

Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

January 8, 2002

Garry R. Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, FL 33566

Re: Final Agency Action (Consent Order)  
International Petroleum Corporation  
FLD 065 680 613  
OGC File No. 01-1873

Dear Mr. Allen:

Enclosed is a copy of the executed Consent Order for the referenced case. The Department has received your check for \$299.00 as stipulated by the Order. This enforcement action is now closed.

Sincerely,

William Kutash  
Administrator  
Division of Waste Management

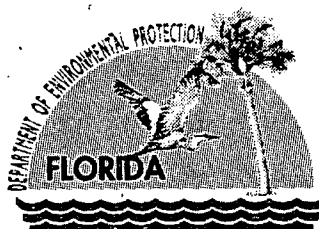
WK/jmd

Enclosure

cc: Kathy Carter, OGC  
Tony Ettore, OGC  
Steve Ray, HWR Section  
Richard Neves, HWM Section  
Jeff Pallas, US EPA Region IV  
Kelley Boatwright, Hillsborough County EPC  
Compliance File

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# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Garry R. Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, FL 33566

Re: Proposed Settlement of International Petroleum Corporation  
FLD 065 680 613  
OGC File No.:01-1873

Dear Mr. Allen:

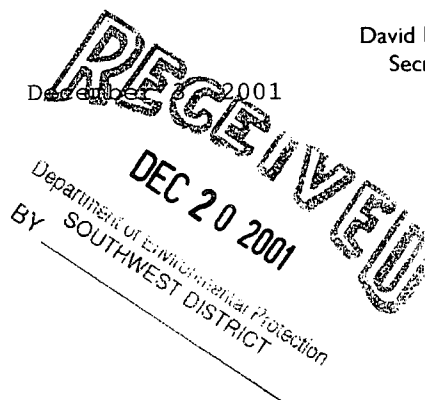
The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated July 26, 2001, a copy of which is attached. The corrective actions required to bring the International Petroleum Corporation facility into compliance have been performed. In order to resolve the matters identified in the attached Warning Letter, you have agreed to pay in settlement the amount of \$199.00, along with \$100.00 to reimburse the Department costs, for a total of \$299.00. This payment must be made payable to The Department of Environmental Protection by certified check or money order and shall include the OGC File Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida, 33619-8318 within 15 days of your signing this letter. The department agrees that your signature of this letter is not an admission that your facility was in violation of the regulations cited in the Warning Letter.

Your signing of this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address above by December 21, 2001, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your

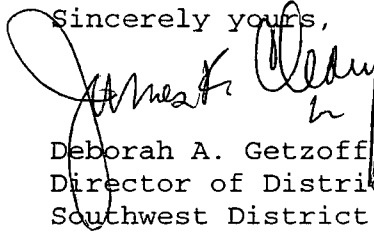
"More Protection, Less Process"

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rights of substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

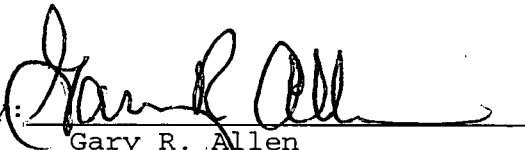
Sincerely yours,

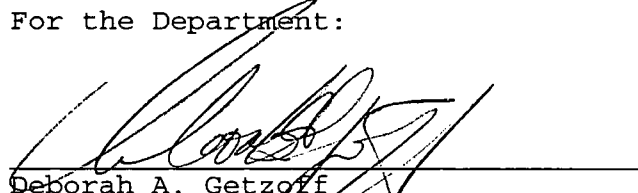


Deborah A. Getzoff  
Director of District Management  
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER IDENTIFIED ABOVE.

For: International Petroleum Corp For the Department:

By:   
Gary R. Allen  
President  
International Petroleum Corp.

  
Deborah A. Getzoff  
Director of District Management  
State of Florida Department of  
Environmental Protection

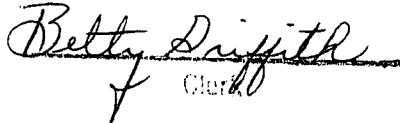
ENTERED this 7<sup>th</sup> day of January, 200~~1~~<sup>2</sup> in Tampa, Florida.

