



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando FL 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

CERTIFIED MAIL

7006 0810 0000 0865 6041

Mr. Tim Hagan, Owner
HOWO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

WARNING LETTER
OWL-HW-E-07-032

Lake County-HW
FLD101828689

Dear Mr. Hagan:

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 and used oil compliance inspection was conducted at the HOWCO Astor facility on October 16, 2007. This inspection was conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes in order to determine the compliance status of your facility with 40 Code of Federal Regulations (CFR) Parts 260-268 and 279 adopted in Florida Administrative Codes 62-730 and 62-710 and other Florida laws relating to hazardous waste.

During the inspection, Department personnel observed possible violations of Florida Statutes and Rules regarding solid and hazardous waste. These violations are set forth in "Potential Noncompliance Items and Recommended Corrective Actions" of the attached inspection report.

The activities observed during the Department's field inspection and any activity at your facility that may be contributing to violations of the above described statutes and rules should be ceased immediately.


The Department has calculated penalties for the violations addressed above. The penalty work sheet is enclosed. The penalty amount was calculated in accordance with Section 403.121, Florida Statutes, the U.S. EPA RCRA Civil Penalty Policy, dated September 2004, and the Department's Guidelines for Characterizing RCRA Violations. A copy of the documents is available upon request.

Please contact Janine Kraemer, Hazardous Waste Section, by telephone at (407) 893-3323 or by e-mail at janine.kraemer@floridadep.net within 10 days of receipt of this letter to schedule an informal conference concerning resolution of this matter. The Department is interested in reviewing any facts you may have that will assist in

determining whether any violations have occurred and whether any penalties are appropriate. You may bring anyone with you to the meeting that you feel could help resolve this matter.

This Warning Letter is part of an agency investigation preliminary to agency action in accordance with Section 120.57(4), Florida Statutes. The Department looks forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely,


For: Vivian F. Gaffin
Director, Central District

Date: 11/14/2007

VFG/jk

Enclosures:
Inspection Report
Penalty Calculation Worksheet



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando FL 32803-3767

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME HOWCO Environmental Services EPA ID # FLD101828689

STREET ADDRESS 24133 State Road 40, Astor, FL 32102

MAILING ADDRESS 24133 State Road 40, Astor, FL 32102

COUNTY Lake PHONE (352)759-2916 DATE 10/16/07 TIME 9:45

NOTIFIED AS: ☐ N/A

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

CURRENT STATUS:

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

2. **APPLICABLE REGULATIONS:**

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> 40 CFR 261.5 | <input checked="" type="checkbox"/> 40 CFR 262 | <input type="checkbox"/> 40 CFR 263 | <input type="checkbox"/> 40 CFR 264 |
| <input checked="" type="checkbox"/> 40 CFR 265 | <input type="checkbox"/> 40 CFR 266 | <input checked="" 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 checked="" type="checkbox"/> 62-737, FAC | <input checked="" type="checkbox"/> 62-730, FAC |

3. **RESPONSIBLE OFFICIAL(s):**

Tim Hagan, President, Hagen Holding Co d/b/a HOWCO Environmental Services

4. **INSPECTION PARTICIPANTS:**

Janine Kraemer, FDEP Walter Adams, Plant Manager, HOWCO
Danielle Bentzen, FDEP Lee Morris, Director of Operations, HOWCO

5. **LATITUDE/LONGITUDE:** 29°09'46"/81°32'26"

6. **SIC Code:** 5172 – Petroleum Products

7. **TYPE OF OWNERSHIP:** Private Federal State County Municipal

8. **PERMIT #:** 27221-HO-003 **ISSUE DATE:** 8/25/05 **EXP. DATE:** 8/25/10

9. INTRODUCTION

On October 16, 2007, Janine Kraemer and Danielle Bentzen, Florida Department of Environmental Protection (FDEP), conducted a routine inspection of HOWCO Environmental Services' (HOWCO), located at 24133 State Road 40, Astor FL for compliance with used oil and used oil filter regulations. Walter Adams, HOWCO Astor Plant Manager, and Lee Morris, HOWCO Director of Operations St. Petersburg, FL accompanied the inspectors. Prior to HOWCO, North Florida Oil was operating as a used oil and used oil filter transporter and processor at this location. HOWCO took over the operations in 2000. The facility is connected to the City of Astor sewer and water systems. The facility has five drivers that pick up waste and four employees on site.

HOWCO is a registered used oil transporter and processing facility, and a registered used oil filter transporter, and transfer facility. The facility has only processed one batch of used oil and is currently not processing any used oil. Used oil and used oil filters are going to the St. Petersburg facility for further processing.

