

**Thursby, Kim**

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**From:** Ed Kinley <ekinley@uestampa.com>  
**Sent:** Thursday, April 18, 2019 11:35 AM  
**To:** Epost HWRS  
**Subject:** UES Permit Modification

We are in possession of the permit modification / acceptance.

Regards,  
Ed Kinley



Ed Kinley, President  
(813)390-0659

## Thursby, Kim

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**From:** Thursby, Kim  
**Sent:** Thursday, April 18, 2019 11:20 AM  
**To:** 'ekinley@uestampa.com'  
**Cc:** Baker, Bryan; Walker, Kim (Waste); 'bastek.brian@epa.gov'; 'merizalde.carlos@epa.gov'; McBride, Ashanti; 'elena.compton@floridadep.gov'; Buselli, Bradley; Ashwood, Janet; Kennedy, Shannon; Knauss, Elizabeth; 'Financial.Assurance.Working.Group@floridadep.gov'; 'annie\_dziergowski@fws.gov'; 'FWCConservationPlanningServices@myfwc.com'; 'jimseavy@seavyassociates.com'; Kothur, Bheem  
**Subject:** Universal Environmental Solutions, LLC – Tampa; FLR 000 199 802; Final Permit Modification  
**Attachments:** 4-18-19 UES - Final Permit Issue Permit Major Mod.pdf.Receipt.pdf

### **CORRECTED ONE.**

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

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

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

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

Bryan Baker, P.G.  
Environmental Administrator  
Hazardous Waste Program & Permitting



# FLORIDA DEPARTMENT OF Environmental Protection

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

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

April 18, 2019

Mr. Ed Kinley, President  
1650 Hemlock St.  
Tampa, Florida 33605  
[ekinley@uestampa.com](mailto:ekinley@uestampa.com)

RE: **Universal Environmental Solutions, LLC – Tampa**  
EPA ID Number: FLR 000 199 802  
Operating Permit Number: 330300-002-HO  
Hillsborough County

Dear Mr. Kinley:

Enclosed is Permit Number 330300-002-HO to operate a Used Oil Processing Facility. This permit is being issued pursuant to Section 403.722, Florida Statutes (F.S.), and Chapters 62-4, 62-160, 62-710, 62-730, and 62-780, Florida Administrative Code (F.A.C.).

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

The Notice of Appeal must be filed within thirty (30) days from the date the final permit is issued. If you should have any questions, please contact Bheem Kothur by telephone (850) 245-8781 or by e-mail at [bheem.kothur@floridadep.gov](mailto:bheem.kothur@floridadep.gov).

Sincerely,

A handwritten signature in cursive script that reads "Bryan Baker".

Bryan Baker, P.G., Environmental Administrator  
Hazardous Waste Program & Permitting

BB/bk/bb

Enclosures

Mr. Ed Kinley, President  
Page 2 of 2  
April 18, 2019

cc (with enclosures):

Brian Bastek, EPA Region 4, [bastek.brian@epa.gov](mailto:bastek.brian@epa.gov)  
Carlos Merizalde, EPA Region 4, [merizalde.carlos@epa.gov](mailto:merizalde.carlos@epa.gov)  
Ashanti McBride, DEP OGC, [ashanti.mcbride@floridadep.gov](mailto:ashanti.mcbride@floridadep.gov)  
Elena Compton, DEP Headquarters, [elena.compton@floridadep.gov](mailto:elena.compton@floridadep.gov)  
Bradley Buselli, DEP Headquarters, [bradley.buselli@floridadep.gov](mailto:bradley.buselli@floridadep.gov)  
Janet Ashwood, DEP Headquarters, [janetashwood@floridadep.gov](mailto:janetashwood@floridadep.gov)  
Shannon Kennedy, DEP Southwest District, [Shannon.kennedy@floridadep.gov](mailto:Shannon.kennedy@floridadep.gov)  
Elizabeth Knauss, DEP Southwest District, [elizabeth.knauss@floridadep.gov](mailto:elizabeth.knauss@floridadep.gov)  
Financial Assurance Working Group, DEP Headquarters,  
[financial.assurance.working.group@floridadep.gov](mailto:financial.assurance.working.group@floridadep.gov)  
Annie Dziergowski, U.S. Fish & Wildlife Service [annie\\_dziergowski@fws.gov](mailto:annie_dziergowski@fws.gov)  
Florida Fish & Wildlife Conservation Planning Services  
[FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com)  
Jim Seavy, Seavy & associates, [jimseavy@seavyassociates.com](mailto:jimseavy@seavyassociates.com)



