



# Florida Department of Environmental Protection

13051 North Telecom Parkway  
Temple Terrace Florida 33637

Rick Scott  
Governor

Carlos Lopez-Cantera  
Lt. Governor

Jonathan P. Steverson  
Secretary

June 13, 2016

Mr. Gerry McCormick Jr., Vice President  
Diversified Environmental Services, Inc.  
1201 N. 22nd St.  
Tampa, FL 33605  
[desdmtgerry@gmail.com](mailto:desdmtgerry@gmail.com)

Re: Warning Letter #WL16-21HW29SWD  
Diversified Environmental Services, Inc. - FLD984183566  
Diversified Marine Tech, Inc. - FLD984182733  
Hillsborough County

Dear Mr. McCormick:

A used oil program inspection was conducted at your facilities on February 9, 2016 under the authority of Section 403.091, Florida Statutes (F.S.). During this inspection, possible violations of Chapter 403, F.S., and Chapter 62-710, Florida Administrative Code (F.A.C.), were observed.

During the inspection Department personnel noted the following:

- Used oil has been stored for more than 35 days without a used oil processing permit.
- Used oil was being stored in frac tanks that were not located within secondary containment.
- The frac tanks were not labeled with the words "used oil."

At the time of the inspection, Department personnel verbally notified you that potential violations existed at the facility and you were encouraged to take corrective action. The potential violations were:

- Operating without a used oil processor permit.
- Failure to comply with FAC Rule 62-710.401(6) standards for storing used oil.

On April 20, 2016, in response to an e-mail inquiry, you stated that you had not yet disposed of the oil that was stored on site. Copies of the reports for these inspections are attached to this Warning Letter.

Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, 403.141 and 403.161, Florida Statutes.

Please contact Richard Vaughn, at (813)470-5799, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

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

Sincerely,



Mary E. Yeargan, P.G.  
Director, Southwest District  
Florida Department of Environmental Protection

MEY/ebk

ec: Bheem Kothur, Hazardous and Solid Waste Permitting ([Bheem.Kothur@dep.state.fl.us](mailto:Bheem.Kothur@dep.state.fl.us))  
Gerry Javier, EPCHC ([javier@epchc.org](mailto:javier@epchc.org))

## PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Environmental Services

Identify Violator's Facility: FLD984183566 1201 N 22nd St., Tampa

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

Warning Letter #: \_\_\_\_\_ Date: 4/14/2016

Violation Type		Manual Guide	ELRA Citation	ELRA Amount	Total
1.	62-710.800(2) - No used oil processing permit. Oil stored more than 35 days at two transfer facilities	UO 87	ELRA 403.121(3)(e)	\$3,000	\$3,000
2.	279.45(d) -Used oil stored in frac tanks without secondary containment	UO 102	ELRA 403.121(4)(b)	\$4,000	\$4,000
3.	279.45(g)(1) - failure to label frac tanks and a barge with the words "used oil"	UO 147	ELRA 403.121(5)	\$500	\$500
4.	279.46(a)(2), 279.46(a)(5)(i)	UO 41	ELRA 403.121(4)(f)	\$500	\$500
SUB-TOTAL					\$8,000
ECONOMIC BENEFIT					TBD
DEPARTMENT COSTS					\$500

If ELRA is selected as an enforcement mechanism, two separate orders would be appropriate, one for each corporation and site.

Total Penalties Including Department Costs:

DES \$8,500.00 + EB

\_\_\_\_\_  
Mary E. Yeargan, P.G.  
Southwest District Director  
Florida Department of Environmental Protection

