

W



# FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

January 16, 2002

D.E.P.  
JAN 17 2002  
Southwest District Tampa

Mr. James J. Dregne  
Environmental Specialist II  
Florida Department of Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, FL 33619

RE: Diversified Marine Tech facility located at 2531 22<sup>nd</sup> Street Causeway South in  
Tampa, Hillsborough County, Florida  
DEP Warning Letter #245262

Dear Jim:

Pursuant to our recent telephone conversation, we would like to schedule a meeting with representatives of the Department's Southwest District to address the outstanding issues in connection with the above-referenced Warning Letter issued by the Department to Diversified Marine Tech. We have recently obtained additional information and discussed a proposed course of action which should allow the remaining issue to be addressed to the satisfaction of the Department and Diversified. We also want to discuss the ongoing confusion the Southwest District appears to have regarding the Cotee River barge. Please contact me at your earliest convenience to discuss a mutually acceptable meeting time.

We would also appreciate your coordinating with Mr. William Kutash of the Southwest District to determine his availability to attend this meeting. I believe we can reach resolution on these issues during a short meeting, and therefore, I hope that Mr. Kutash is able to attend. Obviously, we also believe that Ms. Elizabeth Knauss should attend this meeting. I look forward to hearing from you at your earliest convenience regarding available dates and times to meet within the next several weeks. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,

A handwritten signature in cursive script, appearing to read 'Ron Noble'.

Ron H. Noble

RHN/5549

cc: Mr. Gene Russel

FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A.

TAMPA • CLEARWATER • FORT MYERS • ST. PETERSBURG • TALLAHASSEE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • www.fowlerwhite.com



**FOWLER WHITE  
BOGGS BANKER**  
ATTORNEYS AT LAW

# Fax

Writer's Direct Line (813) 222-1175

**Please deliver the following pages immediately to:**

**Name:** Jim Dregne  
**Firm:** Department of Environmental Protection  
**Number:** 744-6125  
**Message:** See attached.

**Total Number of Pages** 2 (including this cover page)

**From:** Ron H. Noble  
**Date:** January 16, 2002  
**File:** Diversified  
**File No.:** 1013754

*The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. In addition, unauthorized use of information in this transmission may violate federal securities laws. If you have received this communication in error, please notify us immediately by telephone, collect, and return the original message to us at the address below via the United States Postal Service. We will reimburse you for postage. Thank you.*

**FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A.**  
TAMPA · CLEARWATER · FORT MYERS · ST. PETERSBURG · TALLAHASSEE

501 E. KENNEDY BLVD., SUITE 1700, TAMPA, FLORIDA 33602 · P.O. BOX 1438, TAMPA, FL 33601  
TELEPHONE (813) 228-7411 · FAX (813) 229-8313 · [www.fowlerwhite.com](http://www.fowlerwhite.com)



# FOWLER WHITE BOGGS BANKER

ATTORNEYS AT LAW

ESTABLISHED 1943

January 16, 2002

Mr. James J. Dregne  
Environmental Specialist II  
Florida Department of Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, FL 33619

RE: Diversified Marine Tech facility located at 2531 22<sup>nd</sup> Street Causeway South in  
Tampa, Hillsborough County, Florida  
DEP Warning Letter #245262

Dear Jim:

Pursuant to our recent telephone conversation, we would like to schedule a meeting with representatives of the Department's Southwest District to address the outstanding issues in connection with the above-referenced Warning Letter issued by the Department to Diversified Marine Tech. We have recently obtained additional information and discussed a proposed course of action which should allow the remaining issue to be addressed to the satisfaction of the Department and Diversified. We also want to discuss the ongoing confusion the Southwest District appears to have regarding the Cotee River barge. Please contact me at your earliest convenience to discuss a mutually acceptable meeting time.

We would also appreciate your coordinating with Mr. William Kutash of the Southwest District to determine his availability to attend this meeting. I believe we can reach resolution on these issues during a short meeting, and therefore, I hope that Mr. Kutash is able to attend. Obviously, we also believe that Ms. Elizabeth Knauss should attend this meeting. I look forward to hearing from you at your earliest convenience regarding available dates and times to meet within the next several weeks. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,

Ron H. Noble

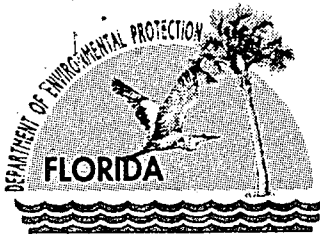
RHN/5549

cc: Mr. Gene Russel

FOWLER, WHITE, CILLEN, BOGGS, VILLAREAL AND BANKER, P.A.

TAMPA - CLEARWATER - FORT MYERS - ST. PETERSBURG - TALLAHASSEE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • www.fowlerwhite.com



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

November 5, 2001

Fowler White Attorneys at Law  
501 East Kennedy Blvd., Suite 1700  
Tampa, FL 33602

ATTN: Ron H. Noble

RE: Diversified Marine Tech  
Warning Letter #245262  
EPA ID# FLD 984 182 733  
Hillsborough County

Dear Mr. Noble:

The Department has completed its review of your response to the Department's Warning Letter dated April 10, 2001. The Department appreciates the additional information you provided in your letter and sincerely hopes that this matter can be resolved satisfactorily without resorting to litigation.

The Department has consistently maintained that the oily wastes managed by Diversified Marine Tech (DMT) are subject to regulation under 62-710, FAC and 40 CFR Part 279. DMT accepts oily wastes without requiring the generators to test or otherwise determine whether or not the wastes are characteristically hazardous. Used oil managed for recovery is exempt from this requirement, as characteristically hazardous used oil is still regulated under 40 CFR Part 279, rather than Parts 262-268. Used oil and oily wastes managed for treatment, storage or disposal, rather than recovery, are subject to 40 CFR 262.11 hazardous waste determination requirements. Please see 40 CFR 279.10(e)(3). In addition 40 CFR 279.10(c) explains that materials contaminated with free flowing used oil destined to be burned for energy recovery are regulated as used oil, provided they are not also regulated hazardous wastes.

Your letter of June 5, 2001 raises the claim that DMT and DES are managing "liquid waste," not oily waste. In the past, both companies have been considered to be exempt from solid waste facility permit requirements as a used oil transporter that conducts processing incidental to transport. If DMT is managing waste other than used oil or oily waste, the facility is subject to solid waste permit requirements under FAC Rule 62-701.710 and must submit an application to obtain waste processing facility permit. These permits typically include waste acceptance, analytical and screening requirements to ensure that hazardous waste is not accepted. A waste processing facility permitted under this section may not accept used oil for processing. However, in accordance with 62-701.320(5) and 62-701.710(1)(a), FAC, "owners or operators which manage several types of wastes, including used oil, ... contaminated soil, ... may apply for a single permit which addresses all applicable requirements." In the Southwest District, there are a number of solid waste and used oil facility permits that have specific conditions related to the management of petroleum contaminated materials.

DMT and DES are clearly in the business of managing used oil generated off site. The Department has consistently maintained that facilities are exempt from the requirement to obtain a used oil processing permit only if they operate in compliance with used oil transporter and transfer facility requirements.

*"More Protection, Less Process"*

*Printed on recycled paper.*

Since 1996 the Department has maintained that such facilities could be either subject to used oil processor standards if used oil is stored more than 35 days and transfer facility standards if used oil is stored more than 24 hours. Prior to the 2001 inspection, the Department understood that any storage more than 24 hours took place in barges, such as the *Cottee River*.

The Department agreed to defer a final determination on secondary containment requirements for the barge *Cottee River* to EPA. To date EPA has declined to make a determination pending Florida's final authorization for the used oil program. Final authorization became effective on October 22, 2001. It is the District's intent to request a formal determination on the secondary containment issue from EPA Region IV.

However, this issue is separate from the facts of the 2001 inspection, where a land based unit was being used for storing used oil more than 24 hours. The land based storage unit was a 19,838-gallon storage tank kept adjacent to the facility's docks. Used oil was not only being put in the storage tank during the period that the *Cottee River* was in dry dock, but also when the barge was away from the facility. Used oil transfer facilities are defined as "transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and no longer than 35 days." The DMT facility qualified as a used oil transfer facility because it was storing used oil in a land based storage unit for longer than 24 hours.

The follow comments are provided in response to your rebuttal to the alleged violations cited in the Warning Letter:

**40 CFR 261.5(g)(3):** Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.

The Department accepts your explanation that the waste paint that was identified during the inspection was hardened epoxy waste and was being managed appropriately. The alleged violation will be deleted.

**62-710.500(1)(a): F.A.C.:** Failure to register with the Department their used oil handling activities.

Currently DES is registered as a used oil transporter only. Neither DES nor DMT have registered as used oil transfer facilities. In the past, DES has claimed that no used oil is stored more than 24 hours. DMT has acknowledged that wastes are stored more than 24 hours but claim that only the Coast Guard has authority to regulate their operations. DMT has claimed that they either do not manage used oil or are exempt from EPA regulation. Regardless of the final determination of this issue, either DMT or DES was operating an unregistered used oil transfer facility adjacent to the shrimp docks. The Department acknowledges your return to compliance and willingness to pay the assessed penalty.

**40 CFR 279.45(f):** Failure to provide secondary containment for tanks and containers used to store used oil.

The "blue" frac tank at the DMT facility was being used to store used oil and oily waste. It was being used to store the waste during times when the barge *Cottee River* was away from the facility. While frac tanks can be mobile, the frac tank in question was not being used as a mobile tank. It was located next to the shrimp boats and the pier for the express purpose of storing used oil and oily waste. The method used to connect the five fill and dispensing hoses to the tank are clear indications that there were no plans by DMT to move the "blue" frac tank. The Department remains convinced that the "blue" tank was not being used as a mobile tank, but was a "fixed"

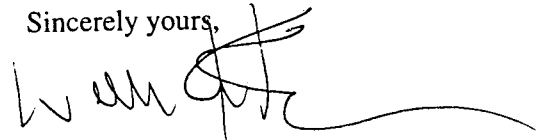
storage tank that had been in place for several months. Also, while some frac tanks are doubled walled, the tank being used by DMT was a single walled storage tank. Regardless of whether the tank was fixed or mobile, secondary containment requirements are applicable to both tanks and containers storing used oil more than 24 hours at a transporter's facility. Based on all the information available, the Department believes that the alleged violation is valid and the proposed penalty is appropriate.

**40 CFR 279.45(g)(1):** Failure to label or mark containers and an above ground tank used to store used oil with the words "Used Oil".

The Department observed eleven containers at the facility being used to store used oil. Part 279 does not differentiate a container based on its capacity. On the day of the inspection, the containers of used oil observed at the facility ranged in size from five to fifty-five gallons. While some of the containers held oil generated by shrimp boat operators, the other containers held oil generated by DMT. None of the containers were labeled "Used Oil". The District has consistently held the position that all containers used to store used oil must be labeled "Used Oil". Based on all the information available to the Department, the Department believes that the alleged violation is valid and the proposed penalty is appropriate.

The Department would like to resolve this matter through entry into a Consent Order that would include a civil penalty in the amount of \$10,200.00, along with \$100.00 in Department costs. An additional condition of the Consent Order would include an agreement by DMT to immediately cease storing used oil and oily waste in any land based storage units without secondary containment. The Department will not agree to any language in the proposed Consent Order that implies that the barges storing used oil are not regulated containers under Part 279. In addition, the Department will not agree that the 35-day storage time limit for transfer facilities does not apply to storage in barges. You are requested to respond to this offer within 20 days. If you have any questions, please call Jim Dregne at (813) 744-6100 extension 410.

Sincerely yours,



William Kutash  
Program Administrator  
Division of Waste Management

WK/jmd

CC: Edmond Burks, EPA, Region IV  
Raoul Clarke, FDEP, HWM  
Chris Rossbach, FDEP, BER  
Robert Butera, FDEP, Solid Waste Section  
Eugene R. Russel, DMT  
Gerry K. McCormack, DES  
David A. Parche', Tampa Port Authority

Florida Department of  
**Memorandum Environmental Protection**

---

**ENFORCEMENT/COMPLIANCE COVER MEMO**

TO:

*W*  Deborah A. Getzoff, Director of District Management  
*W*  William Kutash, Environmental Administrator  
 Office of General Counsel, ATTN: \_\_\_\_\_

THROUGH:

William Kutash, Environmental Administrator  
*SKT* Stanley Tam, Professional Engineer II  
*E* Elizabeth Knauss, Environmental Manager

FROM:

Jim Dregne, Environmental Specialist III

DATE:

*W* October 17, 2001

FILE NAME: **Diversified Marine Tech (DMT)**

PROJECT #: 245262

PROGRAM: Hazardous Waste

COUNTY: Hillsborough

TYPE OF DOCUMENT:

draft or  final

NOV

Consent Order

Final Order

Case Report

Penalty Authorization

Warning Letter

Other **Letter**

DESCRIPTION OF VIOLATIONS: DMT operates a barge at the Port of Tampa that is used to temporarily store used oil and other oily waste. The Department has been discussing with the US Coast Guard and the EPA concerning who has jurisdiction over the barge. For now, the Coast Guard regulates the barge. Since at least September 2000 DMT has been storing used oil in a large tank at their facility. The company failed to notify the Department of this activity. DMT qualifies as a used oil transfer facility. The company failed to label the tank and did not have secondary containment.

SUMMARY OF CORRECTIVE ACTIONS: The facility has corrected two of three violations. The facility contends that they don't have to have secondary containment around a land based storage unit. The company must also enter into a Consent Order and pay a penalty and either cease using a land based storage unit or have secondary containment.

PENALTY SUMMARY:

Potential for Harm: Major

Extent of Deviation: Major

Penalty Amount: \$10,200.00

Expenses: \$100.00

TOTAL PENALTY AMOUNT: \$10,300.00

TO SECRETARY



**FOWLER WHITE  
BOGGS BANKER**

ATTORNEYS AT LAW

*Fax*

Writer's Direct Line (813) 222-1175

**Please deliver the following pages immediately to:**

**Name:** Jim Dregne  
**Firm:** Department of Environmental Protection  
**Number:** 744-6125  
**Message:** See attached.

**Total Number of Pages** 8 (including this cover page)

**From:** Ron H. Noble  
**Date:** September 12, 2001  
**File:** Diversified  
**File No.:** 1013754

*The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. In addition, unauthorized use of information in this transmission may violate federal securities laws. If you have received this communication in error, please notify us immediately by telephone, collect, and return the original message to us at the address below via the United States Postal Service. We will reimburse you for postage. Thank you.*

**FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A**

TAMPA · CLEARWATER · FORT MYERS · ST. PETERSBURG · TALLAHASSEE

501 E. KENNEDY BLVD., SUITE 1700, TAMPA, FLORIDA 33602 · P.O. BOX 1438, TAMPA, FL 33601  
TELEPHONE (813) 228-7411 · FAX (813) 229-8313 · [www.fowlerwhite.com](http://www.fowlerwhite.com)





# FOWLER WHITE

ATTORNEYS AT LAW

ESTABLISHED 1943

June 5, 2001

Mr. James M. Dregne  
Environmental Specialist III  
Florida Department of Environmental Protection  
3804 Coconut Palm Drive  
Tampa, FL 33619

Re: Response to DEP Warning Letter #245262 for Diversified Marine Tech located at  
2531 22<sup>nd</sup> St. Causeway South in Tampa, Hillsborough County, Florida  
FLD 984 182 733

Dear Mr. Dregne:

This firm represents Diversified Marine Tech, Inc. an affiliate of Diversified Environmental Services, Inc. ("DES"), regarding environmental compliance matters at its facility located at 2531 22<sup>nd</sup> Street Causeway South in Tampa, Hillsborough County, Florida. Pursuant to our telephone conversation of last month, the purpose of this correspondence is to respond to the Department's Warning Letter dated April 10, 2001, which alleged several RCRA violations identified during a field inspection conducted by the Department on January 10 and 11, 2001. Below please find additional information submitted on behalf of Diversified Marine Tech, Inc. ("DMT") which documents that no RCRA violations have occurred at this facility based upon the prevailing interpretation of the existing rules administered by the United States Environmental Protection Agency, Region IV out of Atlanta, Georgia and the Department's headquarters in Tallahassee, Florida.

As we discussed, the DMT facility is unique in nature and I think you agree that its operations and waste handling and storage practices do not fall "neatly" within the broad categories of facilities identified in EPA's and the Department's rules. The applicability of the vast majority of rules cited by the Department in the April 11, 2001, Warning Letter are not applicable to the DMT facility, or at best, are very questionable as to applicability. However, one fact not in question is DMT's commitment to environmental compliance as well as its efforts to cooperate with the

FOWLER, WHITE, GILLEN, BOGGS, VILLAKEAL AND BANKER, P.A.

TAMPA • CLEARWATER • FORT MYERS • ST. PETERSBURG • TALLAHASSEE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • [www.fowlerwhite.com](http://www.fowlerwhite.com)

Mr. James M. Dregne  
June 5, 2001  
Page 2

Department to maintain and document compliance with applicable rules.

DMT and Diversified Environmental Services ("DES") serve a critical function at the Port of Tampa by properly handling and disposing of millions of gallons of liquid wastes which might otherwise be improperly disposed in Tampa Bay. Many individuals familiar with the Port's waste handling and disposal operations believe DMT and DES serve as the Port's most significant environmental contractor because of its excellent reputation and consistently high standards for providing environmental services. The Department's Division of Law Enforcement, Bureau of Emergency Response, has certified DES as an Approved Discharge Cleanup Organization, and DES is highly regarded by the Department for the services it provides in response to a wide range of potentially devastating releases of pollutants. In addition, DES has been granted a Discharge Prevention and Response Certificate from the Department based upon its demonstrations regarding pollutant discharge containment and cleanup capabilities at a terminal facility.