# FLORIDA DEPARTMENT OF Environmental Protection

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

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

PERMITTEE:  
Universal Environmental Solutions, LLC  
1650 Hemlock St.  
Tampa, Florida 33605

I.D. NUMBER: FLR 000 199 802  
PERMIT NUMBER: 330300-002-HO  
DATE OF ISSUE: April 18, 2019  
EXPIRATION DATE: April 7, 2020

ATTENTION:  
Mr. Ed Kinley, President

COUNTY: Hillsborough  
PROJECT: Used Oil processing Facility

Pursuant to authorization obtained by the Florida Department of Environmental Protection (FDEP) under the Resource Conservation and Recovery Act [42 United States Code (U.S.C.) 6901, *et seq.*, commonly known as RCRA], and 40 Code of Federal Regulations 279, this permit is issued under the provisions of Section 403.722 Florida Statutes (F.S.), and Chapters 62-4, 62-160, 62-701, 62-710, 62-730, 62-740, 62-762, 62-777 and 62-780 Florida Administrative Code (F.A.C.). This permit modifies the following conditions of permit 330300-001-HO: pages one (1) through two (2), fourteen (14), sixteen (16), and nineteen (19) through twenty-one (21) of the current permit shall be replaced with the attached revised pages, including the addition of pages twenty-two (22) through twenty-seven (27); these modified pages must be attached to the existing permit. The above-named Permittee is hereby authorized to perform the work or operate the facility shown on the application dated November 1, 2018 and supplemented by additional information submitted January 15, 2019, February 19, 2019, and March 7, 2019, that are incorporated herein and collectively referred to as the "permit modification application." The permit modification application also includes any approved drawing(s), plans, and other documents that are specifically identified and incorporated by reference. The permitted units or permitted activities are specifically described as follows:

To operate a Used Oil Processing Facility hereinafter referred to as the "Facility". The Used Oil Processing Facility is located on an approximately 1.29 - acre parcel of land leased by Universal Environmental Solutions, LLC in Hillsborough County, at 1650 Hemlock Street, Tampa, Florida, 33605. Diagrams of the site layout and tank storage area are included as Attachment A of this permit. Tank capacity and contents are shown in Attachment B (Tank Table) of this permit.

The facility is authorized to transport, store, and process used oil, oily wastewater, petroleum contact water (PCW), non-hazardous wastewater and, and used oil filters. The facility is permitted to market used oil.

The Facility currently consists of four (4) tanks; three (3) 5,000-gallon PCW tanks (Tanks # 11, 12, and 13) and one (1) 20,000-gallon Used Oil tank (Tank # 6). The 20,000-gallon Tank # 6 (Frac Tank 4) designed for used oil storage has been registered. This permit

authorizes the use of this tank for used oil processing. An Alternative Procedure Request [Form 62-762.901(4), dated July 10, 2018] was submitted the Department on July 27, 2018 and approved [AP-1180] on November 9, 2018 (see Attachment C).

All tanks and piping are located within secondary containment as shown in Attachment A. The facility is authorized to store and use a total of 33,250 gallons of used oil, oily wastewater, and PCW in tanks and related appurtenances currently installed at the facility.

The tanks cannot be used for permitted activities until this permit modification has been issued by the Department.

The Permittee is required to investigate any releases of contaminants to the environment at the facility regardless of the time at which waste was placed in a unit and to take appropriate corrective action for any such releases. Pursuant to 40 CFR 260.10 [as adopted by reference in Rule 62-730.020(1), F.A.C.], and Chapter 62-780 F.A.C. corrective requirements extend to all property under control of the Permittee (see Attachment A, a map of the property boundaries of the land under the Permittee's control) and to all contamination that originated from discharges at the property under control of the Permittee.