\_\_\_\_\_  
Date

## PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech

Identify Violator's Facility: DMT- FLD984182733 2351 Causeway Blvd., Tampa

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

Warning Letter #: \_\_\_\_\_ Date: 4/14/2016

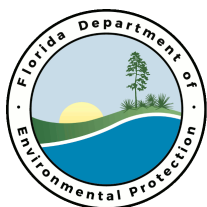
Violation Type		Manual Guide	ELRA Citation	ELRA Amount	Total
1.	62-710.800(2) - No used oil processing permit. Oil stored more than 35 days at two transfer facilities	UO 87	ELRA 403.121(3)(e) (base penalty \$2,000 plus \$1,000 for used oil (frac tanks).	\$3,000	\$3,000
2.	279.45(d) -Used oil stored in frac tanks without secondary containment	UO 102	ELRA 403.121(4)(b)	\$4,000	\$4,000
SUB-TOTAL					\$7,000
ECONOMIC BENEFIT					TBD
DEPARTMENT COSTS					\$500

Total Penalties Including Department Costs:

\$7,500.00 + EB

\_\_\_\_\_  
Mary E. Yeargan, P.G.  
Southwest District Director  
Florida Department of Environmental Protection

\_\_\_\_\_  
Date



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

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**FACILITY INFORMATION:**

**Facility Name:** Diversified Environmental Services Inc  
**On-Site Inspection Start Date:** 02/09/2016      **On-Site Inspection End Date:** 02/09/2016  
**ME ID#:** 49178      **EPA ID#:** FLD984183566  
**Facility Street Address:** 1201 N 22nd St # 200, Tampa, Florida 33605-5314  
**Contact Mailing Address:** 1201 N 22nd St, Tampa, Florida 33605-5314  
**County Name:** Hillsborough      **Contact Phone:** (813) 248-3256

**NOTIFIED AS:**

Non-Handler  
Transporter  
Used Oil

**INSPECTION TYPE:**

Routine Inspection for Transporter facility  
Routine Inspection for Used Oil Transfer Facility

**INSPECTION PARTICIPANTS:**

**Principal Inspector:** Elizabeth Knauss, Environmental Consultant  
**Other Participants:** Gerry McCormick Jr., Vice President; Jamie Arleo, ES III

**LATITUDE / LONGITUDE:** Lat 27° 57' 22.4678" / Long 82° 26' 0.3581"

**SIC CODE:** 3999 - Manufacturing - manufacturing industries, nec

**TYPE OF OWNERSHIP:** Private

**Introduction:**

Diversified Environmental Services, Inc. ("DES") was inspected in conjunction with its sister company, Diversified Marine Tech, Inc. ("DMT"). Gerry McCormick Jr. provided access and information during the inspections. Both companies are currently registered with the Department as used oil transporters and transfer facilities, but neither has a permit for used oil processing. The companies do not market used oil fuel. All oil is shipped to off site facilities for additional processing and marketing.

DES has offices, parking areas for transportation equipment, a maintenance shop and a centralized wastewater treatment unit that discharges to the City of Tampa's sewer system under a pretreatment permit. DES is a spill response contractor and offers tank and ship cleaning services. DMT operates a ship repair and maintenance business at the Port of Tampa, with a full service wet slip in addition to a dry docking system. The company can also service ships elsewhere in the port and transport waste from the ships to the DMT dock for transfer to shore facilities. The company also conducts some operations in Texas.

**Process Description:**

DES currently operates nine vacuum trucks, five tankers and five tractors. Two of the vac trucks operate at their Texas location. DES also has eleven frac tanks, plus rental units. DES owns three tugs and a 16,250 barrel capacity double hulled tank barge, the DES 1625 which was built in 1970.

DMT provides ship maintenance services and repairs, and the barge is used to transport oily waste over water. The barge also is used to allow passive gravimetric separation of oil and water. Frac tanks are also staged at DMT for holding oily waste. Oily waste water is transferred to trucks or tankers for transport to the DES facility for treatment. Sewage pumped from ship holding tanks is

Inspection Date: 02/09/2016

taken directly to the City of Tampa's Howard Curran treatment facility for discharge.