Prior to addressing the alleged violations in detail, we need to clarify several issues regarding the Department's characterization of the DMT operations set forth in Section 9 (Facility Description) of the January, 2001, Hazardous Waste Inspection Report. Specifically, DMT is not in the business of handling or processing used oil. Rather, DMT handles "liquid wastes" and "oily wastes" as those terms are defined in Chapter 62-701, Florida Administrative Code. In addition, DMT may or may not be handling "petroleum contact water" as that term is defined in Chapter 62-740, Florida Administrative Code. As you know, petroleum contact water managed for the recovery of "product" in accordance with the management standards set forth in Chapter 62-740, Florida Administrative Code is not a solid waste under RCRA. Based upon our negotiations and the resolution of the issues set forth below, DMT and this office reserve the right to assert additional arguments and exemptions for the materials handled at the DMT facility pursuant to Chapters 62-701 and 62-740, Florida Administrative Code.

"Used oil" is a specifically defined term under both EPA's and the Department's Rules. The Department's written guidance has stated for years that the Department will not attempt to specify a numerical limit or volume content for distinguishing wastewater from used oil. Rather, the identification or designation of a waste material is the responsibility of the generator of that material. Specifically, it is the generator's responsibility to make the determination of what type of material is being handled by DMT. In the event that a customer/generator characterizes liquid waste as "used oil" then DES is registered as a Used Oil Transporter and the materials will be handled in accordance with all applicable provisions of Chapter 62-710, Florida Administrative Code. However, as set forth above and as explained below in greater detail, DMT is not in the business of storing used oil at its facility, and therefore, DMT is not a Used Oil Transfer Facility. If a material is characterized by the generator as used oil, or in the event that DMT generates used oil from its operations, this

Mr. James M. Dregne  
June 5, 2001  
Page 3

material is transferred directly onto and stored in the Cottee River barge. The Cottee River is neither a Used Oil Transfer Facility nor is it regulated under RCRA in Florida because it is under the jurisdiction of the United States Coast Guard.

Below please find DMT's responses to the alleged violations set forth in Section 10 of the Department's Hazardous Waste Inspection Report:

1. **40 CFR 261.5(g)(3): Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.**

**Response:** The marine coatings handled and applied by DMT are not "hazardous waste paint." DMT utilizes a 2-part epoxy which requires that a hardener be added prior to use and application. These epoxies are applied by brush or roller (as opposed to spraying) in order to keep overspray out of the marine environment. Once the hardener is added, the epoxy coating hardens very rapidly, and although the material is mixed in very small batches, it often hardens in the can or paint tray before it can be successfully applied. After the hardener is added to the epoxy materials, the hardening process cannot be reversed. In addition, it does not matter whether the epoxy is stored in an open or closed can after the hardening agent is added. The mixed epoxy will harden even if it is in a sealed container just as rapidly as if it were exposed to the air.

The Department's facility description is not accurate when it attempts to characterize "hazardous paint waste" left in open containers and "allowed to evaporate." Again, these materials harden on their own whether they are in open or sealed containers, and no improper evaporation of epoxy or paint waste has occurred at this facility. When this material hardens in a paint tray or container, it is my understanding that such materials are not a hazardous waste under RCRA, and the dried material and the container can be disposed of as solid waste in the facility dumpster. If my understanding is not correct, please let me know immediately.

From a practical standpoint, these marine coatings cost up to \$90 a gallon, and it is clearly not in DMT's interest to waste the material or allow it to harden before it can be used. In an abundance of caution and in an effort to demonstrate to the Department its intent to cooperate with the issues identified during the Department's inspection, DMT has agreed to store all

Mr. James M. Dregne  
June 5, 2001  
Page 4

empty or partially empty coating containers in a 55 gallon drum which will be labeled and kept closed at all times except when adding or removing waste materials. For now, all spent coating containers have been delivered to a facility certified to accept hazardous waste. Again, we do not believe that the hardened epoxy is a "hazardous waste paint" which must be handled in accordance with the requirements set forth in 40 CFR 261.5(g)(3). In any event, DMT has acted proactively to address the Department's concern and no harm or release has occurred from these handling practices. Based upon the proactive actions which have been initiated as outlined above, we do not believe any penalty is warranted for this issue.

2. **40 CFR 279.45(f): Failure to provide secondary containment for tanks used to store used oil.**

**Response:** As set forth above, DMT is not storing used oil in the 19,838 gallon frac tank in a manner that would subject DMT to regulation as a Used Oil Transfer Facility. Because this tank is not used to store used oil, there is no secondary containment requirement under 40 CFR 279.45(f). This tank is used to store liquid wastes, industrial wastewater and possibly petroleum contact water, and as such, there are no attendant secondary containment requirements.

The frac tank in question is not a "tank" pursuant to the definitions set forth in both the Department's and EPA's rules. In addition, this frac tank is specifically exempted from the Department's storage tank rules pursuant to Rule 62-761.300(2)(b)(3) as an exempt mobile tank. Finally, this frac tank is a fully licensed motor vehicle which is authorized to utilize the State Highway System.

We have discussed industrial wastewater, petroleum contact water, liquid waste and used oil storage and containment issues with the Department and EPA for many years. Neither EPA Region IV staff in Atlanta nor the Department's representatives in Tallahassee have ever attempted to assert that a frac tank registered as a licensed vehicle is required to install secondary containment for the storage of liquid wastes, oily wastes, industrial wastewater or petroleum contact water. Taking the Department's interpretation of this rule to its extreme, any container at a Used Oil Transfer Facility would be required to maintain secondary containment, including

Mr. James M. Dregne

June 5, 2001

Page 5

containers attached to vehicles for the transportation of such materials. That is clearly not the intent of either EPA's or the Department's rules, and it is clearly not how facilities are being managed or regulated by the Department. In fact, I am not aware of any such intent to apply secondary containment requirements to mobile frac tanks used to store waste oil. As set forth above, DMT has not and will not store "used oil" in the on-site frac tanks. To the extent that used oil will be stored in any tanks or other containers in the future in addition to the Cottee River barge, DMT will comply with all requirements of Chapter 62-710, FAC, as applicable to each individual storage tank or container. Based upon DMT's cooperation and proactive efforts to address the Department's concerns, and especially considering the confusion over the applicability of the secondary containment requirements, we do not believe that the imposition of any penalty is warranted regarding this matter.

3. **40 CFR 279.45(g)(1): Failure to label or mark containers and an above-ground tank used to store used oil with the words "Used Oil."**

Response: As set forth above, the frac tank was not utilized and will not be utilized to store used oil, and therefore, there is no attendant labeling requirement. The Department also identified five unlabeled 5-gallon buckets of used oil at the DMT facility which were not labeled. I believe DMT personnel reported to the Department these five gallon buckets were generated from the adjacent shrimp boats and were brought to the DMT facility by the shrimp boat owner/operators for disposal. These used oils would typically be transferred immediately to the Cottee River barge, however, you were aware that the barge was not at the dock at the time the five gallon buckets were delivered from the shrimp docks. In any event, DMT is not the generator of those used oils and it is not the owner or operator of the 5-gallon buckets. Quite frankly, DMT is simply acting as a good Samaritan by accepting this material at no cost to the shrimp boat fleet to allow a cost-effective and appropriate recycling alternative. You can be assured the shrimp boat owners are not going to go to the trouble of establishing labeled and registered waste oil recycling facilities, but rather, you can be equally assured this used oil will be subject to improper disposal alternatives which will not benefit the environment. The Port of Tampa, the shrimp docks, Hillsborough County and the Department are all in agreement that this is a valuable service which was being provided in good faith by

Mr. James M. Dregne

June 5, 2001

Page 6

DMT for which DMT was not achieving any economic benefit. However, based upon the concerns raised by the Department, DMT will discontinue offering this service unless the Department provides written verification that it has no objection to this recycling alternative. In any event, because the unlabeled buckets were not owned or operated by DMT, and because DMT was acting solely as a good Samaritan in providing this recycling service, we do not believe that any penalty is warranted for this matter. Jim, if the Southwest district truly believes that a 5-gallon bucket from a boat temporarily used for the storage of used oil requires labeling under 40 CFR 279.45(g)(1), then I believe we should discuss this issue further with EPA representatives in Atlanta and DEP headquarters in Tallahassee.

4. **62-710.500(1)(a), F.A.C.: Failure to register with the Department their used oil handling activities.**

**Response:** DES is registered as a Used Oil Transporter, and we do not see any trigger or requirement which would mandate DMT's registration as a Used Oil Transfer Facility. Simply stated, DMT does not hold used oil for more than 24 hours except in connection with the operation of the Cottee River barge. In an abundance of caution, DES has already notified DEP in Tallahassee of the Southwest District's enforcement action and further notified as a Used Oil Transfer Facility, which notification was effective as of April 30, 2001. DEP staff in Tallahassee were surprised to learn the Southwest District was pursuing an enforcement action regarding the registration issue under these facts and circumstances. I have advised DMT and DES they are not required to register as a Used Oil Transfer Facility, however, in their continuing efforts to cooperate in good faith with the Department, they have made the requested notification and registration. Finally, in an effort to resolve the Department's warning letter in an amicable manner, DMT is also willing to pay the \$300 penalty requested by the Department for this matter.

The Department is aware that Diversified has always demonstrated its commitment to unequivocal and complete compliance with applicable environmental protection statutes and regulations. They are a true leader in environmental protection at the Port of Tampa, and they work closely with the Department and the United States Coast Guard to enhance environmental protection and respond to marine environmental emergencies. Based upon Diversified's history of compliance and their cooperative attempts to address these very questionable alleged violations, we simply do

Mr. James M. Dregne


June 5, 2001

Page 7

not believe that any enforcement proceedings nor any imposition of monetary penalties is warranted to resolve the issues set forth in the Warning Letter. The imposition of monetary penalties will not serve any deterrent goals in light of the fact that Diversified is already fully committed to environmental compliance and Diversified has not received any economic benefit from these alleged violations. If the Southwest District believes that some amount of penalty imposition is warranted, we would appreciate and reserve the opportunity to submit additional information to the Department regarding mitigating factors which document that any proposed penalties should be reduced to zero dollars.

Jim, we hope we can resolve these issues with the Southwest District in the very near future. As set forth above, it may be in all parties best interest to involve Department representatives from Tallahassee, EPA staff in Atlanta and United States Coast Guard staff so we have a consistent application and interpretation of the applicable rules and policies. After you have an opportunity to review the above matters, please contact me at your earliest convenience to discuss a proposed course of action. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,



Ron H. Noble

RHN/5311

cc: Mr. Eugene R. Russel  
Mr. Gerry McCormick



# FOWLER WHITE

ATTORNEYS AT LAW

ESTABLISHED 1943

D.E.P.  
JUN 06 2001  
Southwest District Tampa

June 5, 2001

Mr. James M. Dregne  
Environmental Specialist III  
Florida Department of Environmental Protection  
3804 Coconut Palm Drive  
Tampa, FL 33619

Re: Response to DEP Warning Letter #245262 for Diversified Marine Tech located at  
2531 22<sup>nd</sup> St. Causeway South in Tampa, Hillsborough County, Florida  
FLD 984 182 733

Dear Mr. Dregne:

This firm represents Diversified Marine Tech, Inc. an affiliate of Diversified Environmental Services, Inc. ("DES"), regarding environmental compliance matters at its facility located at 2531 22<sup>nd</sup> Street Causeway South in Tampa, Hillsborough County, Florida. Pursuant to our telephone conversation of last month, the purpose of this correspondence is to respond to the Department's Warning Letter dated April 10, 2001, which alleged several RCRA violations identified during a field inspection conducted by the Department on January 10 and 11, 2001. Below please find additional information submitted on behalf of Diversified Marine Tech, Inc. ("DMT") which documents that no RCRA violations have occurred at this facility based upon the prevailing interpretation of the existing rules administered by the United States Environmental Protection Agency, Region IV out of Atlanta, Georgia and the Department's headquarters in Tallahassee, Florida.

As we discussed, the DMT facility is unique in nature and I think you agree that its operations and waste handling and storage practices do not fall "neatly" within the broad categories of facilities identified in EPA's and the Department's rules. The applicability of the vast majority of rules cited by the Department in the April 11, 2001, Warning Letter are not applicable to the DMT facility, or at best, are very questionable as to applicability. However, one fact not in question is DMT's commitment to environmental compliance as well as its efforts to cooperate with the

FOWLER, WHITE, GILLEN, BOGGS, VILLAREAL AND BANKER, P.A.

TAMPA • CLEARWATER • FORT MYERS • ST. PETERSBURG • TALLAHASSEE

501 EAST KENNEDY BLVD., SUITE 1700 • TAMPA, FLORIDA 33602 • P.O. BOX 1438 • TAMPA, FL 33601  
TELEPHONE (813) 228-7411 • FAX (813) 229-8313 • [www.fowlerwhite.com](http://www.fowlerwhite.com)



Mr. James M. Dregne  
June 5, 2001  
Page 2

Department to maintain and document compliance with applicable rules.

DMT and Diversified Environmental Services ("DES") serve a critical function at the Port of Tampa by properly handling and disposing of millions of gallons of liquid wastes which might otherwise be improperly disposed in Tampa Bay. Many individuals familiar with the Port's waste handling and disposal operations believe DMT and DES serve as the Port's most significant environmental contractor because of its excellent reputation and consistently high standards for providing environmental services. The Department's Division of Law Enforcement, Bureau of Emergency Response, has certified DES as an Approved Discharge Cleanup Organization, and DES is highly regarded by the Department for the services it provides in response to a wide range of potentially devastating releases of pollutants. In addition, DES has been granted a Discharge Prevention and Response Certificate from the Department based upon its demonstrations regarding pollutant discharge containment and cleanup capabilities at a terminal facility.

Prior to addressing the alleged violations in detail, we need to clarify several issues regarding the Department's characterization of the DMT operations set forth in Section 9 (Facility Description) of the January, 2001, Hazardous Waste Inspection Report. Specifically, DMT is not in the business of handling or processing used oil. Rather, DMT handles "liquid wastes" and "oily wastes" as those terms are defined in Chapter 62-701, Florida Administrative Code. In addition, DMT may or may not be handling "petroleum contact water" as that term is defined in Chapter 62-740, Florida Administrative Code. As you know, petroleum contact water managed for the recovery of "product" in accordance with the management standards set forth in Chapter 62-740, Florida Administrative Code is not a solid waste under RCRA. Based upon our negotiations and the resolution of the issues set forth below, DMT and this office reserve the right to assert additional arguments and exemptions for the materials handled at the DMT facility pursuant to Chapters 62-701 and 62-740, Florida Administrative Code.

"Used oil" is a specifically defined term under both EPA's and the Department's Rules. The Department's written guidance has stated for years that the Department will not attempt to specify a numerical limit or volume content for distinguishing wastewater from used oil. Rather, the identification or designation of a waste material is the responsibility of the generator of that material. Specifically, it is the generator's responsibility to make the determination of what type of material is being handled by DMT. In the event that a customer/generator characterizes liquid waste as "used oil" then DES is registered as a Used Oil Transporter and the materials will be handled in accordance with all applicable provisions of Chapter 62-710, Florida Administrative Code. However, as set forth above and as explained below in greater detail, DMT is not in the business of storing used oil at its facility, and therefore, DMT is not a Used Oil Transfer Facility. If a material is characterized by the generator as used oil, or in the event that DMT generates used oil from its operations, this

D.E.P.  
JUN 16 2001  
Southwest District Tampa

material is transferred directly onto and stored in the Cottee River barge. The Cottee River is neither a Used Oil Transfer Facility nor is it regulated under RCRA in Florida because it is under the jurisdiction of the United States Coast Guard.

Below please find DMT's responses to the alleged violations set forth in Section 10 of the Department's Hazardous Waste Inspection Report:

1. **40 CFR 261.5(g)(3): Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.**

**Response:** The marine coatings handled and applied by DMT are not "hazardous waste paint." DMT utilizes a 2-part epoxy which requires that a hardener be added prior to use and application. These epoxies are applied by brush or roller (as opposed to spraying) in order to keep overspray out of the marine environment. Once the hardener is added, the epoxy coating hardens very rapidly, and although the material is mixed in very small batches, it often hardens in the can or paint tray before it can be successfully applied. After the hardener is added to the epoxy materials, the hardening process cannot be reversed. In addition, it does not matter whether the epoxy is stored in an open or closed can after the hardening agent is added. The mixed epoxy will harden even if it is in a sealed container just as rapidly as if it were exposed to the air.

The Department's facility description is not accurate when it attempts to characterize "hazardous paint waste" left in open containers and "allowed to evaporate." Again, these materials harden on their own whether they are in open or sealed containers, and no improper evaporation of epoxy or paint waste has occurred at this facility. When this material hardens in a paint tray or container, it is my understanding that such materials are not a hazardous waste under RCRA, and the dried material and the container can be disposed of as solid waste in the facility dumpster. If my understanding is not correct, please let me know immediately.

From a practical standpoint, these marine coatings cost up to \$90 a gallon, and it is clearly not in DMT's interest to waste the material or allow it to harden before it can be used. In an abundance of caution and in an effort to demonstrate to the Department its intent to cooperate with the issues identified during the Department's inspection, DMT has agreed to store all

empty or partially empty coating containers in a 55 gallon drum which will be labeled and kept closed at all times except when adding or removing waste materials. For now, all spent coating containers have been delivered to a facility certified to accept hazardous waste. Again, we do not believe that the hardened epoxy is a "hazardous waste paint" which must be handled in accordance with the requirements set forth in 40 CFR 261.5(g)(3). In any event, DMT has acted proactively to address the Department's concern and no harm or release has occurred from these handling practices. Based upon the proactive actions which have been initiated as outlined above, we do not believe any penalty is warranted for this issue.

2. **40 CFR 279.45(f): Failure to provide secondary containment for tanks used to store used oil.**

**Response:** As set forth above, DMT is not storing used oil in the 19,838 gallon frac tank in a manner that would subject DMT to regulation as a Used Oil Transfer Facility. Because this tank is not used to store used oil, there is no secondary containment requirement under 40 CFR 279.45(f). This tank is used to store liquid wastes, industrial wastewater and possibly petroleum contact water, and as such, there are no attendant secondary containment requirements.