This permit is based on the premise that information and reports submitted by the Permittee prior to issuance of this permit are accurate. Any inaccuracies found in this information or information submitted as required by this permit may be grounds for termination or modification of this permit in accordance with Rules 62-4.050 and 62-710.800 F.A.C. and potential enforcement action.

**The following documents were used in the preparation of this permit:**

1. Permit number 330300-001-HO issued April 7, 2015, and documents referenced therein.
2. Inspection Report dated May 9, 2018.
3. Warning Letter # WL18-33HW29SWD dated June 7, 2018.
4. Permit Major Modification Application (Revision 3) dated November 1, 2018.
5. Alternative Procedure Request and Alternative Procedure Approval Order (AP-1180) dated July 10, 2018 and November 19, 2018.
6. Request for Additional Information (RAI) dated December 18, 2018.
7. Partial RAI Responses and Time Extension Request & Approval dated January 15, 2019.
8. RAI Responses (Permit Major Modification – Revision 4) dated February 19, 2019.
9. Updated Site Map and Tank Table for Permit Major Modification – Revision 4 dated March 7, 2019.

4. The Permittee shall maintain and operate the facility to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of used oil, sludge, residues or constituents to air, soil, or surface water which could threaten human health or the environment, in accordance with 40 CFR 279.52(1).
5. Pursuant to Subsection 62-710.300(3), F.A.C., aboveground storage and process tanks having a capacity greater than 550 gallons, and all integral piping shall comply with the performance standards for new tanks of Rule 62-762.501, F.A.C., for existing shop fabricated/field erected tanks of Rule 62-762.511, F.A.C. Repairs to aboveground storage and process tanks shall meet the criteria of Rule 62-762.701, F.A.C.

### **PART III – TANK AND CONTAINER CONDITIONS**

“Tank system”, for the purpose of Part III of this permit, is currently defined as storage tank(s), appurtenant equipment and secondary containment structures comprising the Permittee used oil processing facility. Typical volumes of used oil, oily wastewater, and PCW should not exceed 33,250 gallons in processing at any given time (95% of 35,000).

1. The Permittee shall prevent the release of petroleum contact water, used oil, oily waste or oily wastewater to the environment. The secondary containment system shall be maintained in accordance with the permit application and shall comply with the requirements of 40 CFR 279.54, including the requirements set forth below:
  - a. All new components shall have secondary containment as required by Parts (b) and (c) of this condition prior to being put into service.
  - b. The secondary containment system shall meet the requirements of 40 CFR 279.54 and shall be:
    - (1) Designed, installed and operated to prevent any migration of waste or accumulated liquid to the soil, groundwater or surface waters.
    - (2) Capable of detecting and collecting releases and run-on until the collected material is removed.
    - (3) Constructed of, or lined with, materials compatible with the waste to be stored and of sufficient strength to sustain the stresses induced by failure of the primary containment system as well as other stresses that may be induced by the environment.
    - (4) Placed on a foundation or base capable of providing support to the secondary containment system.
    - (5) Provided with a leak detection system designed and operated to detect failure of either the primary or secondary containment structures or the presence of any release within 24 hours.
    - (6) Sloped or otherwise designed and operated to drain or remove liquids resulting from leaks, spills, or precipitation.

10. To prevent overflow, the Permittee shall notify the Department when the volume of used oil, oily wastewater stored in any of the permitted tanks exceeds 95% of the maximum storage capacity of the tank.
11. The Permittee must follow the Alternative Procedure Request and Approval Order (AP-1180), shown in Attachment C.