DES accepts industrial waste water for pretreatment in a NPDES permitted Centralized Wastewater Treatment Unit that discharges to the City of Tampa's Howard Curran wastewater treatment facility. Since the previous inspection, DES modified their permit to accept all types of industrial waste water (Category D.) The water treatment plant includes six, 10,000 gallon tanks holding tanks for water, which is tested prior to discharge to the POTW. Solids precipitated during treatment are separated from the waste water in a cone bottom tank, and then dewatered in a filter press prior to disposal off site, to Clark Environmental. The solids are tested regularly and are not characteristically hazardous.

Recovered oil is currently being stored in frac tanks on site. Mr. McCormick said that oil with excessive water is sometimes transported back to the barge, where it is stored to allow additional gravimetric separation. One frac tank was labeled "DES Oil" and was marked with a date of August 4, 2014. Five additional frac tanks were not labeled "used oil." Mr. McCormick estimated that the contents were 80 to 85% oil, but the water content needed to be reduced to between 1% to 8% to make the oil marketable. Due to market conditions, and inability to meet water content limits, DES and DMT did not ship any recovered oil to an off site processor between September 14, 2015 and the date of this inspection.

Oil transfer records between DMT and DES were on file. The records included the EPA identification numbers of both companies. All records included a notation "halogens less than 1,000 ppm." Three records for oil transferred from DES to DMT did not include a signature. The most recent record on file was from September 6, 2015.

Recovered oil is brokered by Sunrise Environmental. In 2015, off specification used oil was marketed to Oil Recovery, Inc. in Camilla Ga, GAR000054480. One load was rejected on April 9, 2015 and returned to DES due to a water content of 35%. It was not rejected due to excess halogens. A shipping record from August 13, 2015 did not include Diversified's EPA identification number. Earlier in the year, oil was also shipped to Georgia Petroleum, GAD981222433 as "non hazardous used oil." The most recent disposal record on file to any other transporter or processor was from September 14, 2015.

Oily solids such as engine room muck and contaminated absorbents are stored in containers and are currently being disposed of through Clark Environmental in Mulberry. About 50 - 55 gallon drums of this material were stored within the DES maintenance building. Plastic bags of oily solids were also stored in this area. Some oil contaminated boots and buckets were being held for cleaning in drums labeled "used oil." These were located on a loading dock on the east end of the maintenance/office building.

The tanker parking area also held several unlabeled containers. One was closed and held muck with a small amount of floating oil, another blue poly drum was open, with a small amount of oily residue and a white plastic bucket. Another bucket with oily residue was located adjacent to a tanker. These appeared to be staged to collect drips from hoses used for loading and unloading. Two additional drums labeled "non hazardous waste" and "petroleum contact water" were stored next to the building holding the water treatment plant. These contained oily solids separated from the waste water during transfer. The drums were labeled as having been generated off site, however Mr. McCormick indicated that the drums had been emptied, and were being re-used without removing the original labels.

A small laboratory is adjacent to the water treatment plant. The tests are limited to pH, chloride content and percent water by Dexsil Hydrosout testing. No specification testing is conducted, and quarterly waste water samples collected for Clean Water Act compliance are analyzed by a certified lab. A corner of the lab held about a dozen fluorescent lamps that appeared to be old and dirty, however it could not be determined whether these were spent lamps or unused lamps.

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

### **Violations**

Inspection Date: 02/09/2016

Type: Violation  
Rule: 279.45(d)  
Explanation: Used oil was being stored in frac tanks and other containers that were not provided with secondary containment.  
Corrective Action: Used oil stored at transfer facilities must be provided with an impervious secondary containment system consisting of, at a minimum, dikes, berms or retaining walls and a floor covering the area within the berms.

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Type: Violation  
Rule: 279.45(g)(1)  
Explanation: Used oil frac tanks and other containers were not labeled with the words "used oil."  
Corrective Action: All used oil containers and tanks at used oil transfer facilities must be clearly labeled or marked with the words "used oil."

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Type: Violation  
Rule: 279.46(a)(2), 279.46(a)(5)(i)  
Explanation: Used oil acceptance records from DMT did not always include a signature, dated upon receipt. Records of transfers to off site processors did not always include the facility identification number of DES.  
Corrective Action: Ensure that all used oil acceptance and delivery records include the EPA identification numbers of the oil provider, and the signature of the oil provider, dated upon receipt.