HOWCO is headquartered in St. Petersburg, Florida. The St. Petersburg facility is a registered used oil transporter and processor as well as a used oil filter transporter and processor.

HOWCO, Ocala moved their operations to the Astor facility. **Please complete the attached 8700-12FL notification form in order to officially close the Ocala facility.**

10. INSPECTION HISTORY

In November 2003 HOWCO was inspected and found to be in compliance.

In February 2004 HOWCO was inspected and found to be in compliance.

In August 2006 HOWCO was inspected and found to be in compliance.

11. PROCESS DESCRIPTION

HOWCO transports used oil, used oil filters, non-hazardous sludges, antifreeze, absorbents and miscellaneous oily wastes to their facility in Astor from various locations throughout Florida. The Astor facility currently acts as a transfer location for consolidation of wastes shipped to the HOWCO facility in St. Petersburg.

Used oil filters never touch the ground at the Astor facility. They are just transferred from one truck to a semi tractor trailer and taken to the St. Petersburg facility once a week. Used oil filters are ultimately taken to *U.S. Foundry* in Miami. Antifreeze, consolidated at the St. Petersburg facility, is shipped to EcoFreeze in Georgia for recycling. Absorbents, i.e. kitty litter or saw dust, and grease are taken to the Okeechobee Landfill. The solid waste incinerator in Pinellas County receives the absorbent pads, booms, and paper filters.

12. INSPECTION

Narrative

When a truck returns to the facility, a composite sample is pulled before the oil is off-loaded for storage. The composite sample is again screened for halogens and distilled to determine water content. Loads are bulked for shipment to HOWCO, St. Petersburg. At the time of the inspection HOWCO had eleven above ground storage tanks (AST) located on a concrete pad surrounded by a concrete wall. The ASTs contained the following:

<u>Tank #</u>	<u>Capacity (gallons)</u>	<u>Current Use</u>
1	8,225	Secondary containment Water
2	27,640	Empty
3	27,640	Empty
4	10,000	Process water
5	27,640	Used Oil
6	10,000	Waste Antifreeze
7	8,000	Empty
8	29,000	Out of Service
9	38,000	Empty
10	15,000	Out of Service
11	15,000	Empty

At the time of the inspection the facility was not transporting and consolidating petroleum contact water (PCW). The PCW being stored on site is generated on site. Located around the containment area were the following properly labeled containers:

<u>Container size</u>	<u>Contents</u>
30-gallon	Used oil
55-gallon	Used absorbents
55-gallon	New absorbents
20-gallon	Used oil
55-gallon	Used oil
30-gallon	Used oil

Fire extinguishers and spill equipment were located next to the containment area. Each employee is equipped with cell phones and a bull horn is also located nearby.

At the time of the inspection there were 12 drums of used oil filters in the rear of a semi-tractor trailer. Inspectors did not inspect the drums.

According to Mr. Adams, the used oil process uses an emulsifying chemical added to the used oil. The used oil is heated to separate the oil and water. The water is transferred to a tank and the used oil is run through a shaker screen. The solids are collected on the screen and stored in a 55-gallon drum. After the last processing, the solids are transferred to the St. Petersburg's facility for solidification. A hazardous waste determination was not conducted on the solids. If and when HOWCO begins to process used oil again at this location, a proper hazardous waste determination must be conducted on the solids [40 CFR 261.5].

Record Review

Disposal records were reviewed for 2006 and 2007. Used oil is screened for halogens and water before collection. Initial screening is performed with a “sniffer” which is calibrated to 900 ppm total halogen content. If a load fails, a Dexsil Chlor-D-Test is run before acceptance. Screening test results are recorded on the manifest. On October 11, 2007, the driver noted the used oil failed the halogen test at Southern Marine Sales. Dexsil test results were not documented and the used oil was transported to Astor. **Please provide the Department information concerning this load of used oil. The oil was either not tested, or the results simply were not noted on the manifest [40 CFR 279.44].**

HOWCO is not including EPA identification numbers on any of their disposal documentation for facilities who have notified as hazardous waste generators [62-710.510(1)(b) F.A.C./40 CFR 279.46(a)(2)]. Those disposal documents reviewed for facilities with EPA identification numbers included: Lynx Transportation (FLD981932874), Homac (FLD002561751), Hawaiian Tropic (FLD045144532), Southeastern Honda (FLD981922818) and Precision Fabrication and Cleaning (FLD981471121).

The contingency plan was most recently updated in April 2005. The facility was in the process of updating the contingency plan at the time of the inspection. Arrangements with local authorities had not been conducted [40 CFR 279.52(a)(6)].

The analytical results from the one load of used oil processed were reviewed and found to be in compliance with used oil requirements.