#### **PART IV – PETROLEUM CONTACT WATER PROCESSING CONDITIONS**

1. The Permittee shall ship or accept petroleum contact water (PCW) only by using a transporter who is a registered hazardous waste transporter in compliance with Rule 62-730.170, F.A.C., or has received a DEP/EPA ID number by notifying the Department on DEP/EPA Form 8700-12FL of its intent to transport PCW. [Subsection 62-740.200(2), F.A.C.].
2. The Permittee shall label or mark all containers or tanks which are used for the storage of petroleum contact water with the words “Petroleum Contact Water” or PCW. [Rule 62-740.100, F.A.C.].
3. The Permittee shall store PCW only in those containers or tanks which are made of, or lined with, materials which will not react with and are otherwise compatible with the waste to be stored. PCW received into the Facility may be commingled and stored in Facility tanks with other petroleum or used oil-contaminated water for processing and recovery in accordance with the permit application. The volume of PCW stored at the facility shall not exceed 15,000 gallons at any given time in Tanks 11, 12, and 13.
4. If a container holding PCW is not in good condition (e.g. rusting, bulging) or begins to leak, the Permittee shall either over pack the container or transfer the waste to another container or tank which is in good condition. [40 CFR 279.22]
5. The Permittee shall store or treat PCW in tanks registered under the specifications of Rule 62-762, F.A.C., or in containers or tanks that do not require registration but meet the requirements of Subsection 62-740.100(2), F.A.C. [Paragraph 62-740.300(2)(a) and (b), F.A.C.].
6. The Permittee shall test and manage all waste residuals after the recovery of product from PCW in accordance with Chapter 62-730, F.A.C., or other applicable rules of the Department [Subsection 62- 740.300(6), F.A.C.].
7. The Permittee shall maintain the following records for a minimum of three years [Paragraph 62- 740.300(2)(c), F.A.C.
  - a. For each shipment of PCW received.
    - (1) Name and address of the PCW producer.
    - (2) Name and address of the PCW transporter.
    - (3) Date of receipt of the PCW shipment.
    - (4) Volume of PCW received.
    - (5) A copy of the shipping paper used for shipment of the PCW.



PERMITTEE: Universal Environmental Solutions, LLC  
I.D. NUMBER: FLR 000 199 802

PERMIT NUMBER: 330300-002-HO  
EXPIRATION DATE: April 7, 2020

Issued **April 18, 2019**

STATE OF FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



**KIMBERLY A. WALKER, PROGRAM ADMINISTRATOR**  
**PERMITTING AND COMPLIANCE ASSISTANCE PROGRAM**

Filing and Acknowledgment

Filed on this date, pursuant to Section 120.52 Florida Statutes, with the designated Clerk, receipt of which is acknowledged.



