



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

CENTRAL DISTRICT
3319 MAGUIRE BOULEVARD, SUITE 232
ORLANDO, FLORIDA 32803

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

June 25, 2013

Mr. Arthur Timothy Hagan, President
Hagan Holding Company D/B/A HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

Re: Final Order
HOWCO Environmental Services
HW EPA ID No. FLD101828689
Lake County
OCD-CAP-13-1972

Dear Mr. Hagan:

Hazardous waste and used oil compliance inspections were conducted at HOWCO Environmental Service – Astor Facility, on March 21, 2012 and January 23, 2013. The inspections were conducted under the authority of Section 403.091, Florida Statutes, and Chapter 403, Part IV, Florida Statutes, and designed to determine the compliance status of your facility with Title 40 Code of Federal Regulations Parts 260 through 268 as adopted in Florida Administrative Code (F.A.C.) Chapter 62-730.

Enclosed is the Final Order describing the findings from the Department's inspections. Please read the document and respond accordingly.

Please address any questions to Aaron Watkins of the Central District Office at (407) 897-2963 or via e-mail at aaron.watkins@dep.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Prather".

Jeff Prather
Director, Central District
Florida Department of Environmental Protection

JP/ddo

Enclosures: Final Order

cc: Lea Crandall, OGC

BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION,

IN THE OFFICE OF THE
CENTRAL DISTRICT

Petitioner,

vs.

OGC CASE NO. 12-1412

HAGAN HOLDING COMPANY,
a Florida corporation doing business as
HOWCO ENVIRONMENTAL SERVICES
and
ARTHUR TIMOTHY HAGAN, Individually,

Respondents.

_____ /

FINAL ORDER

BY THE DEPARTMENT:

On April 9, 2013 the Department of Environmental Protection ("Department") issued a Notice of Violation, Orders for Corrective Action and Administrative Penalty Assessment ("Notice") to Respondent Hagan Holding Company d/b/a HOWCO Environmental Services and Respondent Arthur Timothy Hagan, pursuant to the authority of Section 403.121(2), Florida Statutes. A copy of the Notice is attached and incorporated herein as Exhibit A. Respondent Hagan Holding Company d/b/a HOWCO Environmental Services ("Respondent HHC") received the Notice on April 12, 2013. A copy of the certified return receipt is attached and incorporated herein as Exhibit B.

The Notice informed Respondent HHC that unless a request for hearing was filed with the Department within 20 days of receipt, the Orders for Corrective Action contained therein would become final. No responsive pleading or request for hearing has been made by Respondent HHC. Therefore, pursuant to Section 403.121(2)(c),

Florida Statutes, the Findings of Fact and Conclusions of Law contained in the Notice are deemed admitted and have become binding and final. The Orders for Corrective Action have likewise become final and effective, pursuant to Section 403.121(2)(c), Florida Statutes.

Specifically, the Orders for Corrective Action (see Exhibit A) contain the following directions to Respondent HHC:

1. Respondents shall forthwith comply with all Department rules regarding used oil management, used oil processing, and used oil transporting. Respondents shall correct and redress all violations in the time periods required below and shall comply with all applicable rules in Fla. Admin. Code Chapters 62-710.

2. Prior to the effective date of the Order, Respondents did not demonstrate that a current version of the contingency plan was at the Astor Facility in accordance with all the requirements of 40 C.F.R. §279.52(b), adopted by reference in Fla. Admin Code Rule 62-710.210(2). Respondents have indicated that there is no further documentation to submit in reference to these requirements. Commencing immediately and henceforth, Respondents shall maintain a copy of the contingency plan at the Astor Facility.

3. Prior to the effective date of the Order, Respondents did not demonstrate that a current written analysis plan was at the Astor Facility in accordance with all the requirements of 40 C.F.R. §279.55, adopted by reference in Fla. Admin Code Rule 62-710.210(2). Respondents have indicated that there is no further documentation to submit in reference to these requirements. Commencing immediately and henceforth, Respondents shall maintain a copy of the written analysis plan at the Astor Facility.