HOWCO employs 5 drivers to transport the various waste streams. Inspectors reviewed training records and found them to be in compliance. Inspections were also being conducted daily as well as monthly by Mr. Adams.

13. AREAS OF CONCERN

“To ensure that used oil is not a hazardous waste under the rebuttable presumption of 40 CFR 279.10(b)(1)(ii), the used oil transporter must determine the total halogen content of used oil being transported or stored at a transfer facility is above or below 1,000 ppm. The transporter must make this determination by testing the used oil or applying knowledge of the halogen content of the used oil in light of the materials or processes used.” Inspectors found one load of used oil that HOWCO failed to test. HOWCO must ensure that loads of used oil are tested for halogen content before acceptance, and that test results are consistently noted on manifests. In the event that the wrong box is checked, a signed and dated note should be attached to the manifest stating the error.

14. POTENTIAL NON-COMPLIANCE ITEMS & RECOMMENDED CORRECTIVE ACTIONS

a. Regulation: 40 CFR 261.5/ 262.11 - Waste Determination

HOWCO failed to determine whether a solid waste, as defined in 40 CFR 261.2, and generated at the facility, was a hazardous waste. Specifically, HOWCO failed to perform a waste determination on the solids generated from the used oil process.

Corrective Action: HOWCO shall develop a disposal plan identifying all products that are hazardous prior to disposal. Waste determinations may require the services of one or more

competent, reputable environmental consulting firms and/or laboratories to sample and analyze the above wastes.

b. Regulation: 62-710.510(1)(b) F.A.C./40 CFR 279.46(a)(2)-Generator EPA ID Numbers

A registered used oil transporter is required to maintain records that include the name, address, and EPA ID number of the used oil source if the generator has one. Specifically, HOWCO failed to document EPA ID numbers for their facilities that had an identification number.

Corrective Action: HOWCO must immediately begin to record the EPA ID number on used oil disposal documents for those facilities that have an identification number.

c. Regulation: 40 CFR 279.52(a)(6) – Arrangements with Authorities

“The owner or operator must attempt to make arrangements, as appropriate to the type of used oil and the potential need for the services of, with police, fire department(s), emergency response teams, hospitals, etc., with documentation of refusals, if any.” Specifically, HOWCO failed to make arrangements with any local authorities and/or document responses or refusals.

Corrective Action: Within 30 days of receipt of this letter, HOWCO shall make arrangements with local authorities and provide the Department with documented receipts or refusals.

14. CONCLUSION

HOWCO is a registered used oil transporter, processor, and transfer facility, and a registered used oil filter transporter and transfer facility, and was not in compliance with used oil regulations at the time of inspection.

Report Prepared By: Janine Kraemer
Janine Kraemer, CHMM
Environmental Specialist
Date 11/7/07

Reviewed by: Lu Burson
Lu Burson
Environmental Manager
Date: November 7, 2007

PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO- FLD101828689

Identify Violator's Facility: 24133 State Road 40, Astor, FL 32102

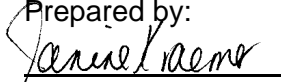
Name of Staff Responsible for the Penalty Computations: Janine Kraemer Date: 10/31/07

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Event	Other Adjustment	Total
a.	262.11 Waste Determination	HW 3.1	Minor	Major	\$3,868-\$1,934			\$3,868
b.	279.46(a)(2) Generator EPA ID numbers	UO 20.1	Moderate	Moderate	\$3,199-\$2,000	\$3,199 x 5		\$15,995
c.	279.52(a)(6) Arrangements with Local Authorities	UO 25.8	Minor	Major	\$1,199-\$500			\$1,199

HOWCO failed to document EPA identification numbers on all used oil disposal manifests. The 5 multiple events added to the penalty calculation were from five manifests in which the generator's EPA ID number was verified; Lynx Transportation (FLD981932874), Homac (FLD002561751), Hawaiian Tropic (FLD045144532), Southeastern Honda (FLD981922818), and Precision Fabrication and Cleaning (FLD981471121).

Economic benefit not applicable for these violations.

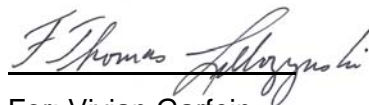
TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS: \$21,062.00

Prepared by:


Janine Kraemer, CHMM
 Environmental Specialist

11/14/2007

Date



For: Vivian Garfein
 Director , Central District

11/14/2007

Date

WORKSHEET

RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: HOWCO- FLD101828689

Date: 10/31/07

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
a.	262.11	Waste determination	4	2	4	2	12

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

ONLY VIOLATIONS IN WHICH A "POTENTIAL FOR HARM" SCORE IS REQUIRED ARE LISTED ON THIS PAGE.