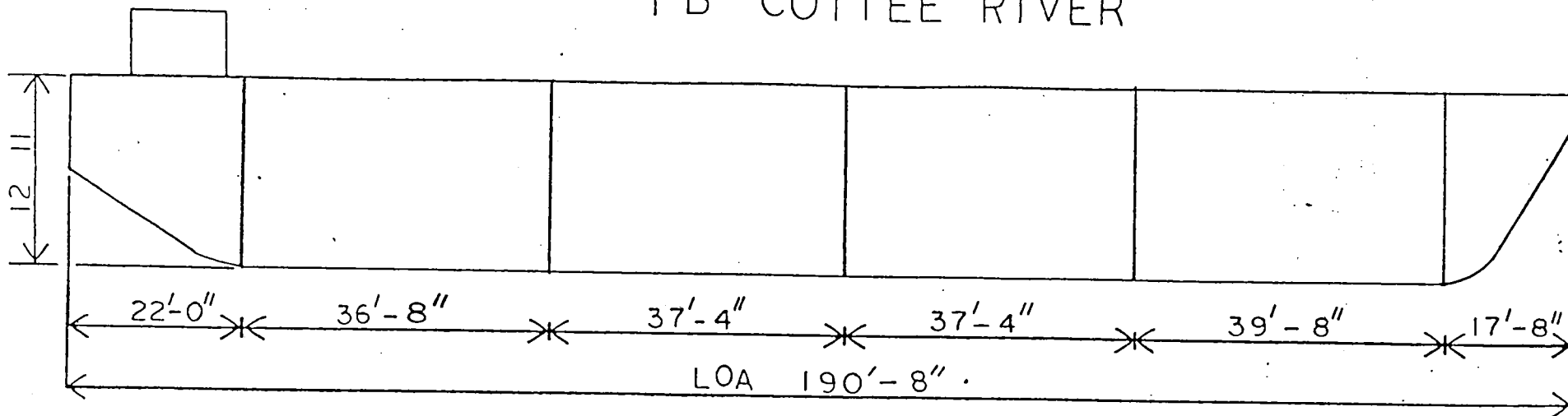
9. REPORTING OIL SPILLS

Report and respond to any oil spill as required by the Oil Pollution Emergency Plan dated 4 April, 1995. Use emergency procedures and emergency check list posted in deck house.

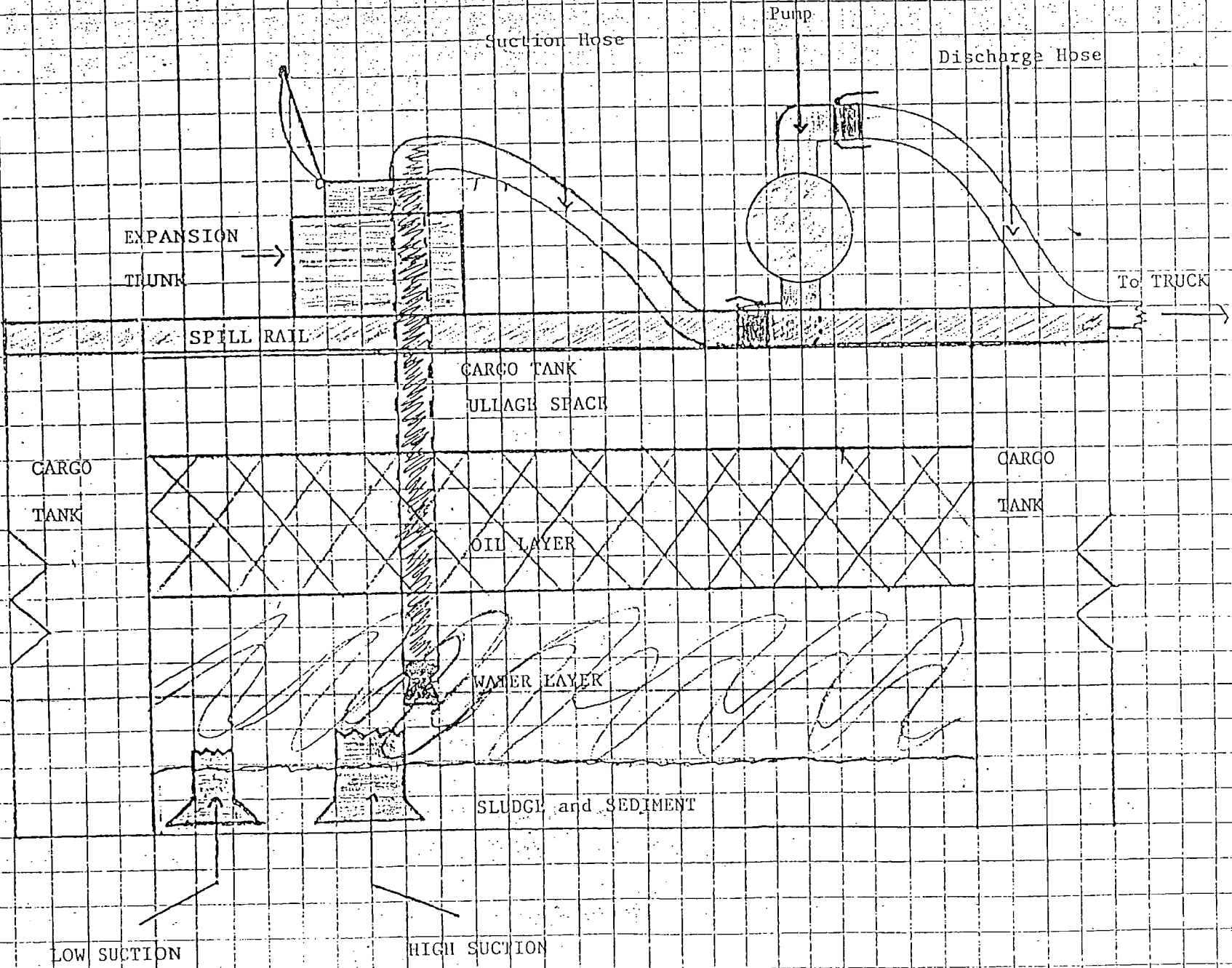
ARGE "COTTEE RIVER"
PIPING DIAGRAM



T B COTTEE RIVER



PROCEDURE FOR STRIPPING WATER



Suction Hose

Pump

Discharge Hose

EXPANSION

TRUNK

To TRUCK

SPILL RAIL

CARGO TANK

ULLAGE SPACE

CARGO

TANK

CARGO

TANK

OIL LAYER

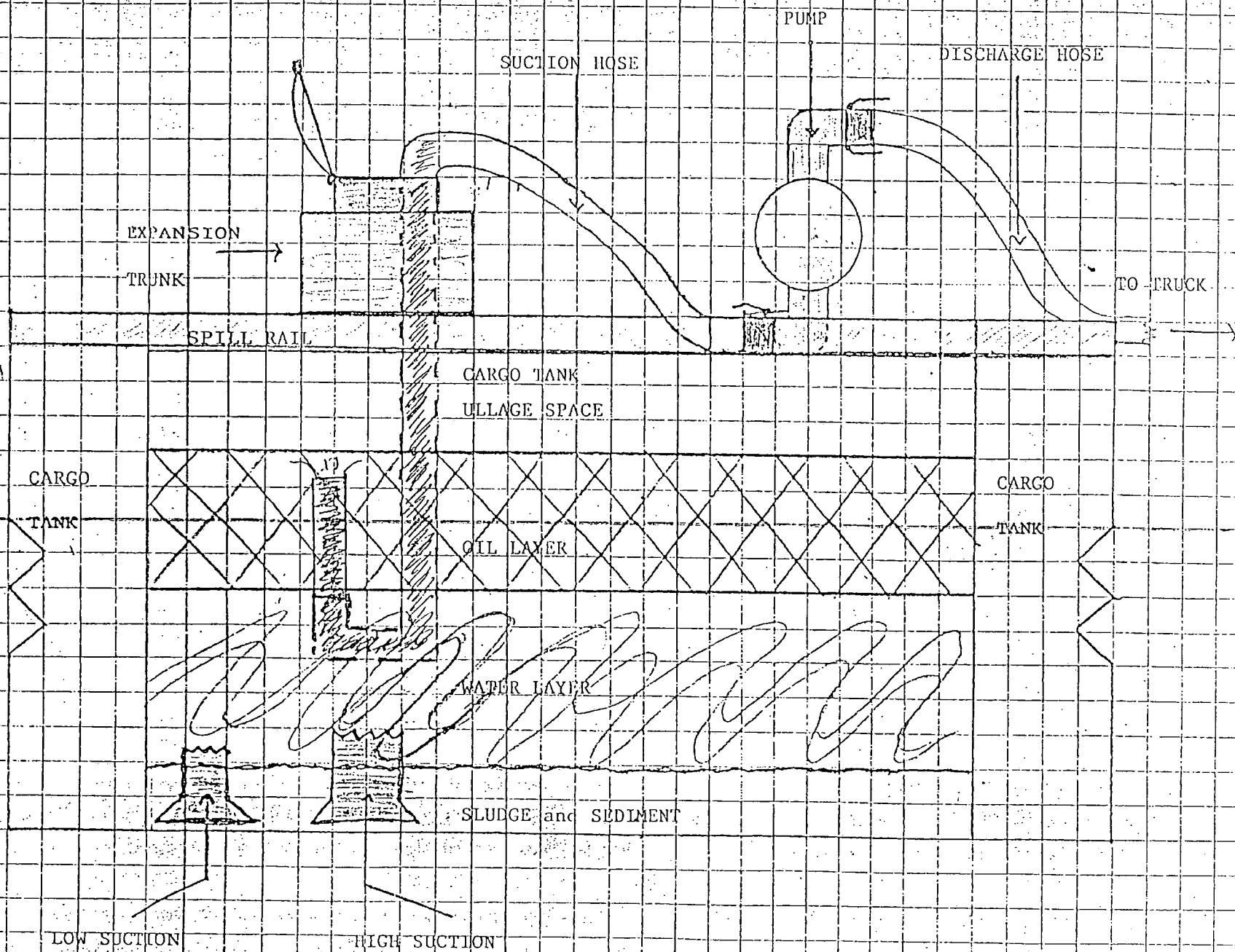
WATER LAYER

SLUDGE and SEDIMENT

LOW SUCTION

HIGH SUCTION

PROCEDURE FOR STRIPPING OIL



DMT

What happened to the Elk River Barge? How long ago was it taken out of service? I think we should cite 262.11 and/or some of the provisions under 279, if it was taken out of service after June of 1995.

279.10 for regulating residues,

279.47 for transporters managing residues, (If the bottoms were processed to remove all free flowing oil, we have better documentation for making the facility comply with the processor rules. If the bottoms had free flowing oil, the facility should have records of the shipments under 279.46)

279.59 for processors managing residues

Page 2 Does DMT accept waste from non-shipboard sources?

Page 3 Include citations for Registration and application for use of the general permit under 62-710. The issue gets more complicated (--naturally, this is RCRA.) I reviewed the 9/10/92 Federal Register.

- IS RECORDKEEPING FOR DMT SHOWN UNDER TBMS? -

57 FR 41585 With respect to used oil generated on ships --

“Used oil generated by ships or vessels..are not subject to used oil mangement standards until the used oils are transported ashore. When used oils are ... taken ashore...both parties are co-generators of the used oil and ... are responsible for managing the used oil in acordance with the used oil generator standards.” See 279.20(a)(2)

I read this to mean that ship-to-ship oil transfers are not regulated. If DMT removes oil from ships at their site or from ships on the water, they can store it in the barge as the generator by complying with 279.22.

If DMT removes the oil from ships at other drydocks, they can still transport the oil under the self transport provisions of 279.24. This limits the transport to 55 g at a time, transported in a vehicle owned by DMT or an employee.

If DMT transports more than 55 gallons to the barge by land from off site, they are subject to the transporter/transfer facility rule. This includes secondary containment. This appears to be an unanticipated conflict with Coast Guard rules. 57 FR 41605 discusses the relation ship of this rule to MARPOL 73/78, but only with respect to oil “generated” on shipboard. Offsite oil being stored on shipboard was not discussed.

There does not appear to be any justification for exempting DMT from secondary containment or deferring regulation of the barge to the Coast Guard. 57 FR 41590 makes specific reference to 40 CFR Part 112 and the Appendix that references the MOU between EPA and DOT and Executive order 11548.

Diversified Environmental Services

Pg 2 Florida Waste Environmental is a broker. Did you get documentation of disposal?

Divas. F. 2/ ENU.

HW EHP
fills Co

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
3804 Coconut Palm Drive
Tampa, Florida 33619

F A X C O V E R S H E E T

DATE: November 5, 1996 TIME: 3:02 PM

TO:

FROM:

RICK NEVES HWR SECTION	ELIZABETH B. KNAUSS HAZARDOUS WASTE SECTION
PHONE: 904/488-0300	PHONE: 813/744-6100 EXT. 383
FAX:	FAX: 813/744-6125

RE:

Number of pages including cover sheet: _____

Message

Date: 3/28/96 11:38:12 AM
From: Beth Knauss TPA
Subject: Re: Used Oil on Barges on Water
To: See Below

D. J. Fiedel
17W 2215
17W 2215

*This afternoon, I spoke with Lt. Campbell, United States Coast Guard,
*Jacksonville Marine Safety Office who referred me to Lt. Green, USCG,
*in the Tampa MSO. Both officers concurred that the jurisdiction for
*regulating petroleum products on vessels in port lie with the U.S.
*Coast Guard. Specifically, 46 CFR requires an inspection program for
*barges and 33 CFR regulates the transfer of product to and from the
*barge. 33 CFR also requires spill control, emergency response, and
*operational plans and records. It seems most compliance
documentation

*is kept on board and subject to inspection/investigation by USCG.

*Lt. Green is primarily responsible for the movement of vessels. He
*suggested contacting:

* Lt. Nichols, Pollution Investigation (813)228-2195 ext. 150
* Lt. Prescott, Inspections (813)228-2195 ext.

*130

*Lt. Green indicated that the Coast Guard would be very interested in
*working with the Department in learning more details of this
*operation. In order to assist the Department in looking into this
*practice, the Coast Guard would request the following information:

- * 1. name of the barge
- * 2. number
- * 3. dock number/physical location
- * 4. business info (business owner, mailing address etc.)

*I hope this helps in clearing up this issue.

*Rick

Rick,

I'm not arguing that the Coast Guard doesn't regulate the
barge--obviously, the barge is regulated.

My concern is that the barge is not exempt from being regulated by
FDEP too.

I have called Tracy Bone at EPA headquarters, who is supposed to be
the new used oil contact person at 202/260-3509. She said that she
had never heard of this kind of situation before, but was going to
look into it.

We have a problem here because if DES does not call the bilge wastes
they accept used oil, but calls them waste water instead, DES could
not accept any bilge waste that fails TCLP or flash point. DES would
potentially be using the barge to store hazardous waste. The barge is
not exempt as a WWTU, because it is not hard piped to the water
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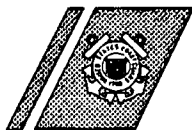
By calling bilge waste and ballast water "used oil," when not required to under 279.10(f), DES is avoiding regulation as a hazardous waste treatment facility.

DES is doing the same thing as IPC, HOWCO and IWS. I don't feel uncomfortable making them adhere to the same standards.

To: Richard Neves TAL
CC: Raoul Clarke TAL
CC: Michael Redig TAL
CC: Chris McGuire TAL
CC: Timyn Rice TPA
CC: Michael Redig TAL

U.S. Department
of Transportation

United States
Coast Guard



Commander
Seventh Coast Guard District
RECEIVED
JUL 10 1996

Department of Environmental Protection,
SOUTHWEST DISTRICT
BY _____

Diversified Env.

Hills. Co

Brickell Plaza

Federal Building

909 SE First Avenue

Miami, FL 33131-3050

Staff Symbol: (m)

Phone: (305) 536-5651

16465

JUL 5 1996

Administrator, Bureau of Solid and Hazardous Waste
Department of Environmental Protection
Attn: Mr. David Kelly
3900 Commonwealth Blvd.
Tallahassee, Florida 32399

Dear Mr. Kelly:

I recently received an inquiry from Mr. Thomas Boerger of Boerger and Associates, Inc., Tampa, FL who is a consultant for Tampa Bay Marine Service, Inc. Tampa, FL. Mr. Boerger has requested the Coast Guard's assistance in clarifying and resolving a jurisdictional issue between your Department of Environmental Protection (DEP) office in Tampa and the Coast Guard.

Tampa Bay Marine Service, Inc. owns and operates a Coast Guard inspected and certified tank barge MYAKKA RIVER (O.N. 509900). This barge has a Coast Guard Certificate of Inspection to carry bulk oil. As such, this vessel is required to comply with the applicable U.S. laws and regulations pertaining to tank vessels. Tampa Bay Marine Service, Inc. is licensed by the State of Florida as a Used Oil Transporter. This company is also considered a mobile transfer facility by the Coast Guard. The Coast Guard regulates mobile facilities that transfer oil to or from a vessel with the capacity of 250 barrels or more.

Tampa Bay Marine Service, Inc. receives oily slops from various vessels by tank truck. They temporarily store the waste oil/water in the tank barge MYAKKA RIVER, gravity separate the oil from the water, and sell the oil and properly dispose of the contaminated water.

Recently this operation was inspected by the Tampa DEP office. In their efforts to enforce the federal EPA regulations for used oil, which appear in 40 CFR 129, they had issued a requirement for the owner/operator to provide secondary containment for the barge. Their conclusion was that the barge was being used as a transfer facility or oil processor which they consider to be a "container" which would require secondary containment.

The Coast Guard Marine Safety Office in Tampa has determined that this barge is not a "permanently moored vessel" and therefore continues to require an annual inspection, periodic drydocking, and certification as a tank barge/vessel. The Coast Guard inspection is extremely detailed and focuses on hull/structure integrity, equipment operation, safety issues, pollution prevention compliance, and operational procedures.

JUL 5 1996

The immobile status of the vessel is the focal point of this issue. Since the owner's intent has been not to take the vessel out of navigation service, the Coast Guard has continued to treat the barge as a vessel. 40 CFR 279 essentially applies to land-based storage except when the regulation addresses transporting oil ashore. To provide clarity to this jurisdictional issue, we refer to 40 CFR 112.1(d)(1)(ii) which mentions the Memorandum of Understanding (MOU) between the Secretary of Transportation and the Administrator of the Environmental Protection Agency. The MOU (enclosure 1) delineates the control and authority over equipment and operations of vessels or transportation-related onshore and off shore facilities to the Coast Guard.

In an effort to provide consistency and equity pertaining to marine commerce, the Coast Guard contends that we should have primary pollution prevention authority over this vessel and its operation. Your cooperation in clarifying this matter is appreciated. If you have any questions or need additional information, please contact Lieutenant Commander Eric Mosher, on my staff, at (305) 536-6535/5651.

Sincerely,



G. E. SHAPLEY
Captain, U.S. Coast Guard
Chief, Marine Safety Division
Seventh Coast Guard District
By direction of the District Commander

Encl: (1) Memorandum of Understanding (MOU) between the Secretary of Transportation and the Administrator of the Environmental Protection Agency dated November 24, 1971.

Copy: (1) Boerger and Associates, Inc.
Attn: Mr. Thomas W. Boerger
1882 Hills Ave.
Tampa, FL 33605

(2) Department of Environmental Protection
Attn: Ms. Elizabeth Knauss
3804 Coconut Palm Drive
Tampa, Florida 33619

(3) USCG MSO Tampa

NOTICES

DEPARTMENT OF
TRANSPORTATION

Coast Guard

MEMORANDUM OF UNDERSTANDING
BETWEEN THE ENVIRONMENTAL
PROTECTION AGENCY AND THE
DEPARTMENT OF TRANSPORTATION

This memorandum establishes policies and guidelines relating to the definition of transportation and nontransportation related onshore and offshore facilities and the responsibilities of the Environmental Protection Agency and the U.S. Coast Guard with respect to the prevention of oil discharges from vessels and onshore and offshore facilities.

SECTION I—GENERAL

1. Section 11(j) (1) (C) of the Federal Water Pollution Control Act, as amended authorizes the President to issue regulations consistent with maritime safety and with marine and navigation laws establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities.

2. This authority was delegated by the President in Executive Order 11548. Section 1 of that Executive order delegates responsibility and authority to the Secretary of the Interior to carry out the provisions of subsection (j) (1) (C) of section 11 of the Act after consultation with the Secretary of Transportation relating to procedures, methods and requirements for equipment to prevent discharges of oil from nontransportation related onshore and offshore facilities. The authority delegated to the Secretary of the Interior was subsequently vested in the Administrator of the Environmental Protection Agency in Reorganization Plan No. 3 of 1970 and section 9 of Executive Order 11548.