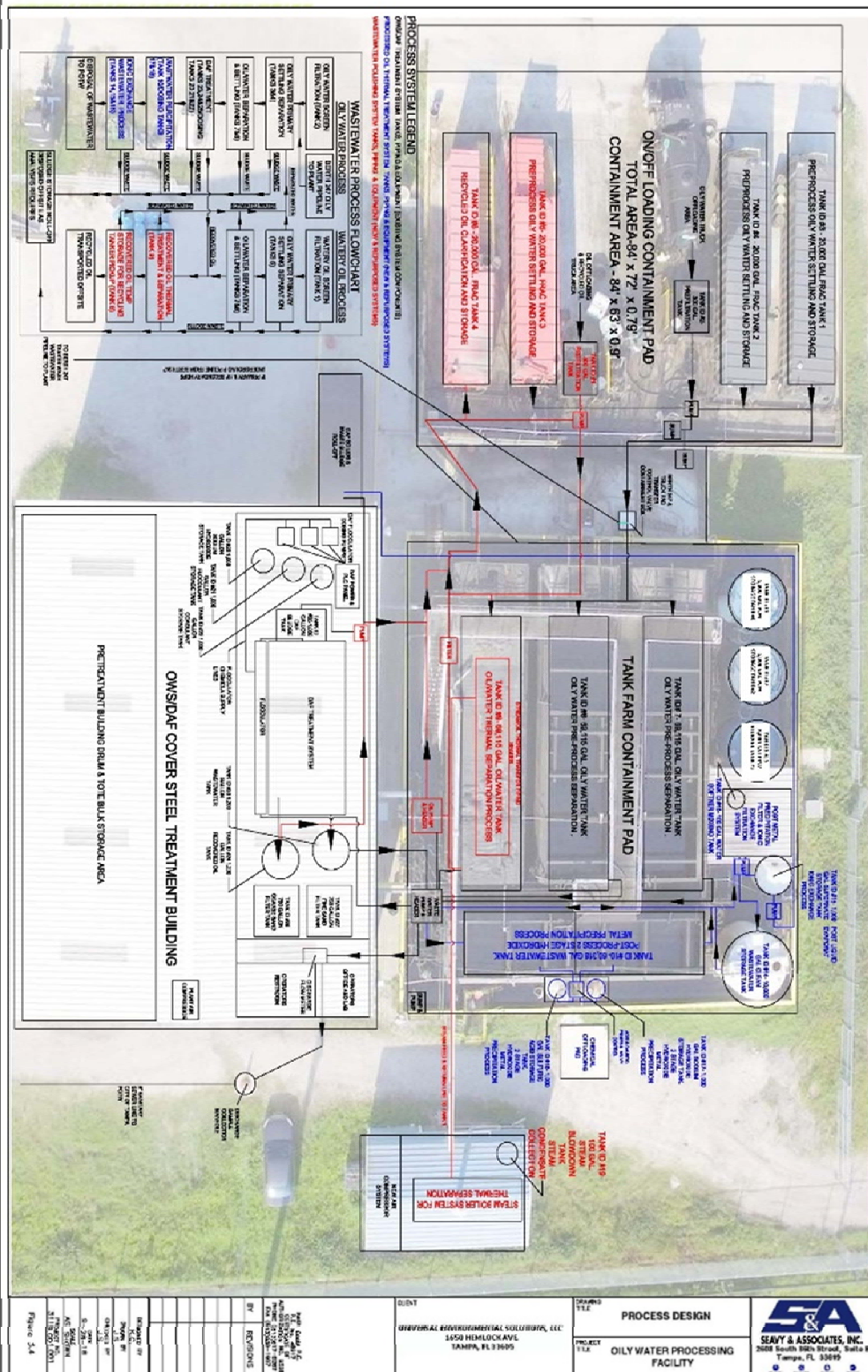
CLERK

April 18, 2019  
DATE

## ATTACHMENT A – FACILITY MAP

### 3.4 Attachment A - Section 3 Process Flow Diagram

17 2804



## ATTACHMENT B – TANK TABLE

*Universal Environmental Solutions, LLC.  
Industrial Wastewater Pretreatment Facility*