4. Within 30 days of the effective date of this Order, Respondent shall take all appropriate steps to ensure the current year's records of acceptance of

used oil shipments are at the Astor Facility and are accessible for review at the time of any inspection in accordance with all the requirements of 40 C.F.R. §279.56(a), adopted by reference in Fla. Admin. Code Rules 62-710.210(2).

5. Within 10 days of completion of the steps necessary to ensure the current years used oil shipment records are at the Astor Facility, Respondents shall submit to the Department the current year's records of used oil shipments and documentation showing the steps taken to ensure the current year's used oil shipment records are at the Astor Facility and are accessible at the time of any inspection, pursuant to 40 C.F.R. §279.56 and §279.57, adopted by reference in Fla. Admin. Code Rules 62-710.210(2) and 62-710.510.

6. Within 30 days of the effective date of this Order, Respondents shall take all appropriate steps to ensure copies of analyses of the used oil are kept at the Astor Facility for three years and are accessible for review at the time of any inspection in accordance with all the requirements of 40 C.F.R. §279.72(a) and (b), adopted by reference in Fla. Admin. Code Rule 62-710.210(2).

7. Within 10 days of completion of the steps necessary to ensure copies of the analyses of the used oil are kept at the Astor Facility for three years, Respondents shall submit to the Department the analyses of used oil shipped off-site to burners for three years and documentation showing the steps taken to ensure copies of analyses of used oil are at the Astor Facility and are accessible for review during any inspection.

8. Prior to the effective date of the Order, Respondents demonstrated that a valid registration form and identification number were not displayed in a prominent place at the Astor Facility in accordance with all the requirements of Fla. Admin Code Rule 62-710.500(4). Respondents have indicated that there is no further documentation to submit in reference to this requirement. Commencing immediately and henceforth, Respondents shall display a validated registration

form and identification number in a prominent place at the Astor Facility.

9. Commencing immediately upon the effective date of this Order, Respondents shall comply with all requirements of Permit 27221-HO-004 and all requirements of Fla. Admin. Code Rule 62-710.800(2).

10. Within 30 days of the effective date of this Order, Respondents shall pay \$6,500.00 to the Department for the administrative penalties imposed above. Payment shall be made by cashier's check or money order payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 12-1412" and "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, 3319 Maguire Blvd, Suite 232, Orlando, Florida 32803.

11. In addition to the administrative penalties, within 30 days of the effective date of this Order, Respondent shall pay \$1,000.00 to the Department for costs and expenses. Payment shall be made by cashier's check or money order payable to the "State of Florida Department of Environmental Protection" and shall include thereon the notations "OGC Case No. 12-1412" and "Ecosystem Management and Restoration Trust Fund." The payment shall be sent to the State of Florida Department of Environmental Protection, 3319 Maguire Blvd, Suite 232, Orlando, Florida 32803.

Having considered the Notice of Violation, Orders for Corrective Action, and Administrative Penalty Assessment and Respondent HHC's failure to timely file a responsive pleading to request a hearing, it is, therefore,

ORDERED by the State of Florida Department of Environmental Protection, that the foregoing Orders for Corrective Action are hereby approved and adopted in total as the Final Order of the Department in the above-styled matter.

Respondent shall comply with the Orders for Corrective Action within the time frames specified above, all of which commence on the effective date of this Final Order. The effective date of this Final Order is the date on which it is filed with the designated Department clerk (see below).

Any party to this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Agency Clerk of the Department, Office of General Counsel, 3900 Commonwealth Blvd., MS-35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days of the effective date of this Final Order.

DONE AND ORDERED this 26th day of June, 2013, in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



Jeff Prather
District 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

June 26, 2013

Date

*Note: This is the effective date of
the Final Order.*

Copies furnished to:
Lea Crandall, Agency Clerk, Mail Station 35