3. Section 2 of Executive Order 11548 delegates responsibility and authority to the Secretary of Transportation in consultation with the Secretary of the Interior, to carry out the provisions of subsection (j) (1) (C) of section 11 of the Act relating to procedures, methods and requirements for equipment to prevent discharges of oil from vessels and transportation-related onshore and offshore facilities. The Secretary of Transportation in turn redelegated this authority to the Commandant, U.S. Coast Guard.

4. Although Executive Order 11548 divided responsibility and authority into transportation-related and nontransportation-related facilities, no indication of the extent of transportation relation is given. In the broadest sense every facility is transportation related. Any activity that can possibly discharge oil must transport materials to some extent and have materials transported either to, from, or by the facility.

5. In distinguishing between transportation-related and nontransporta-

tion-related facilities, a systems approach was utilized. It is recognized that the life-cycle of oil is characterized by various operations conducted at many different types of facilities. Most facilities necessarily engage in more than one type of operation. These operations include drilling, producing, refining, storing, transferring, transporting, using and disposing. To the extent possible and considering agency resource capabilities and expertise, it is considered most practical to assign one agency the responsibility for regulating a complete operation at any one facility. The Department of Transportation will generally be responsible for regulating the transferring of oil to or from a vessel at any facility including terminal facilities; the transporting of oil via highway, pipeline, railroad, or vessel; and certain storing operations. The Environmental Protection Agency will generally be responsible for regulating drilling, producing, refining, storing, disposing and certain transferring operations at various types of facilities.

6. While the following definitions are intended to be as specific and inclusive as possible, it is recognized that certain problems concerning these definitions will arise from time to time requiring the cooperation and agreement of the Department of Transportation and the Environmental Protection Agency for resolution.

SECTION II—DEFINITIONS

The Environmental Protection Agency and the Department of Transportation agree that for the purposes of Executive Order 11548, the term—

(1) "Non-transportation-related onshore and offshore facilities" means—

(A) Fixed onshore and offshore oil well drilling facilities including all equipment and appurtenances related thereto used in drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(B) Mobile onshore and offshore oil well drilling platforms, barges, trucks, or other mobile facilities including all equipment and appurtenances related thereto when such mobile facilities are fixed in position for the purpose of drilling operations for exploratory or development wells, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(C) Fixed onshore and offshore oil production structures, platforms, derricks, and rigs including all equipment and appurtenances related thereto, as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(D) Mobile onshore and offshore oil production facilities including all equipment and appurtenances related thereto as well as completed wells and wellhead equipment, piping from wellheads to oil separators, oil separators, and storage facilities used in the production of oil when such mobile facilities are fixed in position for the purpose of oil production operations, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(E) Oil refining facilities including all equipment and appurtenances related thereto as well as in-plant processing units, storage units, piping, drainage systems and waste treatment units used in the refining of oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(F) Oil storage facilities including all equipment and appurtenances related thereto as well as fixed bulk plant storage, terminal oil storage facilities, consumer storage, pumps and drainage systems used in the storage of oil, but excluding in-line or breakout storage tanks needed for the continuous operation of a pipeline system and any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(G) Industrial, commercial, agricultural or public facilities which use and store oil, but excluding any terminal facility, unit or process integrally associated with the handling or transferring of oil in bulk to or from a vessel.

(H) Waste treatment facilities including in-plant pipelines, effluent discharge lines, and storage tanks, but excluding waste treatment facilities located on vessels and terminal storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels and associated systems used for off-loading vessels.

(I) Loading racks, transfer hoses, loading arms and other equipment which are appurtenant to a nontransportation related facility or terminal facility and which are used to transfer oil in bulk to or from highway vehicles or railroad cars.

(J) Highway vehicles and railroad cars which are used for the transport of oil exclusively within the confines of a nontransportation related facility and which are not intended to transport oil in interstate or intrastate commerce.

(K) Pipeline systems which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce, but excluding pipeline systems used to transfer oil in bulk to or from a vessel.

(2) "Transportation-related onshore and offshore facilities" means—

(A) Onshore and offshore terminal facilities including transfer hoses, loading arms and other equipment and appurtenances used for the purpose of handling or transferring oil in bulk to or

from a vessel as well as storage tanks and appurtenances for the reception of oily ballast water or tank washings from vessels, but excluding terminal waste treatment facilities and terminal oil storage facilities.

(B) Transfer hoses, loading arms and other equipment appurtenant to a nontransportation related facility which is used to transfer oil in bulk to or from a vessel.

(C) Interstate and intrastate onshore and offshore pipeline systems including pumps and appurtenances related thereto as well as in-line or breakout storage tanks needed for the continuous operation of a pipeline system, and pipelines from onshore and offshore oil production facilities, but excluding onshore and offshore piping from wellheads to oil separators and pipelines which are used for the transport of oil exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended to transport oil in interstate or intrastate commerce or to transfer oil in bulk to or from a vessel.

(D) Highway vehicles and railroad cars which are used for the transport of oil in interstate or intrastate commerce and the equipment and appurtenances related thereto, and equipment used for the fueling of locomotive units, as well as the rights-of-way on which they operate. Excluded are highway vehicles and railroad cars and motive power used exclusively within the confines of a nontransportation related facility or terminal facility and which are not intended for use in interstate or intrastate commerce.

SECTION III—COORDINATION AND ENFORCEMENT

The above definitions have been developed to facilitate the development and enforcement of regulations for prevention of oil discharges and to correspond as much as possible to the existing responsibilities of the Department of Transportation and the Environmental Protection Agency. It is recognized, however, that in some situations the Department of Transportation may have expertise that could be helpful to the Environmental Protection Agency in the development or enforcement of these regulations and vice versa. Such a situation might arise in connection with the regulation of the nontransportation related facilities included within definitions 1 (J) and (K) in section II above.

It is agreed that in such situations the Department of Transportation and the Environmental Protection Agency will provide assistance to and coordinate with each other in the development and enforcement of the regulations to the extent that existing resources permit.

Done this 24th day of November 1971 at the city of Washington.

For the Department of Transportation,

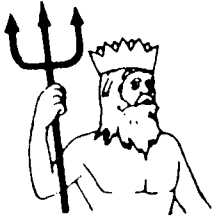
JOHN A. VOLPE.

For the Environmental Protection Agency,

WILLIAM D. RUCKELSHAUS.

[PR Doc.71-13542 Filed 12-17-71;3:48 am]

DIVERSIFIED ENVIRONMENTAL SERVICES, INC.



P.O. Box 5357
Tampa, FL 33675-5357
(813) 248-3256
1 (800) 786-3256
Fax: 1 (813) 247-5453

29 March, 1996

RECEIVED
APR - 2 1996

Department of Environmental Protection
SOUTHWEST DISTRICT

BY _____

Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619
Attn: Timyn Rice

Re: Diversified Marine Tech, Inc. Warning Letter #88468

Dear Mr Rice,

Enclosed please find a copy of the Lab report of the DMT sand blast grit done by Southern Analytical Laboratories, Inc. as required by the referenced letter of warning.

We will advise you as to the final results of the Myakka River waste water analysis by EPA method 8240 when it is received.

Sincerely,

A handwritten signature in cursive script, appearing to read 'T. Boerger'.

Thomas W. Boerger, for
Gerry McCormick
President

SOUTHERN ANALYTICAL LABORATORIES, INC.

110 BAYVIEW BOULEVARD, OLDSMAR, FLORIDA 34677

813-855-1844

Diversified Marine Tech
1201 N. 22nd Street
Tampa, Florida 33605

March 28, 1996
Project No. 08919
Page 1 of 2

LABORATORY REPORT

Project Description: Analysis of Grit Sample

Sample Description: 01 - TCLP Ext., Black Beauty, sampled 3/15/96, 0900

Date Received: 3/15/96, 1035

TOXICITY CHARACTERISTIC LEACHING PROCEDURE PARTIAL CONTAMINANT LIST*

<u>Contaminant</u>	<u>Units</u>	<u>(01) TCLP Ext. Black Beauty</u>	<u>TCLP Extraction Blank</u>	<u>Regulatory Level</u>
Arsenic	mg/l	0.1 U	0.1 U	5.0
Barium	mg/l	0.2 U	0.02 U	100.0
Cadmium	mg/l	0.004 U	0.004 U	1.0
Chromium	mg/l	0.04 U	0.04 U	5.0
Lead	mg/l	0.1 U	0.1 U	5.0
Mercury	mg/l	0.001 U	0.001 U	0.2
Selenium	mg/l	0.1 U	0.1 U	1.0
Silver	mg/l	0.02 U	0.02 U	5.0

U - Analyte was not detected; indicated concentration is method detection limit.

* 40 CFR 261.24, Table I

FHRS Environmental Lab No. E84129
FHRS Drinking Water Lab No. 84269
Comprehensive QA Plan No. 870317G


Francis I. Daniels
Laboratory Director

Diversified Marine Tech
1201 N. 22nd Street
Tampa, Florida 33605

March 28, 1996
Project No. 08919
Page 2 of 2

LABORATORY REPORT

Project Description: Analysis of Grit Sample

<u>Parameter</u>	<u>Method</u>	<u>Detection Limit</u>	<u>Analysis Date</u>
TCLP Bottle Extraction	EPA 1311		3/18/96
TC Contaminants			
Metals			
Arsenic	EPA 3010/6010	0.1 mg/l	3/27/96
Barium	EPA 3010/6010	0.02 mg/l	3/27/96
Cadmium	EPA 3010/6010	0.004 mg/l	3/27/96
Chromium	EPA 3010/6010	0.04 mg/l	3/27/96
Lead	EPA 3010/6010	0.1 mg/l	3/27/96
Mercury	EPA 7470	0.001 mg/l	3/22/96
Selenium	EPA 3010/6010	0.1 mg/l	3/27/96
Silver	EPA 3005/6010	0.02 mg/l	3/28/96


Francis I. Daniels
Laboratory Director

Date: 3/28/96 11:38:12 AM
From: Beth Knauss TPA
Subject: Re: Used Oil on Barges on Water
To: See Below

*Diversified
ITW EWF
Hills Co*

*This afternoon, I spoke with Lt. Campbell, United States Coast Guard,
*Jacksonville Marine Safety Office who referred me to Lt. Green, USCG,
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To: Richard Neves TAL
CC: Raoul Clarke TAL
CC: Michael Redig TAL
CC: Chris McGuire TAL
CC: Timyn Rice TPA
CC: Michael Redig TAL

U.S. Department
of Transportation

United States
Coast Guard



Commanding Officer
U. S. Coast Guard
Prev. Marine Safety Office

55 Columbia Dr.
Tampa, FL 33606-3598
Staff Symbol:
Phone:

(813) 228-2193

1700
14 February 1996

Florida Department of Environmental Protection
Att. Timyn Rice
3804 Coconut Palm Drive
Tampa, FL 33619-8218
(813)744-6100

Gentlemen:

I have enclosed the requested inspection books used as a check off for US tank vessel inspections. The regulations that apply to Tank Vessels are contained in 46 CFR parts 30 through 40, and parts 150 through 154. If you have further questions feel free to call our office.

Sincerely,

KEN KOSTECKI
Lieutenant Junior Grade
Marine Inspector
U.S. Coast Guard

Encl: (1) Tankship Hull Inspection Book
(2) Barge Inspection Book

BARGE INSPECTION BOOK

TANKSHIP HULL INPSECTION BOOK

Columbian® - 55 Clasp (6 x 9)

**TANKSHIP
HULL INSPECTION BOOK**

NAME OF VESSEL	
OFFICIAL NUMBER	FLAG
ZONE OF INSPECTION	CALL SIGN
DATE OF CARGO GEAR CERTIFICATE	
VESSEL CLASSIFICATION	BY
DATE OF LOAD LINE	DATE OF ENDORSEMENT
LOAD LINE ROUTE AUTHORIZED	
MARINE DOCUMENT/CERTIFICATE OF REGISTRY	
DATE OF FCC CERTIFICATE	
APPLICATION RECEIVED	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
INITIAL INSPECTION	DATE COMPLETED
INSPECTION FOR CERTIFICATION	DATE COMPLETED
REINSPECTION	DATE COMPLETED
<input type="checkbox"/> MID PERIOD <input type="checkbox"/> OTHER	
FOREIGN TANK VESSEL SAFETY EXAMINATION	DATE COMPLETED
LOC EXAMINATION	DATE COMPLETED

INSTRUCTIONS

The policies set forth in the Marine Safety Manual and current Instructions, Directives and Notices shall be followed when utilizing this book for conducting inspections/examinations of U.S. flag and foreign flag tank vessels. It is stressed that the scope of the examination of foreign flag tank vessels entering U.S. waters is to ensure that the vessel is in compliance with the general safety control provisions of SOLAS 60, the applicable International Load Line Convention (1930 or 1966) and with all applicable U.S. regulations. The Parts of this book applicable to foreign flag tank vessels are to be utilized as a "guide" during the course of the examination and should not be construed as restrictive or as all inclusive. Utilize only the Parts of the book which are applicable to the tank vessels being inspected/examined. Non-applicable Parts and Sub-Parts should be lined out with and "N/A" placed opposite the items.

PART I (Pages 4 to 34)

Applicable to *all U.S. flag* tank vessels carrying flammable and combustible liquid cargo in bulk and/or certain dangerous cargoes in bulk. This Part is *not* to be used for the examination of foreign flag tank vessels.

PART II (Pages 34 to 44)

Applicable to *all U.S. flag and foreign flag* tank vessels carrying flammable and combustible liquid cargo in bulk and/or certain dangerous cargoes in bulk.

PART III (Pages 44 to 54)

Applicable to *all foreign flag* tank vessels carrying flammable and combustible liquid cargo in bulk and/or certain dangerous cargoes in bulk.

PART IV (Pages 54 to 80)

Applicable to *all U.S. flag and foreign flag* tank vessels carrying certain *dangerous* cargoes in bulk.

The applicable Parts of this book should also be utilized in conjunction with CG-840F when conducting an inspection of a foreign flag tank vessel, at the request of the vessel's Flag State, for issuance of a Cargo Ship Safety Equipment Certificate (CG-3347).

VESSEL INFORMATION

GROSS	NET	LENGTH	PROPULSION
HOMEPORT			
OWNER-ADDRESS			
OPERATOR-ADDRESS			
AGENT-ADDRESS			
WHEN BUILT	WHERE BUILT		
DATE KEEL LAID		DATE CERTIFICATED	
DATE CERTIFICATE EXPIRES		PORT CERTIFICATED	
MASTER			
DATE DRYDOCKED	TYPE/GRADE OF CARGO		
TYPE/CARGO INERTING SYSTEM			
DATE CARGO TANKS ENTERED			
ROUTE			

CERTIFICATION DATA

CARGO SHIP SAFETY CONSTRUCTION CERTIFICATE

ISSUED AT:

BY:

EXPIRES:

CARGO SHIP SAFETY EQUIPMENT CERTIFICATE

ISSUED AT:

BY:

EXPIRES:

SAFETY RADIOTELEGRAPHY CERTIFICATE

ISSUED AT:

BY:

EXPIRES:

LOAD LINE CERTIFICATE

ISSUED AT:

BY:

EXPIRES:

IMCO CERTIFICATE

ISSUED AT:

BY:

EXPIRES:

ENDORSED:

LETTER OF COMPLIANCE

ISSUED AT:

BY:

EXPIRES:

TANK VESSEL EXAMINATION LETTER *(Those still applicable only)*

ISSUED AT:

DATE:

BY:

PART I – U.S. TANK VESSELS ONLY

A. LIFESAVING EQUIPMENT

Lifeboats and Equipment

1. Lifeboats and life rafts stripped, cleaned and overhauled.

Last previous date *(if other than this inspection)*

2. Lifeboats and work boats

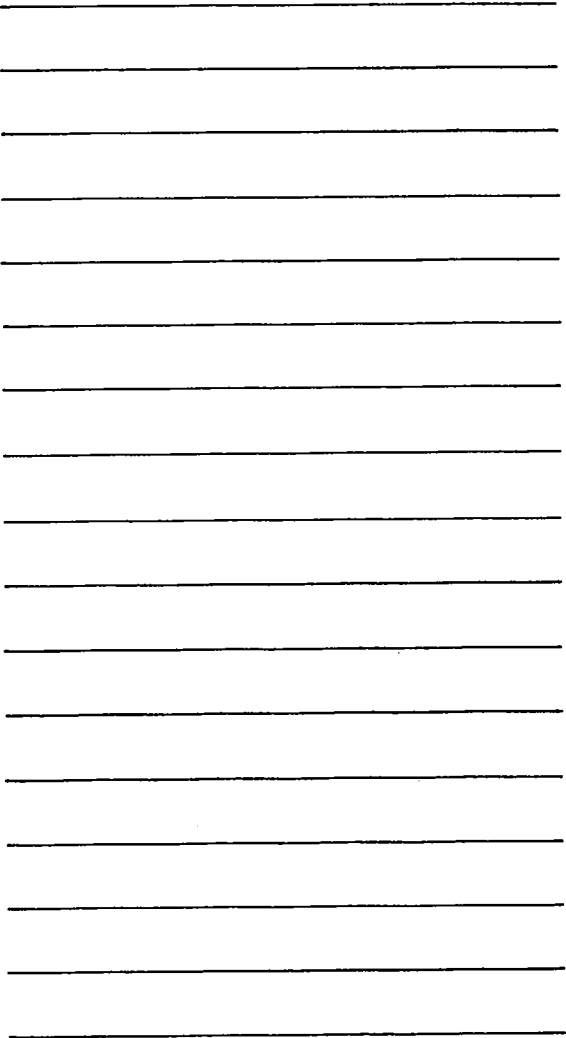
- Hull and fittings
- Tanks and fittings
- Equipment and stowage
- Cradles
- Markings
- Gripes
- Compressed air cylinders

3. Life rafts

- Launching instructions posted
- Releasing gear
- Structure and tanks
- Equipment and stowage
- Sea painter/cleat
- Date serviced _____
- Hydro release date _____
- Weak link
- Float free
- Illumination
- Markings
- Capacities

4. Life floats

- Equipment
- Stowage
- Markings



5. Buoyant apparatus
- Equipment
 - Stowage
 - Markings
6. Disengaging apparatus examined or tested and marked as required.
- Universal joints
 - Safety latches
 - Hooks
 - Locking knuckles
 - Frame
 - Holes for shackles not worn too large
7. Number of FCC approved portable radios for lifeboats
8. Radio installation for lifeboats complies with FCC and/or international convention (*where required*).
- Portable
 - Fixed
9. Motor Lifeboats
- Engine operating test
 - Cooling water pump
 - Ahead and astern test
 - Fuel tanks
 - Date fuel changed _____
 - Date extinguishers serviced _____
 - Date last operated in water _____
 - Hydraulic starting cylinder _____
10. Hand propelled lifeboats given operational test

11. Lifeboat test
- Suspension
 - Flotation
 - Release
12. Davits
- Foundations
 - Moving Parts
 - Fittings
 - Personnel Safety
13. Falls (*date last renewed*) _____
14. Lifeboats winches
- Brakes
 - Controls
 - Cranks
 - Covers
15. Limit switches and electrical controls
16. Fairleads, cleats or cruciform bitts
17. Embarkation aids
- Ladders
 - Access
 - Spans and lifelines
 - Illumination
 - Frapping and tricing lines

Life Preservers

18. Total stamped passed _____
- (*Adult*) (*Children*)
- Whistles
 - Work vests
19. Number rejected by inspector _____

Ruled lines for writing or drawing.