DAG/jmd

Attachments

FILING AND ACKNOWLEDGEMENT

FILED, on this date, pursuant to S120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

 1-8-02  
Clerk Date

### NOTICE OF RIGHTS

Persons who are not parties to this Settlement Agreement but whose substantial interests are affected by this Settlement Agreement have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Settlement Agreement identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Settlement Agreement; (c) A statement of how each petitioner's substantial interests are affected by the Settlement Agreement; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Settlement Agreement; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Settlement Agreement; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner want the Department to take with respect to the Settlement Agreement.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Settlement Agreement have the right to petition to become a party to the preceding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in the proceeding.



dep - KEAI 420

File Edit Transfer Options Connection Macro Window Help

AREA: SWD Cash Receiving Application CRAF006A  
 Collection Point Log Remittance Tot: \$299.00

SYS\$REMT: 454929 Type: CP Recvd Date: 20-DEC-2001 Status: RECEIVED  
 SYS\$RCPT: 369547 PNR: Check #: 1984012 Amount: 299.00  
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORP  
 First: Middle: Title: Suf:  
 Address1: 105 SOUTH ALEXANDER STREET Short Comments:  
 Address2: MW- OGC 01-1873 HW  
 City: PLANT CITY ST: FL Zip: 33566 Country:

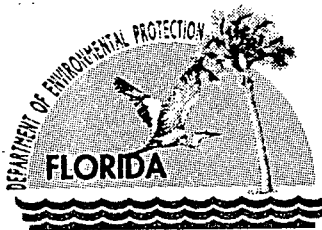
> PAYMENT(S) <

SYS\$PAY	Distr CL	Object Code/Description	Payment Amount	Reference#	Applic/Fund	S T A
485630	SWD	018003 LCT-REIMB.LEGAL	\$100.00		ECOSYS	CO
485631	SWD	012008 LCT-PENALTIES	\$199.00		ECOSYS	CO

COMMIT FREQUENTLY \$299.00 Payment total  
 Press <TAB> to accept Collection Point or enter F&A.  
 Count: \*1 <Replace>

1(004,028)

dep - KEAI 420 Microsoft Word - Doc... Oracle Forms Server... Oracle Developer For... 3:25 PM



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

December 3, 2001

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Garry R. Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, FL 33566

Re: Proposed Settlement of International Petroleum Corporation  
FLD 065 680 613  
OGC File No.:01-1873

Dear Mr. Allen:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated July 26, 2001, a copy of which is attached. The corrective actions required to bring the International Petroleum Corporation facility into compliance have been performed. In order to resolve the matters identified in the attached Warning Letter, you have agreed to pay in settlement the amount of \$199.00, along with \$100.00 to reimburse the Department costs, for a total of \$299.00. This payment must be made payable to The Department of Environmental Protection by certified check or money order and shall include the OGC File Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida, 33619-8318 within 15 days of your signing this letter. The department agrees that your signature of this letter is not an admission that your facility was in violation of the regulations cited in the Warning Letter.

Your signing of this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

If you do not sign and return this letter to the Department at the District address above by December 21, 2001, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your

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**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

7000 0520 0014 8857 4043

[Redacted area]

Postage	\$	Postmark Here  12-3-01
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

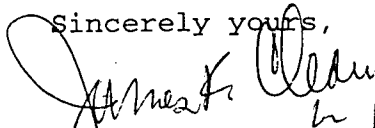
**Recipient's Name** *(Please Print Clearly) (To be completed by mailer)*  
*Darry Allen - Int'l Petroleum*  
 Street, Apt. No.; or PO Box No.  
*105 S. Alexander St*  
 City, State, ZIP+4  
*Plant City FL 33566*

PS Form 3800, February 2000 See Reverse for Instructions



rights of substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,



Deborah A. Getzoff  
Director of District Management  
Southwest District

---

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER IDENTIFIED ABOVE.

For: International Petroleum Corp For the Department:

By: \_\_\_\_\_

Gary R. Allen  
President  
International Petroleum Corp.

Deborah A. Getzoff  
Director of District Management  
State of Florida Department of  
Environmental Protection

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2001 in Tampa,  
Florida.