The frac tank in question is not a "tank" pursuant to the definitions set forth in both the Department's and EPA's rules. In addition, this frac tank is specifically exempted from the Department's storage tank rules pursuant to Rule 62-761.300(2)(b)(3) as an exempt mobile tank. Finally, this frac tank is a fully licensed motor vehicle which is authorized to utilize the State Highway System.

We have discussed industrial wastewater, petroleum contact water, liquid waste and used oil storage and containment issues with the Department and EPA for many years. Neither EPA Region IV staff in Atlanta nor the Department's representatives in Tallahassee have ever attempted to assert that a frac tank registered as a licensed vehicle is required to install secondary containment for the storage of liquid wastes, oily wastes, industrial wastewater or petroleum contact water. Taking the Department's interpretation of this rule to its extreme, any container at a Used Oil Transfer Facility would be required to maintain secondary containment, including

containers attached to vehicles for the transportation of such materials. That is clearly not the intent of either EPA's or the Department's rules, and it is clearly not how facilities are being managed or regulated by the Department. In fact, I am not aware of any such intent to apply secondary containment requirements to mobile frac tanks used to store waste oil. As set forth above, DMT has not and will not store "used oil" in the on-site frac tanks. To the extent that used oil will be stored in any tanks or other containers in the future in addition to the Cottee River barge, DMT will comply with all requirements of Chapter 62-710, FAC, as applicable to each individual storage tank or container. Based upon DMT's cooperation and proactive efforts to address the Department's concerns, and especially considering the confusion over the applicability of the secondary containment requirements, we do not believe that the imposition of any penalty is warranted regarding this matter.

3. **40 CFR 279.45(g)(1): Failure to label or mark containers and an above-ground tank used to store used oil with the words "Used Oil."**

Response: As set forth above, the frac tank was not utilized and will not be utilized to store used oil, and therefore, there is no attendant labeling requirement. The Department also identified five unlabeled 5-gallon buckets of used oil at the DMT facility which were not labeled. I believe DMT personnel reported to the Department these five gallon buckets were generated from the adjacent shrimp boats and were brought to the DMT facility by the shrimp boat owner/operators for disposal. These used oils would typically be transferred immediately to the Cottee River barge, however, you were aware that the barge was not at the dock at the time the five gallon buckets were delivered from the shrimp docks. In any event, DMT is not the generator of those used oils and it is not the owner or operator of the 5-gallon buckets. Quite frankly, DMT is simply acting as a good Samaritan by accepting this material at no cost to the shrimp boat fleet to allow a cost-effective and appropriate recycling alternative. You can be assured the shrimp boat owners are not going to go to the trouble of establishing labeled and registered waste oil recycling facilities, but rather, you can be equally assured this used oil will be subject to improper disposal alternatives which will not benefit the environment. The Port of Tampa, the shrimp docks, Hillsborough County and the Department are all in agreement that this is a valuable service which was being provided in good faith by

DMT for which DMT was not achieving any economic benefit. However, based upon the concerns raised by the Department, DMT will discontinue offering this service unless the Department provides written verification that it has no objection to this recycling alternative. In any event, because the unlabeled buckets were not owned or operated by DMT, and because DMT was acting solely as a good Samaritan in providing this recycling service, we do not believe that any penalty is warranted for this matter. Jim, if the Southwest district truly believes that a 5-gallon bucket from a boat temporarily used for the storage of used oil requires labeling under 40 CFR 279.45(g)(1), then I believe we should discuss this issue further with EPA representatives in Atlanta and DEP headquarters in Tallahassee.

4. **62-710.500(1)(a), F.A.C.: Failure to register with the Department their used oil handling activities.**

**Response:** DES is registered as a Used Oil Transporter, and we do not see any trigger or requirement which would mandate DMT's registration as a Used Oil Transfer Facility. Simply stated, DMT does not hold used oil for more than 24 hours except in connection with the operation of the Cottee River barge. In an abundance of caution, DES has already notified DEP in Tallahassee of the Southwest District's enforcement action and further notified as a Used Oil Transfer Facility, which notification was effective as of April 30, 2001. DEP staff in Tallahassee were surprised to learn the Southwest District was pursuing an enforcement action regarding the registration issue under these facts and circumstances. I have advised DMT and DES they are not required to register as a Used Oil Transfer Facility, however, in their continuing efforts to cooperate in good faith with the Department, they have made the requested notification and registration. Finally, in an effort to resolve the Department's warning letter in an amicable manner, DMT is also willing to pay the \$300 penalty requested by the Department for this matter.

The Department is aware that Diversified has always demonstrated its commitment to unequivocal and complete compliance with applicable environmental protection statutes and regulations. They are a true leader in environmental protection at the Port of Tampa, and they work closely with the Department and the United States Coast Guard to enhance environmental protection and respond to marine environmental emergencies. Based upon Diversified's history of compliance and their cooperative attempts to address these very questionable alleged violations, we simply do

Mr. James M. Dregne  
June 5, 2001  
Page 7

not believe that any enforcement proceedings nor any imposition of monetary penalties is warranted to resolve the issues set forth in the Warning Letter. The imposition of monetary penalties will not serve any deterrent goals in light of the fact that Diversified is already fully committed to environmental compliance and Diversified has not received any economic benefit from these alleged violations. If the Southwest District believes that some amount of penalty imposition is warranted, we would appreciate and reserve the opportunity to submit additional information to the Department regarding mitigating factors which document that any proposed penalties should be reduced to zero dollars.

Jim, we hope we can resolve these issues with the Southwest District in the very near future. As set forth above, it may be in all parties best interest to involve Department representatives from Tallahassee, EPA staff in Atlanta and United States Coast Guard staff so we have a consistent application and interpretation of the applicable rules and policies. After you have an opportunity to review the above matters, please contact me at your earliest convenience to discuss a proposed course of action. In the interim, please do not hesitate to contact me should you have any questions regarding the above matters or if you require any additional information.

Sincerely yours,



Ron H. Noble

RHN/5311

cc: Mr. Eugene R. Russel  
Mr. Gerry McCormick

Previous enforcement cases have been about how diversified has managed waste oil while being stored and processed aboard vessels. Diversified has repeatedly maintained that they operate without any land based storage units. The Department has agreed to defer to the Coast Guard regarding management of waste oil aboard vessels, partly because it was our understanding that double walled vessels that will meet the Department's secondary containment requirements were being phased in over time

As documented in this inspection, despite previous claims, Diversified was clearly operating a land based unit that stored used oil more than 24 hours. The company was aware of secondary containment requirements for used oil transfer facilities because of previous enforcement actions. There is no ambiguity in these standards.

## PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech

Identify Violator's Facility: 2531 22<sup>nd</sup> St. Causeway South, Tampa, FL 33619 --- FLD 984 182 733

Name of Department Staff Responsible for the Penalty Computations: Jim Dregne

ComHaz Case #: 245262

Date: April 4, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	261.5(g)(3) improper disposal		Minor	Major	\$2,999 -- \$1,500			\$1,500
2.	279.45(f) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
3.	279.45(g)(1) no label		Minor	Major	\$1,199 -- \$600			\$900
4.	62-710.500(1)(a) failed to register				\$300			\$300
<b>TOTAL</b>								<b>\$11,700</b>





EMERGENCY  
RESPONSE

OIL SPILL  
RESPONSE

VACUUM  
TRUCKS

MARINE  
TANK  
CLEANING

TANK  
CLEANING

SITE  
CLEANUP

SHIPYARD  
SERVICES

WASTEWATER  
TREATMENT

HAZWHOPER  
TRAINING  
SCHOOL

WASTE  
MANAGEMENT

FRAC TANK  
RENTAL

# FACSIMILE TRANSMITTAL

Diversified Environmental Services, Inc.  
Complete Environmental & Emergency Response Contractors  
24-Hour Emergency Hot-line 1-800-786-3256

Phone: 813-248-3256

Fax: 813-247-5453

Fax Number:

Date: 4/30/2001

Company: DEP

To: MR Jim Drabek

From: Gert Russel

Number of Pages Including Cover: 3

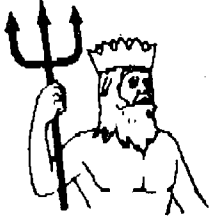
Message:

Thank You:

This is a facsimile transmission from the offices of Diversified Environmental Services, Inc. If you incur any problems or this has been sent in error, please contact us as soon as possible. Thank You

A:\FAXCOVER.doc

# DIVERSIFIED ENVIRONMENTAL SERVICES, INC.



P.O. Box 5357  
Tampa, FL 33675-5357  
1 (800) 786-3256  
Fax: 1 (813) 247-5453

DEP Hazardous Waste Section  
3804 Coconut Palm Drive  
Tampa Florida 33619  
Attn: Mr. Jim Dregne

4/30/2001

Dear Mr. Dregne:

Since our meeting on 4/26/2001 we have been looking into secondary containment systems for the mobile frac tanks. There are several companies that make systems that were specifically designed for frac tanks. So far the three that I have gotten information on look about the same; I have included with this fax a copy of one.

As per our conversation it was stated that even though the rules state that "mobile Tanks" were exempt, they fell under the "container" rules which require some form of secondary containment; although not necessarily the same as permanent above ground storage tanks.

We would like to know if this type of secondary containment would be approved as adequate.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Eugene R. Russel".

Eugene R. Russel  
Vice President

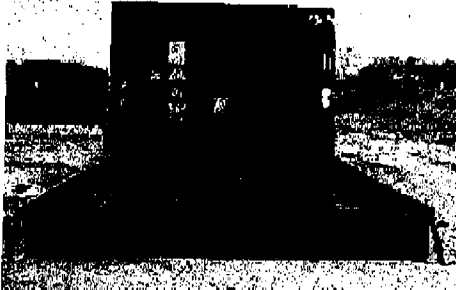
# Spillman Industries, Inc.

[HOME](#)

[IRONSIDES](#)

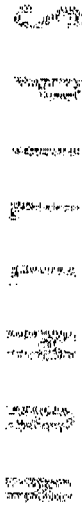
[APPLICATIONS](#)

[CONTACT US](#)



Spillman Industries Inc. develops solutions to environmental problems by designing and manufacturing equipment and products tailor-made to fit specific needs. We at Spillman are dedicated to listening to our customers and doing whatever it takes to ensure customer satisfaction. Feel free to contact us to discuss a problem or suggest a modification to one of our existing products that will make it more applicable to your needs.

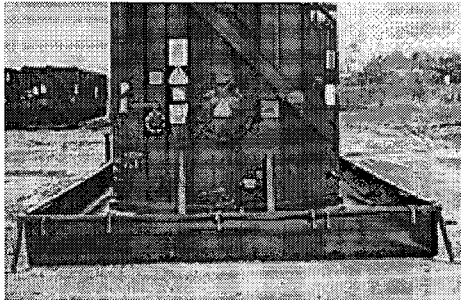
Spillman Industries Inc. is located in Spillman, Louisiana, about 30 minutes north of Baton Rouge.



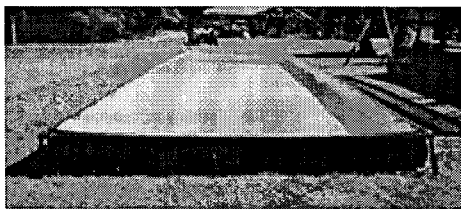
01626

[\[home\]](#) [\[ironsides\]](#) [\[applications\]](#) [\[contact us\]](#)

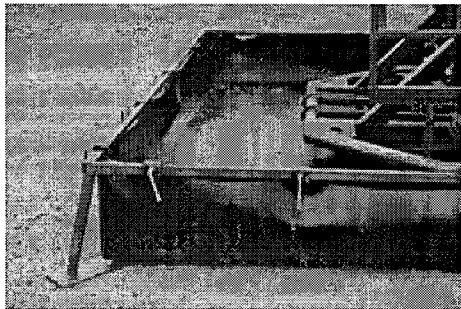
<b>Spillman Industries, Inc.</b>		12424 Highway 421 • Jackson, LA 70768 225.634.9222 • FAX 225.634.9222	
<a href="#">HOME</a>	<a href="#">IRONSIDES</a>	<a href="#">APPLICATIONS</a>	<a href="#">CONTACT US</a>



Spillman Industries Inc. develops solutions to environmental problems by designing and manufacturing equipment and products tailor-made to fit specific needs. We at Spillman are dedicated to listening to our customers and doing whatever it takes to ensure customer satisfaction. Feel free to contact us to discuss a problem or suggest a modification to one of our existing products that will make it more applicable to your needs.



Spillman Industries Inc. is located in Spillman, Louisiana, about 30 minutes north of Baton Rouge.



S  
P  
I  
L  
L  
M  
A  
N

**01632**

[[home](#)] [[ironsides](#)] [[applications](#)] [[contact us](#)]

225-  
210 154

**To:** Eugene Russel  
**Company:** Diversified Environmental Services  
**Phone:** (813) 248-3256  
**Fax:** (813) 247-5453

**From:** Jim Dregne  
**Company:** DEP Hazardous Waste Section  
 3804 Coconut Palm Drive  
 Tampa, Florida 33619  
**Phone:** (813) 744-6100, extension 410  
 or S.C. 512-1042, extension 410  
**Fax:** (813) 744-6125

**Date:** April 27, 2001

**Pages including this  
 cover page:** 1

**Comments:** Tom Boerger called yesterday asking where he could find the Enforcement Manual and the Civil Penalty Matrix on the Internet. I would appreciate it if you could pass this information on to him. If he can't get it off the Internet, I can fax him the pages he wants.

**Enforcement Manual - On DEP web site under OGC Division:**

<http://www.dep.state.fl.us/OGC/documents/enfmanual/appendix/dep923.doc>

**Penalty Matrix - On page 19**

<http://depnet/dwm/bureaus/bshw/RCRA/compliance/inspection/enforcement/rcracivilpenaltypolicy.pdf>

	* 0 K	1	0'25"	27,22:01	NORMAL	92475453
Note	Result	Pages	Time	Start	Mode	Telephone Number

Apr 27 2001 22:02

P.1

\*\* Transmit Conf. Report \*\*

WASTE MGT TAMPA SWD Fax:8137446125



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

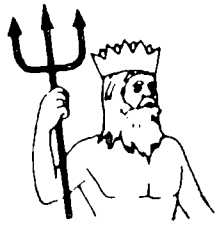
David B. Struhs  
Secretary

DATE: 4/26/01  
TIME: \_\_\_\_\_  
SUBJECT: Enforcement Meeting - DMT

### ATTENDEES

<u>Name</u>	<u>Affiliation</u>	<u>Telephone</u>
<u>Jim Dregne</u>	<u>FDEP</u>	<u>(813) 744-6100 x410</u>
<u>TOM BOERGIER</u>	<u>BOERGIER ASSO.</u>	<u>813 832 3168</u>
<u>Berry McCormick Jr</u>	<u>DES</u>	<u>800-786-3256</u>
<u>EUGENE R. RUSSEL</u>	<u>DIES</u>	<u>813-848 3256</u>
<u>Beth Hancock</u>	<u>FDEP</u>	<u>744-6100 x383</u>

# DIVERSIFIED ENVIRONMENTAL SERVICES, INC.



P.O. Box 5357  
Tampa, FL 33675-5357  
1 (800) 786-3256  
Fax: 1 (813) 247-5453

25 April, 2001

Deborah A. Getzoff  
Director of District Management  
Department of Environmental Protection  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Re: Diversified Marine Tech, Inc. Warning Letter #182733

Dear Ms Getzoff,

This is an initial response to the above referenced Warning Letter that resulted from the unannounced routine Hazardous Waste Inspection conducted by Jim Dregne on 10 and 11 January, 2001. The inspection covered the operations conducted at our facility at 2531 22<sup>nd</sup> St. Causeway South, Tampa, FL 33619. Diversified Marine Tech (DMT) is a subsidiary of Diversified Environmental Services, Inc. (DES), 1201 N. 22<sup>nd</sup> St., Tampa, FL. 33605.

## Diversified Marine Tech Alleged Violations

40 CFR 261.5(g)(3) Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.

Action taken: All empty or partially empty paint cans have been delivered to a facility approved to accept hazardous waste. A 55-gallon drum has been set aside for collecting paint wastes and has been properly labeled. Drum containing waste paint will be kept closed at all times except when adding or removing wastes. It is important to note that dried paint in cans and paint trays is a continuing operational problem at DMT since in almost all cases paint is applied by roller or brush and not sprayed. This is done for environmental reasons to keep overspray out of the water. Since much of the paint is two-part epoxy and requires a hardener be added it often hardens in the can or paint tray before all of it can be applied. Once the hardener is added the process cannot be reversed, i.e. the paint will harden quickly and often becomes too thick to apply while we are in the process of painting.

40 CFR 279.45(g)(1) Failure to label or mark containers and an aboveground tank used to store used oil with the words "Used Oil".

Action taken: The five unlabeled five-gallon buckets of used oil have been properly disposed of. This used oil came from shrimp boats that delivered it to DMT for disposal and it was temporarily stored within a containment area. We no longer accept used oil delivered to our facility from the shrimp boat fleet, and have advised them of this. With regard to the aboveground tank please see the below discussion.

40 CFR 279.45(f) Failure to provide secondary containment for tanks used to store used oil.


This violation refers to containment around an aboveground tank; the tank in question is a "Frac Tank" and as such is a "Mobile tank". We believe 62-761.300(2)(b)(3) specifically exempt mobile tanks from petroleum storage systems requirements of FAC 62-761. We have discussed containment requirements with other owners of Frac tanks and none have ever been required by Florida DEP to place containment around them or to label them with regard to content.

62-710.500(1)(a) FAC Failure to register with the Department their used oil handling activities.

Action taken: This violation presumes that Diversified Environmental Services, Inc. was conducting activities associated with a Used Oil Transfer Facility or a Used Oil Processor during the period in which the tank barge Cottee River was out of service. During this period DES continued to operate as a registered Used Oil Transporter and the Frac tank in question was being used to temporarily consolidate loads of used oil. This consolidation was desirable in order to further transport the water fraction (in almost all cases in excess of 90%) to our water treatment facility at 1201 N. 22<sup>nd</sup> St. We feel this use falls within the parameters contemplated in 40 CFR 279.41(a)&(b). I recognize that your Department may not agree with this interpretation, however it was made in good faith. I propose that if we have occasion in the future to use the Frac tanks to temporarily consolidate used oil loads we will apply for the required permit as a used oil transfer facility and mark any Frac tanks we use "Used Oil". With regard to secondary containment I ask for further clarification of the requirements applicable to "Mobile Tanks".