20. Life preserver stowage
- Required notices and markings
 - Stowage lockers
 - Wearing instructions
21. Ring buoys
- Lights
 - Lines
 - Smoke signals
 - Markings

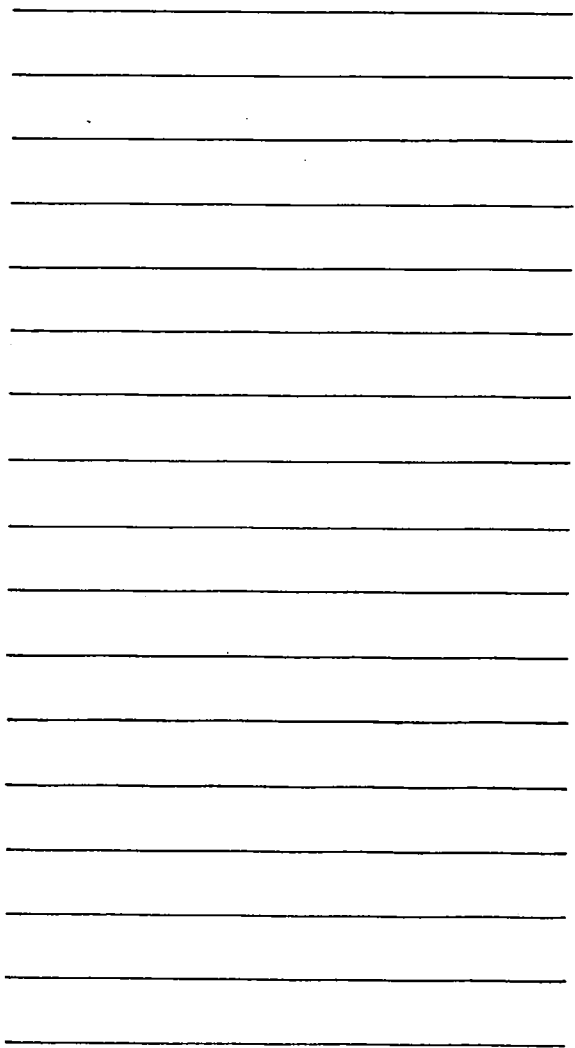
Line Throwing Apparatus

22. Line throwing apparatus
- Equipment
 - Required drills held
 - Magazine
 - Type _____

B. FIRE PROTECTION EQUIPMENT

1. Fire main system and stations
- Piping (*tested*)
 - Cut-off valves
 - Drains
 - Hydrant
 - Nozzles and spanners
 - Fog nozzles—applicators/length
 - Strainers, etc.
 - Marking
 - Equipment compatible
2. Total length of all hose tested _____
Number of hoses tested _____
- Approved hose
 - Proper thread

3. Foam systems
- Markings
 - Test
 - Analysis
 - Refilled
4. Fixed systems
- Controls, instructions, marking
 - Alarms tested
 - Piping
 - Heads, distribution
 - Bottles weighed (*date*) _____
 - Bottles hydro-tested (*date*) _____
 - Flexible loops, test or replace
 - Tested
5. Semi-portable
- Bottles weighed (*date*) _____
hydro-tested (*date*) _____
 - Controls, instructions, markings
 - Hose and diffuser. Tested _____
 - Flexible loops, test or replace
 - Foam and chemicals container
 - Discharge and refilled
 - Examined
6. Portable
- Discharge and refilled, weighed or tested
 - Last previous (*date*) _____
 - Bottles hydro-tested (*date*) _____
 - Spares
 - Markings
 - Spare charges—spare extinguishers



C. EMERGENCY EQUIPMENT

1. Emergency lighting
2. General alarm systems
 - Controls
 - Batteries and fuses
 - Tested
 - Marking
 - Bell locations audible
 - From required locations
3. Number of emergency outfits _____
4. Emergency gear
 - Stowage, markings
 - Fresh air breathing apparatus
 - Explosion-proof flashlights w/spare batteries
 - Fire axes
 - Self-contained breathing apparatus w/lifeline and spare charges
 - All purpose masks and spare charges
 - Protective clothing
 - Hard hat, boots, gloves
5. International shore connection
6. Emergency position indicating radiobeacon (EPIRB)
7. Combustible gas indicator

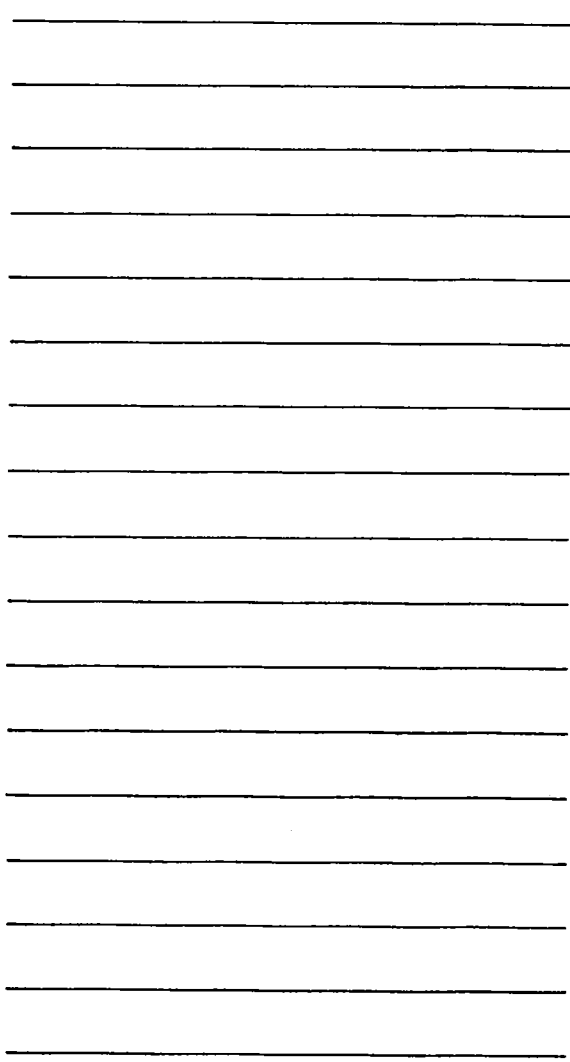
D. VENTILATION

1. Adequate for all compartments, closures
2. Remote controls to power ventilation marked and tested
3. Closures for spaces protected by fixed smothering systems
4. Fuel tank vents, flame screens, closures

E. NAVIGATION EQUIPMENT

(See also Part II E)

1. Steering gear
 - Main gear tested--all stations
 - Auxiliary gear tested--all stations
 - Instructions and markings
 - Rudder angle indicator
 - Illumination
2. Electronic equipment
 - Tested, evidence of
 - Required equipment (FCC)
 - Radios, RDF, Loran
3. Sounding Equipment
 - Mechanical, deep sea
 - Hand, deep sea
 - Hand lead
4. Internal communications and control system
 - Telegraph-failure alarms
 - Telephones
 - Voice tubes
 - Public address system



- Bell pulls
 - Pilot house controls
5. Navigation lights and signals
- Control panels
 - Running lights
 - Anchor lights
 - Special day and night signals
 - Distress signals and stowage
 - Flag signals, International Code
 - Whistle, light, bells, gongs
 - Day and night signal devices

F. GROUND TACKLE

1. Anchors
2. Mooring, standing and running gear (*other than gear covered by Cargo Gear Certificate*)

G. HULL, DECKS, FITTINGS AND WATERTIGHT INTEGRITY

1. Watertight doors in subdivision bulkhead tested by:
- Local control by hand
 - Local control by power
 - Remote control by hand
 - Remote control by power
 - Indicators
2. Bulkhead penetrations
3. Valves and controls
- Bilge valves
 - Overboard discharge valves

- Equalizing valves
 - Emergency shut-off valves
 - Scupper valves
 - Pollution prevention
4. Bilge wells, cofferdams and suctions
- Pollution prevention
5. Hull openings and closures
- Side ports
 - Air ports and dead covers
 - Refuse chutes
 - Other openings
 - Closing devices
 - Gaskets
6. Deck openings and closures
- Closing devices
 - Gaskets
7. Ladders, rails and gangways
8. Guards, rails, catwalks, lifelines at hazardous places, cable traveler
9. Cargo gear examined (*in absence of Cargo Gear Certificate*)
- Records
 - SWL markings
10. Elevators
11. Storm shutters
12. Hull structure (*list inaccessible compartments or areas*)
- Decks
 - Shell

- Bulkheads
- Tank tops
- Strength members
- Approved plans onboard, showing special steel locations

13. Double bottom

- Yes No

Double sides

- Yes No

H. ACCOMMODATIONS AND OTHER SPACES

1. Hospital and first aid equipment
2. Accommodations and storerooms
 - Size
 - Ventilation
 - Lighting and wiring
 - Heating
 - Sanitation
 - Paint and lamp rooms
 - Screens
 - Insulation
 - Fire retardant
 - Galley equipment
 - Required alarms and locks
 - LPG systems, cylinders, tests

I. EMERGENCY DRILLS

1. Drills were required
2. Date held _____

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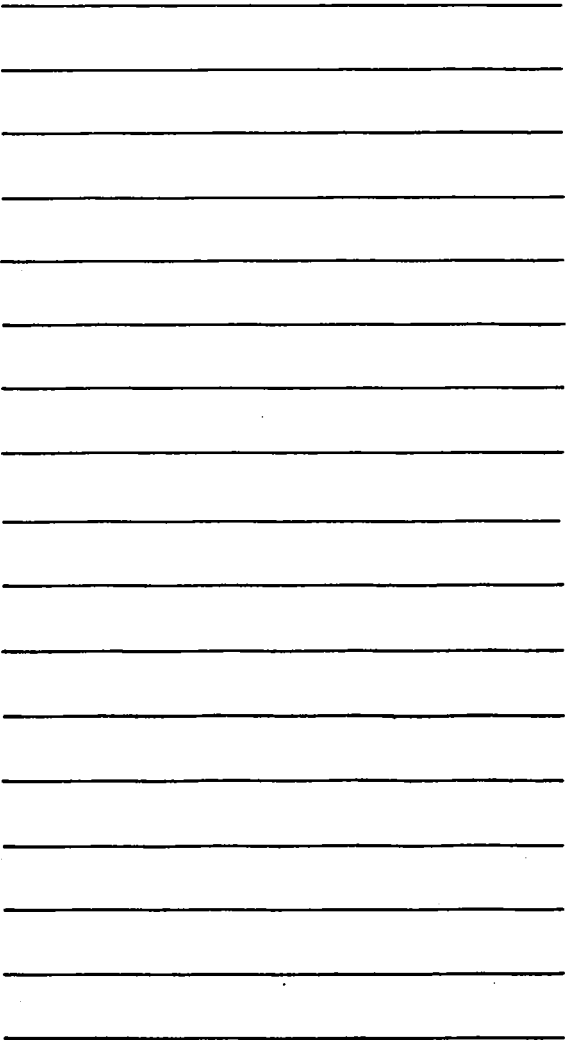
3. Boat drill:
- Number on the boats swung out _____
 - Number on the boats lowered to water _____
 - Number of crew exercised in boats _____

4 Fire drill held

5. Detailed remarks on drills:

J. FORMS, NOTICES AND PUBLICATIONS

1. Coast Guard Forms listed on page 26 posted where required and legible
2. Stateroom notices posted
3. Plan posted
- Fire control
4. Stability information available to Master as required:
- Loading manual
 - Trim and stability book
5. Stability letter posted under glass in pilothouse
6. Vessel has following:
- Laws Governing Marine Inspection (*2 copies*)
 - Rules and regulations for class
 - Load line regulations
 - Applicable Rules of the Road
7. Notices and/or markings where required are conspicuous, legible, and proper size
8. Officers' license examined



FORMS AND PUBLICATIONS (As applicable)

CG No.	Description or Title	Instructions on Posting
809	Stn. Bills, Drills, Report of Master .	(Poster) (Pass-3 ea) - 1 copy other vessels (conspicuous place)
811	Life Saving Instructions, Gun and Rocket Apparatus.	5 copies - 1 ea-(PH) (ER) (Sea, Fire and St. Dept.)
841	Certificate of Inspection	Posted - All, over 25 G.T.
848	Station Bill (or similar form)	Over 500 G.T. - Where best serves purpose
2832	Vessel Inspection Record	Over 500 GT (PH)
3256	Atomic Attack Instruction.	5 ea - Posted where best seen
3372	Oil Pollution, Harbors, Nav. Waters	(Tank Vessels) - (In pump room)

K. MISCELLANEOUS

1. Gas freeing for repairs
 - Current Gas Chemist Certificate for areas as required (*date*) _____
 - Chemist No. _____

2. Escapes
 - Two, where required
 - Absence of locks

3. Hull markings
 - Name
 - Hailing port
 - Official No.

4. Draft marks
 - Legible
 - Size
 - Properly spaced

5. Load line certificate
 - Markings conform to load line certificate
 - Legible

6. Pilot ladder
 - Illumination
 - Spreaders

7. Watchman present

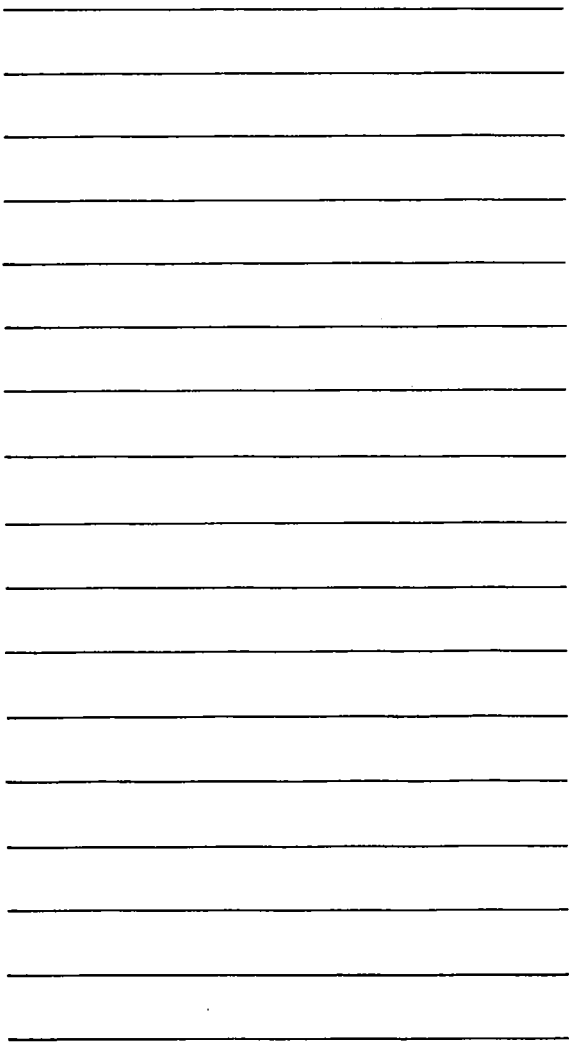
8. Personnel safety

L. CARGO HANDLING

1. Warning notices posted

2. Personnel safety

3. Pump rooms
- Gear adrift
 - Lighting and wiring, explosion proof or intrinsically safe
 - Ventilation
 - Bulkhead penetrations
 - Bilges/cleanliness
 - Excessive vapors
 - Pumps and controls
 - Relief valves
 - Piping-valves
 - Cofferdams
 - Gas tight boundaries
 - Closures
 - Remote shutdown
 - Electrical controls outside compartment
4. Cargo spaces
- Trunks and hatches
 - Ullage openings
 - Liquid level gaging
 - Open Restricted Closed
 - Deck penetrations
 - Heating coils
5. Cargo piping
- Expansion joints
 - Controls
 - Supports
 - Hoses—drip pans
 - Transfer connections
6. Cargo tank venting
- Independent PV valves
 - Independent goosenecks
 - Flame screens
 - Common header system
 - PV valves



- Drains
 - Flame arrestor
 - Inert gas controls
 - Piping
7. Explosion proof fixtures
8. Independent tanks
- External examination _____
 - Date of internal examination _____
 - Date of hydrostatic test _____
9. Weather decks
- Sources of vapor ignition
 - Doors, ports, scuttles, gaskets, and closures satisfactory
 - Portable window air conditioners and fans
 - Ventilation systems
10. Intrinsically safe portable radios
11. Air compressor intakes
- Prohibited locations

Lined writing area with 21 horizontal lines.

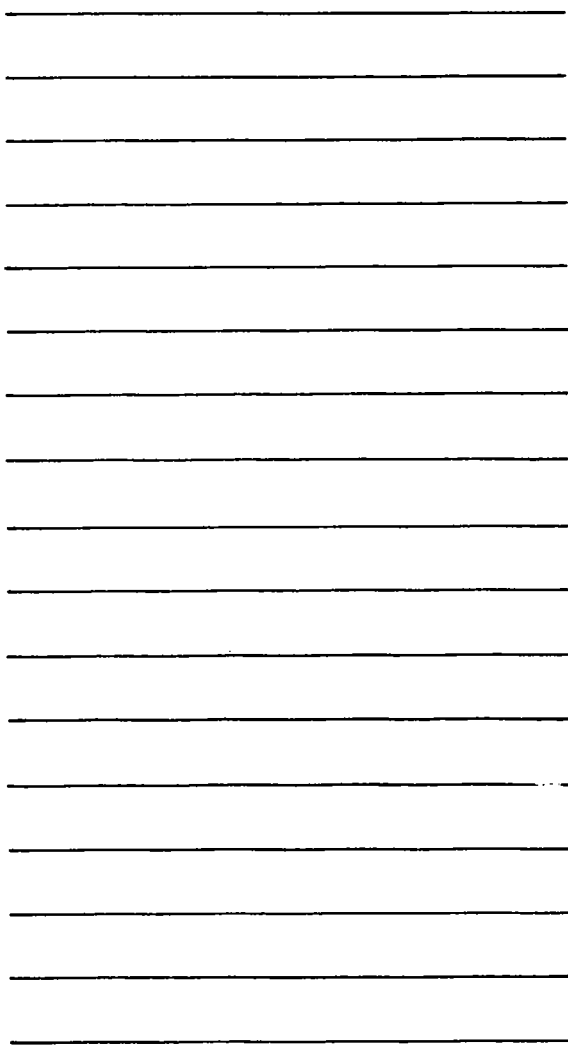
PART II – U.S. AND FOREIGN (As applicable)

A. 33 CFR 154, 155, 156

POLLUTION PREVENTION

***Also in Boiler Book (CG-840B)**

1. Cargo oil containment
 - Size
 - Scupper Closures
 - Drains
2. Fuel oil containment
 - Portable
 - Fixed
- *3. Oily waste retention
 - Bilge
 - Tank
- *4. Oily bilge discharge
 - Piping system
 - Stop valve
 - Or acceptable processing equipment
 - Outlet
 - Pump stop
- *5. Ballast discharge
 - Piping system
 - Stop valve
 - Or acceptable processing equipment
 - Outlet
 - Pump stop
- *6. Placard
7. Prohibited oil spaces
8. Person in charge designation
- *9. Oil transfer procedures
 - Compliance
 - Permanently posted or available
 - Sighted and legible
 - Content
 - Amendment required (*explain*)



- *10. Oil sumps draining practices
- 11. Emergency shutdown
- 12. Deck lighting
- 13. Oil transfer hose
 - Condition
 - Markings
 - Hose assembly requirements
 - Tests and inspections
- 14. Tank vessel security
- 15. Records required
 - Persons in charge listing
 - Tests and inspection of equipment
 - Hose information
 - Valve inspections
- 16. Waiver letters carried (*describe*)

B. 33 CRF 157

MARINE ENVIRONMENTAL PROTECTION

- *1. Calculations, plans, and specifications submitted for technical review
 - Flag state letter
- *2. Installation/Configuration conforms to reviewed/ approved plans
 - Segregated ballast
 - Pumping, piping, and discharge arrangements
 - Designated observation area
 - Slop tanks (*number* _____ , *capacity, design*)
 - Oily residue tank
 - Cargo tank arrangement and size
 - Subdivision and stability

Lined page with 20 horizontal lines for writing.

- *3. Vessel operation requirements (*Insofar as can be determined*)
- *4. Discharge of cargo residue
 - Approved monitoring and control system
- *5. Discharge from machinery space bilges
 - Approved monitoring and control system
 - Approved oil water separating equipment
- *6. Information for master
- *7. Instruction manual (*cargo and ballast systems*)

C. 33 CFR 159

MARINE SANITATION DEVICES

- *1. Marine Sanitation Devices
 - Type I Type II Type III
- *2. Certified for inspected vessels or non-certificated but accepted after plan review
- *3. Capacity satisfactory
- *4. Manufacturers Instructions
- *5. Installation
 - Operation
 - Ventilation
 - Wiring and Piping
 - Maintenance
 - Placard
 - Safety
 - Accessibility to parts requiring routine servicing

A series of 18 horizontal lines for writing, with four binder holes on the left side.

D. 46 CFR 542

1. FMC Certificate
- No. _____
 - Date _____

E. 33 CFR 164

**NAVIGATIONAL SAFETY AND
VESSEL INSPECTION REGULATIONS**

1. Charts
2. Publications
- U.S. Coast Pilot
 - Coast Guard light list
 - Notice to mariners
 - Tide tables
 - Tide current tables
3. Marine Radar for surface navigation
4. Illuminated magnetic steering compass
5. Magnetic compass deviation table or graph, or comparison record
6. Gyrocompass
7. Illuminated steering gyrocompass repeater
8. Illuminated rudder angle indicator in wheelhouse
9. Maneuvering information prominently displayed on fact sheet in wheelhouse
- Warning
10. An echo sounding device

11. A device that can continuously record the depth readings of the vessels echo sounding device
12. Equipment on bridge
13. Log entries

F. 46 CFR 32.53

INERT GAS SYSTEMS

- *1. Purity of nitrogen _____
- *2. Percent oxygen vapor _____
- *3. Provisions for hold space and tank pad
- *4. Describe sampling/testing of gas pad
- *5. Gas generator or spare gas on board
- *6. Percent concentration of nitrogen in vapor space

- *7. General
 - o Supply capacity adequate
 - o Positive pressure
 - o Independent blowers
 - o Oxygen detector and recorder
 - o Pressure indicator and recorder
 - o Portable detecting instruments
 - o Alarms and controls
 - o Automatic shutdown valve
 - o Instruction manual

Blank lined page with 20 horizontal lines and four binder holes on the left side.