*Spill Prevention, Control, and  
Countermeasure (SPCC) Plan*

Tank ID #	Tank Type	Pre-Update Process Use	Post-Update Process Use	Containment Area	Name/Primary Content/Purpose	Capacity (Barrels)	Capacity (Gals)
1	Steel	New	OWS/DAF	Offloading Pad	Open topped steel box for oily water offloading gross filtration.	12	500
2	Steel	New	OWS/DAF	Offloading Pad	Open topped steel box for oily water offloading gross filtration.	12	500
3	Steel	New	OWS/DAF	Offloading Pad	Frac Tank 1 / Oily water clarification and storage prior to OWS/DAF separation.	477	20,000
4	Steel	New	OWS/DAF	Offloading Pad	Frac Tank 2 / Oily water clarification and storage prior to OWS/DAF separation.	477	20,000
5	Steel	New	OWS/DAF	Offloading Pad	Frac Tank 3 / Oily water clarification and storage prior to OWS/DAF separation.	477	20,000
6	Steel	New	RO Thermal Treatment	Offloading Pad	Frac Tank 4 / Recycled oil storage final settling & clarification prior to shipment.	477	20,000
7	Steel	OWS/DAF	OWS/DAF	Tank Farm	Oily bilge water separator tank 1 / Oily bilge water gravity separation.	1,646	69,115
8	Steel	OWS/DAF	OWS/DAF	Tank Farm	Oily bilge water separator tank 2 / Oily bilge water open topped gravity separation tank.	1,646	69,115
9	Steel	OWS/DAF	RO Thermal Treatment	Tank Farm	Post processed oil storage and thermal treatment closed topped square tank.	1,646	69,115
10	Steel	OWS/DAF	Wastewater Clarification	Tank Farm	Wastewater polishing tank 1. Post processed wastewater storage and clarification.	1,646	60,318
11	Steel	PCW Storage	Clean PCW Separation	Tank Farm	Clean PCW storage tank 1 / Temporary storage of clean prior to recycling.	120	5,000
12	Steel	PCW Storage	Clean PCW Separation	Tank Farm	Clean PCW storage tank 2 / Temporary storage of clean prior to recycling.	120	5,000
13	Steel	PCW Storage	Clean PCW Separation	Tank Farm	Clean PCW storage tank 1 / Temporary storage of clean prior to recycling.	120	5,000
14	Poly	OWS/DAF	Wastewater Clarification.	Tank Farm	Final wastewater settling tank 1. / Hydroxide precipitation settling tank.	240	10,000
15	Poly	New	Wastewater Clarification	Tank Farm	Conical bottom tank 1. Ionic exchange supernate containment tank.	24	1,000
16	Poly	New	Wastewater Clarification	Tank Farm	Round tank with removable lid. Water softener mixing tank	2.5	100
17	Poly	New	Wastewater Clarification	Tank Farm	Wastewater precipitation Sodium Hydroxide storage tank.	24	1,000
18	Poly	New	Wastewater Clarification	Tank Farm	Wastewater precipitation Sulfuric Acid storage tank.	24	1,000
19	Steel	New	Oil Thermal Treatment	Containment Not Required	Conical bottom steam settling tank. Boiler steam condensate.	2	80
20	Poly	OWS/DAF	OWS/DAF	Inside Bldg.	DAF Sodium Hydroxide storage tank.	24	1,000
21	Poly	OWS/DAF	OWS/DAF	Inside Bldg.	DAF Flocculant storage tank.	24	1,000
22	Poly	OWS/DAF	OWS/DAF	Inside Bldg.	DAF Coagulant storage tank.	24	1,000
23	Poly	OWS/DAF	OWS/DAF	Inside Bldg.	DAF Separated wastewater tank.	48	1,200
24	Poly	OWS/DAF	OWS/DAF	Inside Bldg.	DAF separated oil collection tank.	48	1,200
25	Steel	OWS/DAF	OWS/DAF	Inside Bldg.	DAF Sludge collection and settling tank.	24	1,000
26	Steel	OWS/DAF	OWS/DAF	Inside Bldg.	Open topped square cone bottom tank for wastewater coarse sand filtration.	18	750
27	Steel	OWS/DAF	OWS/DAF	Inside Bldg.	Open topped square cone bottom tank for wastewater fine sand filtration.	18	750

Poly= Polyethylene tank not used for oily water or oil storage.

03/07/19

**ATTACHMENT C – ALTERNATIVE PROCEDURE REQUEST AND APPROVAL ORDER (AP-1180)**



**FLORIDA DEPARTMENT OF  
Environmental Protection**

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

Rick Scott  
Governor  
Carlos Lopez-Cantera  
Lt. Governor  
Noah Valenstein  
Secretary

Sent via email only (ekinley@uestampa.com)

Mr. Ed Kinley, President  
Universal Environmental Solutions, LLC  
1650 Hemlock Street  
Tampa, Florida 33605

Subject: Alternative Procedure Approval Order: AP-1180  
Alternative Procedures & Requirements  
Universal Environmental Solutions  
1650 Hemlock Street, Tampa, Florida 33605  
FDEP Facility Number: 29/ 9814309

Dear Mr. Kinley:

The District and Business Support Program (DBSP) has concluded its review of the alternate procedure AP-1180 (dated July 10, 2018, received July 27, 2018) and the supplemental information with the Professional Engineer's evaluations (received through October 15, 2018). AP-1180 and the supplemental information are enclosed in Exhibit A. The request is to allow storage of "processed used oil" in a portable 20,000-gallon tank (Tank #4) on the Universal Environmental Solutions' (UES) frac tank containment pad and to allow formal registration of this tank.