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Type: Violation  
Rule: 62-710.800(2)  
Explanation: DES and DMT have stored used oil for more than 35 days without a used oil processing permit and without complying with the standards applicable to used oil processors.  
Corrective Action: DES and/or DMT must submit a complete application for a used oil processing facility permit. Used oil may not be stored for more than 35 days without a permit, and without complying with applicable standards.

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**Conclusion:**

DES and DMT are not operating in compliance with regulations applicable to used oil transfer facilities. Used oil has been stored for more than 35 days. Florida requires facilities that hold used oil more than 35 days to obtain a used oil processor permit. In addition, used oil is being stored in frac tanks that are not labeled with the words "used oil" and are not provided with secondary containment.

Inspection Date: 02/09/2016

**Signed:**

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

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

Elizabeth Knauss

**PRINCIPAL INSPECTOR NAME**

Environmental Consultant

**PRINCIPAL INSPECTOR TITLE***E. Knauss***PRINCIPAL INSPECTOR SIGNATURE**

FDEP - SWD

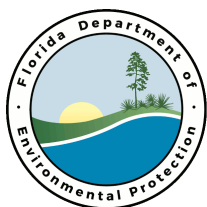
**ORGANIZATION**

4/8/2016

**DATE****Supervisor:** Beth Knauss**Inspection Approval Date:** 04/13/2016

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





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

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**FACILITY INFORMATION:**

**Facility Name:** Diversified Marine Tech Inc

**On-Site Inspection Start Date:** 02/09/2016

**On-Site Inspection End Date:** 02/09/2016

**ME ID#:** 40523

**EPA ID#:** FLD984182733

**Facility Street Address:** 2531 Causeway Blvd, Tampa, Florida 33619-5151

**Contact Mailing Address:** 1201 N 22nd Street, Tampa, Florida 33605

**County Name:** Hillsborough

**Contact Phone:** (813) 248-3256

**NOTIFIED AS:**

Non-Handler

Used Oil

**INSPECTION TYPE:**

Routine Inspection for Used Oil Transfer Facility

**INSPECTION PARTICIPANTS:**

Principal Inspector: Elizabeth Knauss, Environmental Consultant

Other Participants: Jamie Arleo, ES III; Gerry McCormick Jr., Vice President

**LATITUDE / LONGITUDE:** Lat 27° 55' 47.3095" / Long 82° 25' 40.105"

**SIC CODE:** 4941 - Trans. & utilities - water supply

**TYPE OF OWNERSHIP:** County

**Introduction:**

Diversified Marine Tech, Inc. ("DMT") was inspected in conjunction with its sister company, Diversified Environmental Services, Inc. ("DES"). Gerry McCormick Jr. provided access and information during the inspections. Both companies are currently registered with the Department as used oil transporters and transfer facilities, but neither has a permit for used oil processing. The companies do not market used oil fuel. All oil is shipped to off site facilities for additional processing and marketing.

DMT operates at the Port of Tampa, with a full service wet berth in addition to a dry docking system. The company can also service ships elsewhere in the port and transport waste from the ships to the DMT dock for transfer to shore facilities.

DES has offices, parking areas for transportation equipment, a maintenance shop and a centralized wastewater treatment unit that discharges to the City of Tampa's sewer system under a pretreatment permit at it's main facility at 1201 N. 22nd St., Tampa. Records for both companies are maintained at DES.

**Process Description:**

DES currently operates nine vacuum trucks, five tankers and five tractors. Two of the vacuum trucks operate at their Texas location. DES also has eleven frac tanks, plus rental units. DES also owns three tugs and a 16,250 barrel capacity steel double-hulled tank barge, the DES 1625 which was built in 1970.