Diversified Environmental Services, Inc. continues to be committed to protecting Florida's environment and complying fully with all applicable laws and regulations. We look forward to meeting with you and Mr. Dregne to resolve any differences in interpretation of the applicable rules and to further assure you of our commitment to the environmentally responsible management of DES.

Sincerely,



Eugene R. Russel  
Vice President



HANDLER INFORMATION

EPA ID:FLD984183566 Site ID:37414 Previous EPA ID:  
Handler Name:DIVERSIFIED ENVIRONMENTAL SERVI Land Type:M Non-Notifier:  
District:SWD Access: Access Date: Notif Date:15-OCT-1990

Site Name:DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

Directions:

Address:1201 N 22ND ST #200

County:

29 HILLSBOROUGH

SIC CODE(S)

	SIC Code	Description
Primary	3999	MANUFACTURING - MANUFACTURING INDUSTRIES
Secondary		

HAZARDOUS-WAST

Generator: LQG SQG CES XNHR Closed

USED OIL STATUS

\*Transporter:

Marketer: To Off-Spec Burner  
First Claimant

TSD: Treater Storer Disposer

Burner: Utility Boiler  
Industrial Boiler  
Industrial Furnace

\*Used Oil: X

Recycler: Commercial Non-Commercial

Transporter: XTransporter  
Transfer Facility

\*HW Fuel:

UIC:

Processor: Processor  
Re-refiner

\*OTHER:

\*CORR:

Generator:

EPA ID:FLD984183566 Source:INSPECTION Date:21-OCT-1997 Comments:

Enter 'X' if the handler directs shipments of used oil to burners

Count: \*3

<Replace>

Project Id: 88466 | Open Date: 08-FEB-1996 | Priority: N | Status: CLOSED

Name: DIVERSIFIED ENVIRONMENTAL SERVICES, INC.

Prog Area	Activity	Date Done	Date Due	Date Completed	E V
HW	CWOE COMPLIANCE W/O FORMAL ENF	23-APR-1996			
HW	RCL RETURN TO COMPLIANCE LETT	23-APR-1996			
HW	EMT ENFORCEMENT MEETING	21-MAR-1996			
HW	WLI WARNING LETTER ISSUED	23-FEB-1996			
HW	CEI COMPLIANCE EVALUATION INS	08-FEB-1996			Y
HW	OTH OTHER INSPECTION	24-JUN-1992			
HW	WLI WARNING LETTER ISSUED	24-JUN-1992			
HW	CSE COMPLIANCE SCHEDULE EVALU	09-JUN-1992			Y
<b>HW</b>	<b>CEI COMPLIANCE EVALUATION INS</b>	<b>18-MAY-1992</b>			<b>Y</b>

Press [PAGE DOWN] for Activity Details (Change View)

At last record  
Count: \*9

<Replace>

HANDLER INFORMATION

EPA ID:FLD984182733 Site ID:37415 Previous EPA ID:  
Handler Name:ELK RIVER CORP Land Type:P Non-Notifier:  
District:SWD Access: Access Date: Notif Date:15-OCT-1990

Site Name:DIVERSIFIED MARINE TECH  
Directions:  
Address:2531 22ND ST CAUSEWAY S County:  
29 HILLSBOROUGH  
City:TAMPA State:FL Zip:33675-0

Mail Address:PO BOX 5326  
City:TAMPA State:FL Zip:33675-0

Feature: Method:ADDM Datum: Date:15-OCT-1990  
Coordinates: Latitude Degrees:27 Minutes:38 Seconds:38  
Longitude Degrees:82 Minutes:43 Seconds:38  
Comments:

Enter the accessibility indicator  
Count: \*1

<List><Replace>

+-----HANDLER INFORMATION-----+

EPA ID:FLD984182733 Site ID:37415 Previous EPA ID:  
Handler Name:ELK RIVER CORP Land Type:P Non-Notifier:  
District:SWD Access: Access Date: Notif Date:15-OCT-1990

+-----+  
Site Name:DIVERSIFIED MARINE TECH  
Directions:

Address:2531 22ND ST CAUSEWAY S County:  
29 HILLSBOROUGH

+-----CONTACT-INFORMATION-----+

+-----+  
Name L:RUSSEL F:EUGENE Title:V PRES  
Phone:(813)248-3256 Type:N

+-----+  
Address:PO BOX 5326

City:TAMPA State:FL Zip:33675 - 0000

+-----+-----2/6-----+

Enter contact person's last name

Count: \*1

<Replace>

+-----HANDLER INFORMATION-----+

EPA ID:FLD984182733	Site ID:37415	Previous EPA ID:
Handler Name:ELK RIVER CORP		Land Type:P Non-Notifier:
District:SWD	Access: Access Date:	Notif Date:15-OCT-1990

Site Name:DIVERSIFIED MARINE TECH  
 Directions:  
 Address:2531 22ND ST CAUSEWAY S  
 County:  
 29 HILLSBOROUGH

+-----OWNER/OPERATOR INFORMATION-----+

Indicator:CO Current Owner

Name:CURT LESSL, V PRES  
 Address:PO BOX 5326

City:TAMPA  
 State:FL Zip:33675-0000

Phone:(813)248-3256  
 Type:P Date:

HAZARDOUS-WASTE ACTIVITIES

Generator: LQG SQG CES XNHR Closed

\*Transporter:

TSD: Treater Storer Disposer

\*Used Oil:

Recycler: Commercial Non-Commercial

\*HW Fuel:

UIC:

\*OTHER:

\*CORR:

\* Denotes detail screen

EPA ID:FLD984182733 Source:NOTIFICATION Date:24-FEB-1993 Comments:

Enter 'X' if the facility is a large quantity generator

Count: 1

v

<Replace>

HAZARDOUS-WAST

Generator: LQG SQG XCES NHR Closed

USED OIL STATUS

\*Transporter:

Marketer: To Off-Spec Burner  
First Claimant

TSD: Treater Storer Disposer

Burner: Utility Boiler  
Industrial Boiler  
Industrial Furnace

\*Used Oil: X

Recycler: Commercial Non-Commercial

Transporter: Transporter  
XTransfer Facility

\*HW Fuel:

Processor: Processor  
Re-refiner

UIC:

\*OTHER:

Generator:

\*CORR:

EPA ID:FLD984182733 Source:INSPECTION Date:10-JAN-2001 Comments:

Enter 'X' if the handler directs shipments of used oil to burners

Count: \*2

<Replace>



HANDLER INFORMATION

EPA ID:FLD984182733	Site ID:37415	Previous EPA ID:
Handler Name:ELK RIVER CORP		Land Type:P Non-Notifier:
District:SWD	Access: Access Date:	Notif Date:15-OCT-1990

Site Name: DIVERSIFIED MARINE TECH  
 Directions:  
 Address: 2531 22ND ST CAUSEWAY S  
 County:  
 29 HILLSBOROUGH

SIC CODE(S)

	SIC Code	Description
Primary	4231	TRANS. & UTILITIES - TRUCKING TERMINAL F
Secondary		

HANDLER INFORMATION

EPA ID:FLD984182733	Site ID:37415	Previous EPA ID:
Handler Name:ELK RIVER CORP		Land Type:P Non-Notifier:
District:SWD	Access: Access Date:	Notif Date:15-OCT-1990

Site Name: DIVERSIFIED MARINE TECH  
 Directions:  
 Address: 2531 22ND ST CAUSEWAY S  
 County:  
 29 HILLSBOROUGH

WASTE CODE(S)

SOURCE	CODE
N	D000
N	D018

Enter the Source for the Waste Code or Press [LIST] to pick  
Count: \*2

<List><Replace>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

SAM NUNN ATLANTA FEDERAL CENTER

61 FORSYTH STREET S.W.

ATLANTA, GEORGIA 30303

D.E.P.

APR 25 2007

Southwest District Tampa

APR 23 2007

4WD-RCRA

Mr. Satish Kastury, Administrator  
Hazardous Waste Programs  
Florida Department of Environmental Protection  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Dear Mr. Kastury:

On January 10, 2001, a Compliance Evaluation Inspection was conducted by the United States Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) at the Diversified Environmental Services, located on 1201 North 22nd Street, Tampa, Florida to determine the facility's compliance status with RCRA.

Enclosed is the EPA RCRA Compliance Evaluation Inspection (CEI) Report which indicates that violations of RCRA were discovered. Pursuant to the EPA - FDEP Memorandum of Agreement, FDEP is the lead agency for enforcement of the violations discovered during this inspection.

Pursuant to the 1996 Hazardous Waste Civil Enforcement Response Policy (ERP), Day 0 is the date of the inspection referenced above. Based upon the violations discovered during the referenced inspection, the facility is determined to be a Secondary Violator (SV). Therefore, you must issue an informal enforcement action to the facility within ninety (90) days from Day 0, and the facility must return to compliance within 90 days from receipt of that informal action.

If you have any questions, please contact Edmond Burks of my staff, by phone at (404) 562-8587 or by email at burks.edmond@epa.gov.

Sincerely,

Jeffrey T. Pallas, Chief  
South Enforcement and Compliance Section  
RCRA Enforcement and Compliance Branch

Enclosure

cc: Jim Dregne - FDEP Tampa

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
COMPLIANCE EVALUATION INSPECTION REPORT

1) **Inspector and Author of Report**

Edmond J. Burks, Environmental Scientist  
South Section, Enforcement and Compliance Branch  
U.S. Environmental Protection Agency, Region 4 (EPA)  
Phone: (404) 562-8587 FAX: (404) 562-8566

2) **Facility Information**

Diversified Environmental Services (DES)  
Post Office Box 5986  
1201 North 22nd Street, Tampa, Florida, 33605  
FLD 984 183 566 (813) 248-3256 Facility SIC code: 3999  
Facility Latitude; 29.95642 Facility longitude; 82.43447

3) **Responsible Official (s)**

Gerry K. McCormick, President

4) **Inspection Participants**

Gerry K. McCormick - DES  
Jim Dregne - FDEP  
Edmond Burks - EPA

5) **Date and Time of Inspection**

January 10, 2001 10:00 a.m.

6) **Applicable Regulations**

Title 40 Code of Federal Regulations (C.F.R.) Parts 260 through 270, and 279, and Florida Statute Part IV Resource Recovery and Management, Chapter 403, Part IV, Section 403.701 and 403.091, Florida Statutes, and the regulations promulgated and adopted by reference pursuant to and set forth at the Florida Administrative Code (F.A.C.) Annotated Chapter 62-710 and 62-730.

7) **Purpose of Inspection**

To conduct a Compliance Evaluation Inspection (CEI) and determine the compliance of the Diversified Environmental Services facility with the applicable State and Federal RCRA rules and regulations. The facility inspection was part of One DOT's Multi-Agency Strike Force: Operation Buccaneer.

## 8) Facility Description

Diversified Environmental Services (DES), share office space with Diversified Marine Tech (DMT), at 1201 North 22nd Street, Tampa, Florida. DES is a Used Oil Processor. DMT is listed as shipbuilders and ship repairers. Available data and file reviews indicated that this facility was inspected by Florida Department Environmental Protection (FDEP) in February 1996.

## 9) Findings

The findings in this report were discovered during the inspection of the facility. Agency inspectors conducted an entrance interview with the DES representatives. During the entrance interview the inspectors presented their agency credentials. A walk through of the facility operations was conducted. Unless otherwise described, all containers and tanks were closed, properly identified, and appeared to be in good condition.

DES employs approximately 17 people at this location. The facility notified pursuant to RCRA regulation on March 18, 1996, as a Small Quantity Generator of hazardous waste, a Used oil transport facility, and a used oil recycler. DES operates principally in and around Tampa Bay. DES and its affiliate, DMT provides marine cleaning, ship repair, and oil spill remediation support activities to ships based in the bay, and those ships which deliver freight to the Tampa area. DES and DMT's support services consist of the temporary storage of waste oils, and oil/water mixtures, and the gravitational and/or mechanical separation of aqueous and petroleum fractions.

DES operates the Cottee River, a barge designed to operate on lakes, bays, and sands. The barge is single hulled, with eight compartments. The Coast Guard allows single hull vessels which are less than 5,000 gross tons to remain in use until 2015. The barge collects 13,600 barrels of waste oil, wash water, gas, and bilge water. DES operates five tank trucks, and four vacuum trucks. Ship to ship transfers are conducted using fendering equipment, transfer hoses, portable pumps, air compressors, and associated equipment which are maintained at the DMT shipyard. During normal operations, when the barge is near capacity, the water layer is decanted off and sent by tank truck to the DES pretreatment plant located at the 22<sup>nd</sup> street address, from there the spent wastewater is treated by the Tampa POTW.

According to DES representatives, waste oil, wash water, gas, and bilge water is collected from incoming ships. Many incoming vessels are of foreign registries. IPC of Tampa, Florida, is the facility that receives DES waste oil, oily waste water. Oil is sampled when the spent oil reaches IPC. Spent oil is analyzed for the halogens, and water. IPC then brokers the oil to used oil burners. According to DES officials, metal concentrations are evaluated prior to transfers to IPC.

To complete ship to ship transfers, a recovery hose and pipeline are utilized. The recovery hose and the pipeline are pressure tested to 250 psi annually per USCG regulation. According to DES representatives, transfers of spent materials from ship to ship are reflected in the manifest and "all-age sheets". Transfers from trucks to the barge are not recorded. Transfers from ships to the

9) Findings Cont.

barge are reflected in "in-age table", and "all-ages sheets". DES representatives believe the barge is rarely entirely empty "unless the barge is in the shipyard." According to DES representatives, the total volume of the barge is not normally known at that specific moment of transfers from ships to the Cottee River. USCG regulation requires the barge to be dry-docked a minimum of twice every five years. Record review indicates the Cutty River was last dry-docked in August 2000. According to DES representatives, about 60% of used oil recovery by DES is burned for energy recovery.

A walk through of the DES operations was conducted. Once the Cutty River was located in the harbor, the ship was visited by the inspectors. At the time of the CEI, DES personnel were "Butterworth" the inside hull of another ship. Butterworth is the use of wands attached with butterworth spray heads, powered with steam, and hot water utilized to clean the surface of the tanker. The wands are lowered into the hull at fixed levels and then raised or lower incrementally to facilitate the cleaning of residues and/or oils from the interior of the tank. DES attaches drain lines which then collect wash and/or waste water utilized in the butterworth device. At the time of the CEI, DES personnel indicated that the majority of the used oil on board had been removed the previous week.

The walk through proceeded to the DES harbor operation, located at the DMT shipyard. DES shares operations with DMT at this location. At the time of the CEI, one of the DES tank trucks was at the yard. Also observed were four 500 barrels, or 18,000 pound Frac Tanks. According to DES personnel, the Frac Tanks are used to circulate recycle water, collected from butter worth operation. According to DES personnel, the butterworth water is recycled through a screen or strainer. The wash water is heated by steam and then reused in the butterworth device. The Frac tanks reportedly hold oily wastewater, and sometimes oil for a time exceeding 24hrs, but less than thirty-five days. The tanks failed to have any identifying labels, e.g. Used Oil. *The inspectors informed DES personnel, that the review of the facility indicates that DES is a Used Oil Transfer Facility as defined in 40 CFR 260.10, and is subject to record keeping requirements specified at 40CFR 279.46. DES officials passionately disagreed.*

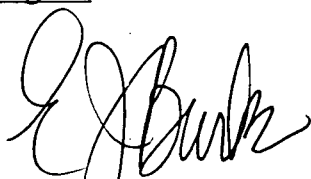
At the time of the CEI, 10 - 15 paint containers, of various sizes and types were observed in one of the designed work areas. Some containers were opened and/or dented, and generally in poor condition. ***DES has failed to adhere to a condition for exemption from RCRA § 3005 given in 40 C.F.R. § 265.31, as incorporated by 40 C.F.R. § 262.34(a)(4). This regulation requires the facility to be maintained and operated in a manner which minimizes the possibility of any unplanned release of hazardous waste or hazardous waste constituents into the environment. As such, the facility is illegally storing wastes in violation of RCRA § 3005.***

The DES facility manifest, training records and contingency plan were reviewed. The records appeared to be complete and in order. Other records associated with the Cottee River,

9) **Findings** Cont.

were also evaluated, e.g., the USCG Certificate of Inspection (COI). The COI states the following; Single skin unmanned tank barges, on or before January 1, 2015, must meet the US double hull design standard as specified in 33C.F.R 157.10. The vessel may not carry cargoes with a benzene content in excess of 0.5% by volume unless the operational requirements in 46 CFR197 subpart C are met. The DES oil spill contingency plan is intended to comply with requirements D, E, F, G of 33 C.F.R. Part 155 for unmanned barges that carry oil as a primary cargo.

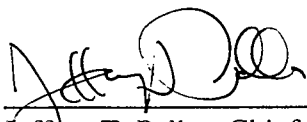
10) **Signed**



\_\_\_\_\_  
Edmond J. Burks  
Inspector and Author of Report

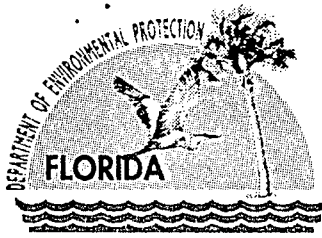
4/26/01  
Date

11) **Concurrence and Approval**



\_\_\_\_\_  
Jeffrey T. Pallas, Chief  
South Enforcement and Compliance Section  
Enforcement and Compliance Branch

4/20/01  
Date



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

April 10, 2001

Mr. Eugene Russel  
Diversified Marine Tech  
1201 North 22<sup>nd</sup> Street  
Tampa, Florida 33605

Re: Diversified Marine Tech (DMT)  
FLD 984 182 733  
Warning Letter #245262  
Hillsborough County

Dear Mr. Russel:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on January 10 and 11, 2001, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

Section 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department Rules should cease.

