

## Thursby, Kim

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**From:** Epost HWRS  
**Sent:** Friday, August 12, 2011 12:13 PM  
**To:** 'cris@januaryservices.com'  
**Cc:** Bahr, Tim; Dregne, James; Martin, Lee; Wick, Fred; Holmes, Georgiana; Hornbrook, Frank; 'wgrant@enercon.com'; Kothur, Bheem; Tripp, Anthony  
**Subject:** January Environmental Services, Inc.;FLD 982 162 943;Notice of Deficiency  
**Attachments:** 8-12-11-January Environmental Services, Inc. NOD-1.pdf

In an effort to provide a more efficient service, the Florida Department of Environmental Protection's Hazardous Waste Regulation 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).

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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.

Tim Bahr  
Environmental Administrator  
Hazardous Waste Regulation

Department of Environmental Protection  
E-Mail Address: [epost\\_hwrs@dep.state.fl.us](mailto:epost_hwrs@dep.state.fl.us)



# Florida Department of Environmental Protection

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

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

August 12, 2011

**SENT VIA E-MAIL**

[cris@januaryservices.com](mailto:cris@januaryservices.com)

Mr. Cris January, Owner  
January Environmental Services, Inc.  
2701 S. Prospect Ave  
Oklahoma City, OK 73129-6451

RE: January Environmental Services, Inc.  
EPA I.D. No. FLD 982 162 943  
Permit Numbers: 00307171-HO-001  
Used Oil Processing Facility New Permit  
Notice of Deficiency

Dear Mr. January:

The Florida Department of Environmental Protection (the Department) has reviewed your permit application dated July 11, 2011 and received on July 13, 2011 to operate a Used Oil Processing facility in Bartow Florida.

The review of the permit application indicates that it is incomplete. Please provide the information requested in the enclosed Attachment. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

The Department will be contacting you to schedule a meeting or conference call to discuss these comments. Additional communications will be scheduled as needed prior to your submittal of an official response to minimize the time and effort required to formulate adequate replies to the comments. This exchange of ideas will assist you in developing a complete and adequate response that should eliminate the need for additional official responses and therefore accelerate the permit renewal process.

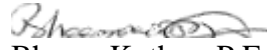
Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three copies of your written response (two copies to the Tallahassee Solid and Hazardous Waste Regulation Section, and one to the Southwest District

Mr. Cris January, Owner  
August 12, 2011  
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Office). If you cannot submit all this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted.

If you have any questions, please contact me at (850) 245-8781 or e-mail:  
[Bheem.kothur@dep.state.fl.us](mailto:Bheem.kothur@dep.state.fl.us)

Sincerely,

  
Bheem Kothur, P.E. III  
Hazardous Waste Regulation

BK/bk

Enclosure: Attachment

cc: Jim Dregne, DEP/Tampa, [James.Dregne@dep.state.fl.us](mailto:James.Dregne@dep.state.fl.us)  
Lee Martin, DEP/Tallahassee, [lee.martin@dep.state.fl.us](mailto:lee.martin@dep.state.fl.us)  
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# ENCLOSURE

**January Environmental Services, Inc.  
Used Oil Facility Operating Permit No: 00307171-HO-001  
First Notice of Deficiencies**

**SPECIFIC COMMENTS: Application Form for a Used Oil Processing Facility Permit; and Application to Construct, Operate, or Modify Waste Processing Facility.**