**PART III – FOREIGN TANK VESSELS
SAFETY EXAMINATION ONLY**

A. OFFICER COMPETENCY DATA

1. (Name, type of license or certificate and number, issuing nation)
 - Master

 - Chief Officer

 - Second Officer

 - Third Officer

 - Chief Engineer

 - First Engineer

 - Second Engineer

Lined writing area with 20 horizontal lines and four binder holes on the left side.

B. GENERAL SAFETY RULES

1. Warning signals and signs
2. Cargo tank hatches, ullage holes, and Butterworth openings closed (*or fitted with flame screens*)
3. Emergency equipment
4. Vessel properly moored

C. CARGO HANDLING, BALLASTING AND BUNKERING

1. Scuppers and sea valves closed
2. Cargo transfer connections
3. Deck officer/tankerman on duty on deck
4. Intrinsically safe portable radio
5. Additional sources of vapor ignition (*mid-ship house and aft house segregation space*)
 - Weather deck doors and ports closed and dogged, gaskets, knife edges satisfactory
 - Portable window-type air conditioners and fans secured
 - Designated smoking areas marked and observed
 - Ship's ventilation ducting on weather decks, wasted, holed, or flame screens defective

D. CARGO PUMPROOMS

1. Potential sources of ignition in or near pumproom
 - Gear adrift
 - Product in bilges
 - Rags, paint, cleaning solvents, etc.
 - Excessive vapors

2. Electrical
 - Lighting fixtures and all electrical appliances explosion proof
 - Electrical controls and switches outside pumproom
 - Dead/ended, loose or frayed cabling
 - Jury rigs such as extension cords, drop cords, etc.

3. Structural
 - Bulkheads gastight (*cracks, holes, bulkhead seals*)
 - Ladders

4. Ventilation
 - Ducting wasted or missing
 - Fire dampers inoperative or missing
 - Flame screen dirty, corroded, missing
 - Operation

(Caution: Pumprooms must be ventilated prior to entry)

5. Pumps
 - Cargo, bilge, ballast, stripping
 - Leaking product (*other than gland lubrication*)
 - Mechanical and electrical remote operating devices attached and operational at all locations
 - Suction and discharge valves and piping intact
 - Gauging system (*open, closed, restricted*)
 - Operation

E. PIPING SYSTEMS

1. Cargo, bunker, ballast, stripping
 - Piping
 - Valves
 - Fittings
 - Gaskets
 - Supports

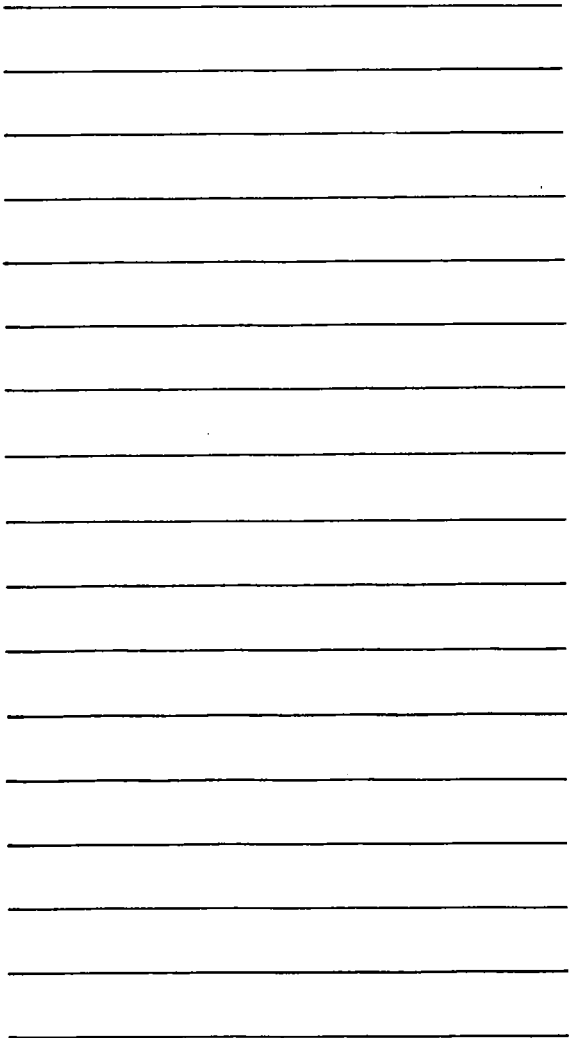
F. WEATHER DECKS

1. Expansion trunks
 - Wastage of ullage coamings and trunks
 - Gaskets
 - Covers
2. Plating (*hull and superstructure*)
 - Wasted, holed, cracks
 - Leaking products or vapors into or out of vessel
3. Electrical Equipment
 - Intact and intrinsically safe for location
 - Properly installed
 - Deadended, loose or frayed cable
 - Portable electric tools intrinsically safe for location

G. VENT SYSTEMS

(Weather Decks and at Deck House Entrances)

1. Vent piping and ventmasts
 - Material condition
 - Properly supported
 - Gaskets – flanges
 - Valving in vent system piping



2. Pressure vacuum valves and headers
 - Free of corrosion/dirt
 - Operation
 - Flame screens

3. Flame Screens
 - Cleanliness and material condition
 - On all cargo, bunkers, oily ballast, oily slop tanks and void vents
 - On all open ullage, Butterworth hatch openings

H. FIRE PROTECTION EQUIPMENT

1. Firemain systems
 - Piping, valves, pumps
 - Hoses, spanner wrenches, nozzle satisfactory
 - Remotes

2. Steam Smothering System
 - Valves, leaking
 - Piping wasted, missing, blanked

3. Deck foam
 - Piping intact
 - Valves
 - Monitors and hose stations
 - Foam

I. LIFESAVING EQUIPMENT

1. Satisfactory

J. VITAL MACHINERY

1. Satisfactory

A series of 20 horizontal lines, evenly spaced, spanning the width of the page. These lines are positioned at the top and bottom of the page, leaving a large central area blank for writing.

**PART IV – VESSELS CARRYING HAZARDOUS
LIQUIDS (U.S. AND FOREIGN)**

**A. CERTIFICATES, LETTERS,
AND OTHER DOCUMENTS**

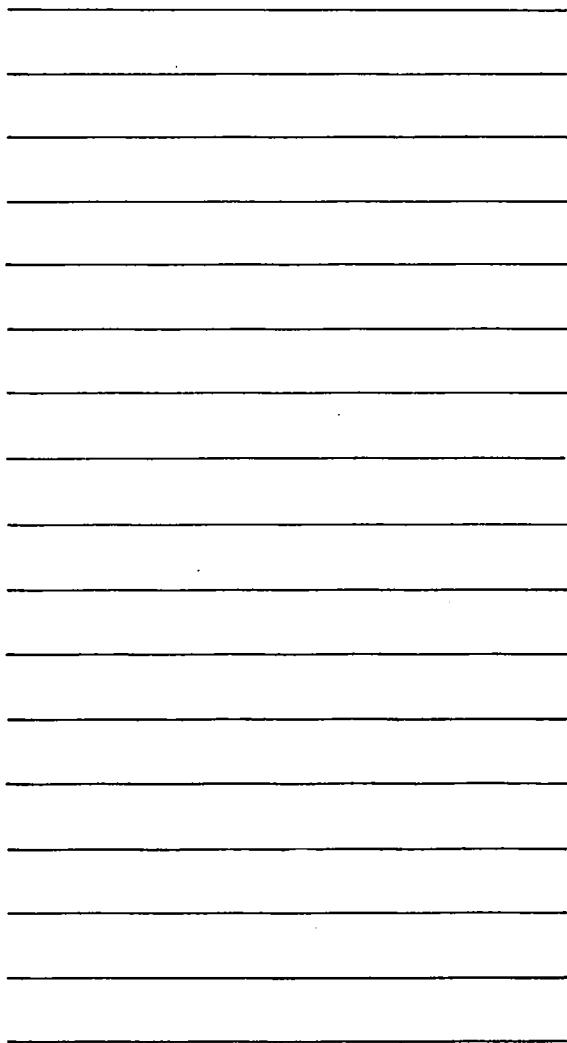
1. LOC/IMCO certificate (*and any amendments*)
posted on bridge
2. Copy of 46 CFR, Parts 34, 35 and 153 or 154
(*as applicable*)
3. Cargo information cards
4. Cargo location plan
5. Cargo piping plan
6. Shipping document

B. GENERAL SAFETY RULES

1. Warning signals and signs
 - o Red signal visible
 - o Warning sign at gangway
2. Cargo tank hatches, ullage holes, and Butterworth
openings closed (*or fitted with flame screen*)
3. Adequate precautions taken
 - o Fire hose laid out
 - o Fire fighting and personnel protective equip-
ment available

C. CARGO HANDLING

1. Cargo manifest



2. Compatibility of cargoes
 - Common venting
 - Common piping
 - Adjacent tanks

3. Electrical bonding (*if used*)

4. Scuppers and sea valves closed

5. Cargo transfer connections
 - Minimum 4 bolts
 - Drip pans

6. "Declaration of Inspection"
 - Completely filled out
 - Adequate communications between ship and shore

7. Cargo information
 - For all cargoes onboard
 - Available to crew
 - Knowledge by crew

8. Certificate of inhibition or stabilization
 - Date added _____
 - Length of effective time _____
 - Information or action to be taken if voyage exceeds life of inhibitors
 - Supply of inhibitor on board for replenishment
 - Name and amount of inhibitor
 - Temperature limitation
 - Onboard vessel prior to loading

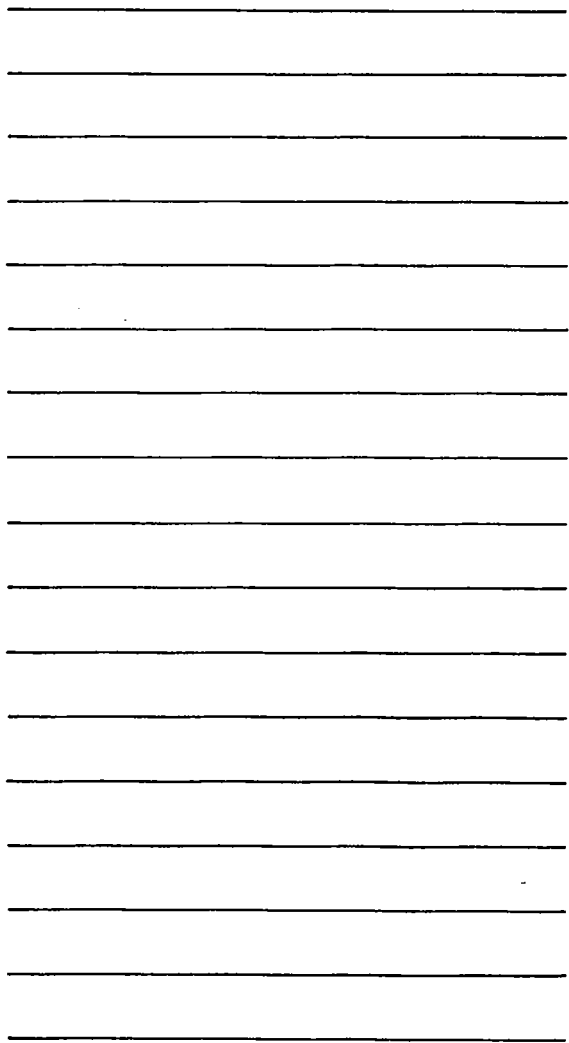
9. Portable cargo hose
 - Marked or stenciled
 - Last tested _____
 - MAWP _____

- Service temperature _____
_____ (max) (min)
- Test pressure _____

10. Cargo discharge
- Deepwell pump
 - Submerged pump
 - Compressed air
 - Inert gas
 - Other (*specify*)
11. Personnel trained in cargo transfer operations

D. FIRE FIGHTING EQUIPMENT

1. International shore connection
2. Fire pumps
- a. Main fire pumps
- No. _____
 - How driven
 - How controlled (*local, remote*)
 - Pressure/volume satisfactory
 - Alternate fire pumps (*describe*)
- b. Emergency fire pump
- How driven
 - How controlled
 - Tested (*remote and local*)
3. Fire main system and stations
- Piping (*tested*)
 - Cut-off valves
 - Drains
 - Hydrant (*adequate number and coverage*)
 - Nozzles and spanners
 - Fog nozzles-applicators
 - Strainers, etc.



- Marking
 - Hoses (*connected to hydrants*)
4. Foam system
- Coverage
 - Operation
 - Foam last analyzed _____
 - Tested
5. Dry chemical (*fixed, semi-portable*)
- Automatic or Manual control (*specify*)
 - Coverage
 - Operation
 - Last tested _____
 - Condition of powder
 - Cylinder last weighed _____
 - Hose clear
6. Steam Smothering system
- Condition of piping and valves
 - Properly marked/painted
 - Last tested _____
 - Tested (*Do not test if cargo will be contaminated*)
7. Portable extinguishers
- Last tested and inspected
-
8. Deck spray system
- Coverage (*all tank domes, cargo manifolds, deck tanks*)
 - Operation
 - Local/remote control
 - Manual or automatic
 - Tested
 - Can operate simultaneously with fire main system

- Controls marked
- Material condition

E. EMERGENCY GEAR

- Number of emergency outfits _____
 - Fresh air breathing apparatus _____
 - operation
 - condition
 - adequate air hose
 - belt and lifeline
 - 3-cell, explosion-proof flashlight
 - fire ax
 - boots and gloves
 - rigid helmets
 - protective clothing
 - inspected every 30 days

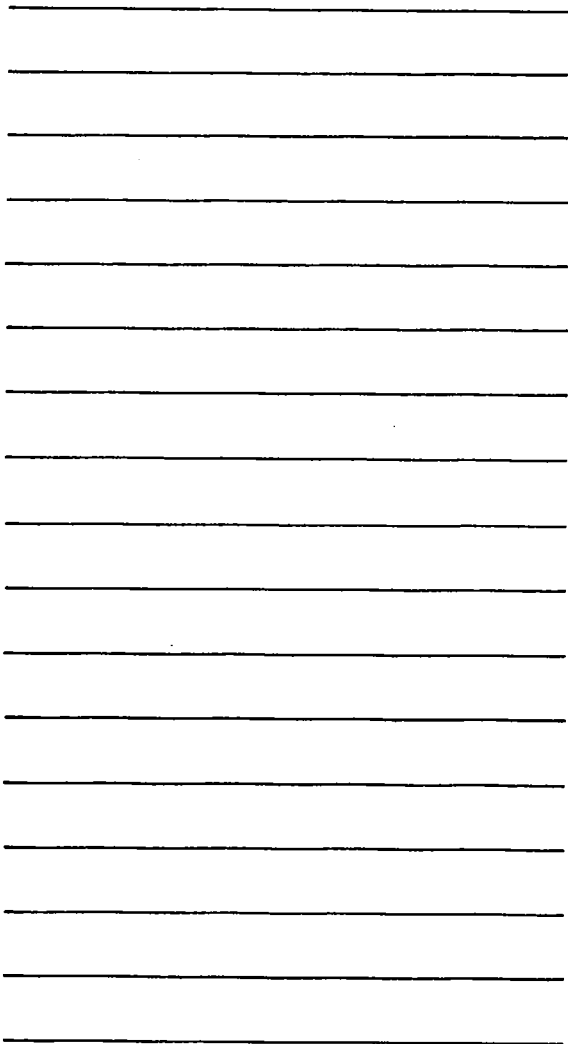
- Number of self-contained breathing apparatus _____
 - Material condition
 - Operation
 - Tested
 - Last professionally serviced

 - Spare bottles
 - Stored in clearly marked locker
 - Rescue line and belt
 - Inspected every 30 days

- Number of gas masks and spare canisters _____

- Decontamination showers and eye wash on deck
 - Operation
 - Suitably marked

- Protective clothing
 - Aprons



- Gloves and boots
- Chemical resistant material
- Goggles
- Good coverage of body
- Used during transferring operations
- Inspected every 30 days

F. HULL, DECKS, FITTINGS

1. Hull configuration in agreement with plans
2. General condition of decks, catwalks, superstructure, etc.

G. CARGO TANKS

1. Name plate data (*MAWP, Min. Temp., etc.*) (*Pressure Vessels only*)
2. Construction (*specify below*)
 - Integral
 - Gravity
 - Membrane
 - Semi-membrane
 - Independent
 - Gravity
 - Pressure
 - Shape
 - Prismatic
 - Rectangular
 - Cylindrical
 - Spherical
3. Heating system (*indicate in which tanks*)
 - Separate from ship's heating system (*toxic cargoes only*)
 - Contamination detection available (*toxic cargoes only*)

4. Cooling system (*describe*)
5. Tanks last entered and condition
-
6. Two methods of pumping out cargo (*only for submerged electric pumps*)
7. Special tank linings (*indicate in which tanks*)
8. Trunks and hatches, ullage openings
- Condition
 - Gaskets
 - Closure
9. Tank connections marked liquid or vapor
10. Valves (*where required*)
- Stop valves
 - Excess flow valves
 - Quick-closing valves
 - Internal back pressure check valve
11. Vacuum protection (*indicate below*)
- Vacuum relief valve
 - Inert pad
 - Cargo vaporizer
 - Low pressure pump cutout
 - Vapor return
 - Other
 - Last tested _____
12. Cargo high pressure and temperature alarms
- Audible
 - Visual
 - Location

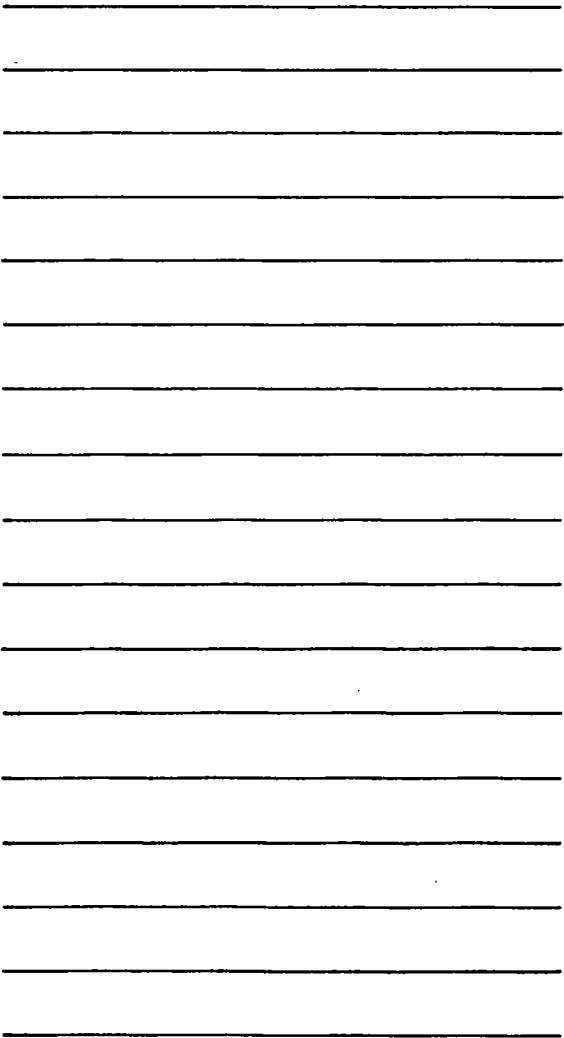
H. CARGO PIPING

1. Material condition
 - Last tested

 - Suitably marked
2. Construction (*suitable for cargo and temperature*)
3. Segregation
 - Independent
 - Common
 - Seutelvan blind flanges
 - Removable spool pieces
 - Spectacle blind flanges
4. Agreement with plans
 - New piping
 - No unauthorized modifications
5. Location (*indicate*)
 - Above deck
 - Below deck
 - Inside tanks
 - Double bottom, void spaces