You are requested to contact Jim Dregne at (813)744-6100, extension 410, within fifteen (15) days of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in reviewing any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties which would be assessed in this case are \$11,700.00. Costs and expenses in this case will be a

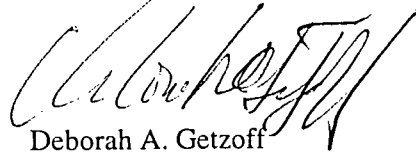
*"More Protection, Less Process"*

*Printed on recycled paper.*



minimum of \$100. If this matter cannot be resolved within 90 days, under the Department's agreement with the EPA, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

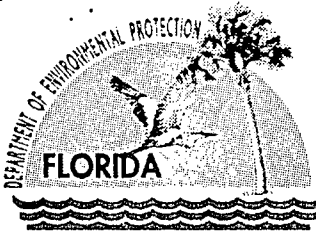


Deborah A. Getzoff  
Director of District Management  
Southwest District

DAG/jmd

Attachment

cc: Kelley Boatwright, Hillsborough County EPC  
Steve Ray, HWR Section  
Compliance File



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

## HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE:  Routine  Complaint  Permitting  Follow-Up  Pre-Arranged

FACILITY NAME Diversified Marine Tech, Inc. EPA ID # FLD 984 182 733

STREET ADDRESS 2531 22<sup>nd</sup> St. Causeway South, Tampa, Florida 33619

COUNTY Hillsborough PHONE (813) 248-3256 DATE Jan. 10,11,26, 2001 TIME 15:00 pm

### NOTIFIED AS:

- Non Handler
- CESQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- Generator (>1000 kg/mo.)
- Transporter
- Transfer Facility
- Interim Status TSD Facility
- TSD Facility
- Unit Type(s):
- Exempt Treatment Facility
- Used Oil:

### CURRENT STATUS:

- Non Handler
- CESQG (<100 kg/mo.)
- SQG (100-1000 kg/mo.)
- Generator (>1000 kg/mo.)
- Transporter
- Transfer Facility
- Interim Status TSD Facility
- TSD Facility
- Unit Type(s):
- Exempt Treatment Facility
- Used Oil: Transfer Facility

### 2. APPLICABLE REGULATIONS:

- |  |   |                                      |                                      |
|--|---|--------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> 40 CFR 261.5 | <input type="checkbox"/> 40 CFR 262             | <input type="checkbox"/> 40 CFR 263  | <input type="checkbox"/> 40 CFR 264  |
| <input type="checkbox"/> 40 CFR 265              | <input type="checkbox"/> 40 CFR 266             | <input type="checkbox"/> 40 CFR 268  | <input type="checkbox"/> 40 CFR 273  |
| <input checked="" type="checkbox"/> 40 CFR 279   | <input checked="" type="checkbox"/> 62-710, FAC | <input type="checkbox"/> 62-730, FAC | <input type="checkbox"/> 62-740, FAC |

### 3. RESPONSIBLE OFFICIAL(s):

Eugene Russel – Vice President

### 4. INSPECTION PARTICIPANTS:

Eugene Russel – DMT  
Gerry McCormick - DES

Edmond Burks - EPA  
Jim Dregne – FDEP

5. LATITUDE/LONGITUDE 27° 55' 26" 82° 25' 17"

6. SIC Code: 2999

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: N/A ISSUE DATE: \_\_\_\_\_ EXP. DATE: \_\_\_\_\_

"More Protection, Less Process"

Printed on recycled paper.

## **9. FACILITY DESCRIPTION:**

Diversified Marine Tech, Inc. (DMT) was initially inspected on January 10, 2001, to evaluate the facility's compliance with State and Federal hazardous waste regulations. Mr. Gerry McCormick accompanied the inspectors throughout the inspection. The inspection verified that the company was generating hazardous waste at a conditionally exempt small quantity rate and was a used oil transfer facility. A parent company of DMT is Diversified Marine Services (DMS) which has its facility at the corner of 22<sup>nd</sup> Street and Highway 60.

DMT is a small shipyard that provides dry-docks and repair services for shrimp boats, tugboats, and other vessels up to about 110 feet in length. The company employs approximately five people. Small quantities of paint waste are generated and collected in small-unlabelled containers. Approximate 15 one and five gallon containers of paint and paint waste were located next to a storage shed at the facility. Many of the containers were left open and were being allowed to solidify. Hazardous paint waste should not be left in open containers and allowed to evaporate and harden. Failure to ensure delivery of hazardous waste to a facility approved to accept hazardous waste is a violation of **40 CFR 261.5(g)(3)**.

In addition to ship repair operations conducted at the DMT docks, the facility also serves as a temporary storage location for used oil and oily waste that is collected by DMS. Bilge water, used oil, and oily wastewater is collected during tank cleaning, Butterworthing, oil recovery and spill response operations conducted by DMS. The wastes are pumped from ported vessels into tanker trucks for transport to the DMT facility. Usually the trucks will then pump the oily waste and used oil into one of the four storage tanks on a barge called the Cottee River. The Cottee River is normally docked at the DMT pier. The Cottee River barge was built in 1937 and has a capacity of 13,600 barrels. The barge is a single hull vessel. Vessels that are less than 5000 gross tons are not required to have double hulls until the year 2015. According to Mr. McCormick, there are no plans to retrofit the Cottee River with a double hull. Occasionally the Cottee River is moved from the DMT docks to a servicing vessel for a direct transfer of waste.

After the oily waste is pumped into the Cottee River, the oil is allowed to separate from the water and solids. The tanks are routinely dipped, and when the water fraction is adequate for removal, it is pumped into a designated tanker truck for shipment to the Diversified Marine Service pretreatment facility at 22<sup>nd</sup> Street. The oil fraction from the barge is marketed to shoreside used oil processors. Most of the used oil has been sold to Earth Liquid IPC/Magnum during the last year. The solids that accumulate in the tanks are removed from the barge when it is put in dry dock. The Coast Guard requires the Cottee River class of barge to be dry-docked twice every five years, with no more than three years between docking events. The Cottee River barge was last dry docked in September 2000. The barge was in dry dock at International Ship Repair for approximately 12 days. The sludge that was removed from the Cottee River was tested and was determined to be non-hazardous. The sludge was disposed of by U.S. Liquids of Florida (formerly City Environmental Services).

At the time of the inspection, DMT was also operating a used oil transfer facility. During the period that the Cottee River was in dry dock, used oil and oily waste was being transported by DMS from customers at the Port of Tampa to a 19,838 gallon frac tank that was located at the DMT facility. At the time of the inspection, there were five frac tanks on the DMT docks. One of the tanks (blue tank) was still being used to store used oil. The tank had five transfer hoses connected to the tank to allow for the quick transfer of oil to and from the tank. One of the transfer hoses went from the shrimp dock to the tank. This hose was being used to empty shrimp boat tanks. The other tanks are used by DMS in their tank cleaning process. The storage of used oil at the DMT facility for more than 24 hours qualifies the facility as a used oil transfer facility under 40 C.F.R. 279.45. DMT failed to register with the Department their used oil handling activities, a violation of **62-710.500(1)(a) F.A.C.** The tank used to store the used oil was not labeled "Used Oil" in violation of **40 C.F.R. 279.45(g)(1)**. Also, the tank did not have secondary containment in violation of **40 C.F.R. 279.45(f)**.

In addition to the large storage tank, there were five unlabeled five-gallon buckets of used oil. These containers were not labeled "Used Oil" in violation of **40 C.F.R. 279.45(g)(1)**. According to Mr. McCormick, individuals that generate the use oil at their businesses around the shrimp docks bring these containers to DMT facility for disposal.

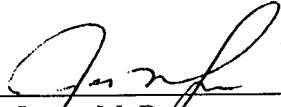
The Department has had previous discussions with DMS and DMT about the status of barges docked at the DMT facility that are being used to store used oil. Whether the Cottee River barge qualifies as a used oil transfer facility and a used oil processing facility will not be addressed in this report because the subject is presently under review by the US Coast Guard and the Environmental Protection Agency.

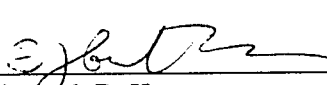
**10. SUMMARY OF ALLEGED VIOLATIONS:**

- |                      |   |
|----------------------|---|
| 40 CFR 261.5(g)(3)   | Failure to ensure delivery of hazardous waste paint to a facility approved to accept hazardous waste.         |
| 40 CFR 279.45(f)     | Failure to provide secondary containment for tanks used to store used oil.                                    |
| 40 CFR 279.45(g)(1)  | Failure to label or mark containers and an aboveground tank used to store used oil with the words "Used Oil". |
| 62-710.500(1)(a) FAC | Failure to register with the Department their used oil handling activities.                                   |

**11. RECOMMENDATIONS:**

- |                      |  |
|----------------------|--|
| 40 CFR 261.5(g)(3)   | DMT shall ensure that its hazardous waste paint is delivered to a facility approved to accept hazardous waste.                           |
| 40 CFR 279.45(f)     | DMT shall provide secondary containment for any tank used to store used oil.   |
| 40 CFR 279.45(g)(1)  | DMT must insure that all containers and tanks containing used oil are marked with the words "Used Oil".                                  |
| 62-710.500(1)(a) FAC | Within thirty days DMT must registered with the Department all used oil handling activities or cease being a used oil transfer facility. |

Inspected:   
James M. Dregne  
Environmental Specialist III

Approved:  Date: 4/10/01  
Elizabeth B. Knauss  
Environmental Manager

## PENALTY COMPUTATION WORKSHEET

Violator's Name: Diversified Marine Tech

Identify Violator's Facility: 2531 22<sup>nd</sup> St. Causeway South, Tampa, FL 33619 --- FLD 984 182 733

Name of Department Staff Responsible for the Penalty Computations: Jim Dregne

ComHaz Case #: 245262

Date: April 4, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	261.5(g)(3) improper disposal		Minor	Major	\$2,999 -- \$1,500			\$1,500
2.	279.45(f) no secondary containment		Major	Major	\$10,000 -- \$8,000			\$9,000
3.	279.45(g)(1) no label		Minor	Major	\$1,199 -- \$600			\$900
4.	62-710.500(1)(a) failed to register				\$300			\$300
<b>TOTAL</b>								<b>\$11,700</b>

## WORKSHEET RANKING SYSTEM FOR POTENTIAL FOR HARM

FACILITY NAME: Diversified Marine Tech EPA ID No.: FLD 984 182 722

ComHaz Case #: 245262 Date: April 4, 2001

	Violation	Description	Nature of Waste	Amount of Waste	Release	People	Total Points
1.	261.5(g)(3)	Improper disposal	4	2	4	1	11

### SCORING SYSTEM

NATURE OF WASTE	AMOUNT OF WASTE	RECEPTORS	
		Releases	Affected Population
8 - High hazard wastes	8 - > 5,000 kg (25 drums)	4 - Release	4 - > 1,000
	5 - 1,000 to 5,000 kg	4 - High potential for release	3 - 100 - 1,000
4 - typical hazardous waste	2 - < 1,000 kg (5 drums)		2 - 10 - 100
			1 - No release

MAJOR POTENTIAL FOR HARM: 19-24  
 MODERATE POTENTIAL FOR HARM: 13-18  
 MINOR POTENTIAL FOR HARM: 8-12

Facility: Diversified Marine Tech  
Date: JANUARY 10, 2001

**Rebuttable Presumption -- 279.44**

1. Does the transporter determine whether used oil stored being transported or stored at a transfer facility has a total halogen content above or below 1,000 ppm? Y \_\_\_ N \_\_\_  
Is this done by testing? NOT Y \_\_\_ N \_\_\_  
Is this done by process knowledge? Describe basis in narrative. Y \_\_\_ N \_\_\_  
Are test records or copies of records providing used basis for determination kept for 3 years? [279.44(d)] Y \_\_\_ N \_\_\_
2. Have any analyses showed exceedances of the 1,000 ppm level? Y \_\_\_ N \_\_\_  
If so, was the oil managed as hazardous waste? Y \_\_\_ N \_\_\_  
If not, was the oil exempt? Describe in narrative. N/A \_\_\_ Y \_\_\_ N \_\_\_

**Transfer Facility Standards -- 279.45**

1. Does the transporter store used oil at any transportation related facility (including parking lots) for more than 24 hours and not longer than 35 days during the normal course of transport? Transfer facilities storing used oil more than 35 days must comply with 279 Subpart F N/A \_\_\_ Y  N \_\_\_  
Is the transfer facility registered per 62-710.500(1)(a) F. A. C.? Y \_\_\_ N
2. Is used oil stored only in tanks or containers? (Circle applicable units) Y  N \_\_\_
3. If the facility has tanks, do they comply with 62-761 F. A. C. rules? (Describe in narrative, including number and size of tanks, noting registration numbers if applicable, and compliance status.) Y \_\_\_ N   
Is secondary containment provided and adequate? Y \_\_\_ N \_\_\_
4. Are containers, and tank trailers in good condition and not leaking? Y  N \_\_\_
5. Are containers provided with secondary containment consisting of walls and floor at a minimum? Y \_\_\_ N   
Is the containment system impervious to oil so as to prevent migration? Y \_\_\_ N
6. Are ASTs, UST tank fill lines and containers labeled "used oil"? Y \_\_\_ N
7. Are used oil filters stored more than 10 days? Y \_\_\_ N   
If so, is the facility a registered used oil filter transfer facility? [62-710.850] N/A  Y \_\_\_ N \_\_\_
8. Does the facility stop operations and clean up releases of used oil, repairing or replacing any leaking units as applicable? Y \_\_\_ N

**CESQG CHECKLIST**

Date: January 10, 11, 2001

Facility Name: DIVERSIFIED MARINE Facility ID #: FLD 984 182 733

Facility Representative: E. Russel G. McCormick Inspector: E. Burks / J. Dreyne

40 CFR 261.5

1. Describe the facility's hazardous and potentially hazardous waste streams 40 CFR 262.11:

Waste	EPA Waste #s	Generation Rate	Disposal facility?	Proper Waste ID?
<u>PAINT WASTE</u>	<u>D001</u>	<u>?</u>	<u>None</u>	<u>-</u>

(describe discrepancies in waste identification in narrative)

Standards for Conditionally Exempt Small Quantity Generators - 40 CFR 261.5

2. Does the facility generate less than 100 kg/mo (220 lb/mo) of all hazardous wastes? Y  N

And less than 1kg/mo of acutely toxic (P-listed, 40 CFR 262.33) hazardous wastes? Y  N

3. Has the facility obtained an EPA ID #? (not required for CESQGs) Y  N

4. Is the facility disposing of all its hazardous wastes to facilities permitted to accept the waste? (40 CFR 261.5) Describe discrepancies in narrative. Y  N

5. Can the facility document proper disposal of all hazardous wastes? Y  N

6. Are any hazardous wastes treated or disposed of on site? Describe in narrative: Y  N

7. Are there any unpermitted discharges of other wastes to the environment? Y  N



Florida Department of  
**Memorandum Environmental Protection**

---

**ENFORCEMENT/COMPLIANCE COVER MEMO**

TO:  Deborah A. Getzoff, Director of District Management *4/10/01*  
 William Kutash, Environmental Administrator  
 Office of General Counsel, ATTN: \_\_\_\_\_

FROM: *W* William Kutash, Environmental Administrator  
*ST* Stanley Tam, Professional Engineer II  
Elizabeth Knauss, Environmental Manager  
*D* Jim Dregne, Environmental Specialist III

DATE: April 5, 2001

FILE NAME: **Diversified Marine Tech (DMT)**

PROJECT #: 245262

PROGRAM: Hazardous Waste

COUNTY: Hillsborough

TYPE OF DOCUMENT:

- |  |                                      |  |
|--|--------------------------------------|--|
| <input type="checkbox"/> draft or <input type="checkbox"/> final | <input type="checkbox"/> NOV         | <input type="checkbox"/> Consent Order         |
| <input type="checkbox"/> Final Order                             | <input type="checkbox"/> Case Report | <input type="checkbox"/> Penalty Authorization |
| <input checked="" type="checkbox"/> <b>Warning Letter</b>        | <input type="checkbox"/> Other       |  |

DESCRIPTION OF VIOLATIONS: DMT operates a barge at the Port of Tampa that is used to temporarily store used oil and other oily waste. The Department has been discussing with the US Coast Guard and the EPA concerning who has jurisdiction over the barge. For now, the Coast Guard regulates the barge. Since at least September 2000 DMT has been storing used oil in a large tank at their facility. The company failed to notify the Department of this activity. DMT qualifies as a used oil transfer facility. The company failed to label the tank and did not have secondary containment.

SUMMARY OF CORRECTIVE ACTIONS: If DMT is going to continue to operate as a transfer facility, it must notify the Department, label the tank and construct secondary containment around the tank. The company must also enter into a Consent Order and pay a penalty.

