



# 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

April 16, 2008

ELECTRONIC MAIL  
[thagan@howcousa.com](mailto:thagan@howcousa.com)

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

OCD-HW-E-08-102

Lake County-HW  
HOWCO-FLD101828689  
Project Close Letter

Dear Mr. Hagan,

Enclosed is a copy of the executed Consent Order 08-0163. As of this date, April 16, 2008, all corrective actions required to bring HOWCO Environmental Services into compliance have been met. Please be aware, HOWCO Environmental Services must continue to comply with all applicable hazardous waste rules and regulations at all locations they operating on, currently and in the future.

If you have any questions, please contact me by telephone at (407) 893-3323 or by e-mail at [Janine.Kraemer@dep.state.fl.us](mailto:Janine.Kraemer@dep.state.fl.us).

Sincerely,

Janine Kraemer, CHMM  
Environmental Specialist  
Hazardous Waste Program

Enclosures: Short Form Consent Order



April 7, 2008

RECEIVED

APR 10 2008

Department of Environmental Protection  
3319 Maguire Blvd., Suite 232  
Orlando, FL 32803

DEP Central Dist.

RE: FLD101828689  
OGC File No. 08-0163  
Short Form Consent

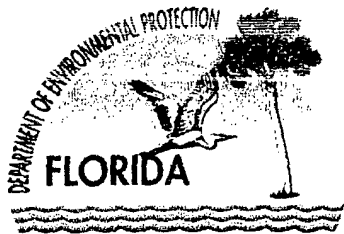
Attached please find an executed copy of the Short Form Consent in regard to OGC File No. 08-0163, along with Cashier's Check No. 6046410, in the amount of \$3500.00.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy McGill". The signature is written in a cursive, flowing style.

Cathy McGill  
Corporate Controller

Attachments – 2



# 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

February 27, 2008

ELECTRONIC MAIL  
thagan@howcousa.com

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

OCD-HW-E-08-056

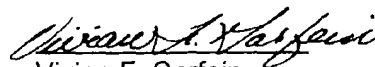
Lake County-HW  
HOWCO-FLD101828689  
Short Form Consent Order Letter

Dear Mr. Hagan:

The Department has reviewed the letter, dated February 12, 2008, sent by your attorney, Kenneth Tinkler. After further discussion with Rick Neves, the Department maintains that EPA Identification numbers are required to be on the record left with the facility; therefore, HOWCO violated this regulation. The Department agrees to reduce the penalty to a minor potential for harm and minor extent of deviation in an effort to resolve this issue. The Department maintains the multi-event calculation is applicable because at the time of the inspection, no EPA identification numbers were observed on any disposal manifests.

This reduces the original penalty from \$10,500.00 to \$3,000.00. Enclosed is a copy of the revised penalty calculations and a Short Form Consent Order for your review. If acceptable, please sign the Short Form Consent Order and return it within 20 days of your receipt of this letter. If you have questions concerning this matter, please e-mail Janine Kraemer at [Janine.Kraemer@floridadep.net](mailto:Janine.Kraemer@floridadep.net) or call her at (407) 893-3329. Your response should be mailed to Janine Kraemer at the letterhead address above.

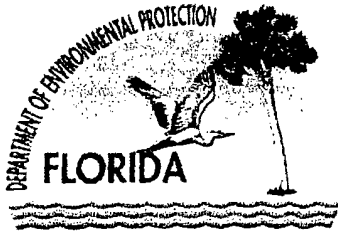
Sincerely,

  
Vivian F. Garfein  
Director, Central District

VFG/jk

Enclosures:

1. Short Form Consent Order with Warning Letter Attached
2. Revised Penalty Computation 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

## ELECTRONIC MAIL

thagan@howcousa.com

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

RECEIVED

APR 08 2008

DEP Central Dist.

OCD-HW-E-08-056

Lake County-HW  
HOWCO-FLD101828689  
Short Form Consent

Dear Mr. Hagan:

SUBJECT: Proposed Settlement by Short Form Consent Order in Case of HOWCO-FLD101828689: OGC File No.: 08-0163


The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter, OWL-HW-C/E-07-032, dated November 14, 2007, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed. The Department finds that you are in violation of 40 CFR 279.46(a)(2) and 279.52(a)(6). In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$3,000.00, along with \$500.00 to reimburse the Department costs, for a total of \$3,500.00.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above, 08-0163, and the notation "Ecosystems Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803, within 30 days of your signing this letter.

Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department that shall be enforceable pursuant to Section 120.69 and 403.121, Florida Statutes.

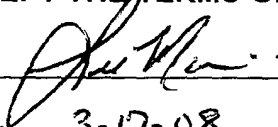
If you do not sign and return this letter to the Department at the District address within 20 days of receipt of this letter, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely,

  
Vivian F. Garfein  
Director, Central District

**FOR THE RESPONDENTS:**

I, Lee Morris on behalf of HOWCO ENVIRONMENTAL SERV., HEREBY  
ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.

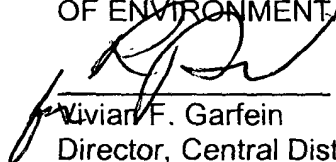
By:  - DIRECTOR OF OPS.

Date: 3-17-08

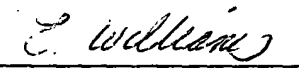
**FOR DEPARTMENT USE ONLY**

DONE AND ENTERED this 10<sup>th</sup> day of April, 2008.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

  
Vivian F. Garfein  
Director, Central District

Filed, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
Clerk

April 10, 2008  
Date

## NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information:

(a) The name, address, and telephone number of each petitioner; the Department's Consent Order identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner wants the Department to take with respect to the Consent Order.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Consent Order have the right to petition to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in this proceeding.

# PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO- FLD101828689

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

Staff Responsible for the Penalty Computations: Janine Kraemer

Revised Date: 2/22/08

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

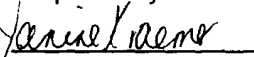
HOWCO failed to document EPA identification numbers on all used oil disposal manifests. The 5 multiple events added to the penalty calculation were from five manifests in which the generator's EPA ID number was verified; Lynx Transportation (FLD981932874), Homac (FLD002561751), Hawaiian Tropic (FLD045144532),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

**Economic benefit not applicable for these violations.**

**TOTAL PENALTY AMOUNT FOR ALL VIOLATIONS:**

**\$3,000.00**


Prepared by:



Janine Kraemer, CHMM  
Environmental Specialist

2/22/2008

Date



Vivian Garfein  
Director, Central District

2/27/2008

Date