1. Part I.A.6, Page 8; Part II, Page 12 through 15: For the purposes of this permit application, the Facility ID number is FLD 982 162 943 (the EPA Identification Number). Please update the Used Oil permit application throughout and correct the Facility I.D. (EPA Identification Number) as appropriate.
2. Part I.A.7, and Part I.A.8, Page 8; Part II: The street address is 1750 W. Main St. in some records and 1920 in others. Please verify the street address and direction (West or East) and revise as appropriate.
3. Part I.A.9 through Part I.A.13, and Page 8, 9: The Oklahoma City street address is listed as “2701 S. Prospect Ave” and “2701 S. Prospect”. Please be consistent and revise as appropriate.
4. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 5, and Page 1 of 4: The DEP I.D. Number should be FLD 982 162 943, and the county should be “Polk” not “Bartow”. Please revise as appropriate.
5. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 7, and Page 2 of 4: The facility township should be “30S” not “305”. The conversion between decimal degrees and degrees, minutes, and seconds is incorrect. The facility latitude and longitude of 27.897968, -81.862934 translates into 27° 53 53 , -81° 51 47 , respectively. Please update the entry. The Facility has the site located on E. Main Street rather than W. Main Street. Please review and revise as appropriate.
6. DEP Form #62-701.900(4), F.A.C.; A. General Information, Item 15, and Page 2 of 4: The expected volume of waste to be received is 0.012 cubic yards per day. We request clarification on this figure. Please review this figure and revise as appropriate.
7. DEP Form#62-701.900(4), F.A.C.; A. General Information, Item 16, and Page 2 of 4: Part I.A.16 – The description of the operations planned for the facility needs to be expanded. The facility also picks up oily waste water, which they transport to an offsite treatment facility. They may choose to store in the onsite tanks for more than 7 days. They have historically identified the material as non-hazardous oily waste water, not used oil. The tanks are not part of a Clean Water Act treatment system.
8. During the inspection, containers of grease, absorbents and used (allegedly) non-hazardous parts washing solvent were being stored on site within the warehouse for more than 7 days. The facility is not exempt from financial assurance requirements per 62-701.710(10)(a), F.A.C.

## **SECTION B - SITE INFORMATION**

1. Figure 1 – This figure does not provide adequate detail regarding piping layout and solid waste storage. Please submit an additional figure (or figures) illustrating the tanks piping layout along with details of the part of the warehouse where solid waste is stored. The rail car loading/unloading area is provided with secondary containment and should be certified as adequate, as used oil is being stored in rail cars for more than 24 hours.
2. Please identify Tank BT-301 and Tank BT-302 as used oil blending tanks.

## **SECTION C - OPERATIONAL INFORMATION**

1. 3.0 - Overview, Para. 1 - Text appears to be missing in this paragraph. January Environmental Services, Inc. did not begin operating at the site in 1986. This is inconsistent with the text in Section 3.0 of the SPCC plan. Please review and revise as appropriate.
2. 3.0 – Overview, Para. 2 - The Tanks Program ID number is 53-9101026. The Hazardous Waste Program ID number is FLD 982 162 943. The paragraph does not mention management of oily wastes, antifreeze or non hazardous wastewater, which are also managed by January Environmental Services, Inc. The statement "The used oil is sold to US Foundries" is new information. In past inspections, January has only shipped used oil filters to US Foundry & Manufacturing Corp, and was not shipping any oil directly to burners. US Foundry is not registered to burn used oil, just to process filters. If January is shipping used oil directly to a burner that is not registered to burn off specification used oil fuel, January is a used oil marketer and must maintain documentation that the oil is on specification pursuant to 40 CFR 279.72. As January is not the oil generator, the process knowledge claim in Section C.5 Para 2 is not acceptable for this purpose. The only US Foundry operation registered with the Department's Used Oil program is located in Medley, Miami-Dade County, not Bartow. The text is also inconsistent with the text in the SPCC plan, Section 3.1 which references sales to Halco Environmental (sic). "Halco" appears to be a typographical error, as no such facility is registered as a used oil transporter or processor. If this was intended to read "HOWCO," it should be revised, as HOWCO is not able to accept oil shipped via rail.

The Department suggests that this paragraph be modified to contain more general language, i.e. "The used oil and oil filters are stored on site until they are delivered to either a processor registered with the State of Florida, or to a registered transporter that will deliver the material to an out of state facility that has notified the USEPA of its used oil management activities." No specific customer should be specified in this paragraph.