PENALTY SUMMARY:

Potential for Harm: Major

Extent of Deviation: Major

Penalty Amount: \$11,700.00

Expenses: \$100.00

TOTAL PENALTY AMOUNT: \$11,800.00

TO SECRETARY

## dep report

2K01283	d		6000	0	0
2K01284	d		6000	0	0
2K01285	n		1000	0	0
2K01311	d		6500	0	0
2K01312	d		6500	0	0
2K01313	d		6500	0	0
2K01314	d		6500	0	0
2K01315	d		6500	0	0
2K01316	d		6500	0	0
2K01317	n	7000	0	0	7000
2K02011	n	350	0	0	350
2K02012	n	5500	0	0	5500
2K02031	d		6000	0	0
2K02032	d		6000	0	0
2K02033	n	2600	0	0	2600
2K01041	d		6000	0	0
2K01042	d		6500	0	0
2K01043	d		6500	0	0
2K01044	d		6500	0	0
2K01045	D		6500	0	0
2K02041	n	715	0	0	715
2K02042	n	165	0	0	165
2K02071	d		6500	0	0
2K02072	d		6500	0	0
2K02073	d		6500	0	0
2K02075	d		6000	0	0
2K02076	n	110	0	0	110
2K02077	n	1100	0	0	1100
2K02081	d		6500	0	0
2K02082	d		6500	0	0
2K02111	n	6500	0	0	6500
2K02121	n	3800	0	0	3800
02-140	n	4500	0	0	4500
01-091	i		0	5674	0
01-104	i		0	5378	0
2K02142	n	6500	0	0	6500
2K02143	n	190	0	0	190
01-105	i		0	5685	0
2K02161	n	2800	0	0	2800
2K02162	n	1800	0	0	1800
2K02163	n	7000	0	0	7000
2K02164	n	3500	0	0	3500
2K02165	n	7800	0	0	7800
2K02171	d		0	6000	0
2K02172	D		0	6000	0
2K02173	d		6000	0	0
2K02181	n		0	6500	0
2K02182	n	2700	0	0	2700
2K02183	i		0	6376	0
2K02191	n	100	0	0	100
2K02192	n	2000	0	0	2000
2K02211	n		7000	0	0
2K02212	n	3500	0	0	3500
2K02213	n	1500		0	1500

dep report

2K02214	n	7500	0	0	7500
2K02215	n	5500	0	0	5500
2K02216	n	50	0	0	50
2K02221	i		0	6500	0
2K02222	i		0	6755	0
2K02233	n	500	0	0	500
2K02224	d		6000	0	0
2K02225	d		6500	0	0
2K02226	n	6000	0	0	6000
2K02231	n	350	0	0	350
2K02232	n	4200	0	0	4200
2K02233	n	1000	0	0	1000
2K02234	n	1650	0	0	1650
00-250R	n	1478	0	0	1478
2K02241	n	4200	0	0	4200
2K02242	n	8000	0	0	8000
2K02243	d		6000	0	0
2K02244	d		6500	0	0
2K02245	d		6000	0	0
2K02246	d		6000	0	0
2K02247	n	7200	0	0	7200
2K02249	n	5000	0	0	5000
2K02252	n	8000	0	0	8000
2K02271	n	2000	0	0	2000
00-250T	n	1543	0	0	1543
00-250U	n	142	0	0	142
2K02291	d		6500	0	0
2K02292	d		6500	0	0
2K02293	n	1000	0	0	1000
2K02294	n	550	0	0	550
2K02295	n	800	0	0	800
2K02296	n	2000	0	0	2000
2K03012	d		6000	0	0
2K03013	d		6500	0	0
2K03014	n	3000	0	0	3000
2K03021	n	6076	0	0	6076
2K03022	d		6500	0	0
2K03023	d		6000	0	0
2K03024	i		0	6500	0
2K03025	i		0	6500	0
2K03026	n	500	0	0	500
2K03027	n	750	0	0	750
2K03031	n	3699	0	0	3699
2K03032	d		6500	0	0
2K03041	n	7000	0	0	7000
2K03042	n	350	0	0	350
2K03061	n	7500	0	0	7500
03-071	n	1500	0	0	1500
03-076	n	5500	0	0	5500
2K03071	d		6500	0	0
2K03072	d		6500	0	0
2K03073	d		6000	0	0
2K03074	D	7000	0	0	0
2K03075	d	7000	0	0	0

5

## dep report

2K03077	n	500	0	0	500
2K03078	n	130	0	0	130
2K03079	n	350	0	0	350
3-0801	i		0	6500	0
3-0802	d		4000	0	0
2K03081	l		0	6500	0
2K03082	l		0	7390	0
2K03091	D		6500	0	0
2K03092	d		6500	0	0
2K03093	i		0	6217	0
2K03095	n	1200	0	0	1200
2K03096	N	5200	0	0	5200
2K03101	d		6500	0	0
2K03111	n	7400	0	0	7400
2K03112	n	5500	0	0	5500
2K03113	n	3500	0	0	3500
2K03114	n	5500	0	0	5500
2K03115	n	5000	0	0	5000
2K03131	d		6500	0	0
2K03132	d		6500	0	0
2K03133	d		6500	0	0
2K03134	n	200	0	0	200
2K03135	d		6500	0	0
2K03136	d		6500	0	0
2K03137	d		6500	0	0
2K03141	d		6500	0	0
2K03142	d		6500	0	0
2K03143	D		6500	0	0
2K03144	d		6500	0	0
2K03145	d		6500	0	0
2K03146	d		6500	0	0
2K03151	n	2112	0	0	2112
2K03152	n	25	0	0	25
2K03153	d		6500	0	0
2K03154	d		6500	0	0
2K03155	d		6500	0	0
2K03156	d		6500	0	0
2K03156	d		6500	0	0
2K03157	d		6500	0	0
2K03158	d		6500	0	0
2K03159	d		6000	0	0
2K031510	D		6500	0	0
2K03161	D		6500	0	0
2K03162	D		6500	0	0
2K03163	D		6500	0	0
2K03164	D		6500	0	0
2K03166	d		6500	0	0
2K03167	d		5700	0	0
2K03168	D		6000	0	0
2K03169	n	1290	0	0	1290
2K03171	N	500	0	0	500
2K03172	n	1500	0	0	1500
2K03181	n	7000	0	0	7000
2K03183	n	150	0	0	150

dep report

6

2K03185	n	800	0	0	800
2K03211	n	6500	0	0	6500
2K03212	n	50	0	0	50
2K03213	n	6500	0	0	6500
2K03221	n	1000	0	0	1000
2K03222	N	5000	0	0	5000
2K03231	n	6500	0	0	6500
2K03232	d		6000	0	0
2K03233	d		6000	0	0
2K03234	d		6000	0	0
2K03234A	n	3000	0	0	3000
2K03241	N	3000	0	0	3000
2K03243	n	150	0	0	150
2K03244	N	2000	0	0	2000
2K03251	N	3000	0	0	3000
2K03252	d		6000	0	0
2K03253	d		5100	0	0
2K03254	d		5700	0	0
2K03255	d		6500	0	0
2K03256	d		6500	0	0
2K03257	d		6000	0	0
2K03258	d		6000	0	0
2K03259	d		6000	0	0
2K03261	d		6000	0	0
2K03271	d		6500	0	0
2K03272	d		6500	0	0
2K03273	d		6500	0	0
2K03274	d		6500	0	0
2K03281	d		6500	0	0
2K03282	d		6500	0	0
2K03283	d		0	0	0
2K03284	n	6000	0	0	6000
2K03285	n	900	0	0	900
2K03286	n	1300	0	0	1300
2K03287	n	2377	0	0	2377
2K03288	n	2000	0	0	2000
2K03289	n	500	0	0	500
2K03291	N	3000	0	0	3000
2K03292	N	1000	0	0	1000
2K03293	N	750	0	0	750
2K03294	n	6000	0	0	6000
2K03301	n	5500	0	0	5500
2K03302	n	1700	0	0	1700
2K03311	n	1200	0	0	1200
2K04011	n	3000	0	0	3000
2K04012	n	3000	0	0	3000
2K04013	n	3000	0	0	3000
2K04015	n	1500	0	0	1500
2K04016	n	3200	0	0	3200
2K04021	n	4000	0	0	4000
2K04031	d	8000	8000	0	8000
2K04032	d	7490	7490	0	7490
2K04033	n	8000	0	0	8000
2K04034	n	4200	0	0	4200

dep report

2K04035	n	4000	0	0	4000
2K04036	n	3300	0	0	3300
2K04037	n	1600	0	0	1600
2K04038	n	3000	0	0	3000
2K04039	d	2500	2500	0	2500
2K040310	d	7000	7000	0	0
2K040311	d	7000	7000	0	0
04-400	N	2200	0	0	2200
2K04041	N	2750	0	0	2750
2K04042	n	600	0	0	600
2K04043	n	3500	0	0	3500
2K04044	d	3000	3000	0	0
2K04046	n	3300	0	0	3300
2K04047	n	800	0	0	800
2K04061	n	6000	0	0	0
2K04062	n	6500	0	0	6500
2K04063	d		6500	0	0
2K04064	n	6500	0	0	6500
04-070	n	4200	0	0	4200
2K04071	d		6500	0	0
2K04072	d		6500	0	0
2K04073	n	6500	0	0	6500
2K04074	n	2200	0	0	2200
2K04081	n	400	0	0	400
2K04091	n	1500	0	0	1500
2K04092	n	2300	0	0	2300
2K04093	N	440	0	0	440
2K04111	n	1700	0	0	1700
2K04112	d		6500	0	0
2K04113	d		6500	0	0
2K04114	d		6000	0	0
2K04115	d		6500	0	0
2K04116	n	300	0	0	300
2K04121	n	6500	0	0	6500
2K04122	d		6500	0	0
2K04123	d		6000	0	0
2K04124	d		6500	0	0
2K04125	d		6500	0	0
2K04126	n	800	0	0	800
2K04131	n	7000	0	0	7000
2K04132	n	3300	0	0	3300
1K04133	n	2000	0	0	2000
2K04134	d		6500	0	0
2K04135	d		6500	0	0
2K04136	d		6500	0	0
2K04137	n	2100	0	0	2100
2K04138	d	5000	5000	0	5000
2K04141	n	1800	0	0	1800
2K04142	n	750	0	0	750
2K04143	N	5500	0	0	5500
2K04144	n	800	0	0	800
2K04147	N	180	0	0	700
2K04171	d		6500	0	0
2K04172	d		6500	0	0

2K04143

10  
m  
857/805 - med  
2

1022  
1021

180 700 0 0 700 180

dep report

2K04172	d		6500	0	0
2K04173	d		6500	0	0
2K04174	d	7000	7000	0	7000
2K04175	n	1400	0	0	1400
2K04181	d	4400	4400	0	4400
2K04182	d	500	500	0	500
2K04191	n	450	0	0	450
2K04192	d		6500	0	0
2K04193	d		6500	0	0
2K04194	d		6500	0	0
2K04195	d	1000	1000	0	1000
2K04201	n	850	0	0	850
2K04182	n	800	0	0	800
2K04211	n	3000	0	0	3000
2K04212	n	3000	0	0	3000
2K04213	n	350	0	0	350
2K04214	n	2700	0	0	2700
2K04215	d	1500	1500	0	1500
2K04216	n	2500	0	0	2500
2K04221	n	1500	0	0	1500
2K04241	n	5000	0	0	5000
2K04243	n	2000	0	0	2000
2K04244	n	500	0	0	500
2K04245	d	200	200	0	200
2K04250	n	547	0	0	547
2K04251	d		6500	0	0
2K04252	d		6500	0	0
2K04253	d		6000	0	0
2K04254	n	2250	0	0	2250
2K04255	d		6500	0	0
2K04256	d		6500	0	0
2K04257	D	1500	1500	0	1500
2K04262	d		1200	0	0
2K04263	d		6500	0	0
2K04264	d		6500	0	0
2K04265	d		5500	0	0
2K04266	n	4200	0	0	4200
2K04267	n	3000	0	0	3000
2K04268	n	1600	0	0	1600
2K04269	d	3000	3000	0	3000
2K042610	d	6500	6500	0	6500
2K042611	d	1500	1500	0	1500
2K04271	d		6500	0	0
2K04272	d		6500	0	0
2K04273	d		6500	0	0
2K04274	n	6500	0	0	6500
2K04281	n	1400	0	0	1400
2K04283	n	250	0	0	250
2K04284	n	3100	0	0	3100
2K04285	n	2000	0	0	2000
2K04291	N	1000	0	0	1000
00-632	n	1200	0	0	1200
2K05031	n	500	0	0	500
2K05041	d	3200	3200	0	3200

## dep report

2K05042	n	1300	0	0	1300
2K05043	d		6500	0	0
2K05044	d		6500	0	0
2K05045	d		6500	0	0
05-050	n	4200	0	0	4200
2K05051	n	2700	0	0	2700
2K05052	i		0	7200	0
2K05054	i		0	6500	0
2K05055	i		0	6000	0
2K05056	n	2800	0	0	2800
2K05057	d	1000	1000	0	1000
05-080	n	2500	0	0	2500
2K05081	n	1000	0	0	1000
2K05082	i		0	7500	0
2K05083	i		0	6500	0
2K05084	n	3125	0	0	3125
2K05085	n	350	0	0	350
2K05085	d		6000	0	0
2K05086	d		5700	0	0
2K05087	n	2750	0	0	2750
2K05091	d		5700	0	0
2K05092	d		5700	0	0
2K05093	d		5700	0	0
2K05094	d		7118	0	0
2K05095	i		0	6500	0
2K05096	d	2250	2250	0	2250
05-010	n	3500	0	0	3500
2K05101	n	6000	0	0	6000
2K05102	i		0	6275	0
2K05103	n	600	0	0	600
2K05104	n	2300	0	0	2300
2K05105	n	2000	0	0	2000
2K05106	n	2500	0	0	2500
2K05111	d	1100	1100	0	1100
2K05112	d		6000	0	0
2K05113	d	5000	5000	0	5000
2K05115	n	1000	0	0	1000
2K05116	i		0	6768	0
2K05121	i		0	5992	0
2K05122	N	7000	0	0	7000
2K05123	n	4200	0	0	4200
2K05131	d	9500	9500	0	9500
2K05132	n	2000	0	0	2000
2K05133	d	2500	2500	0	2500
2K05134	d	500	500	0	500
2K05151	n	2100	0	0	2100
2K05152	d	150	150	0	150
2K05153	d	1800	1800	0	1800
2K05154	i		0	6500	0
2K05156	d	6000	6000	0	6000
2K05157	d	7000	7000	0	7000
2K05158	n	1050	0	0	1050
2K051510	d	1100	1100	0	1100
2K051511	n	800	0	0	800



dep report

2K05161	i		0	6000	0
2K05163	n	4200	0	0	4200
2K05164	i		0	6300	0
2K05172	i		0	6500	0
2K05181	n	5500	0	0	5500
2K05182	D	7000	7000		7000
2K05191	n	1600	0	0	1600
2K05192	n	3300	0	0	3300
2K05193	n	800	0	0	800
2K05194	d	6500	6500	0	6500
2K05201	n	2000	0	0	2000
2K05221	n	500	0	0	500
2K05222	d	6500	6500	0	6500
2K05223	d	800	800	0	0
2K05224	d	6500	6500	0	6500
2K05225	d	6000	6000	0	6000
2K05226	d	6000	6000	0	6000
2K05227	d	6000	6000	0	6000
2K05228	n	2100	0	0	2100
2K05231	d	6000	6000	0	6000
2K05231	d	4000	4000	0	4000
2K05233	d	3700	3700	0	3700
2K05234	d		6500	0	0
2K05235	i		0	6416	0
2K05236	n		0	0	0
2K05251	n	6000	0	0	6000
2K05252	d		5700	0	0
2K05253	d		5700	0	0
2K05254	i		0	5992	0
2K05255	n	4000	0	0	4000
2K05261	d		5700	0	0
2K05263	d		5700	0	0
2K05264	n	750	0	0	750
2K05271	n	750	0	0	750
05-301	d	2400	2400		2400
2K05301	n	4200	0	0	4200
2K05302	n	1700	0	0	1700
2K05311	n	50	0	0	50
2K06011	n	4200	0	0	4200
2K06012	n	110	0	0	110
2K06021	n	6500	0	0	6500
2K06022	d		0	0	0
2K06023	d		5700	0	0
2K06024	d		6500	0	0
2K06025	i		0	6500	0
2K06026	n	1600	0	0	1600
2K06041	n	7000	0	0	7000
2K06052	i		0	6000	0
2K06053	n	100	0	0	100
2K06054	n	600	0	0	600
2K06061	n	4000	0	0	4000
2K06062	n	3000	0	0	3000
2K06063	n	800	0	0	800
2K06071	d		6000	0	0

dep report

2K06072	d		5700	0	0
2K06073	n	3300	0	0	3300
2K06074	n	950	0	0	950
2K06075	i		0	5300	0
2K06081	N	1200	0	0	1200
2K06091	n	1300	0	0	1300
2K06092	i		0	5541	0
2K06094	n	1800	0	0	1800
2K06095	n	2800	0	0	2800
2K06096	n	1000	0	0	1000
06-121	n	55	0	0	0
2K06122	i		0	6500	0
2K06123	n	3500	0	0	3500
2K06131	n	5500	0	0	5500
2K06132	n	1855	0	0	1855
2K06133	D		6000	0	0
2K06134	n	6000	0	0	6000
2K06135	n	1500	0	0	1500
2K06136	n	3300	0	0	3300
2K06141	n	1650	0	0	1650
2K06142	D		6000	0	0
2K06143	i		0	6500	0
2K06151	D	3300	3300	0	0
2K06152	D	500	500	0	500
2K06153	N	800	0	0	800
2K06161	D	2000	2000	0	2000
2K06162	D	2500	2500	0	2500
2K06163	D	2700	2700	0	0
2K06192	D	500	500	0	500
2K06193	n	3300	0	0	3300
2K06194	N	3000	0	0	3000
2K06201	n	4500	0	0	4500
2K06202	D	3500	3500	0	3500
2K06203	d	6000	0	0	0
2K06212	i		0	6500	0
2K06213	i		0	6500	0
2K06214	D		6500	0	0
2K06215	D		5700	0	0
2K06221	d	5500	5500	0	5500
2K06222	n	600	0	0	600
2K06261	n	1600	0	0	1600
2K06262	d	6000	6000	0	6000
2K06263	d	7000	7000	0	7000
2K06264	d	6000	6000	0	6000
00-656	n	4600	0	0	4600
2K06271	n	1700	0	0	1700
2K06272	d	0	6000	0	0
2K06273	d	0	6500	0	0
2K06281	n	1800	0	0	1800
2K06282	N	3300	0	0	3300
2K06283	n	2000	0	0	2000
2K06284	d		6500	0	0
2K06285	d		6000	0	0
2K06291	n	5000	0	0	5000

dep report

27.