Per Exhibit A, UES is limited by space and financial resources to utilize any other tank storage method. The subject tank was constructed new in 2013. It was procured by UES as a cost saving measure from an equipment auction. The tank's integrity reports and engineering evaluations, certifying that the referenced tank's integrity and its placement in the secondary containment provide an equivalent degree of protection for the lands, surface waters, or groundwaters of the State of Florida. The DBSP concurs with the applicant's conclusions that the described arrangement provides an equivalent degree of protection for the lands, surface waters, or groundwaters of the State of Florida.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. Persons who have filed such a petition may seek to mediate the dispute and choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement. The procedures for petitioning a hearing and pursuing mediation are set forth below.

Mr. Ed Kinley  
AP-1180  
Page 2

Persons affected by this Order have the following options:

- A. If you choose to accept the Department's decision regarding the Order, you do not have to do anything. This Order is final and effective as of the clerked date on the page 6 of this Order.
- B. If you choose to challenge the decision, you may do the following:
  - 1. File a request for an extension of time to file a petition for hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order. This request should be made if you wish to meet with the Department in an attempt to resolve any disputes without first filing a petition for hearing or negotiate an agreement to mediate; or
  - 2. File a petition for administrative hearing with the Department's Agency Clerk in the Office of General Counsel within 21 days of receipt of this Order.
  - 3. In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation under Section 120.573, F.S., and must negotiate an agreement to mediate within 10 days after the deadline for filing a petition.

#### How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the applicant, shall mail a copy of the request to the applicant at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

#### How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the applicant shall mail a copy of the petition to the applicant at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsection 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information.

Mr. Ed Kinley  
AP-1180  
Page 3

- a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of when and how the petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the disputed issues of material fact, or a statement that there are no disputed facts;
- e) A concise statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

#### How to Pursue Mediation

In addition to requesting an administrative hearing, any petitioner may elect to pursue mediation. The election may be accomplished by filing with the Department a mediation agreement with all parties to the proceeding (i.e., the applicant, the Department, and any person who has filed a timely and sufficient petition for hearing). The agreement must contain all the information required by Rule 28-106.404, F.A.C. The agreement, signed by all parties, must be received by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000 within 10 days after the deadline for filing a petition, as set forth above. Choosing mediation will not adversely affect the right to a hearing if mediation does not result in a settlement.

Pursuant to Rule 28-106.404, F.A.C., an agreement to mediate must include the following:

- (i) The name, address, and telephone number of the persons who may attend the mediation, (also the DEP facility number, the name and address of the facility if applicable);
- (ii) The name, address, and telephone number of the mediator agreed to by the parties;
- (iii) How the costs and fees associated with the mediation will be allocated (the Department will not pay any of the costs of mediation);
- (iv) The agreement of the parties regarding the confidentiality of discussions and documents introduced during mediation to the extent authorized by law;
- (v) The date, time, and place of the first mediation session;



Mr. Ed Kinley  
AP-1180  
Page 4

- (vi) The name of the party's representative who shall have authority to settle or recommend settlement; and
- (vii) The signature of the parties.

As provided in Section 120.573, F.S., the timely agreement of all parties to mediate will toll the time limitations imposed by Sections 120.569 and 120.57, F.S., for holding an administrative hearing and issuing a final order. Unless otherwise agreed by the parties, the mediation must be concluded within sixty days of the execution of the agreement. If mediation results in settlement of the administrative dispute, the Department must enter a final order incorporating the agreement of the parties. Persons seeking to protect their substantial interests that would be affected by such a modified final decision must file their petitions within 21 days of receipt of this notice, or they shall be deemed to have waived their right to a proceeding under Sections 120.569 and 120.57, F.S. If mediation terminates without settlement of the dispute, the Department shall notify all parties in writing that the administrative hearing processes under Sections 120.569 and 120.57, F.S., are resumed.

This Order is final and effective as of the date that it is clerked and filed (see page 5). Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or mediation settlement.

#### Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see page 5 below).

