



# Florida Department of Environmental Protection

South District  
P.O. Box 2549  
Fort Myers, FL 33902-2549

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard Jr  
Secretary

March 14, 2012

## VIA ELECTRONIC MAIL



Howco Environmental Services  
c/o Lee Morris  
3701 Central Avenue  
St. Petersburg, Florida 33713  
E-mail: [LeeMorris@howcousa.com](mailto:LeeMorris@howcousa.com)

RE: Lee County - HW  
Howco Environmental Services  
2650A Edison Avenue  
Fort Myers, Florida 33916-5306  
EPA ID No. FL0001000611

Dear Mr. Morris:

Thank you for your response of February 14, 2012 in regard to the potential violations cited in our October 12, 2011 inspection report.

Regarding the potential violations cited for 40 Code of Federal Regulations (C.F.R.) 279.46(b), 279.46(a) Used Oil Tracking, and Florida Administrative Code (F.A.C.) Rule 62-710.501, Record Keeping and Reporting, the inspector that visited your facility is no longer with our agency; therefore, it is unclear as to what documentation was reviewed following the inspection. However, based on excerpts from the inspection report and the review of Howco's submittals:

- The EPA ID No. for "the facility" which we were unsure of we assume based on your response was for the Fort Myers HOWCO facility. The records reviewed are not clear. We acknowledge that you have indicated that your new manifesting system reflects all HOWCO facilities, which is unfortunate, and that you are working to correct this. The facility ID receiving the shipment should be clearly indicated on all manifests, shipping records, and receipts.

- The records documenting materials removed from generators to the “transfer facility” which we assume was the Fort Myers HOWCO facility did not specify which facility the used oil was being transferred to as all HOWCO facilities statewide were listed. We acknowledge that you are re-programming your system to more clearly reflect the destination point from the generator.
- The signature of the generator was present on the receipts left with the generator, but the receiving transporter’s signature was missing from the documents. If the same transporter driver picks up from the same sites routinely, we would have no problem with a pre-printed document to reflect this practice. However, if the drivers change, you would have to correct the document.
- The records transferring material from “the facility” (we assume the Fort Myers HOWCO facility) to the processing facility in St. Petersburg, did not clearly indicate which facility was transporting the material (as both the Fort Myers HOWCO facility and St. Petersburg HOWCO facility are registered transporters).

As you indicated, you are reviewing your documents to ensure they clearly reflect which transporter is picking up the various materials and where those materials are transported to. As you are aware, Used Oil Transporters are required to maintain records tracking and documenting each shipment of used oil accepted, transported, and delivered. This issue was been previously noted in past inspection reports.

Concerning the second potential violation cited, F.A.C. Rule 62-710.850 Management of Used Oil Filters, the general requirements for the storage of used oil filters are as follows: all persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled “Used Oil Filters”, and which are in good condition (no severe rusting, apparent structural defects or deterioration) with no visible oil leakage. The containers shall be sealed or otherwise protected from weather and **stored on an oil-impermeable surface**. The drums containing used oil filters were situated inside a “mobile” tractor trailer/storage unit with a wooden floor surface which would not be considered an **oil-impermeable surface**. In addition, the inspector noted used oil staining on the wooden surface inside the trailer as well as on the broken asphalt/gravel surface beneath the trailer. It is recommended that the facility store the drums containing used oil filters on containment pallets inside the trailer/storage unit. **Please provide documentation to our office as proof that the drums containing used oil filters are stored on an oil impermeable surface by March 30, 2012.**

Concerning the fourth violation, 40 CFR 279.45(e)(2), please provide documentation to our office when the containment area has been re-coated. We acknowledge that you have placed a work order in for the repair and that it will be completed within sixty (60)

days on or about May 1, 2012. Please provide notification to the District office when this has occurred.

We appreciate your time in responding to our inspection report. If you have any questions, please feel free to contact either [Narrisa.Pannell@dep.state.fl.us](mailto:Narrisa.Pannell@dep.state.fl.us) or [Karen.Bayly@dep.state.fl.us](mailto:Karen.Bayly@dep.state.fl.us), or call Narrisa Pannell at (239) 344-5680 or Karen Bayly at (239) 344-5616, or write to the letterhead address. **Whenever possible, please submit written documentation electronically.** Please include the Facility ID number in your correspondence. Your cooperation in this matter is appreciated.

Sincerely,



Charles Emery III  
Environmental Administrator

CE/KB/NP/rcd

cc: Arthur T. Hagan (Via US Mail: Hagan Holding Company, 3701 Central Avenue,  
St. Petersburg, FL 33713; Via e-mail [thagan@howcousa.com](mailto:thagan@howcousa.com))  
Aprilia Graves - FDEP  
Glen Perrigan - FDEP