3. 4.0 Detailed Description, Para. 1 - Only the six 24,000 gallon tanks are registered with the Tanks program. All are registered as holding used oil. There are not any 22,000 gallon double walled tanks registered, and none observed during inspections. This appears to be a typo in reference to the small double walled tank east of the compressor building. Figure 1 labels it "220 gallon waste oil tank #1". Is information available on any sealant used on the concrete containment structure? Please review this paragraph and revise as appropriate.
4. 4.0 Detailed Description, Para 4; reference is made to a double walled tank that provides secondary containment for a 220 –gallon waste oil tank. Is a more accurate statement; the 220-gallon waste oil tank utilizes double –walled construction to provide secondary containment? This statement is also made on page 10 of 20 (first paragraph) of the SPCC Plan. Please review and revise as appropriate.

5. 4.0 Detailed Description, Last Paragraph: The text refers to Figure 2 as the detailed site layout map. This should be Figure 1. Please update.
6. 5.0 Operating Plan, Para 2: There is a typographical error in the regulatory citation, which should read 40 CFR 279.11. In addition, as January is not the used oil generator, process knowledge may not be used to demonstrate that the used oil meets the specification. Oil must be assumed to be off specification unless January complies with the marketer requirements under 40 CFR 279.72. If January obtains information from the oil generator to demonstrate that it meets the specification, copies of this information must be maintained.
7. 5.0 Operating Plan, Para 4: Sludges and byproducts may be produced if tanks are cleaned out, for example for the tank integrity testing scheduled for November 2011. An acceptable statement would be "If oily wastes or sludges are generated at the facility that cannot be managed for energy recovery, a hazardous waste determination will be conducted and the materials will be managed in accordance with 40 CFR 279.10(c) and (e)."
8. Section 5. Operating Plan, Fourth Paragraph and page 5 of 14; Sub-Section 9.2.3, Sampling Methods, Page 10 of 14, and First Paragraph: No sludge or byproducts have been produced at the facility and therefore, no management of these materials is conducted. Whereas the closure of the facility will require sampling of any remaining used oil materials. These materials may include used oil and sludge. Please review these two sections and clarify and or revise as appropriate.
9. 8.0 Unit Management Plan: This section only references the SPCC plan, not information on the construction of the tanks, piping and secondary containment. Please review and revise as appropriate
10. 9.2.1 - The closure schedule: A "5 years" decision time frame is not realistic. The permit will be up for renewal within that time frame. Is this taken from Tanks Program rules? Please review and revise with appropriate Rule citation.
11. 10.0 – Employee Training: The employee training program does not include USDOT hazardous materials training. Used oil is commonly contaminated with gasoline, and the mixture may be flammable. January's used oil screening procedure from the waste analysis plan only includes halogen screening. Chlor D Tect kits will not assess the flammability of the materials January may be called upon to transport. Please see the invoice that January uses (last page in Section C ) - The generator is not required to certify that the oil has not been mixed with a flammable material, but the shipping description for the used oil says that the material is not a USDOT hazardous material.

#### **SECTION D - SPCC PLAN**

1. 2.1 – Facility Contacts, Page 6 of 20: The Plan should include the address of the Spill Response Coordinator and there should be an Alternate Spill Response Coordinator designated. Please review and revise as appropriate.
2. 3.1 Para.2 – Facility Operations and Brief History, Page 9 of 20: The Plan states that used oil is sent to Halco Environmental recycling facility in Bartow. The Department is not familiar with this facility. Please correct the destination for used oil.
3. 5.1.2 –Drums and Containers, page 16 of 20: The filter bins have not historically been stored under the roof. They are not required to be. The containers are kept closed. This section should address filter consolidation

and repackaging practices. Also, a figure identifying the location of the drums and containers should be provided.