I. VENTING

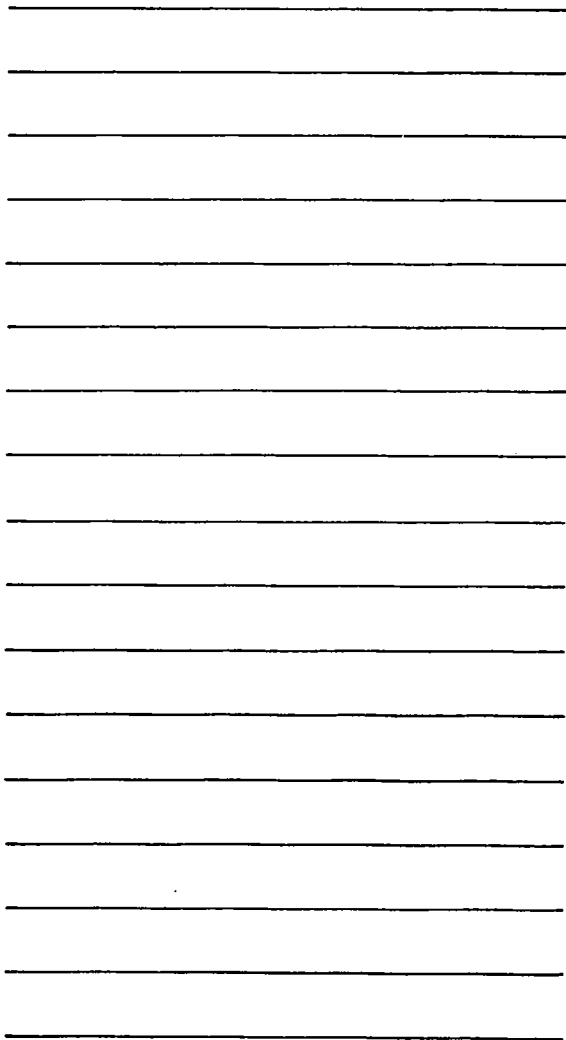
1. Vent piping
 - No stop valves allowed
 - Bypass capability
 - Material condition
 - Segregation (*indicate which tanks*)
 - Independent
 - Common
 - Portable
 - Agreement with plans



- Suitable connections for flushing and draining
 - Coated or lined same as tank
2. Vent outlets
- Height above highest cargo area working level _____
 - Directed vertically upward
 - Flame arrestor (*where required*)
 - Weather hood
 - Flame screens
 - Located away from air intakes and openings to accommodation spaces
3. Type
- Open, gooseneck
 - Controlled
4. Pressure relief valves
- Set pressures _____
 - Last tested and certificated
 - No means of securing
 - No signs of tampering
5. Pressure/Vacuum valves
- Set pressure _____
 - Material condition
 - Operation
 - Flame screens
6. Relief valves for interbarrier spaces (*where required*)
- Set pressure of valves _____
 - Last tested _____
 - Condition of valves _____

J. GAUGING

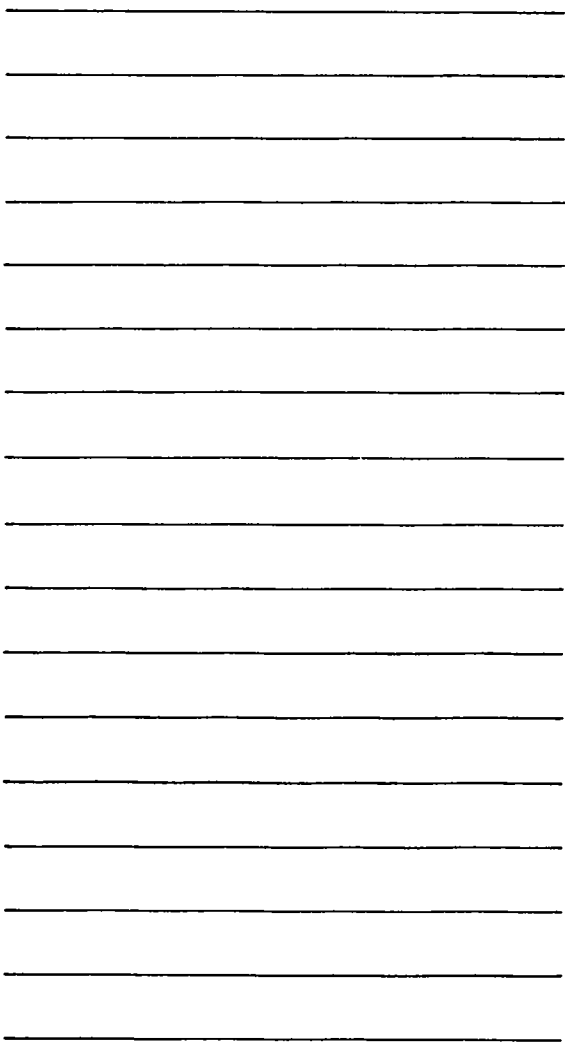
1. Type
- Open



- Restricted
 - Closed (*describe*)
 - Suitable for cargoes carried
 - Operation
 - Material condition
 - Last tested and inspected _____
 - Remote readout (*verified accurate*)
2. High level alarms (*where required*)
 - Operation
 - Audible and visual signals
 - Last tested and serviced _____
 - Markings
 3. Low level alarms (*where required*)
 - Operation
 - Automatic pump cut-off
 - Last tested and serviced
 4. Overfill controls (*where required*)
 - Set points

K. QUICK CLOSING VALVES

1. Operation
 - Tested from at least two remote locations
 - Closure time _____
 - All valves fully closed
 - Pumps are automatically shut off
2. Capable of local manual operation
 - Reasonably short time
 - Under emergency conditions
3. Fusible elements
 - Located at tank domes and loading manifold
 - No paint on face of plug



L. PUMPROOMS/COMPRESSOR ROOMS

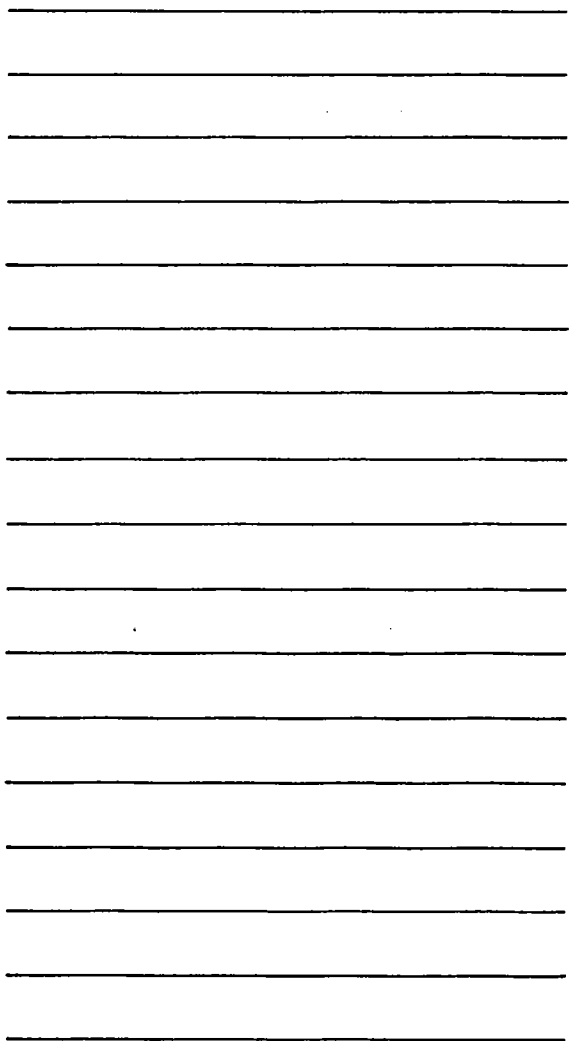
1. Ventilation (*Warning: Pumproom adequately ventilated prior to personnel entry*)
 - Forced exhaust
 - Intake below and above floor plates
 - Material condition of ducting
 - Termination of external openings
 - Intake at top of compartment for vapors lighter than air
 - Adequate volume
 - Operable from outside pumproom

2. Piping
 - Material condition
 - Leakage
 - Segregation (*describe*)
 - Repairs, alterations
 - Agreement with plans
 - Suitably marked

3. Pumps
 - Material condition
 - Pressure gauges outside pumproom, operational
 - Means of interconnecting (*describe*)
 - Type of drive _____

4. Shaft seals (*where motor rooms are installed*)
 - Type of seal _____
 - Leakage
 - Condition
 - Adequate supply of oil (*where required*)

5. General
 - Hoisting arrangement
 - Bilge pumping system (*operational, remote controls, high level alarm*)



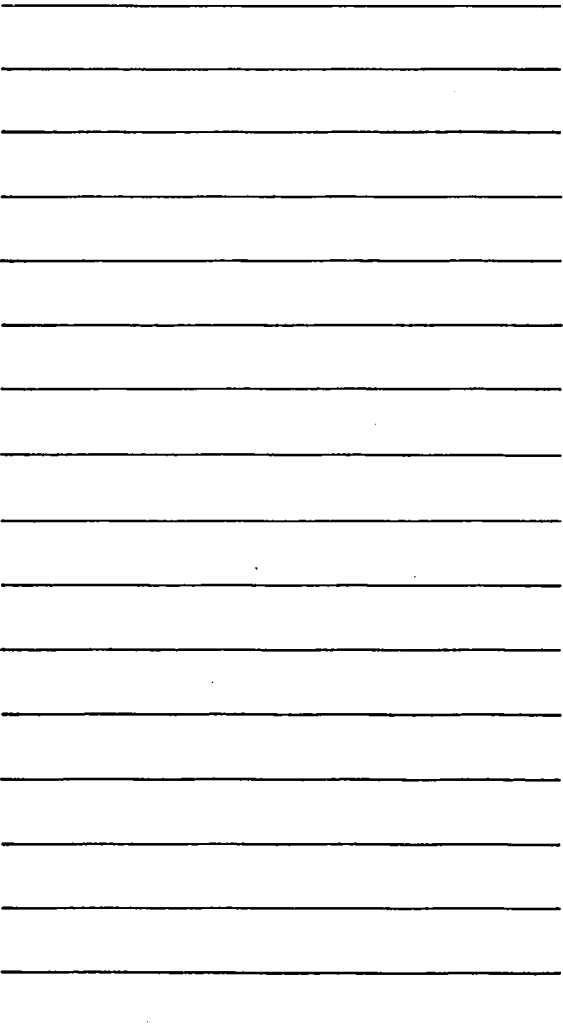
6. Refrigeration system
- Standby compressor available
 - Duplicate system (*where required*)
 - Condition of piping
 - Agreement with plans

M. MOTOR ROOMS

1. Ventilation
- Forced supply
 - Failure of ventilation shuts off motors and all electrical power in motor room (*where required*)
2. Air locks (*where installed*)
- Two doors
 - Automatic cut-off power in motor room
 - Alarms, when both doors are open
 - Length of time lag for automatic cut-off
-
- Door gasket
 - Self-closing doors with no latches or other devices for holding them open
3. Automatic pressure sensing device for cutting off power to motor room (*where installed*)
- Tested

N. ELECTRICAL

1. Explosion-proof lighting fixtures
- Tight globe
 - Heavy construction
 - Explosion-proof seals around cables
2. Cable
- Condition



3. Electrical fixtures on cargo deck
- Explosion-proof or intrinsically safe
 - No frayed or exposed wires
 - Material condition

O. GAS DETECTION

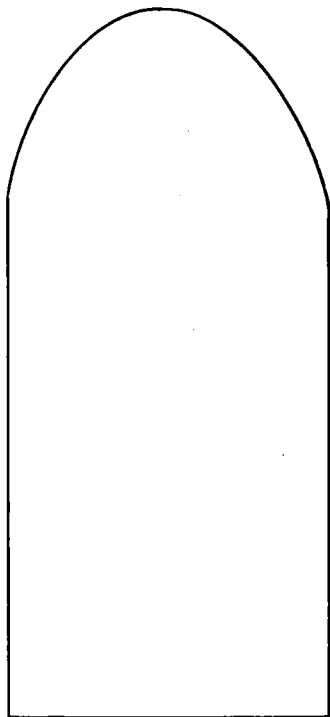
1. Number of portable gas detectors
-
- Flammable gas detectors
- calibrated
 - tested
- Toxic gas detectors (*where required*)
- capable of measuring all toxic cargoes authorized to be carried
 - calibrated (*when necessary*)
2. Fixed gas detection
- Indicate type _____
 - Calibration
 - crew knowledgeable in operation
 - span gas available, concentration _____%
± _____%
 - type of span gas _____
 - zeroing
 - Alarm set at 30% LEL
 - Calibration curves available for all cargoes carried
 - Measures 0-100% concentration by volume (*where required*)
 - Recycles minimum of every 30 minutes
 - Audio and visual alarm on bridge
 - Location of sampling points adequate for cargoes authorized
 - Tested

P. CARGO BOILOFF USED AS FUEL (LNG ONLY)

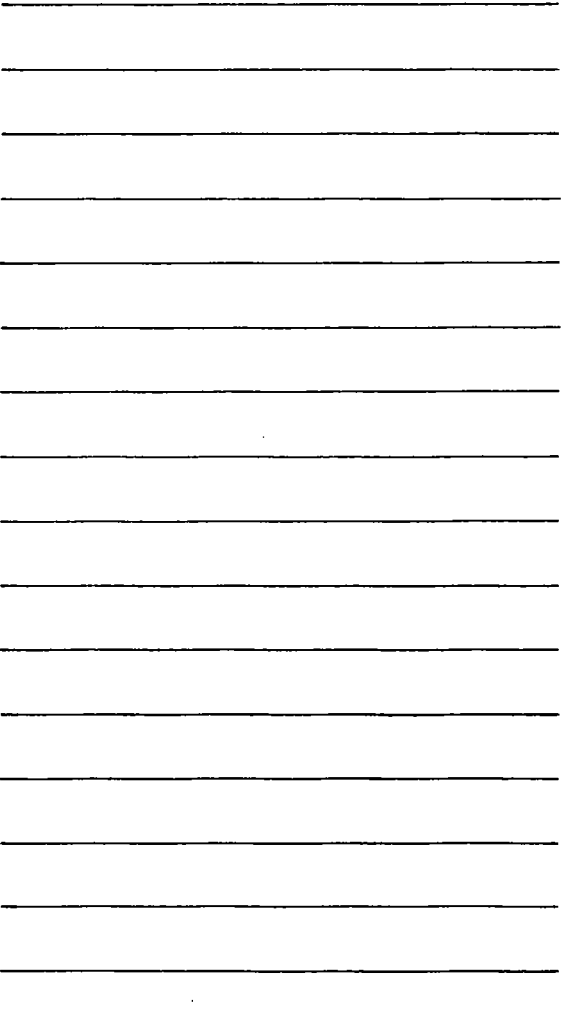
1. Air pressure in double wall gas piping higher than gas pressure and alarms installed, *or*
2. Space between pipes ventilated and exhaust monitored
3. Burners shutoff when alarm activated
4. Blowers for boiler front-ventilation interlocked so gas is shut off when not operating
5. Three automatic valves in burner gas line arranged to allow use as fuel or vent to atmosphere
6. Master gas line valve outside machinery space
7. Automatic shutdown if leak is detected or no ventilating air is present
8. If manual override is installed, is it locked out of automatic sequence

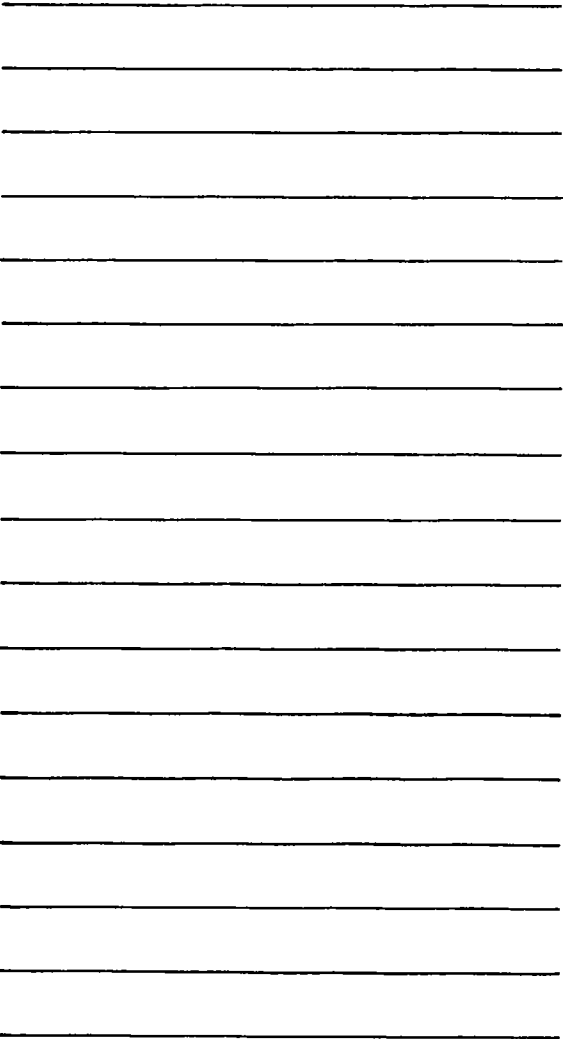
Q. HULL DESCRIPTION
(single skin, double bottom, etc.)

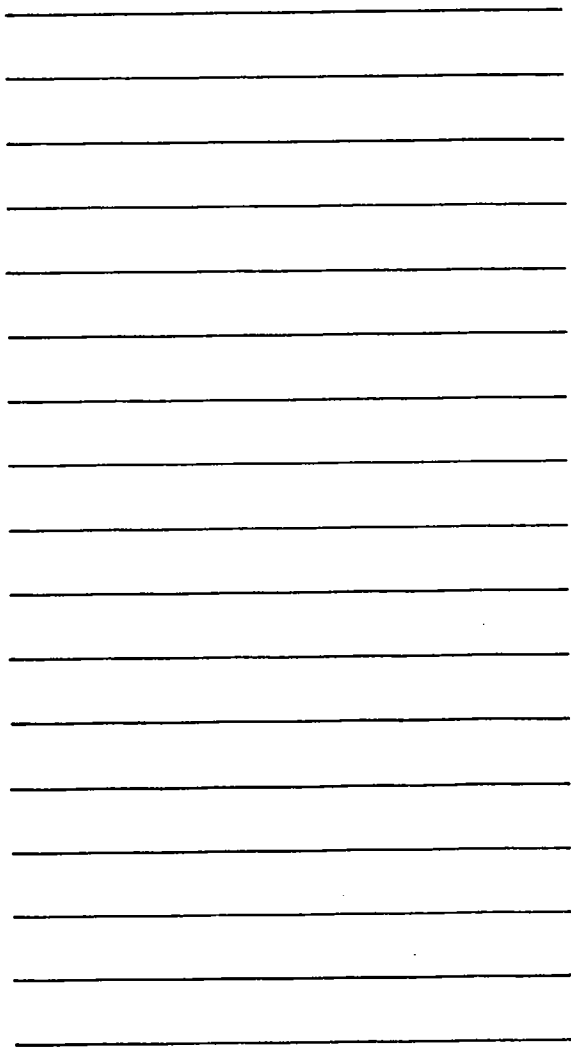
Draw or attach sketch showing tank type and location. Indicate special materials of construction, coating or lining and product carried in each tank (*or attach loading plan if provided*). Does vessel agree with plans.



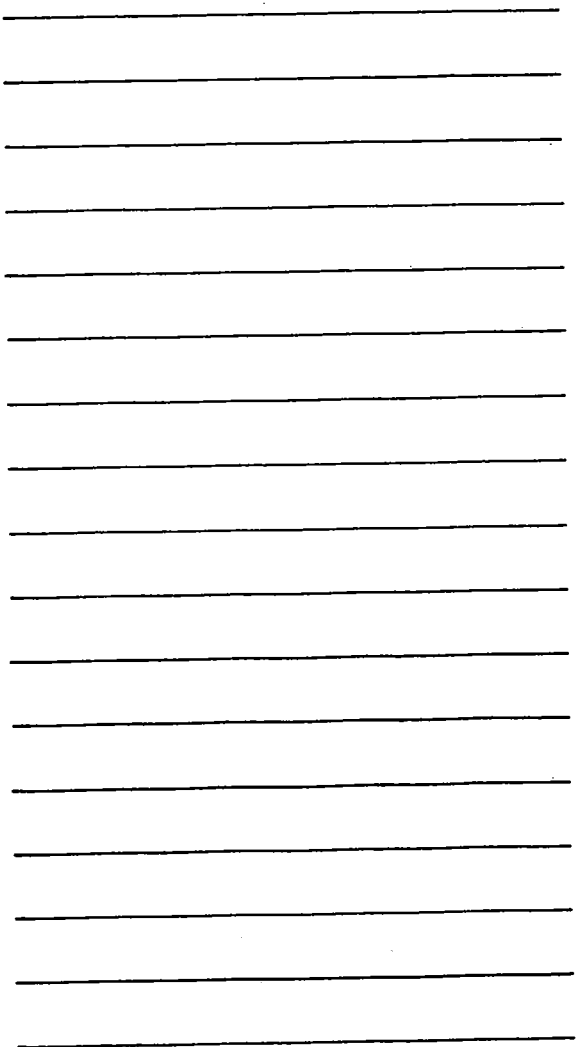
REMARKS (Including Diary)







Blank lined paper with 21 horizontal lines.



RECORD OF INSPECTION

DATE	PLACE	MAN HRS.	INSPECTOR

RECORD OF INSPECTION

Name and title of representatives of the vessel assisting in the inspection:

Vessel Inspection Record Card/LOC entry made

In my opinion this U.S. flag vessel (*Mark N/A for foreign flag vessels*)

is

is not

fit for the service and route specified.