2K06291	n	5000	0	0	5000
2K06292	n	4200	0	0	4200
2K06293	d	5500	5500	0	5500
2K06294	d	5700	5700	0	5700
2K06295	d	7000	7000	0	7000
2K06296	d	5500	5500	0	5500
2K06297	n	4000	0	0	4000
2K06301	n	1200	0	0	1200
2K06303	d	5000	5000	0	5000
2K06304	n	2100	0	0	2100
2K06305	d		5700	0	0
2K07011	n	6500	0	0	6500
2K07051	n	7000	0	0	7000
2K07052	n	7000	0	0	7000
07-060	n	2700	0	0	2700
2K07061	n	3000	0	0	3000
2K07062	d		5700	0	0
2K07063	d		7000	0	0
2K07064	d		7000	0	0
2K07065	d		6000	0	0
2K07066	d		6500	0	0
2K07067	d		6500	0	0
2K07068	n	3000	0	0	3000
2K07069	n	2000	0	0	2000
2K07071	i		0	5650	0
2K07072	i		0	6832	0
2K07101	n	4000	0	0	4000
2K07111	i		0	7073	0
2K07113	n	2200	0	0	2200
2K07114	d		4500	0	0
2K07115	n	900	0	0	900
2K07116	d		6000	0	0
00-666	n	6119	0	0	6119
2K07131	n	750	0	0	750
2K07141	d		5700	0	0
2K07142	d		5700	0	0
2K07143	n	6500	0	0	6500
2K07144	n	1800	0	0	1800
2K07145	n	5500	0	0	5500
2K07146	n	1000	0	0	1000
2K07147	d	2400	2400	0	2400
2K07148	d	5500	5500	0	5500
2K07151	n	1000	0	0	1000
07-170	n	1000	0	0	1000
2K07171	n	4000	0	0	4000
2K07172	n	3300	0	0	3300
2K07173	d		6000	0	0
2K07174	n	1614	0	0	1614
2K07181	n	2000	0	0	2000
2K07182	d		7000	0	0
2K07183	d		7000	0	0
2K07191	d		7000	0	0
2K07192	d		7000	0	0
2K07201	d		7000	0	0

dep report

2K07202	d		7000	0	0
2K07203	n	25	0	0	25
2K07204	d		5700	0	0
2K07205	d		6000	0	0
2K07211	n	1000	0	0	1000
2K07212	n	330	0	0	330
2K07213	n	1000	0	0	1000
2K07214	d		6000	0	0
2K07215	d		6000	0	0
2K07216	n	2000	0	0	2000
2K07241	n	7000	0	0	7000
00-668	n	2200	0	0	2200
2K07251	n	700	0	0	700
2K07252	n	5000	0	0	5000
2K07253	d		6000	0	0
2K07254	d		6000	0	0
2K07255	d		5700	0	0
01-043	n	5000	0	0	5000
2K07261	d		5700	0	0
2K07262	d		7000	0	0
2K07263	d		5700	0	0
2K07264	n	2900	0	0	2900
2K07271	n	1800	0	0	1800
2K07272	n	1000	0	0	1000
2K07273	n	500	0	0	500
2K07274	n	1000	0	0	1000
2K07281	n	3300	0	0	3300
2K07282	n	1200	0	0	1200
2K07283	n	4200	0	0	4200
2K07284	n	900	0	0	900
2K07301	n	792	0	0	792
2K07311	n	3300	0	0	3300
2K07312	i		0	7021	0
2K07313	n	3065	0	0	3065
2K07314	d		6000	0	0
2K07315	d		6000	0	0
2K07316	n	4200	0	0	4200
2K07317	i		0	7310	0
2K07318	n	6500	0	0	6500
2K08011	n	4000	0	0	4000
2K08012	d		6500	0	0
2K08013	n	3800	0	0	3800
2K08014	n	375	0	0	375
2K08021	n	3000	0	0	3000
2K08022	d		3000	0	0
2K08023	d		6500	0	0
2K08024	i		0	5974	0
2K08025	n	6000	0	0	6000
2K08026	n	2750	0	0	2750
2K08031	i		0	6940	0
2K08032	d		6500	0	0
2K08033	d		5700	0	0
2K08041	i		0	6800	0
2K08042	d	2500	2500	0	2500

ml

dep report

2K08043	d	2700	2700	0	2700
2K08044	d	4200	4200	0	4200
2K08045	d	1000	1000	0	1000
2K08046	n	3500	0	0	3500
2K08051	n	1500	0	0	1500
2K08071	n	1800	0	0	1800
2K08072	n	8000	0	0	8000
2K08073	d		1800	0	0
2K08081	n	500	0	0	500
2K08082	d		1400	0	0
2K08083	d		0	0	0
2K08084	n	5000	0	0	5000
2K08085	d		5700	0	0
2K08086	d		5700	0	0
2K08087	d		2800	0	0
2K08088	d	7500	7500	0	7500
2K08089	n	5500	0	0	5500
2K080810	n	1500	0	0	1500
2K08091	n	73	0	0	73
2K08092	n	4200	0	0	4200
2K08093	d		6000	0	0
2K08094	d		4200	0	0
2K08095	d		6000	0	0
2K08096	i		0	6800	0
2K08097	n	1000	0	0	1000
2K08098	n	3100	0	0	3100
2K08099	n	1500	0	0	1500
2K080910	n	500	0	0	500
2K080912	n	5500	0	0	5500
2K08101	d	8482	8482	0	8482
2K08102	d	6720	6720	0	6720
2K08103	i		0	6800	0
2K08104	n	250	0	0	250
12-936	i		0	6800	0
08-111	n	1300	0	0	1300
2K08111	n	7932	0	0	7932
2K08112	n	2100	0	0	2100
2K08114	i		0	6500	0
2K08115	i		0	6500	0
2K08116	i		0	6500	0
2K08117	i		0	7000	0
01-135	n	5000	0	0	5000
2K08141	n	1500	0	0	1500
2K08151	n	4500	0	0	4500
2K08152	i		0	6500	0
2K08153			0	0	0
2K08154	d		7000	0	0
2K08155	n	3300	0	0	3300
2K08156	n	1500		0	1500
2K08157	d	3300	3300	0	3300
2K08161	n		5250	0	0
2K08162	n	6500	0	0	6500
2K08163	d		7000	0	0
2K08164	d		5700	0	0

dep report

2K08165	n	900	0	0	900
2K08166	d	2000	2000	0	2000
2K08167	d	1500	1500	0	1500
2K08172	d	4200	4200	0	4200
2K08173	n	150	0	0	150
2K08181	d		5700	0	0
2K08182	d		4200	0	0
2K08183	n	1000	0	0	1000
2K08184	n	2500	0	0	2500
2K08185	n	5000	0	0	5000
2K08186	d	2500	2500	0	2500
2K08211	n		4200	0	0
2K08214	d	2600	2600	0	2600
2K08221	n	2800	0	0	2800
2K08222	n	3300	0	0	3300
2K08224	d		5700	0	0
2K08225	d		0	6500	0
2K08226	d		6000	0	0
2K08227	d		5700	0	0
2K08231	n	3500	0	0	3500
2K08232	i		0	6500	0
2K08233	n	1100	0	0	1100
2K08234	N	3000	0	0	3000
2K08235	n	2000	0	0	2000
2K08241	n	3400	0	0	3400
2K08242			0	0	0
2K08243	n	500	0	0	500
2K08244	n	1000	0	0	1000
2K08251	n	4200	0	0	4200
2K08252	n	2600	0	0	2600
2K08253	n	1300	0	0	1300
2K08261	d		7000	0	0
2K08262	d		6000	0	0
3K08263	d		6000	0	0
2K08264	d		3000	0	0
2K08264	d		6500	0	0
2K08265			0	0	0
2K08281	i		0	7000	0
2K08282	i		0	6600	0
2K08283	n	800	0	0	800
2K08284	d	3700	3700	0	3700
2K08291	n	7000	0	0	7000
2K08292	n	2000	0	0	2000
01-137	n	5500	0	0	5500
2K08301	i		0	7000	0
2K08302			0	0	0
2K08303	n	165	0	0	165
2K08304	d		4000	0	0
2K08312	n	2100	0	0	2100
2K08313	n	500	0	0	500
126-240	i		0	7000	0
126-241	i		0	7000	0
126-188	i		0	7000	0
09-01BR	n	2750	0	0	2750

2K08312

5700

dep report

2K09014	d		5700	0	0
2K09015	d		6000	0	0
2K09016	n	3300	0	0	3300
2K09017	n	1000	0	0	1000
2K09051	d		6000	0	0
2K09052	i		0	6900	0
2K09053	d		1000	0	0
2K09055	d		7000	0	0
2K09056	d		5700	0	0
2K09057	i		0	6900	0
2K09061	n	2500	0	0	2500
2K09063	i		0	7000	0
2K09064	d		5700	0	0
2K09065	d		5500	0	0
2K09071	d	110	110	0	110
2K09072	d	5500	5500	0	5500
2K09073	d	4200	4200	0	4200
2K09074	d	50	50	0	50
2K09082	d	1100	1100	0	1100
2K09083	d	1000	1000	0	1000
2K09091	n	1650	0	0	1650
2K09092	d	1500	1500	0	1500
2K09112	d	300	300	0	300
2K09113	n	1200	0	0	1200
2K09114	n	400	0	0	400
2K09121	n	2500	0	0	2500
2K09122	d		5700	0	0
2K09123	d		5700	0	0
2K09124	n	300	0	0	300
2K09125	n	110	0	0	110
2K09131	n	5200	0	0	5200
2K09132	n	800	0	0	800
2K09142	d		2000	0	0
2K09143	d		6000	0	0
2K09151	n	500	0	0	500
2K09154	n	6500	0	0	6500
2K09161	n	3150	0	0	3150
2K09181	d		6000	0	0
2K09182	d		2000	0	0
2K09183	d		5700	0	0
2K09191	n	300	0	0	300
2K09193	n	7000	0	0	7000
2K09194	N	4150	0	0	4150
2K09195	n	300	0	0	300
2K09201	N	1000	0	0	1000
2K09202	n	1000	0	0	1000
2K09203	d	800	800	0	800
01-139	n	5500	0	0	5500
2K09211	n	2500	0	0	2500
2K09221	n	500	0	0	500
2K09222	d	2000	2000	0	2000
2K09223	d		5700	0	0
2K09224	d		5700	0	0

dep report

2K09225	d		6000	0	0
2K09226	d		2000	0	0
2K09231	n	350	0	0	350
2K09251	n	2000	0	0	2000
2K09253	d		2000	0	0
2K09254	d		2000	0	0
2K09255	n	400	0	0	400
2K09256	n	7000	0	0	7000
2K09257	n	7000	0	0	7000
2K09258	n	6000	0	0	6000
2K09259	d	7000	7000	0	7000
2K092510	d	7000	7000	0	7000
2K092511	d	7000	7000	0	7000
2K092512	d	6000	6000	0	6000
2K092513	d	7000	7000	0	7000
2K09261	d		2000	0	0
2K09262	d		2500	0	0
2K09263	d	0	2000	0	0
2K09264	n	700	0	0	700
2K09265	n	2000	0	0	2000
2K09266	n	2000	0	0	2000
09-271	n	3600	0	0	3600
2K09271	n	5500	0	0	5500
2K09272	d	6000	6000	0	6000
2K09273	d	7000	7000	0	7000
2K09274	d	7000	7000	0	7000
2K09275	d	7000	7000	0	7000
2K09276			0	0	0
2K09277	d	7000	7000	0	7000
2K09278	d	7000	7000	0	7000
2K09279	d	7000	7000	0	7000
2K092710	d	7000	7000	0	7000
2K092711	d	9000	9000	0	9000
2K092712	d	4550	4550	0	4550
2K092713	n	7925	0	0	7925
2K09281	n	1200	0	0	1200
2K09291	n	1500	0	0	1500
2K09292	d		5500	0	0
2K10021	n	3300	0	0	3300
2K10022	i		0	6993	0
2K10023	i		0	7061	0
2K10024	n	7925	0	0	7925
2K10026	d		2000	0	0
2K10027	d		5000	0	0
2K10031	n	2500	0	0	2500
2K10032	n	2200	0	0	2200
2K10041	n	2500	0	0	2500
2K10043	n	900	0	0	900
2K10043	n	7000	0	0	7000
2K10051	d		6000	0	0
2K10052	d		2000	0	0
2K10054	n	650	0	0	650
2K10061	n	2500	0	0	2500
2K10062	N	4000	0	0	4000



## dep report

2K10064	n	2700	0	0	2700
2K10065	i		0	7097	0
2K10091	n	5500	0	0	5500
2K10092	i		0	7023	0
2K10093	n	200	0	0	200
2K10094	n	550	0	0	550
2K10095	n	1700	0	0	1700
2K10101	n	5500	0	0	5500
2K10111	n	5200	0	0	5200
2K10112	n	165	0	0	165
2K10113	i		0	6995	0
2K10114	n	1500	0	0	1500
2K10115	n	1800	0	0	1800
2K10122	n	1800	0	0	1800
2K10131	n	800	0	0	800
2K10132	n	6000	0	0	6000
2K10161	n	2500	0	0	2500
2K10162	d		5000	0	0
00-701	n	2000	0	0	2000
2K10171	d		2000	0	0
2K10172	D		2000	0	0
2K10173	d		2000	0	0
2K10181	n	2800	0	0	2800
1019-00	i		0	21000	0
2K10191	n	1565	0	0	1565
2K10192	n	2100	0	0	2100
2K10201	n	100	0	0	100
2K10202	n	5000	0	0	5000
2K10211	n	1700	0	0	1700
2K10231	d	5177	5177	0	5177
2K10233	n	1300	0	0	1300
2K10234	d		5000	0	0
2K10235	d		3000	0	0
2K10241	n	4500	0	0	4500
2K10242	n	1000	0	0	1000
2K10243	n	400	0	0	400
2K10244	n	900	0	0	900
2K10245	d		2000	0	0
2K10246	d		2000	0	0
2K10251	n	5500	0	0	5500
2K10252	n	2900	0	0	2900
2K10253	n	300	0	0	300
2K10254	n	500	0	0	500
2K10255	n	600	0	0	600
2K10261	i		0	7000	0
2K10262	i		0	7000	0
2K10263	n	750	0	0	750
2K10264	d		2000	0	0
2K10265	d		6000	0	0
2K10301	n	800	0	0	800
2K10302	n	2100	0	0	2100
2K10303	n	55	0	0	55
2K10311	d	6000	6000	0	6000
2K10313	d	7000	7000	0	7000



dep report

Manifest No	Type	Amount	total D	total I	total N
2K01011	n	3600	0	0	3600
2K01041	n	1600	0	0	1600
2K01042	n	4000	0	0	4000
2K01043	n	6300	0	0	6300
2K01044	n	4000	0	0	4000
2K01051	n	2000	0	0	2000
2K01052	d		6500	0	0
2K01061	n	770	0	0	770
2K01062	n	1000	0	0	1000
2K01071	n	1050	0	0	1050
2K01081	n	4750	0	0	4750
59-049	n	1000	0	0	1000
2K01101	n	1500	0	0	1500
2K01102	n	950	0	0	950
2K01103	n	2000	0	0	2000
2K01104	d		6500	0	0
2K01111	d		6500	0	0
2K01112	n	2600	0	0	2600
2K01121	n	1600	0	0	1600
2K01122	d		6500	0	0
2K01131	d		6500	0	0
2K01171	N	300	0	0	300
2K01172	n	2000	0	0	2000
2K01181	n	500	0	0	500
2K01182	n	1000	0	0	1000
2K01191	n	3250	0	0	3250
2K01192	n	6000	0	0	6000
2K01193	n	6000	0	0	6000
2K01194	n	6000	0	0	6000
2K01195	n	6500	0	0	6500
2K01196	n	6500	0	0	6500
2K01197	n	6500	0	0	6500
2K01198	n	6500	0	0	6500
2K01199	n	6500	0	0	6500
2K011910	n	6500	0	0	6500
2K011911	n	1000	0	0	1000
23-900	i		0	8523	0
23-902	i		0	5882	0
2K01201	n	5500	0	0	5500
2K01202	n	5500	0	0	5500
2K01203	n	3100	0	0	3100
2K01204	n	6500	0	0	6500
2K01205	n	6500	0	0	6500
2K01206	d		6000	0	0
2K01211	n	5000	0	0	5000
2K01212	d		6000	0	0
2K01213	d		6000	0	0
2K01214	d		6000	0	0
2K01215	n	6500	0	0	6500
2K01216	n	6500	0	0	6500
2K01217	n	6500	0	0	6500
2K01218	n	5000	0	0	5000
2K01221	d		6000	0	0

dep report

2K01222	d		6000	0	0
2K01223	d		6000	0	0
2K01225	d		6000	0	0
2K01226	d		6000	0	0
2K01227	n	7000	0	0	7000
2K01228	n	6000	0	0	6000
2K01229	n	6500	0	0	6500
2K01231	n	6500	0	0	6500
2K01233	d	7000	7000	0	7000
2K01234	d	7000	7000	0	7000
2K01235	n	7000	0	0	7000
2K01244	d	7000	7000	0	7000
2K01245	d		6000	0	0
2K01246	d		6000	0	0
2K01247	d		6000	0	0
2K01248	d	6000	0	0	0
2K01249	n	5500	0	0	5500
2K012410	n	4200	0	0	4200
2K01251	d		6000	0	0
2K01252	d		6000	0	0
2K01253	d		6000	0	0
2K01254	d		6000	0	0
2K01255	n	7000	0	0	7000
2K01256	n	7000	0	0	7000
2K01257	n	7000	0	0	7000
2K01258	n	7000	0	0	7000
2K01259	N	715	0	0	715
2K01261	n	4400	0	0	4400
2K01262	n	7000	0	0	7000
2K01263	d	7000	7000	0	7000
2K01264	d	7000	7000	0	7000
2K01265	d	7000	7000	0	7000
2K01266	d		6000	0	0
2K01267	d		6000	0	0
2K01268	d	7000	7000	0	7000
2K01269	n	1400	0	0	1400
2K01271	d		6000	0	0
2K01272	d		6500	0	0
2K01273	d		6500	0	0
2K01274	d		6500	0	0
2K01275	d		6000	0	0
2K01276	d		6000	0	0
2K01277	n	7000	0	0	7000
2K01278	d	7000	7000	0	7000
2K01279	d	7000	7000	0	7000
2K012710	d	7000	7000	0	7000
2K012711	n	2000	0	0	2000
2K012712	n	5500	0	0	5500
2K012713	n	3300	0	0	3300
2K012714	n	190	0	0	190
2K012715	d	7000	7000	0	7000
2K012716	D	7000	7000	0	7000
2K01281	n	1200	0	0	1200
2K01282	n	1500	0	0	1500