4. 5.3 – Inspection and Testing Program, Table 5, Page 17 of 20: The 20,000 gallon steel tank referenced in this table should be identified as the rail car? Please review the table and revise as appropriate.
5. 5.3.2 – The Daily Inspections should be documented. Please revise as appropriate.
6. Please review the numbering in section 5.3 and revise as appropriate.
7. 6.0- Contingency Plan, Bullet 6, and Page 20 of 20: The statement, “Cleanup of a reportable oil spill will be initiated under the guidelines of the appropriate regulatory agency” needs to be explained.
8. List of Emergency Response Equipment: The list should include the quantity/amount of each item.
9. 5.1.3, Mobile, Page 16 of 20: Please clarify the terms “mobile storage tanks” and temporary storage containers” as to their use and where they would be positioned.
10. 5.5 – Employee Training, Page 19 of 20: If acceptance of all oil contaminated solid wastes, other than used oil filters, are anticipated, specify the spotter training requirements that will be included to meet the 62-701.302(15), F.A.C., requirements. Please review and revise as appropriate.

**SECTION E – FACILITY CLOSURE COST ESTIMATE, AND COMMON GROUND ENVIRONMENTAL, INC. (SUPPORTING DOCUMENTS):**

1. The facility has ten (10) tanks with a total of 175,420 gallons of used oil and antifreeze to dispose when the facility decides to close the facility. It appears that the submitted closure cost estimates is insufficient to close the facility by a third party. Please review the estimate and resubmit.
2. The supporting documents need to be signed by Common Ground Environmental, Inc.

**APPENDIX F:**

1. Secondary Containment Calculations, Page 1 of 4: In calculating the secondary containment volumes, the facility should not use the volume of secondary containment that is available via a sump pump. Please review and revise as appropriate throughout the secondary containment volume calculations.
2. Appendix F, Secondary Containment Calculations, Page 3 of 4, and Item 4 and 5: Please correct the total area of the tanks as “63.6” square feet instead of “127” square feet. Also, correct the volume in item 5 to “7386.26” gallons instead of “6732” gallons.
3. Secondary Containment Calculations, Page 2 of 4: there are six tanks, but only five of them appear to be counted in the calculations. The calculations do not include other items in the secondary containment, such as the concrete pedestals for the tank, support beams, etc., all visible in the photographs of the area.

**SECTION G - VIOLATIONS**

1. The section does not include the previous Consent Orders, OGC Cases 07-0302 and 08-1663. Please address.



## **GENERAL COMMENTS:**

1. The Facility needs to submit a site map in an electronic format (pdf preferred) so that this map can be inserted into the permit.
2. The Facility needs to submit a used oil tank table in an electronic format (pdf preferred) so that this can be inserted into the permit.
3. According to the December 20, 2010 inspection report by the Southwest District office, the facility was storing used antifreeze in one of the facility's 24,000 gallon storage tank. If this is the case, then the facility must identify which tank is dedicated to storage of used antifreeze. Please review and revise the tank table and site plan as appropriate. Also identify the filter storage area on a site plan.
4. Appendix C, Facility Images; Section F-Process Flow Diagrams; and Figures 1 through 4: For the Department records, please provide the tank design calculations for all the tanks, as built-drawings for the tank farm and pumps and piping drawings. These records must be signed and sealed by a Florida Registered Professional Engineer.
5. Section 3- Overview, Page 3 of 14: The only solid wastes included in the description are used oil filters. Will any additional oil contaminated solid wastes, such as petroleum contaminated debris and oil, rags, absorbent pads, booms, filters, and kitty litters, other than used oil filters, be managed on site? If so, please include a description of the type of wastes, quantities to be managed, acceptance criteria, how the wastes will be managed and stored, and a closure cost estimate for the removal and disposal of the maximum amount of these wastes allowed to accumulate on site at any given time.
6. The Plan does not address solid waste. Please review and address as appropriate.
7. At the time this document was issued the facility was working on providing financial assurance for closing cost estimates. The Department recognizes that this requires agreement on the closure cost estimate value. The permit application cannot be considered complete and a permit issued until such time as financial assurance has been provided and approved.