(1) Signature of U.S.C.G. Inspector

(2) Signature of U.S.C.G. Inspector

BARGE INSPECTION BOOK

NAME OF VESSEL		
OFFICIAL NUMBER	SERVICE	
ZONE OF THIS INSPECTION		
VESSEL CLASSIFICATION	BY	
MARINE DOCUMENT		
EXP. DATE OF LOAD LINE	DATE OF ENDORSEMENT	
LOAD LINE ROUTE AUTHORIZED		
APPLICATION RECEIVED <input type="checkbox"/> YES <input type="checkbox"/> NO		
	INITIAL INSPECTION	DATE COMPLETED
	INSPECTION FOR CERTIFICATION	DATE COMPLETED
	REINSPECTION: <input type="checkbox"/> MID-PERIOD <input type="checkbox"/> OTHER	DATE COMPLETED
	DRYDOCK EXAMINATION	DATE COMPLETED

BARGE INFORMATION

GROSS	NET
LENGTH	
HOMEPORT	
OWNER	
ADDRESS	
OPERATOR	
ADDRESS	
WHEN BUILT	
WHERE BUILT	
TYPE OF CONST.	
MATERIAL	
DATE CERTIFICATED	
DATE CERT. EXPIRES	
PORT CERTIFICATED	
MASTER (IF MANNED)	
DATE DRYDOCKED	
BARGE TYPE I <input type="checkbox"/>	II <input type="checkbox"/>
	III <input type="checkbox"/>

DATE CARGO TANKS ENTERED (*Indicate specific tanks and dates*)

ROUTE:

REQUIRED CREW:

**NUMBER TANKERMEN
REQUIRED**

**NUMBER LIFEBOATMEN
REQUIRED**

**INSPECTED AND APPROVED FOR THE
CARRIAGE OF:**

CAPACITY

46 CFR SUBCHAPTER D OR I
AS APPLICABLE

A. LIFESAIVING EQUIPMENT

1. Lifeboats, life rafts, life floats, or buoyant apparatus
(including equipment)

ITEM	NUMBER	CAPACITY (PERSONS)

• Date inflatables serviced _____

• Markings

2. Launching apparatus and stowage

Davits

Booms

Skids

• Illumination

• Davits or other launching means tested

• Stowage of inflatables

• Float free

• Hydro release date _____

• Launching instructions posted

• Sea painter

• Secured

• Weak link

• Cleat

• Cleats

• Falls

• Cheeks, sheaves, fairleads, etc.

• Lifting hooks, eyes, etc.

• Embarkation ladders

• Markings

3. Life preservers

- Markings

NUMBER PASSED	NUMBER REJECTED

- Work vests

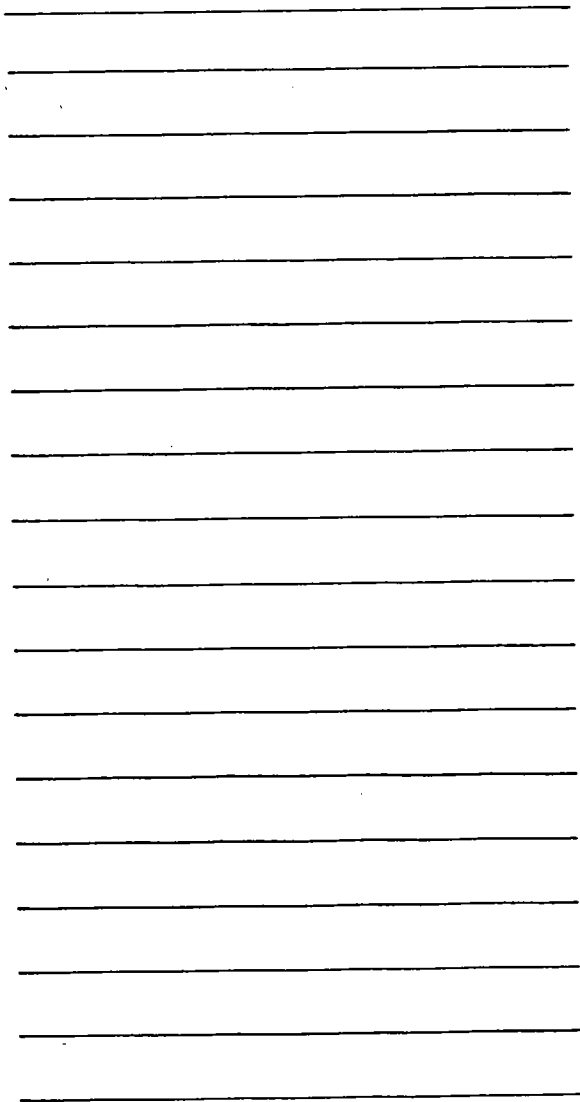
4. Ring buoys

- Markings

RING BUOYS REQUIRED	
NUMBER OF LIGHTS	NUMBER WITH LINES
NUMBER OF OTHERS	TOTAL

5. Stowage of life preservers and ring buoys

- Accessibility
- Markings

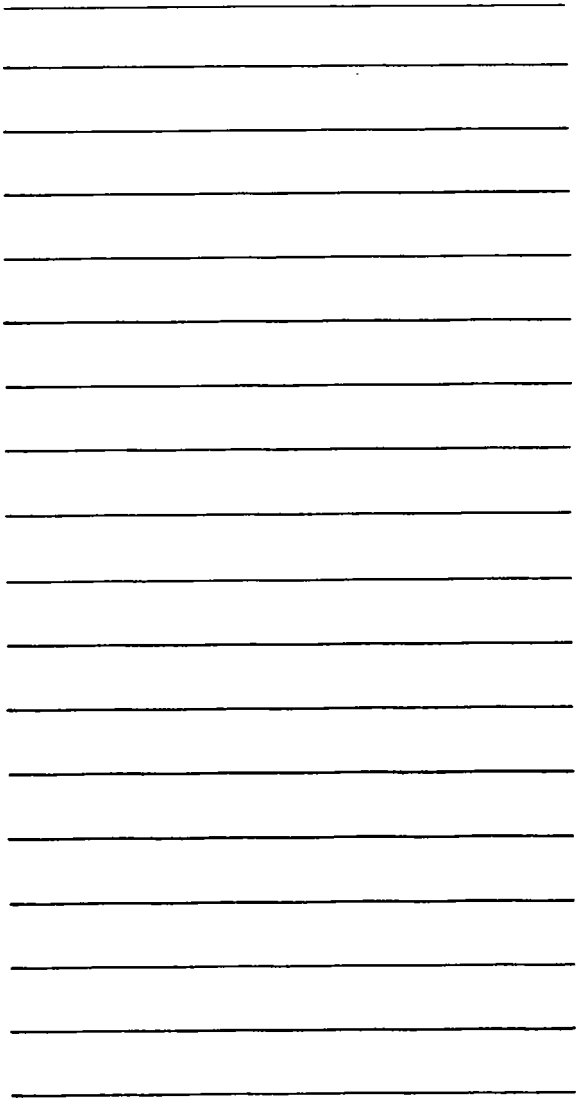


B. FIRE PROTECTION EQUIPMENT

1. Hand portable and semiportable fire extinguishers

LOCATION	REQUIRED		ON HAND	
	NO.	CLASS	NO.	MEDIUM

- ◉ Markings and instructions
- ◉ Discharged, refilled
- ◉ Weighed (date) _____
- ◉ Hydrostatic test (date) _____
- ◉ Semi-portable discharge hoses.
 Test date _____
- ◉ Controls



2. Fixed fire extinguishing systems

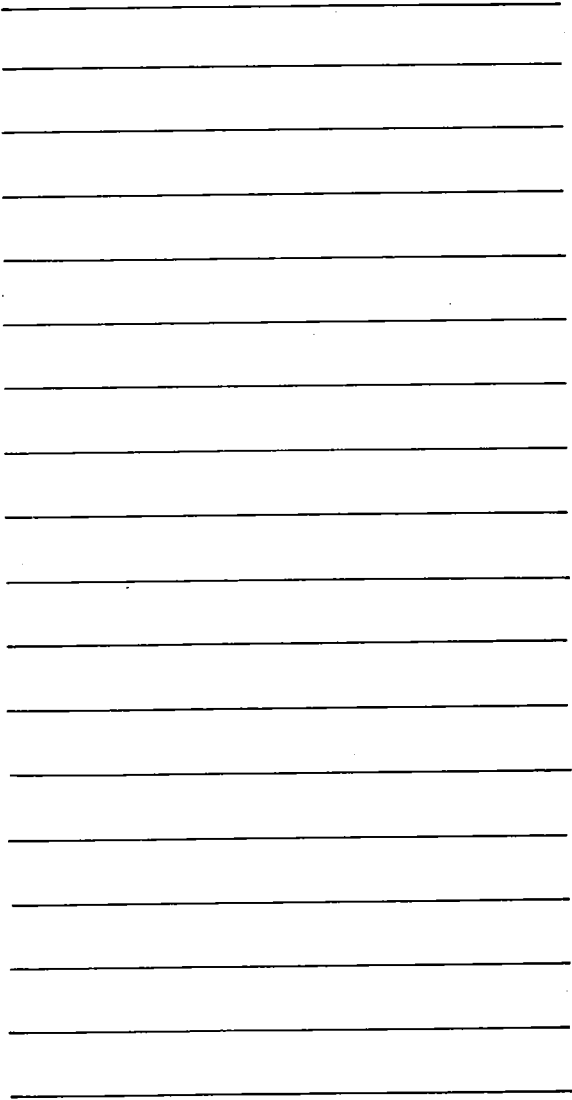
SPACES PROTECTED	MEDIUM AMOUNT

- Cylinders weighed (date) _____
- Cylinders hydro-tested (date) _____
- Flexible loops, test or replace
- Sprinklers tested
- Alarms tested
- Vent stops
- Closure of openings
- Sprinkler heads
- Piping
- Controls
- Markings and instructions
- Foam test

3. Fire and bilge systems

PUMPS	NUMBER	DRIVE
FIRE PUMPS		
BILGE PUMPS		

- Piping
- Gauges
- Controls
- Manifold and valves
- Strainers
- Tested
- Pollution prevention (See Sec. M)



4. Fire main system and stations

NO. HOSES REQUIRED	NO. HOSES ON BOARD	DIAMETER	LENGTH EACH HOSE

- All equipment compatible
- Number of hose stations required _____
- Material
- Nozzles and spanners
- Mains and hydrants
- Tested
- Markings

5. Number of fire axes _____

- Markings

6. Display of Plans

- Fire control

7. Sand or additional BII

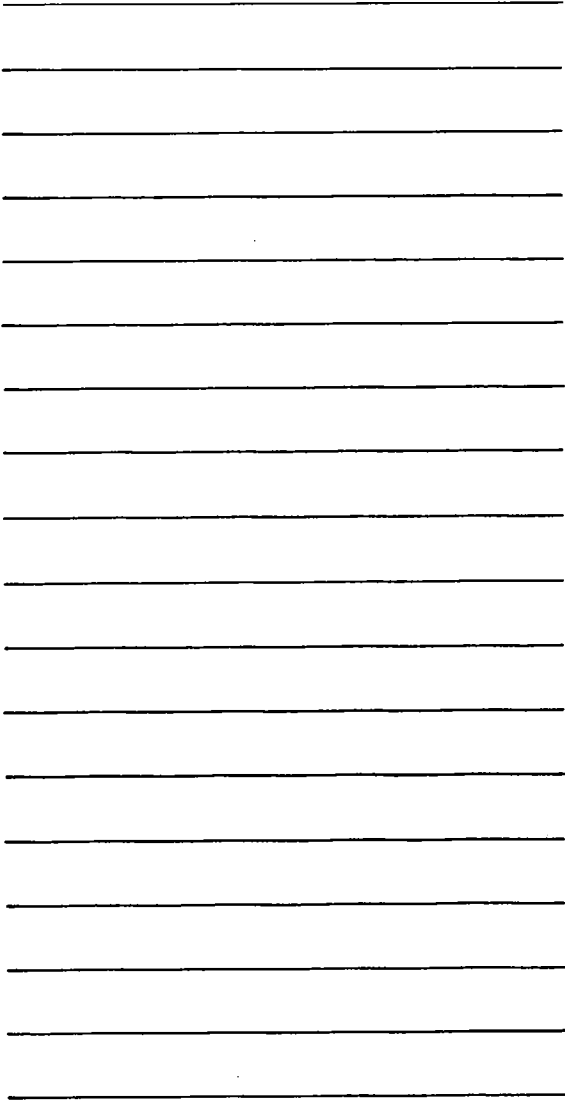
C. EMERGENCY EQUIPMENT

1. General alarm systems

- Controls
- Markings
- Batteries and fuses
- Tested

2. Emergency outfit

- Required equipment
- Condition
- Stowage
- Markings



D. VENTILATION AND VENTING
(Freight Barges)

1. Ventilation and venting
- All compartments
 - Closures
 - Flame screens

E. NAVIGATION EQUIPMENT

1. Steering gear
- Tested
 - Instructions posted
2. Navigation lights and signals
- Running lights
 - Anchor lights
 - Whistle, bell, horn
 - Special signals or lights
 - Anchor ball(s) or shape(s)
 - Distress signals and stowage

F. GROUND TACKLE

1. Anchor
2. Cable

MATERIAL	SIZE	LENGTH
----------	------	--------

3. Mooring, standing and running gear

G. HULL, DECKS, FITTINGS AND WATERTIGHT INTEGRITY

1. Hull structure (list inaccessible compartments & areas)
 - Decks
 - Shell
 - Bulkheads
 - Tanktops
 - Strength members
 - Double bottom
 - Yes No
 - Double sides
 - Yes No
2. Deck openings and closures
 - Closing devices
 - Gaskets
3. Hull openings and closures
 - Airports and dead covers
4. Main deck area
 - Extraneous material
 - Fire hazards

H. ACCOMMODATION AND STOREROOM SPACES

1. Accommodations
 - Size
 - Toilets
 - Pollution prevention (See Sec. M)
 - Sanitation
 - Means of escape (No locks)
 - Ventilation
 - Lighting
 - Fire resistive construction

A page of lined paper with 20 horizontal lines. A dark circular mark is present on the left margin near the bottom.

2. Storerooms
 - Stowage
 - Fire hazards
 - Lighting
3. Paint, oil and lamp stowage
 - Closures
 - Fireproof/metal lined
 - Lighting/electrical
 - Fire protection
 - Markings

I. BOILERS

		1	2
USCG NUMBER			
USE			
TYPE			
MANUFACTURER			
YEAR BUILT			
MAXIMUM DESIGN PRESSURE			
MAXIMUM ALLOWABLE PRESSURE			
TYPE JOINTS			
MINIMUM EFFICIENCY OF JOINTS			
SHELL	ORIGINAL THICKNESS		
	DATE DRILLED		
	THICKNESS		
FURNACES	NUMBER OF		
	TYPE		
	ORIGINAL THICKNESS		
	INTERNAL DIAMETER		

I. BOILERS—Continued

		1	2
STAYBOLTS	PITCH		
	ORIGINAL DIAMETER		
RECORDS IN OFFICE AT			
SAFETY VALVES	NUMBER OF		
	MANUFACTURER		
	MODEL		
	DATE SET AND SEALED		
	PRESSURE SETTING		
FUSIBLE PLUGS	NUMBER OF		
	TYPE		
	SIZE		
	HEAT NUMBER		
BOILER EXAMINATION		(CHECK \checkmark)	(CHECK \checkmark)
WATERSIDE			
FIRESIDE			
EXTERNAL			

I. BOILERS--Continued

BOILER	DATE HYDRO	DATE MOUNT OPEN	DATE MOUNT. REMOVED

1. Boilers

- Flues
- Shells
- Furnaces
- Combustion chambers
- Casing insulation
- Uptakes
- Refractory
- Foundations
- Piping and valves
- Gauges

2. Fuel system

- Type fuel _____
- Fuel tanks
- Regulators
- Shutoff valves (remote)
- Filling and venting
- Piping
- Gauges
- Strainers
- Valves
- Pollution prevention (See Sec. M)

J. MACHINERY INSTALLATION

1. Machinery (including deck and mooring)
 - Spark arrestor
 - Controls
 - Insulation
 - Exhaust
 - Cooling
 - Fuel system
 - Pollution prevention (See Sec. M)
2. Electrical equipment
 - Generators
 - Motors
 - Controls
 - Switchboard
 - Lighting
 - Batteries and chargers
 - Wiring
 - Overcurrent protection
 - Grounding
 - Markings and instructions
3. Pressure vessels required to be periodically tested or examined

	1	2
USCG NUMBER		
SERVICE		
MANUFACTURER		
WORKING PRESSURE		
RELIEF VALVE SETTING		
DATE TESTED OR EXAMINED		

K. MISCELLANEOUS

1. Liquefied flammable gas systems for cooking and heating
 - Markings and instructions
 - Controls
 - Piping
 - Cylinders
 - Appliances
 - Safety devices
 - Compartment ventilation
 - Evidence of tests
2. Notices and markings, where required
 - Conspicuous
 - Legible
 - Proper size
3. Ladders, rails, guards and lifelines
4. Licenses and documents examined
5. Required papers on board
6. Personnel safety hazards throughout vessel
7. Proper hull markings
 - Name
 - Hailing port
 - Official number
 - Load line
 - Draft marks
8. Cargo gear tested and/or certificated
 - SWL marked
9. Logbook and records



A series of 18 horizontal black lines spanning the width of the page, providing a template for writing or drawing.

L. TANK BARGES

1. Gas-free condition

- Chemist approved. No. _____
- Current gas-free certificate posted
- Extent of gas-free condition _____
- Date of certificate _____

2. Pumphrooms and pump enginerooms

- Closures
- Electrical installations
- Ventilation
- Bulkhead penetrations
- Cleanliness
- Gas tight boundaries

3. Cargo transfer system

Pumps and engines

- Controls (including remote)
- Gauges
- Reliefs
- Engine fuel system
- Spark arrestor
- Insulation
- Pollution prevention (see Sec. M)

Piping and valves

- Expansion joints
- Controls
- Supports
- Cargo valve material (dangerous cargoes)
 - Zinc, copper alloys, copper or aluminum
 - Cast or carbon steel
 - Stainless steel
- Hose
- Flanges
- Drip pans

4. Cargo spaces

- Trunks and hatches
- Ullage openings and screens
- Liquid level gauging
 - Open
 - Restricted
 - Closed
- Deck penetrations

5. Rake ends

- Access
- Ventilation
- Pumping means
- Electrical

6. Cargo tank venting

Common header system

- P.V. valves
- Flame arrestors
- Flush and drain connections

Independent P.V. valves

- P.V. valve material (dangerous cargoes)
 - Zinc, copper alloys, copper or aluminum
 - Cast or carbon steel
 - Stainless steel

Goosenecks and flame screens

7. Tanks for liquefied flammable gas or flammable or combustible liquid having lethal characteristics, or dangerous cargoes

		1	2	3
DATE OF	INTERNAL EXAMINATION			
	EXTERNAL EXAMINATION (LAGGING REMOVED)			
	SAFETY VALVE TEST			
	HYDRO. TEST			

- Markings
- Lagging and fire protection
- Manholes
- Piping
- Fittings
- Gauges
- Valves
- Controls
- Fill and vent
- Foundations and supports

8. Warning notices posted

- Red pennant, sign and light

9. Combustible gas indicator (if manned)

10. Watchman present

11. Air compressor intakes

- Prohibited locations



M. POLLUTION PREVENTION

1. Cargo oil containment
 - Size
 - Drains
 - Scupper closures
2. Fuel oil containment
 - Portable
 - Fixed
3. Oily waste retention
 - Bilge
 - Tank
4. Oily bilge discharge
 - Piping system
 - Outlet
 - Stop valve
 - Pump stop
 - Acceptable processing equipment
5. Ballast discharge
 - Piping system
 - Outlet
 - Stop valve
 - Pump stop
 - Acceptable processing equipment
6. Placard
7. Prohibited oil spaces
8. Designated person-in-charge
9. Oil transfer procedures
 - Compliance
 - Permanently posted or available
 - Sighted and legible
 - Content
 - Amendment required (Explain)
10. Oil sumps draining practices
11. Emergency shutdown

12. Oil transfer hose
- Condition
 - Markings
 - Hose assembly requirements
 - Tests and inspections
13. Records required
- Listing of persons-in-charge
 - Tests and inspections of equipment
 - Hose information
 - Valve inspection
14. Waiver letters carried (Describe)
15. Tank vessel security

33 CFR 157

1. Segregated ballast
2. Pumping, piping and discharge requirements
3. Designated observation area
4. Slop tank
5. Oily residue tank
6. Cargo tank arrangement and size
7. Subdivision and stability
8. Cargo and ballast
9. Vessel operating requirements
- System information
 - Instruction manual
10. Information for master

33 CFR 159

1. Marine sanitation devices
- Type I
 - II
 - III
2. Certified for inspected vessels
3. Capacity satisfactory

Lined writing area with 20 horizontal lines.

