



Florida Department of Environmental Protection

Southwest District
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Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

April 27, 2011

Mr. Cris January
January Environmental Services, Inc.
1920 Hwy 60 West
Bartow, FL 33830

Re: Settlement Discussions
January Environmental Services, Inc.
FLD 982 162 943
Polk County

Dear Mr. January:

This letter is to follow up on the information you presented during our meeting of March 3, 2011 in response to the referenced warning letter. As agreed during the meeting, the Department is deleting the violation that cited secondary containment requirements for used oil storage.

During the meeting, you claimed that January exceeded the 35 day time limit for transfer facilities that store used oil due to CSX's failure to pick up rail cars in a timely manner. The Department requested additional information from CSX on this issue, and has determined that the time between January's call to pick up the oil, and the date of pickup ranged from 3 to 7 days. During this same time frame, January exceeded the 35 day limit on four occasions, with shipping intervals of 56, 81, 100 and 149 days. In addition, on two of these occasions, rail cars were delivered and held for more than 35 days before CSX was called to pick up the car.

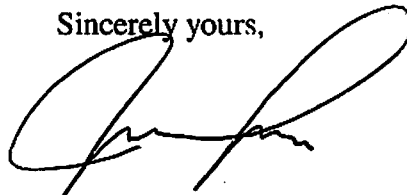
The Department also learned that CSX's pricing structure varies depending on the customer's contract. The customer can contract for expedited pickup. Therefore the additional delay does not appear to be the fault of a third party or out of January's control. Therefore, the Department is not willing to reduce the proposed penalty for this violation.

The Department has previously taken enforcement against January for storing used oil without a permit. That case was settled by means of a Short Form Consent Order, after the Department had received assurances that January understood and would comply with Florida's used oil regulations. In order to settle this case, the Department will require January to enter into a long form Consent Order that includes a compliance schedule and

performance penalties for noncompliance. The draft Order will be forwarded for your review after it has been reviewed by our Office of General Counsel.

During our meeting, we also discussed submittal of a used oil processing facility permit. A permit would allow you to store more than 25,000 gallons of used oil for more than 35 days and could include storage of non hazardous oily wastes. We understood that you had engaged a consultant to prepare a permit application, but to date it has not been received. If you have decided not to apply for a permit, please let us know as this will affect the compliance schedule and corrective actions in the draft Consent Order. If you have any questions, or wish to discuss this further, please call Elizabeth Knauss at 813/632-7600 ext. 383.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'James Dregne', with a large, stylized flourish at the end.

James Dregne
Hazardous Waste Program Manager
Southwest District