DAG/jmd

Attachments

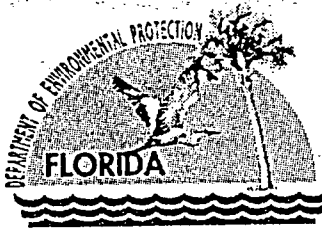
### NOTICE OF RIGHTS

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The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Settlement Agreement identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Settlement Agreement; (c) A statement of how each petitioner's substantial interests are affected by the Settlement Agreement; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Settlement Agreement; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Settlement Agreement; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner want the Department to take with respect to the Settlement Agreement.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this Notice. Persons whose substantial interests will be affected by any decision of the Department with regard to the subject Settlement Agreement have the right to petition to become a party to the preceding. The petition must conform to the requirements specified above and be filed (received) within 21 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Sections 120.569 and 120.57, Florida Statutes, and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-106.205, Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available in the proceeding.



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

July 26, 2001

CERTIFIED MAIL  
RETURN RECEIPT

Mr. Garry Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, Florida 33566

Re: International Petroleum Corporation  
FLD 065 680 613  
Warning Letter #249186  
Hillsborough County

Dear Mr. Allen:

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 June 14, 2001, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. During that inspection, Florida 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 the matter.

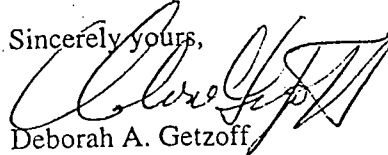
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order that 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 that would be assessed in this case are \$1,799.00. Costs and expenses in this case will be a

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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 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: Steve Ray, FDEP-Tallahassee  
Kelley Boatwright, Hillsborough County EPC  
Compliance File

## PENALTY COMPUTATION WORKSHEET

Violator's Name: International Petroleum Corporation

Identify Violator's Facility: 105 South Alexander Street, FL --- FLD 065 680 613

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

ComHaz Case #: 249186

Date: September 28, 2001

Violation Type		Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	279.52(a)(5) aisle space	28.7	Minor	Moderate	\$599 -- \$200		Combined with viol. #3	\$0
2	279.54(f)(1) no UO label	20.1	Minor	Minor	\$199 -- \$100		repeat	\$199
3.	62-710.850(6)(a) no UO-F label	26.2	Minor	Moderate	\$599-- \$200			<del>-\$400</del>
Administrative Costs								\$100

**REVISED TOTAL PENALTY AND COST**

~~277.00~~  
**\$699.00**

**Florida Department of  
Environmental Protection**

**Memorandum**

---

**ENFORCEMENT/COMPLIANCE COVER MEMO**

TO:

*11/30*  
 Deborah A. Getzoff, Director of District Management  
 William Kutash, Environmental Administrator  
 Office of General Counsel, ATTN: \_\_\_\_\_

THRU

*me*  
William Kutash, Environmental Administrator  
*SC* Stanley Tam, Professional Engineer II  
*E* Elizabeth Knauss, Environmental Manager  
*AG* Al Gephart, Engineer IV

FROM:

*J* Jim Dregne, Environmental Specialist III

DATE:

November 27, 2001

FILE NAME: **International Petroleum Corporation**

PROJECT #: 249186

PROGRAM: Hazardous Waste

COUNTY: Hillsborough

TYPE OF DOCUMENT:

draft or  final  
 Final Order  
 Warning Letter

NOV  
 Case Report  
 Other

**Consent Order Model Short Form**  
 Penalty Authorization

DESCRIPTION OF VIOLATIONS: IPC generates, transports, markets and processes used oil and generates and transports used oil filters. IPC also handles used antifreeze. During this routine annual inspection, inspectors found three violations pertaining to the proper sealing and labeling of containers and adequate aisle space for inspections and emergency response.

SUMMARY OF CORRECTIVE ACTIONS: The facility, through its attorney, contested both the legality and District's application of the regulation governing the management of crushed used oil filters. The District and Tallahassee believed the regulation was properly promulgated and is being properly applied by the District. OGC and the attorney for IPC negotiated a settlement with input from the District. All parties agreed that the violation involving UO filters was valid. The facility has corrected the violations and is now labeling all drums of crushed and uncrushed filters. IPC has agreed to sign a SFCO and pay a penalty.