DMT provides ship maintenance services and repairs. The company sometimes generates conditionally exempt amounts of waste, mainly from painting activities, but none was on site the date of the inspection. Oily waste from bilge cleaning, butterworth and other maintenance is transported over water in the DES barge. The barge also is used to allow passive gravimetric

Inspection Date: 02/09/2016

separation of oil and water. Frac tanks are also staged at DMT for holding oily waste. They are not provided with secondary containment as required for containers or tanks at used oil transfer facilities. None were labeled with the words "Used Oil." Oily waste water is transferred to trucks or tankers for transport to the DES facility. Sewage that is pumped from ship holding tanks is taken directly to the City of Tampa's Howard Curran treatment facility for discharge.

DES accepts industrial waste water for pretreatment in a NPDES permitted Centralized Wastewater Treatment Unit that discharges to the City of Tampa's Howard Curran wastewater treatment facility. Since the previous inspection, DES modified their permit to accept all types of industrial waste water (Category D.) The water treatment plant includes six, 10,000 gallon tanks holding tanks for water, which is tested prior to discharge to the POTW. Solids precipitated during treatment are separated from the waste water in a cone bottom tank, and then dewatered in a filter press prior to disposal off site, to Clark Environmental. The solids are tested regularly and are not characteristically hazardous.

Recovered oil is currently being stored in frac tanks at both facilities. Mr. McCormick said that oil with excessive water is sometimes transported back to the barge, where it is stored to allow additional gravimetric separation. Mr. McCormick indicated that the frac tanks at DMT contained varying amounts of oil and water. Due to market conditions, and inability to meet water content limits, DES and DMT did not ship any recovered oil to an off site processor between September 14, 2015 and the date of this inspection.

Oil transfer records between DMT and DES were on file. The records included the EPA identification numbers of both companies. All records included a notation "halogens less than 1,000 ppm." Three records for oil transferred from DES to DMT did not include a signature. the most recent record on file was from September 6, 2015.

Recovered oil is brokered by Sunrise Environmental. In 2015, off specification used oil was marketed to Oil Recovery, Inc. in Camillia Ga., GAR000054480. One load was rejected on April 9, 2015 and returned to DES due to a water content of 35%. It was not rejected due to excess halogens. A shipping record from August 13, 2015 did not include the shipper's EPA identification number. Earlier in the year, oil was also shipped to Georgia Petroleum, GAD981222433 as "non hazardous used oil." The most recent disposal record on file to any other transporter or processor was from September 14, 2015.

## New Potential Violations and Areas of Concern:

### Violations

Type:	Violation
Rule:	279.45(d)
Explanation:	Used oil containers (frac tanks) were not provided with secondary containment.
Corrective Action:	All used oil containers and tanks located at used oil transfer facilities must be provided with impervious secondary containment consisting of, at a minimum a dike, berm or walls and a floor.

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Type:	Violation
Rule:	279.45(g)(1)
Explanation:	Frac tanks and a barge holding used oil were not labeled with the words "used oil."
Corrective Action:	All containers and tanks holding used oil at used oil transfer and processing facilities must be labeled with the words "used oil."

Inspection Date: 02/09/2016

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Type:	Violation
Rule:	62-710.800(2)
Explanation:	DES and DMT have stored used oil more than 35 days without obtaining a permit from the Department or complying with the standards applicable to used oil processing facilities.
Corrective Action:	DES and/or DMT must submit a complete application for a used oil processing permit. Oil may not be stored more than 35 days without a permit from the Department.

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**Conclusion:**

DES and DMT have stored used oil more than 35 days without complying with regulations applicable to used oil transfer facilities or processors. In addition, in Florida, this storage would require the facility to obtain a permit as a used oil processing facility.

Inspection Date: 02/09/2016

**Signed:**

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

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

Elizabeth Knauss

**PRINCIPAL INSPECTOR NAME**

Environmental Consultant

**PRINCIPAL INSPECTOR TITLE***E. Knauss***PRINCIPAL INSPECTOR SIGNATURE**

FDEP - SWD

**ORGANIZATION**

4/8/2016

**DATE****Supervisor:** Beth Knauss**Inspection Approval Date:** 04/13/2016

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