4. Manufacturer's instructions

5. Installation

- Operation
- Wiring and piping
- Placard
- Accessibility to parts requiring routine servicing
- Ventilation
- Maintenance
- Safety

46 CFR 542

1. FMC certificate

- No. _____
- Date _____

N. DRYDOCK EXAMINATION

1. Gas-free condition

- Approved chemist no. _____
- Current certificate posted _____
- Date of certificate _____

2. Hull and/or structural members gauged for material thickness

Yes (Enter or attach report in back of book)

No

3. External structural members

- Plating
- Caulking
- Reinforcing straps
- Planking
- Rakes

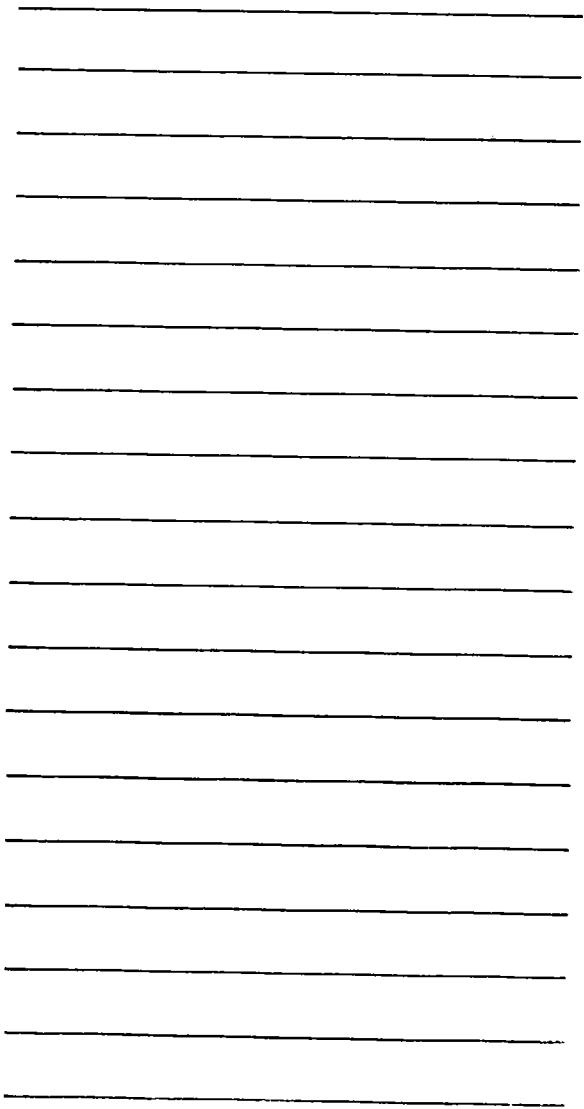
4. Internal structural members

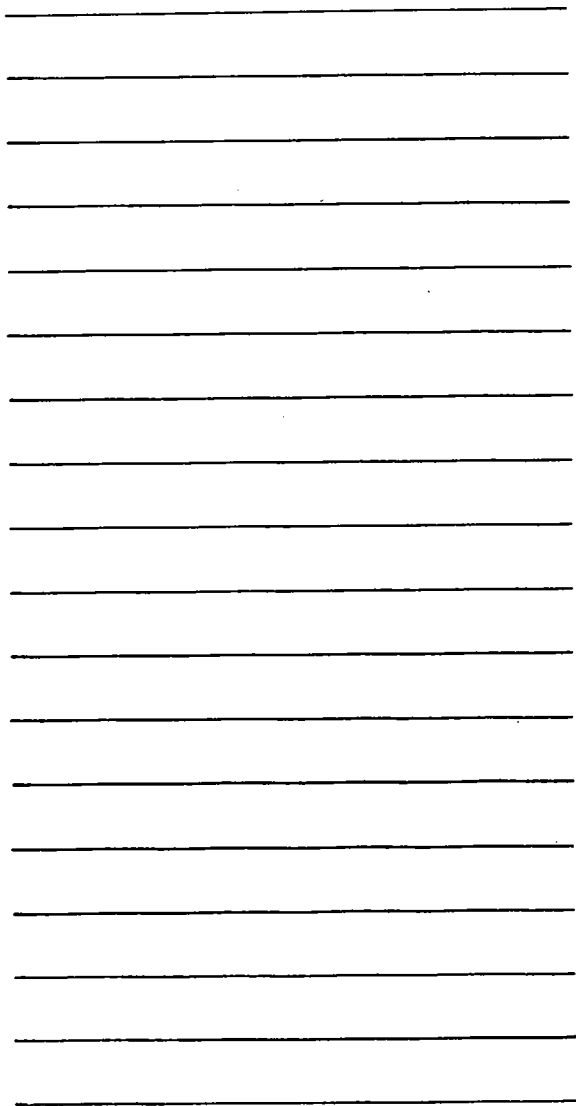
- Bulkheads
- Tanktops
- Floors
- Intercostals
- Beams
- Decks
- Longitudinals
- Frames
- Stiffeners
- Connections

5. Vessel carefully examined for fractures and previous fracture repairs

6. Fastenings
- Rivets
 - Nails, screws, bolts
 - Welding
7. Ground tackle
8. Scuppers, soil lines, tank overflows
- Valves
9. Draft marks and load lines
- Proper locations
 - Legibly inscribed
 - Proper spacing and size
 - Loadline markings verified
10. Rudder(s)/Skeg(s)
11. Sea chests, spool pieces, through hull fittings
- Strainers removed:
 - All
 - None
 - Part (Show on opposite page those opened or unopened)
 - Welds
 - Baffles
 - Strainer fastenings
 - Fastenings
 - Branch connections
12. Sea valves
- Fitted where required:
 - Yes
 - No
 - Valves opened for examination:
 - All
 - None
 - Part (Show on opposite page those opened or unopened)
 - Body
 - Guides
 - Threads
 - Seat
 - Closure tested (Local and/or remote)
 - Stems
 - Discs
 - Plug cocks
 - Holding down bolts

Blank lined paper with horizontal ruling lines and three binder holes on the left side.





Record of Inspection

Name, phone number and title of representatives of the vessel assisting in the inspection.

In my opinion the vessel

is

is not

fit for the service and route specified.

(1) SIGNATURE OF U.S.C.G. INSPECTOR

(2) SIGNATURE OF U.S.C.G. INSPECTOR



C. [Signature]

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 #88468
Diversified Marine Tech, Inc.
EPA ID# FLD982099533
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.

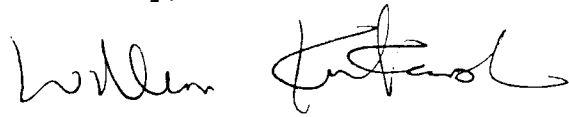
Section 403.727 Florida Statutes provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department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



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 Marine Tech., Inc. DEP/EPA ID# FLD982099533
STREET ADDRESS 2531 22nd St. Causeway So, Tampa, FL 33619
MAILING ADDRESS same
COUNTY Hillsborough PHONE 813-248-9179 DATE 1/8/96 TIME 1130

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:

Mr. Robert Campbell

4. Survey Participants and Principal Inspector:

Robert Campbell - DMT Gerry McCormick - DES
Tom Boerger - DES Timyn J. Rice - FDEP

5. Facility Location: Latitude: 27°55'26" Longitude: 82°25'17"

6. SIC Code:

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 Marine Tech., Inc. (DMT) was inspected to evaluate their compliance with state and federal hazardous waste and used oil management regulations. DMT merged with Diversified Environmental Services, Inc. (DES) early this year. However, DMT operates on a separate property from the DES and will be referred to as DMT in this report for clarity. Operations at DMT are overseen by Mr. Robert Campbell, Vice President. Mr. Campbell, Mr. Gerry McCormick, and Captain Tom Boerger were present during the inspection.

DMT is a small shipyard which provides dry-dock and repair services for fishing vessels, tugboats, and other vessels up to 110 feet long. Small quantities of paint waste are generated and collected in labeled 55 gallon drum. This drum was open at the time of inspection. It must be kept closed, except when adding or removing waste. Spent sandblast grit from boat bottoms collects in a depression below the dry-dock. Many bottom paints contain heavy metals as a marine growth inhibitor. A hazardous waste determination must be conducted on this material. If it is deemed to be a hazardous waste, it may not be accumulated on the ground.

DMT is also operating a used oil transfer or processing facility. Bilge water and tanker waste is pumped from ported vessels into tanker trucks for transport to DMT. The trucks then pump the oily waste into one of the storage tanks on the Myakka River Barge which is docked at DMT. The waste oil is allowed to separate from the water and solids. The tanks are routinely dipped, and when the water fraction is adequate for removal, it is pumped into a designated tanker truck for shipment to Tampa Bay Marine Services (TBMS). TBMS operates a wastewater pre-treatment plant which discharges to Hookers Point POTW. The oil fraction from the barge is marketed to shoreside used oil processors. Most of the used oil has been sold to International Petroleum Corporation or Mid-Florida Mining Corporation over the last year.

Mr. Boerger stated that gravity separated solids accumulate in the tanks, and are removed when the barge is dry docked. The Coast Guard requires this type of barge to be dry docked twice every five years, with no more than three years between docking events. The Myakka River tanker was dry docked in February, 1995. No sludge was generated as DMT had just purchased the vessel and it had not been in service as a settling tank. A previous inspection of the Elk River barge on June, 1992 resulted in a recommendation that the sludge from this operation be characterized by TCLP analysis for metals and VOCs prior to disposal. DMT has no record of a waste determination or disposal records for sludge removed from the Elk River, therefore a violation of 40 CFR 262.11 is alleged.

According to Mr. Boerger, the Elk River barge actually went out of service in 1991. The Coty River barge was in service from that time until mid 1994. The Peace River barge was then placed into service for approximately six months before being sold and replaced by the Myakka River barge. Mr. Boerger stated that the Peace River barge was not in service long enough to accumulate any solids. The Coty River barge has

not been "mucked out" and is stored at DMT. A hazardous waste determination must be made on this material.

The following is a discussion of DMT's used oil status. If DMT can document that used oil shipments are not held in the Myakka River barge for longer than 35 days, then they may be considered a transfer facility under 40 CFR 279.45. Transfer facility status may be demonstrated by maintaining a daily operating record which notes the quantity of material placed into the barge and the quantity of material removed from the barge (including oil, water, and sediments). Throughput must be at least 100% over each 35 day period. Transfer facilities are required to have secondary containment for their oil storage (279.45). DMT is storing used oil in the Myakka River barge which is not double hulled and does not have equivalent secondary containment.

If shipments are held for greater than 35 days, DMT is considered a used oil processor under 40 CFR 279 Subpart F. DMT does not currently appear to be in compliance with the following requirements under the rule for used oil processors:

- Notice of intent to use a general permit [62-710.800, F.A.C.]
- Notification to EPA of proper status [279.51]
- Arrangements with local authorities [279.52(a)(6)]
- Contingency plan content [279.52(b)(2)]
- Secondary containment [279.54(c)]
- Labeling of tanks and fill pipes [279.54(e)]
- Written oil analysis plan [279.55]
- Operating record and reporting [279.57]

Used oil is transported to DMT by Tampa Bay Marine Services (TBMS). TBMS is a registered transporter of used oil and is also owned and operated by the same people as DMT. A description of TBMS and their compliance with used oil transporter regulations can be found in their separate inspection report.

On some occasions DMT may assume generator responsibility for hazardous wastes removed from vessels in the Port of Tampa. DMT is required to meet the appropriate hazardous waste regulations for any calendar month in which it handles these wastes. For example, if more than 1000 kilograms of hazardous waste is removed from a vessel by DMT in a calendar month, DMT is subject to the rules for large quantity generators for that month. A summary of hazardous waste regulations was provided to Mr. Boerger for reference in these situations. I also recommend that Diversified consult with the FDEP for assistance if this situation arises.

11. Summary of Alleged Violations:

- 40 CFR 262.11 Failure to determine if sandblasting grit from boat bottoms meets the definition of hazardous waste.
- Failure to determine if used oil residues (settled solids and unpumpable muck) from the Elk River barge and the Coty River barge meet the definition of hazardous waste.
- 40 CFR 279.45(d) Failure to provide secondary containment for used
40 CFR 279.54(c) oil storage containers.

12. Recommendations:

- 1) Collect sample of spent sandblasting grit for laboratory analysis for metals by the TCLP method.
- 2) Provide documentation of disposal of used oil residues that accumulated in the Elk River barge. Sample and analyze used oil residues remaining in the Coty River barge.
- 3) Keep drum of "paint slop" closed at all times, except when adding or removing waste.
- 4) Maintain disposal records for all hazardous wastes for a minimum of three years.
- 5) Determine status as a used oil transfer facility or a used oil processor.

Report prepared by: Timyn J. Rice
Timyn J. Rice

Approved by: Elizabeth Knauss Date 2/22/96

CESQG CHECKLIST

Date: 2/8/96

Facility Name: DIVERSIFIED MARINE TECH Facility ID #: FLD982099533

Facility Representative: BOB CAMPBELL 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	55 gal/year		YES
SAND BLAST GRIT / BOAT PAINT	D00?			NO

(describe discrepancies in waste identification in narrative)

Standards for Conditionally Exempt Small Quantity Generators - 40 CFR 261.5

2. 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
3. Has the facility obtained an EPA ID #? (not required for CESQGs) Y N
4. 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 SAND BLAST GRIT?
5. Can the facility document proper disposal of all hazardous wastes? 62-730.030(3) F. A. C. Y N SAND BLAST GRIT?
6. Are any hazardous wastes treated or disposed of on site? Describe in narrative: Y N SAND BLAST GRIT?
7. Are there any unpermitted discharges of other wastes to the environment? Y N SAND BLAST GRIT?

Transfer Facility Standards - 279.45

1. Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F
- N/A Y ✓ N MAY ALSO BE SUBJECT TO PROCESSOR
- Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y N ✓
2. Does the transporter determine whether used oil stored at a transfer facility has a total halogen content above or below 1,000 ppm?
- Y N ✓
- Is this done by testing? Y N ✓
- Is this done by process knowledge? Describe basis in narrative. Y N ✓
- Are test records or copies of records providing basis for determination kept for 3 years? Y N ✓
3. Have any analyses showed exceedances of the 1,000 ppm level? Y N UNKNOWN
- If so, was the oil managed as hazardous waste? Y N N/A
- If not, was the oil exempt? Describe in narrative. N/A Y N N/A
4. Is used oil stored only in tanks or containers? (Circle applicable units) Y N ✓ BARGE
5. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y N ✓ BARGE
- Is secondary containment provided and adequate? Y N ✓ BARGE
6. Are containers, and tank trailers in good condition and not leaking? Y ✓ N
7. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y N ✓ BARGE
- Is the containment system impervious to oil so as to prevent migration? Y N ✓ BARGE
8. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y N ✓ BARGE
9. Are used oil filters stored more than 10 days? Y ✓
- If so, is the facility a registered used oil filter transfer facility? (62-710.850) N/A Y N ✓
10. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y ✓ N

USED OIL PROCESSOR CHECKLIST

Facility Name: DIVERSIFIED MARINE TECH Date: 2/8/96
Facility Representative: BOB CAMPBELL Facility ID: FLD982099533
Inspector: RICE Registration # _____

40 CFR 279 Subpart F -- Processor Standards

1. Is the facility exempt under any of the following? (279.50(a)) Y _____ N
- Transporter or burner processing incidental to normal course of operations? Y _____ N
- Processors who also generate, transport, market, dispose or burn used oil must comply with the applicable Subparts of Part 279.
2. Does the processor have an EPA ID Number? (279.51(a)) Y N _____
3. Is the processor Registered? (62-710.500(1)(b)) Y _____ N
4. Does the processor have a general permit? 62-710.800(1)) Y _____ N
5. For new facilities, was the notification of intent to use the general permit submitted 30 days prior to beginning operation? For existing facilities, was the notification for renewal submitted 30 days prior to expiration of the general permit?(62-710.800(2)) Y _____ N

BUT NOT ASSOCIATED W/ UO PROC.

Oil Filter Processing Standards-- 62-710.850 F.A.C.

1. Does the facility process used oil filters by removing oil, draining, crushing or element separation? Describe in narrative. Generators who process their own filters are not regulated provided the filters are not disposed of in a landfill but are managed by a registered processor. Y N _____
- Is the facility a registered used oil filter processor? (62-710.850) Y _____ N
2. Are the filters stored in above ground containers which are: (62-710.850(6))
- In good condition? Y N _____
- Closed or otherwise protected from weather? Y _____ N
- Labeled "Used Oil Filters"? Y _____ N
- Stored on an oil impervious surface? Y _____ N
3. Are records maintained on DEP Form 62-710.900(2) or equivalent that include: (62-710.850(5)(a))
- Destination or end use of the processed filters? Y N _____
- Name and street address of each destination or end user? Y N _____
- Are copies kept at the facility's street address for 3 years? (62-710.850(5)(b)) Y N _____
4. Is an Annual Report submitted by March 1 for the previous calendar year summarizing the above records? (62-710.850(5)(c)) Y N _____

Facility Name: _____
Date: _____

Oil Management Standards - 279.54

1. Is used oil stored only in tanks or containers? (Circle applicable units) Y ___ N ✓ BARGE
2. If the facility has tanks, do they comply with 62-761 and 62.762 F. A. C. rules?
(Applicable to USTs over 100 g and ASTs over 550 gallons. Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y ___ N ✓ BARGE
- Is secondary containment consisting of a floor and dike which are impervious to oil provided for ASTs? Applies to all ASTs regardless of size per 279.54(d & e) Y ___ N ✓ BARGE
3. Are containers and tanks in good condition and not leaking? (279.54(b)) Y ✓ N ___
4. Are containers provided with secondary containment consisting of walls and floor at a minimum? (279.54(c)) Y ___ N ✓ BARGE
- Is the containment system impervious to oil so as to prevent migration? Y ___ N ✓ BARGE
5. Are ASTs, UST tank fill lines and containers labeled "used oil? (279.54(f)) Y ___ N ✓ BARGE
6. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? (279.54(g)) Y ✓ N ___

General Facility Standards - 279.52

1. Is the facility maintained and operated to prevent a fire, explosion or planned or unplanned release of used oil to the air, soil, or water which could threaten human health or the environment? (279.52(a)(1)) Y ✓ N ___
2. Does the facility have an internal communication or alarm system capable of giving immediate emergency instruction to facility personnel?(279.52(a)) Y ✓ N ___
3. Is there a telephone, alarm, 2-way radio or other device at the scene of operations immediately available and capable of summoning assistance from local fire departments? (279.52(a)(2)(ii)) Y ✓ N ___
- Is there immediate access to this equipment by all personnel who are engaged in pouring, mixing, spreading or otherwise handled, either directly or by voice or visual contact with another employee? (279.52(a)(4)) Y ✓ N ___
4. Describe fire control equipment. Is it adequate? (279.52(a)(2)(iii)) Y ✓ N ___
5. Is spill control and decontamination equipment present? (279.52(a)(2)(iii)) Y ✓ N ___
6. If sprinklers, water hoses or foam producing equipment is part of the facility fire control equipment, is water available at adequate volume and pressure? (279.52(a)(2)(iii)) Y ✓ N ___
7. Is the emergency equipment inspected and tested periodically?
Frequency? _____ Y ✓ N ___

Facility Name: _____
Date: _____

8. Is there adequate aisle space to allow unobstructed movement of facility personnel and emergency equipment to any area of the facility where needed? (279.52(a)(5i)) Y N

9. Has the facility made emergency response arrangements with the following: (279.52(a)(6))

Fire Department: _____ Y N

Police: _____ Y N

Hospital: _____ Y N

Emergency Response Contractor: _____ Y N

10. If not, has the facility attempted to do so and is the refusal documented? Y N ^{N/A}

Contingency Plans and Emergency Response – 279.52(b)

1. Does the facility have a contingency plan? Y N

2. Is it at the facility and easily available? Y N

3. Does the plan include:

Fire Response Procedure: (compare to 279.52(b)(6)) N/A Y N

Spill Response Procedures: " N/A Y N

Explosion Response Procedures: " N/A Y N

Instructions for handling contaminated materials & residues Y N

A description of arrangements with local authorities: N/A Y N

Emergency Coordinators: (Name) _____ Y N

Addresses and telephone numbers of Emergency Coordinators: Y N

Emergency equipment list: Y N

Specifications and capabilities of emergency equipment: Y N

Locations of emergency equipment: Y N

An evacuation plan and routes: Y N

Evacuation/alarm signals: Y N

External reporting procedures: Y N

Internal recordkeeping requirements: Y N

4. Is the plan up to date, with no changes to the list of emergency equipment, list of emergency coordinators, applicable regulations or contingency plan failures since the last revision? (279.52(b)(4)) Y N

5. Has the plan been distributed to the local police, fire department, ERT and hospital? Circle omitted authorities. (279.52(b)(3)) Y N

6. Is the emergency coordinator authorized to commit funds for incident response? Y N

7. Has the processor noted in the operating record any incidents requiring implementation of the contingency plan? (279.52(b)(6)(ix)) Y N

9. Were written reports made within 15 days to the DEP? (279.52(b)(6)(ix)) Y N

Rebuttable Presumption and Analysis Plan – 279.53, 279.55

1. Does the processor have a written analysis plan to determine whether used oil stored at the facility has a total halogen content above or below 1,000 ppm and whether the facility's used oil fuel meets the used oil specification? (279.55)(a)) Y ___ N ✓

2. Is the 1,000 ppm halogen determination made by testing? Y ___ N ✓
If so, does the analysis plan cover: (279.55(a)(2))
Sampling methods? Y ___ N ✓
Frequency of sampling? Y ___ N ✓
Analytical Methods? Y ___ N ✓
Is the 1,000 ppm halogen determination made by process knowledge? . Y ___ N ✓
If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(a)(3)) Y ___ N ✓

3. Have any analyses showed exceedances of the 1,000 ppm level? Y ___ N ✓
If so, was the oil managed as hazardous waste? Y ___ N ✓
If not, was the oil exempt? Describe basis for presumption rebuttal in narrative. (ex. analysis, refrigerant oil, etc.) N/A ___ Y ___ N ✓

4. Is the used oil fuel specification determination made by testing?
If so, does the analysis plan cover: (279.55(b)(2))
Sampling methods? Y ___ N ✓
Whether the oil will be tested before or after processing? Y ___ N ✓
Frequency of sampling? Y ___ N ✓
Analytical Methods? Y ___ N ✓
Is the used oil fuel specification determination made by process knowledge? Y ___ N ✓
If so, is the type of information that will be used to determine the halogen content stated in the analysis plan? (279.55(b)(3)) Y ___ N ✓

5. Are all oil processing residues managed as used oil, reclaimed, or used as asphalt manufacture feedstock? (279.59) N/A ___ Y ___ N ✓
If not, has the processor conducted a hazardous waste determination? (279.10(e)) N/A ___ Y ___ N ✓

6. Are test records or copies of records providing basis for determinations kept for 3 years? (279.57(a)(2)(i)) Y ___ N ✓

Facility Name: _____
Date: _____

Recordkeeping and Reporting -- 279.57, 62-710.510-520 F.A.C.