Mr. Ed Kinley  
AP-1180  
Page 5

Questions

Any questions regarding the Department's review of your alternate procedure should be directed to Elena Compton at 850-245-8911. Questions regarding legal issues should be referred to Rebecca Robinette, Office of General Counsel, at 850-245-2278. Contact with any of the above does not constitute a petition for administrative hearing, a request for a time extension to file a petition for hearing or an agreement to mediate.

Sincerely,

Tim J. Bahr

Digitally signed by  
Tim J. Bahr  
Date: 2018.11.09  
08:23:25 -05'00'

Tim J. Bahr, P.G., Acting Director  
Division of Waste Management

TJB/ec

Enclosed: Exhibit A Petition for Alternate Procedure Request

ec: J Laurel Culbreth - FDEP Southwest District - [Laurel.Culbreth@floridadep.gov](mailto:Laurel.Culbreth@floridadep.gov)  
Elena Compton, P.E. - FDEP DBSP - [Elena.Compton@floridadep.gov](mailto:Elena.Compton@floridadep.gov)

FILING AND ACKNOWLEDGMENT:

FILED, on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Tamale Sterling  
Clerk

11/9/18  
Date





**Department of  
Environmental Protection**

2600 Blair Stone Road • Tallahassee, Florida 32399-2400

**Alternative Procedure Form**

Print or type, fill out completely and attach additional sheets for multiple facilities

DEP Form: 62-762.901(4)  
Form Title: Alternative Procedure Form  
Effective Date: January 2017  
Incorporated in Rule 62-762.851, F.A.C.

**Section 1**

Facility ID #: FLR000199802 County: Hillsborough  
Facility Name: Universal Environmental Solutions, LLC  
Facility Location: 1650 Hemlock Street (Building #2) / Tampa, FL. 33605

**Section 2**

Applicant's Name: Ed Kinley  
Address: Physical: 1650 Hemlock Street / Tampa, FL. 33605 Mail: P.O. Box # 76105 / Tampa, FL. 33675  
Applicant's Telephone Number: (813) 241 - 9206 X 301

**Section 3**

Rule citation within Chapter 62-761 or 62-762, F.A.C., that an Alternative Procedure is being requested for:

Permanent storage of processed "used oil" in a portable 20,000 Gallon Frac Tank.

Difference between Chapter 62-761 or 62-762, F.A.C., requirement and Alternative Procedure Request:

Requesting to store processed "used oil" in a portable 20,000 gallon Frac Tank (Identified as Tank #4) on the UES Frac Tank Containment Pad. Requesting formal registration of this tank.

Please write a brief description of proposed Alternative Procedure. (If you need additional space, please attach a separate sheet):

UES is limited by space and financial resources to utilize any other tank storage method. The subject tank was constructed new in 2013. It was procured by UES as a cost saving measure from an equipment auction. We have attached a tank integrity test report. The tank is within concrete containment and the containment drawing "As - Built" will be provided soon from a Florida licensed Professional Engineer.

**Section 4**

Please provide a brief demonstration of how the proposed Alternative Procedure provides a substantially equivalent degree of protection for the lands, surface waters, or groundwaters of the State versus established requirements. (If you need additional space, please attach a separate sheet).

We have attached a tank integrity test report. The tank is within concrete containment and the containment drawing "As - Built" will be provided soon from a Florida licensed Professional Engineer. Containment requirements are acknowledged, as required, to be 110% = 22,000 gallons. A collection sump captures storm water or other residual oily waters and directs the liquid into the UES pre-treatment facility. Electric pump has a float switch in the sump.

**Section 5**

ED KINLEY  
Applicant's Name (Print or Type) E. Kinley Applicant's Signature 07/10/18 Date

Document Information: Provide supporting documents including this form via email to [Tanknotify@dep.state.fl.us](mailto:Tanknotify@dep.state.fl.us), or documents can be sent to:  
Florida Department of Environmental Protection, Division of Waste Management, 2600 Blair Stone Road, MS 4560, Tallahassee, FL 32399

AP Number AP-1180  
(For DEP Use Only)