EMERGENCY RESPONSE

OIL SPILL RESPONSE

VACUUM TRUCKS

MARINE TANK CLEANING

TANK CLEANING

SITE CLEANUP

SHIPYARD SERVICES

WASTEWATER TREATMENT

HAZWHOPER TRAINING SCHOOL

WASTE MANAGEMENT

FRAC TANK RENTAL

# FACSIMILE TRANSMITTAL

Diversified Environmental Services, Inc.  
 Complete Environmental & Emergency Response Contractors  
 24-Hour Emergency Hot-line 1-800-786-3256

Phone: 813-248-3256

Fax: 813-247-5453

Fax Number:

Date: 1-10-2001

Company:

To: MR. JAMES DREGNE

From: GARY RUSSEL

Number of Pages Including Cover: 5

Message:

AS PER OUR CONVERSATION

Thank You:

This is a facsimile transmission from the offices of Diversified Environmental Services, Inc. If you incur any problems or this has been sent in error, please contact us as soon as possible. Thank You

A:\FAXCOVER.doc



**THORNTON LABORATORIES, INC.**  
MARINE, ANALYTICAL AND ENVIRONMENTAL SERVICES

1145 EAST CASS STREET, TAMPA, FLORIDA 33602  
P.O. BOX 2000, TAMPA, FLORIDA 33601-2000  
CompOAP# 880124, HR9# 84147, EB4100, EB4324

TELEPHONE (813) 223-9702  
FAX (813) 223-9332

29-Sep-2000

Page 1

Report For: Diversified Environmental Services, Inc.  
1201 N. 22nd Street  
Tampa, FL 33605

Sample Identification:

Sediment Attn: Gene Russell  
Id: Tank Bottom

Date Received: 20-Sep-2000

Laboratory Number: 146935

CERTIFICATE OF ANALYSIS

Method	Parameter	Result	Standard Detection Limit-Units	Analysis Date	Analyst
EPA 1311	TCLP Extraction for Metals & Volatiles			22-Sep-2000	Hatem El Gendi/Sabine Rutgers
EPA 7061	Arsenic (As) in Extract	< 0.5	mg/L	28-Sep-2000	Ellen Smith Demers
EPA 7880	Barium (Ba) in Extract	< 10	mg/L	29-Sep-2000	Ellen Smith Demers
EPA 7130	Cadmium (Cd) in Extract	< 0.1	mg/L	25-Sep-2000	Ellen Smith Demers
EPA 7190	Chromium (Cr) in Extract	< 0.5	mg/L	25-Sep-2000	Ellen Smith Demers
EPA 7420	Lead (Pb) in Extract	< 0.5	mg/L	26-Sep-2000	Ellen Smith Demers
EPA 7470	Mercury (Hg) in Extract	< 0.02	mg/L	27-Sep-2000	Ellen Smith Demers
EPA 7742	Selenium (Se) in Extract	< 0.1	mg/L	28-Sep-2000	Ellen Smith Demers
EPA 7760	Silver (Ag) in Extract	< 0.5	mg/L	29-Sep-2000	Ellen Smith Demers
EPA 8240	Benzene in Extract	730	ug/L	28-Sep-2000	Ellen Smith Demers
	Carbon Tetrachloride in Extract	< 50	ug/L	28-Sep-2000	Ellen Smith Demers
	1,4-Dichlorobenzene in Extract	< 750	ug/L	28-Sep-2000	Ellen Smith Demers
	1,2-Dichloroethane in Extract	< 50	ug/L	28-Sep-2000	Ellen Smith Demers
	1,1-Dichloroethene in Extract	< 70	ug/L	28-Sep-2000	Ellen Smith Demers
	Methyl Ethyl Ketone in Extract	< 20	mg/L	28-Sep-2000	Ellen Smith Demers
	Tetrachloroethene in Extract	< 70	ug/L	28-Sep-2000	Ellen Smith Demers
	Trichloroethene in Extract	< 50	ug/L	28-Sep-2000	Ellen Smith Demers
	Vinyl Chloride in Extract	< 20	ug/L	28-Sep-2000	Ellen Smith Demers
	Chloroform in Extract	< 600	ug/L	28-Sep-2000	Ellen Smith Demers
	Chlorobenzene in Extract	< 10	mg/L	28-Sep-2000	Ellen Smith Demers

THORNTON LABORATORIES, INC.  
Steve Fickett, III

**THORNTON LABORATORIES, INC.**  
**THORNTON INTERNATIONAL SERVICES**  
**1145 E. CASS ST., TAMPA, FL. 33602**  
**PH# 813-223-9702 FAX# -9332**

**THORNTON LABS SAMPLE RESULTS FAX**

=====

DATE: 13 OCT. 2000

PAGES INCL: 7

SENT TO: DIVERSIFIED ENVIRONMENTAL SERVICES  
 ATTN: GENE RUSSEL  
 FAX#: 247-5453  
 RE: RESULTS -  
 FROM: STEVE FICKETT

\*\*\* FAX ASAP \*\*\*

=====

MSG:

GENE,  
 ANALYSIS RESULTS FOR YOUR ATTENTION.  
 ORIGINAL CERTIFICATE OF ANALYSIS WILL BE MAILED ON MONDAY.

WE APPRECIATE YOUR BUSINESS.

REGARDS,

=====

Lab #: 148740                      Sample of: WASTE                      Supervisor: Steve Fickett, III  
 Date Received: 6-Oct-2000      Status: UT                      Date approved:  
 Waste    Attn: Gene Russel  
 Id: Tank Bottoms

Method	Parameter	Result	Units
EPA 1010	Flash Point, Pensky Martins Closed Cup	> 140	o F
EPA 1311 EPA 8240	TCLP Extraction for Volatiles Benzene in Extract	< 50	ug/L

=====

# NON-HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.

FL06500

Manifest (Document No.) 107700

2. Page 1 of 1

3. Generator's Name and Mailing Address

DIVERSIFIED ENV. SVC. INC.  
1201 N. 22ND STREET  
TAMPA, FL 33605

4. Generator's Phone (813) 248-3256

5. Transporter 1 Company Name

6. US EPA ID Number

A. Transporter's Phone

WASTE RESEARCH & RECOVERY  
7. Transporter 2 Company Name

8. US EPA ID Number  
CAR000007181

B. Transporter's Phone

(800)336-1591

9. Designated Facility Name and Site Address

WASTE RESEARCH & RECOVERY  
100 WASTE RESEARCH DRIVE  
MADON, GA 31206

10. US EPA ID Number  
GA0000007404

C. Facility's Phone

(800)336-1591

11. Waste Shipping Name and Description

a. NON-REGULATED MATERIAL (SLUDGE),

12. Containers No.	13. Total Quantity	14. Unit Wtr/Vol
001 CM	0.0020 Y	

D. Additional Descriptions for Materials Listed Above

- a) DYN 019 - SLUDGE
- b)
- c)

E. Handling Codes for Wastes Listed Above

- a)
- b)
- c)
- d)

18. Special Handling Instructions and Additional Information

24 HOUR EMERGENCY PHONE (813) 623-5302

a) NHL-1

16. GENERATOR'S CERTIFICATION: I certify the materials described above on this manifest are not subject to federal regulations for reporting proper disposal of Hazardous Waste.

Printed/Typed Name

M. L. J. BIRD Jr

Signature

*[Signature]*

Month Day Year

1 01 00

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

Kent Williams

Signature

*[Signature]*

Month Day Year

1 01 00

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Signature

Month Day Year

GENERATOR'S COPY

GENERATOR

TRANSPORTER

FACILITY



# NON-HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No. FL0001932494

Manifest Document No. 17-0-50

2. Page 1 of 1

3. Generator's Name and Mailing Address

DEVERIFIED ENV. SVC. INC.  
1201 N. 22ND STREET  
TAMPA, FL 33605

4. Generator's Phone (813) 248-3256

5. Transporter 1 Company Name

6. US EPA ID Number

A. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

B. Transporter's Phone (813) 623-5302

9. Designated Facility Name and Site Address

USL CITY ENVIRONMENTAL  
2002 NORTH ORIENT ROAD  
TAMPA, FL 33619-4453

10. US EPA ID Number

C. Facility's Phone

11. Waste Shipping Name and Description

a. NON-REGULATED MATERIALS (BILGE SLUDGE),

12. Container No. 042 DM 02-3-106

14. Unit Wt/Vol G

D. Additional Descriptions for Materials Listed Above

- a) DIN 020 - BILGE MUCK
- b)
- c)

E. Handling Codes for Wastes Listed Above

- a) M141
- b)
- c)
- d)

15. Special Handling Instructions and Additional Information

WOP DIN16713  
24 HOUR EMERGENCY PHONE (813) 623-5302

a) NHL-2

16. GENERATOR'S CERTIFICATION: I certify the materials described above on this manifest are not subject to federal regulations for reporting proper disposal of Hazardous Waste.

Printed/Typed Name

*RUBEN R. RUSSEL*

Signature

*Ruben R. Russell*

Month Day Year

1/1/00

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

*Rayon Thompson*

Signature

*Rayon Thompson*

Month Day Year

1/1/00

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

*Ruben R. Russell*

Signature

*Ruben R. Russell*

Month Day Year

1/1/00

GENERATOR

TRANSPORTER

FACILITY

# NON-HAZARDOUS WASTE MANIFEST

1. Generator's US EPA ID No.  
FL0900

Manifest Document No.  
177200

2. Page 1 of 1

3. Generator's Name and Mailing Address  
DIVERSIFIED ENV. SVC. INC.  
1201 N. 22ND STREET  
TAMPA, FL 33605

4. Generator's Phone (813) 248-3256

5. Transporter 1 Company Name  
USL CITY ENVIRONMENTAL

6. US EPA ID Number  
FL0901027404

A. Transporter's Phone

7. Transporter 2 Company Name

8. US EPA ID Number

B. Transporter's Phone

(813) 623-5302

9. Designated Facility Name and Site Address  
USL CITY ENVIRONMENTAL  
2002 NORTH ORIENT ROAD  
TAMPA, FL 33619 4453

10. US EPA ID Number  
FL0901032111

C. Facility's Phone

11. Waste Shipping Name and Description  
NON-REGULATED MATERIALS (BILGE SLUDGE)

12. Containers No.	13. Total Quantity	14. Unit Wt/Vol
0-2-1	0.770-1.55	G

a. NON-REGULATED MATERIALS (BILGE SLUDGE)

D. Additional Descriptions for Materials Listed Above

- a) DIN 020 - BILGE MUCK
- b)
- c)

E. Handling Codes for Wastes Listed Above

- a) M141
- b)
- c)
- d)

15. Special Handling Instructions and Additional Information

WORK ORDER #DIN16713A  
24 HOUR EMERGENCY PHONE (813) 623-5302

a) NHL-2

16. GENERATOR'S CERTIFICATION: I certify the materials described above on this manifest are not subject to federal regulations for reporting proper disposal of Hazardous Waste.

Printed/Typed Name  
M BENEZOWSKI

Signature

Month Day Year  
1/13/01

17. Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name  
Dyan Thompson

Signature

Month Day Year  
1/13/01

18. Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator: Certification of receipt of waste materials covered by this manifest except as noted in Item 19.

Printed/Typed Name

Signature

Month Day Year

GENERATOR

TRANSPORTER

FACILITY

9451.1986(02)

March 17, 1986

Honorable Gillespie V. Montgomery  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Montgomery:

I am responding to your letter of February 11, 1986, to Mr. Matthew Straus in which you express concern that EPA is considering classifying port facilities as generators of vessel oily waste.

In response to questions raised by the Coast Guard, EPA issued a directive on February 5, 1985, which clarified the applicability of EPA's regulations under the Resource Conservation and Recovery Act (RCRA) to operational waste from ships. A copy of that directive is enclosed. In particular, the Coast Guard asked EPA to determine who is the generator of oily waste that is produced on ships and discharged to reception facilities at ports and terminals.

EPA has determined that for any oily waste that is produced in product or raw material vessel units both the ship, and in some circumstances, the operator of the port facility would be considered hazardous waste generators. For other types of oily waste, such as bilge water in vessel engine rooms contaminated with engine lubricant drippings or solvents, only the ship would be deemed to be the hazardous waste generator. A more detailed discussion of EPA's regulations for generators of oily hazardous waste is contained in the February 5 directive to the Coast Guard.

We hope that this has been responsive to your concerns regarding the applicability of EPA's hazardous waste regulations to terminals. If you have other questions on this subject, please don't hesitate to contact Carolyn Barley of my staff at 202-382-2217.

Sincerely yours,

J. Winston Porter  
Assistant Administrator

bearing soil in and around facilities; drill cuttings; materials (such as hydrocarbon, water, sand and emulsion) produced from a well in conjunction with crude oil, natural gas, or geothermal energy; and the accumulated material (such as hydrocarbon, water, sand, and emulsion) from production separators, fluid treating vessels, storage vessels, and production impoundments.

“The phrase ‘intrinsically derived from the primary field operation . . .’ is intended to differentiate exploration, development, and production operations from transportation (from the point of custody transfer or of production separation and dehydration) and manufacturing operations.”

“Given the above background, EPA intends to employ four criteria to assist in determining whether a waste is exempt:

“1. Only waste streams intrinsic to the exploration for, or development and production of, crude oil, natural gas, or geothermal energy are subject to exemption. Waste streams generated at oil, gas, and geothermal energy facilities that are not uniquely associated with exploration, development, or production activities are not exempt (one example would be spent solvents from equipment cleanup).

“2. Exempt wastes must be associated with ‘extraction’ processes, which include measures to 1) remove oil, natural gas, or geothermal energy from the ground; or 2) remove impurities from such substances, provided that the purification process is an integral part of normal field operations.

“3. The proximity of waste streams to primary field operations is another factor in determining the scope of the exemption. Process operations that are distant from the exploration, development, or production operations may not be subject to exemption.

“4. Wastes associated with transportation are not exempt. The point of custody transfer, or of production separation and dehydration, may be used as evidence in making this determination.”

[January 13, 1987; 5621; 3 pages]

**Q** Are gas plant cooling tower wastes exempt under the oil and gas waste exclusion?

**A** Cooling tower blowdown is exempt, but gas plant cooling tower cleaning wastes are not exempt. “The difference between the two is that blowdown is comprised only of water, scale, or other wastes generated by the actual operation of the cooling tower; whereas cleaning wastes include any solvents, scrubbing agents, or other cleaning materials introduced into the process solely to remove buildup or otherwise clean the equipment and are not included as part of the functional operation of the cooling tower. Since these cleaning wastes can come from any cooling tower, they are not intrinsically derived from primary field operations for natural gas production. The determining factor for defining the exemption is not the frequency with which the cooling tower is blown down, either with or without cleaning agents, but whether the resulting waste is solely derived from the normal operation of the tower for natural gas production or from any added cleaning materials.”

[June 6, 1989; 5654; 2 pages]

### Hotel and Motel Wastes

**Q** Are wastes from dry cleaning services and maintenance services at hotels and motels excluded as household wastes under §261.4(b)(1)?

**A** “The household waste exclusion was intended to remove normal households from regulatory control under RCRA. This was extended to normal household-type waste from hotels, motels, etc. For example, empty containers and the like resulting from normal room cleaning or pesticide spraying of the room could be excluded. However, dry cleaning and vehicle fleet or equipment maintenance are not routine household operations; wastes resulting from such activities at hotels and motels, if hazardous, are subject to RCRA regulatory control.”

[April 21, 1986; 5597; 1 page]

### Transport Vessels

**Q** Are all wastes generated on ships, including engine room wastes, exempt from regulation as hazardous wastes? Or does the exemption in §261.4(c) apply only

to wastes directly associated with the storage or transport of products or raw materials?

**A** “It is believed that the exemption was intended to cover only those hazardous sediments and residues produced in the units containing valuable product or raw material. However, . . . the language of §261.4(c) refers to *hazardous waste generated in a product or raw material transport vessel* as being exempt, rather than the product-containing unit itself. EPA defined the term ‘vessel’ in §260.10 to include ‘every description of watercraft . . .,’ which describes the whole vessel rather than any particular tank or unit in the vessel. Thus, . . . there is a regulatory basis for considering all waste generated in the vessel to be exempt from regulation until it is purposely removed. In addition, . . . the regulated community has relied on this broader view of the exemption since 1980. Given the fact that there has been substantial reliance for some time on a legitimate, although unintended, reading of the regulatory language, . . . it is reasonable to view the exemption as extending to all hazardous waste management activity on the product or raw material transport vessel. However, as specified in §261.4(c), all hazardous wastes generated in the vessel become subject to RCRA regulation as soon as the waste is removed from the vessel (anywhere within U.S. waters) or within 90 days after the vessel is no longer operated as a product or raw material storage or transport vessel.”

[September 3, 1986; 5608; 3 pages]

### De Minimis Wastewater Exemption

**Q** A company uses monochlorobenzene (MCB) in a number of processes. The MCB is used as a solvent as defined/interpreted under the hazardous waste rules. The MCB then undergoes further processing and is recovered in a distillation column. The bottoms from the recovery column are sent to an onsite thermal oxidizer where they are incinerated along with several other wastes, which are characteristically hazardous. The scrubber liquor from the incinerator (which contains MCB) is then sent to the wastewater treatment system. The concentration of MCB at the headworks of the treatment system is variable, but exceeds 25 ppm. Is the wastewater entering the wastewater treatment system covered under the mixture rule exemption of §261.3(a)(2)(iv)(B)?