1. Do used oil acceptance records include: (279.56(a))

Name & address of the generator or off site source of the used oil?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
EPA ID # of oil provider (if applicable)?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Name & Address of the transporter delivering the oil to the facility?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
EPA ID # of the transporter delivering the oil	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Quantity of oil shipped?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Type of oil received (62-710.510(1)(c))	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Date of shipment?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>

2. Do used oil delivery records include: (279.56(b), also check marketer requirements)

Name & Address of receiving facility? (burner, processor or disposal site)	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
EPA ID # of receiving facility?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Name & Address of transporter delivering the oil?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
EPA ID # of transporter?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Quantity of oil delivered?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
End Use of the oil? (62-710.510(1)(e))	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>
Date of delivery?	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>

3. Does the facility keep records on DEP Form 62-710.900(2) or equivalent? (62-710.501(1))

Y N

4. Does the facility submit an annual report by March 1 summarizing the on site records for the previous calendar year? (62-710.520)

Y N

If not, is the facility an electric utility processing only self generated used oil for recycling, which is exempt from state registration and reporting requirements? (62-710.530)?

Y N *N/A*

5. Does the transporter keep copies of the record and reports for three years at the street address of the facility? (62-710.510(2))

Y N

Closure -- 62-710.800(3) F.A.C. and 279.54(h)

1. Has the facility submitted a written closure plan? (62-710.800(3)(a))

Y N

2. Does the plan include procedures for removing containers of oil and residues?

Y N

Cleaning and decontaminating tanks and ancillary equipment?

Y N

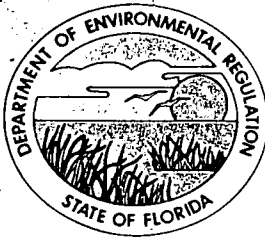
Removing contaminated soils?

Y N

Eliminating the need for further maintenance?

Y N

If the facility operated tank systems, and not all contaminated soils can be practicably removed, the owner or operator must close the facility as a hazardous waste landfill.



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

June 1, 1992

Elk River Corporation
1825 Knox Road
Tampa, Florida 33675

Attn: Curt Lessl

Re: 984 182 733
Elk River Barge, Hillsborough County


Dear Mr. Lessl:

Thank you for your assistance during the RCRA compliance inspection, conducted on May 18, 1992. Based upon the information gathered from this inspection, Elk River Barge was found to be in compliance with the regulations governing hazardous waste as promulgated under 40 CFR Part 261, which the State of Florida adopts under Chapter 17-730, Florida Administrative Code.

Enclosed is the inspection report generated from this visit. Please retain this report as a part of your permanent records.

If you have any questions, contact me at (813) 620-6100, ext. 387.

Sincerely,



Jeff Schoenbacher
Environmental Specialist I
Division of Waste Management

JTS/br
Enclosure

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



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: Elk River Corporation DER/EPA ID FLD 984182733

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	STORAGE	TREATMENT	TRANSPORTER
<input type="checkbox"/> Generator	<input type="checkbox"/> Container	<input type="checkbox"/> Tank	<input type="checkbox"/> Transporter
<input type="checkbox"/> 100-1000 Kg	<input type="checkbox"/> Tank	<input type="checkbox"/> Land Treatment	<input type="checkbox"/> Transfer Fac.
<input checked="" type="checkbox"/> Cond. Exempt SQG	<input type="checkbox"/> Waste Pile	<input type="checkbox"/> Thermal	<input type="checkbox"/> Non-Handler
	<input type="checkbox"/> Surface Imp.	<input type="checkbox"/> Chem/Phys/Bio	DISPOSAL
		<input type="checkbox"/> Incinerator	<input type="checkbox"/> Landfill
		<input type="checkbox"/> Surface Imp.	<input type="checkbox"/> 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

82.43.39.00

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.

9) PROCESS DESCRIPTION

On May 18, 1992, I conducted a Generator CEI inspection at the above mentioned facility. Representing Elk River Corporation 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. Elk River Corporation has notified the Department as being a Large Quantity Generator. This corporation is a holding company for the Elk River Barge which is anchored in the port.

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

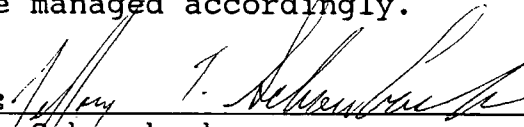
<u>WASTE</u>	<u>EPA #</u>	<u>M/UNITS</u>	<u>P/GEN</u>	<u>DISPOSAL COMPANY</u>
Waste Oil	Recycled	Varies	Elk River	Mid-Florida Mining International Processing
WWTP Sludge	N/A	Varies	WWTP Unit	Hillsborough County Landfill (Non-Haz)
Waste Water	N/A	Varies	Elk River	Hookers Point POTW

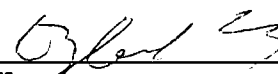
Note: M/Units = Monthly Generation

P/Gen = Point of Generation

gal. = gallons

The waste oil that is accumulated at the Elk River barge is generated from bilge sludge and oil pumped from commercial ships. The Elk River 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 treatment plant. The facility has a 28,000 gallon discharge permit for Hooker Point POTW, which accepts the treated water. The waste oil is marketed as off-spec oil to Mid-Florida Mining and International Processing Specialties for further refining. Per Mr. Lessl, no hazardous waste is generated from the Elk River Barge. Furthermore, Mr. Lessl stated the notification was given to the Department as a precaution in case the water or filter cake was hazardous. Due to this inspection it appears the facility does not handle hazardous waste. However, when the solids within the barge are removed, a TCLP analysis for metals and VOC's should be completed and the sludge managed accordingly.

Inspector: 
Jeffery T. Schoenbacher
Environmental Specialist I

Approved: 
Elizabeth Knauss
Environmental Specialist III

Date: 

Date 5/12/92
Inspector J. Schoedbeck
Facility ID# 984 182 733

RCRA COMPLIANCE INSPECTION REPORT
SMALL QUANTITY GENERATOR'S CHECKLIST

1. Has the Generator determined that he is a hazardous waste generator (262.11)? Yes No N/A
2. Does the Generator accumulate hazardous waste on-site of more than a total of 1000 Kg/mo or 1 Kg/mo of acutely toxic waste (or 100 Kg/mo of their spill residue)? No Yes
3. Does the Generator treat or dispose of his hazardous waste on-site? No Yes
4. Does the Generator have an IW permit? IW ID# _____ No Yes
5. Does the Generator delivery his hazardous waste to an approved storage, treatment or disposal facility or industrial waste permitted facility? Yes No

Note in narrative where shipped, amounts, kinds of hazardous waste.

6. Is the area managed to prevent fire, explosion or contamination of the environment? Yes No

Note in narrative any unusual circumstances, potential problems, or recommendations.

Coast Guard
Regulations

RECEIVED FEB 12 1992

February 11, 1992

Mr. Curt Lessl
Diversified Environmental Services
1825 Knox Road
Tampa, FL 33605-5986

RE: PACE Project No. 220102.500
Client Reference: Filtercake

Dear Mr. Lessl:

Enclosed is the report of laboratory analyses for samples received January 25, 1992.

If you have any questions concerning this report, please feel free to contact us.

Sincerely,



Michael Jackman
Project Manager

Enclosures

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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Diversified Environmental Services
 1825 Knox Road
 Tampa, FL 33605-5986

February 11, 1992
 PACE Project Number: 220102500

Attn: Mr. Curt Lessl

Client Reference: Filtercake

PACE Sample Number: 90 0010257
 Date Collected: 01/23/92
 Date Received: 01/25/92
 Client Sample ID: Filtercake

<u>Parameter</u>	<u>Units</u>	<u>MDL</u>	
------------------	--------------	------------	--

INORGANIC ANALYSIS

INDIVIDUAL PARAMETERS

Cyanide, Reactive	mg/kg	1	ND
Flash Point	Degrees F	1	GT 200
Moisture	%	0.01	40
Sulfide, Reactive	mg/kg	0.6	ND
TCLP - Metals/Organic Extraction			01/28/92
pH	SU	-	9.3

MDL Method Detection Limit
 ND Not detected at or above the MDL.
 GT Greater than.

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Mr. Curt Lessl
Page 2

February 11, 1992
PACE Project Number: 220102500

Client Reference: Filtercake

PACE Sample Number: 90 0010265
Date Collected: 01/23/92
Date Received: 01/25/92
Client Sample ID: Filtercake
Parameter Units MDL Leachate
(1)

INORGANIC ANALYSIS

TCLP METALS

TCLP - Arsenic	mg/L	0.5	ND
Barium - TCLP	mg/L	0.3	ND
Cadmium - TCLP	mg/L	0.01	ND
Chromium - TCLP	mg/L	0.05	ND
Lead - TCLP	mg/L	0.1	ND
Mercury - TCLP	ug/L	0.2	ND

TCLP - Selenium	mg/L	0.5	ND
Silver - TCLP	mg/L	0.02	ND

ORGANIC ANALYSIS

TCLP ACID EXTRACTABLES

Date Extracted			01/29/92
o-Cresol	ug/L	100	ND
m-Cresol	ug/L	100	ND
p-Cresol	ug/L	100	ND
Cresols, Total	ug/L	100	ND
Pentachlorophenol	ug/L	100	ND
2,4,5-Trichlorophenol	ug/L	100	ND
2,4,6-Trichlorophenol	ug/L	100	ND

TCLP BASE/NEUTRAL EXTRACTABLES

Date Extracted			01/29/92
2,4-Dinitrotoluene	ug/L	100	ND
Hexachlorobenzene	ug/L	100	ND
Hexachlorobutadiene	ug/L	100	ND
Hexachloroethane	ug/L	100	ND
Nitrobenzene	ug/L	100	ND
Pyridine	ug/L	100	ND

(1) All analysis performed on Toxic Characteristic Leachate.
MDL Method Detection Limit
ND Not detected at or above the MDL.

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Mr. Curt Lessl
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February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

PACE Sample Number: 90 0010265
 Date Collected: 01/23/92
 Date Received: 01/25/92
 Client Sample ID: Filtercake
 Parameter Units MDL Leachate
 (1)

ORGANIC ANALYSIS

TCLP VOLATILES

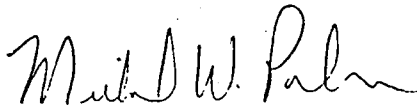
Benzene	ug/L	60	ND
Carbon Tetrachloride	ug/L	50	ND
Chlorobenzene	ug/L	130	ND
Chloroform	ug/L	40	ND
1,4-Dichlorobenzene	ug/L	100	ND
1,2-Dichloroethane	ug/L	100	ND
1,1-Dichloroethylene	ug/L	50	ND
Methyl ethyl ketone	ug/L	2000	ND
1,1,2,2-Tetrachloroethylene	ug/L	90	ND
1,1,2-Trichloroethylene	ug/L	90	ND
Vinyl Chloride	ug/L	80	ND

(1) All analysis performed on Toxic Characteristic Leachate.
 MDL Method Detection Limit
 ND Not detected at or above the MDL.

These data have been reviewed and are approved for release.



Michael F. Valder
 Manager, Inorganic Chemistry



Michael W. Palmer
 Manager, Organic Chemistry

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Barium - TCLP
 Batch: 90 22562
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010184	Duplicate of 90 0010184	RPD
Barium - TCLP	mg/L	0.3	ND	0.4	0.37	8%

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
Barium - TCLP	mg/L	0.3	0.3	0.6	98%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Barium - TCLP	mg/L	0.3	1	98%

MDL Method Detection Limit
 RPD Relative Percent Difference

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Cadmium - TCLP
 Batch: 90 22559
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010184	Duplicate of 90 0010184	RPD
Cadmium - TCLP	mg/L	0.01	ND	ND	ND	NC

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
Cadmium - TCLP	mg/L	0.01	ND	0.6	85%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Cadmium - TCLP	mg/L	0.01	1	101%

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Chromium - TCLP
 Batch: 90 22558
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010184	Duplicate of 90 0010184	RPD
Chromium - TCLP	mg/L	0.05	ND	ND	ND	NC

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
Chromium - TCLP	mg/L	0.05	ND	0.6	88%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Chromium - TCLP	mg/L	0.05	1	98%

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Cyanide, Reactive
 Batch: 90 22414
 Samples: 90 0010257

SAMPLE DUPLICATE:

Parameter	Units	MDL	90 0010257 Filtercake	Duplicate of 90 0010257	RPD
Cyanide, Reactive	mg/kg	1	ND	ND	NC

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Flash Point
 Batch: 90 22533
 Samples: 90 0010257

SAMPLE DUPLICATE:

Parameter	Units	MDL	90 0009240	Duplicate of 90 0009240	RPD
Flash Point	Degrees F	1	GT 200	GT 200	

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Flash Point	Degrees F	1	81	100%

MDL Method Detection Limit
 RPD Relative Percent Difference

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Lead - TCLP
 Batch: 90 22560
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method	90 0010184	Duplicate of 90 0010184	RPD
Lead - TCLP	mg/L	0.1	Blank ND	95	94	1%

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
Lead - TCLP	mg/L	0.1	35	2	100%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Lead - TCLP	mg/L	0.1	1	101%

MDL Method Detection Limit
 RPD Relative Percent Difference

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Mercury - TCLP
 Batch: 90 22553
 Samples: 90 0010265

METHOD BLANK:

Parameter	Units	MDL	Method Blank
Mercury - TCLP	ug/L	0.2	ND

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Mercury - TCLP	ug/L	0.2	3	101%

MDL Method Detection Limit

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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Mr. Curt Lessl
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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Moisture
 Batch: 90 22745
 Samples: 90 0010257

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010257 Filtercake	Duplicate of 90 0010257	RPD
Moisture	%	0.01	ND	40	40	0%

MDL Method Detection Limit
 RPD Relative Percent Difference

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Silver - TCLP
 Batch: 90 22561
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010184	Duplicate of 90 0010184	RPD
Silver - TCLP	mg/L	0.02	ND	ND	ND	NC

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
Silver - TCLP	mg/L	0.02	ND	0.6	92%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
Silver - TCLP	mg/L	0.02	1	100%

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

Sulfide, Reactive
 Batch: 90 22431
 Samples: 90 0010257

SAMPLE DUPLICATE:

Parameter	Units	MDL	90 0010257 Filtercake	Duplicate of 90 0010257	RPD
Sulfide, Reactive	mg/kg	0.6	ND	ND	NC

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

TCLP - Arsenic
 Batch: 90 22556
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010184	Duplicate of 90 0010184	RPD
TCLP - Arsenic	mg/L	0.5	ND	ND	ND	NC

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
TCLP - Arsenic	mg/L	0.5	ND	2	102%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
TCLP - Arsenic	mg/L	0.5	1	98%

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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QUALITY CONTROL DATA

February 11, 1992
 PACE Project Number: 220102500

Client Reference: Filtercake

TCLP - Selenium
 Batch: 90 22557
 Samples: 90 0010265

METHOD BLANK AND SAMPLE DUPLICATE:

Parameter	Units	MDL	Method Blank	90 0010184	Duplicate of 90 0010184	RPD
TCLP - Selenium	mg/L	0.5	ND	ND	ND	NC

SPIKE:

Parameter	Units	MDL	90 0010168	Spike	Spike Recv
TCLP - Selenium	mg/L	0.5	ND	1	102%

LABORATORY CONTROL SAMPLE:

Parameter	Units	MDL	Reference Value	Recv
TCLP - Selenium	mg/L	0.5	1	97%

MDL Method Detection Limit
 RPD Relative Percent Difference
 NC No calculation due to value below detection limit.

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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QUALITY CONTROL DATA

February 11, 1992
PACE Project Number: 220102500

Client Reference: Filtercake

602 - VOLATILE AROMATICS (W/XYLENE)

Batch: 90 22915

Samples: 90 0010265

METHOD BLANK:

Parameter	Units	MDL	Method Blank
Methyl Tert-Butyl Ether	ug/L	0.9	ND
Benzene	ug/L	0.6	ND
Toluene	ug/L	1.0	ND
Chlorobenzene	ug/L	1.3	ND
Ethyl benzene	ug/L	0.9	ND
Xylenes	ug/L	0.9	ND
1,3-Dichlorobenzene	ug/L	1.1	ND
1,4-Dichlorobenzene	ug/L	1.0	ND
1,2-Dichlorobenzene	ug/L	1.0	ND
Total VOA	ug/L	0.6	ND

SPIKE AND SPIKE DUPLICATE:

Parameter	Units	MDL	90 0013906	Spike	Spike		RPD
					Recv	Dupl	
Benzene	ug/L	0.6	ND	25	96%	108%	11%
Toluene	ug/L	1.0	ND	25	92%	104%	12%
Chlorobenzene	ug/L	1.3	ND	25	92%	108%	16%

MDL Method Detection Limit
RPD Relative Percent Difference

Lab Certification: Florida Environmental: HRS #E84003; Florida SDWA: HRS #84125

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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

April 7, 1992

ELK River Corporation
2531 22nd Street Causeway South
Tampa, Florida 33675

Attn: Curt Lessl

Re: ELK River Corporation - FLD #984 182 733

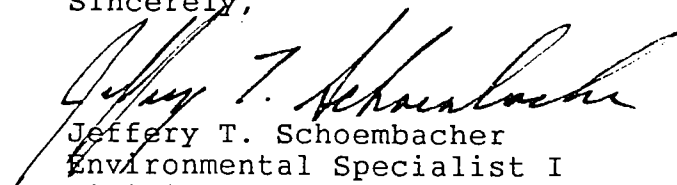
Dear Mr. Lessl:

Our records indicate that your operation manages hazardous wastes. The purpose of this letter is to inform you that the Department intends to inspect your operating practices and records sometime in the near future, to determine compliance with the hazardous waste regulations (Chapter 17-730 Florida Administrative Code which adopts 40 CFR Parts 260 to 266 by reference) and other Department rules. This inspection may also include verification of compliance with the Federal EPA Land Disposal Restrictions of 40 CFR Part 268. An outline of the State hazardous waste regulations is attached. We recommend that you review your operating practices and ensure that all of the regulatory requirements are being achieved. Copies of Department rules and regulations are available upon request.

The Department strongly recommends that any deficiencies in waste handling practices be corrected to avoid potential enforcement actions (including assessment of penalties of to \$50,000 per day, per violation).

If you have any questions concerning the regulations or the upcoming inspection, please contact me at (813) 620-6100, ext. 387.

Sincerely,


Jeffery T. Schoembacher
Environmental Specialist I
Division of Waste Management

JTS/br
Enclosure