PENALTY SUMMARY:

Potential for Harm: Moderate

Extent of Deviation: Minor

Penalty Amount: \$199.00

Expenses: \$100.00

TOTAL PENALTY AMOUNT: **\$299.00**

TO SECRETARY

# WATKINS & CALEEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1725 MAHAN DRIVE, SUITE 201  
POST OFFICE BOX 15828  
TALLAHASSEE, FLORIDA 32317-5828

R. L. CALEEN, JR.  
W. DAVID WATKINS

(850) 671-2644  
FAX (850) 671-2732  
E-MAIL: lawyers@floridacourts.com

November 19, 2001

Tony Ettore  
Assistant General Counsel  
Office of General Counsel  
Department of Environmental Protection  
3900 Commonwealth Blvd., M.S. 35  
Tallahassee, FL 32399-3000

RE: International Petroleum Corp., FLD 065 680 613, Warning Letter # 249186

Dear Mr. Ettore:

I have discussed with IPC/Magnum the possibility of settling the matter along the lines of our recent conversation. Garry Allen (IPC) has authorized me to make the following offer:

1. IPC will pay \$299.00 to FDEP's "Ecosystem Management and Restoration Trust Fund."
2. This settlement is to be memorialized using the same format as the settlement letter of February 16, 2001, which resolved an FDEP Warning Letter dated December 1, 1997. Attached is a copy of the February 16, 2001 settlement letter which can easily be adapted to the current situation.

I hope this is acceptable to the District, so that we can close this matter. Thank you for your cooperation.

Sincerely,

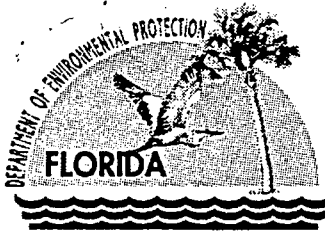


R. L. Caleen, Jr.

Enclosure

xc: James M. Dregne, FDEP  
Garry Allen, IPC

**D.E.P.**  
NOV 21 2001  
Southwest District Tampa



# Department of Environmental Protection

Jeb Bush  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

February 16, 2001

Garry R. Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, FL 33566

**RECEIVED**  
MAR 07 2001

Re: Proposed Settlement of International Petroleum Corporation  
FLD 065 680 613  
OGC File No.:00-2345

Department of Environmental Protection  
BY SOUTHWEST DISTRICT  
Petroleum Corporation

Dear Mr. Allen:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated December 1, 1997, a copy of which is attached. The corrective actions required to bring the International Petroleum Corporation facility into compliance have been performed. In order to resolve the matters identified in the attached Warning Letter, you have agreed to pay in settlement the amount of \$18,896.00, along with \$1,264.00 to reimburse the Department costs, for a total of \$20,160.00. This payment must be made payable to The Department of Environmental Protection by certified check or money order and shall include the OGC File Number assigned above and the notation "Ecosystem Management and Restoration Trust Fund." Payment shall be sent to the Department of Environmental Protection, 3804 Coconut Palm Drive, Tampa, Florida, 33619-8318. The payment shall be made in 24 equal monthly installment payments of \$840.00 commencing within 10 days of your signing this letter. Final payment is due no later than February 20, 2003. Failure to timely make any installment payment will allow the Department, at its discretion, to accelerate the balance which will become immediately due. The department agrees that your signature of this letter is not an admission that your facility was in violation of the regulations cited in the Warning Letter.

Your signing of this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the Department. When the signed letter is filed with the Clerk, the letter shall constitute final agency action of the Department, which shall be enforceable pursuant to Sections 120.69 and 403.121, Florida Statutes.

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If you do not sign and return this letter to the Department at the District address above by March 9, 2001, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights of substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,

*James F. Cleary*  
Deborah A. Getzoff  
Director of District Management  
Southwest District

I ACCEPT THE TERMS OF THIS SETTLEMENT OFFER IDENTIFIED ABOVE.

For: International Petroleum Corp For the Department:

By: *Gary R. Allen*  
Gary R. Allen  
President  
International Petroleum Corp.

*James F. Cleary*  
Deborah A. Getzoff  
Director of District Management  
State of Florida Department of  
Environmental Protection

ENTERED this 12 day of March, 2001 in Tampa, Florida.

DAG/jmd

Attachments

FILING AND ACKNOWLEDGEMENT  
FILED, on this date, pursuant to S120.52  
Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

*Betty Rodgers* 3-12-01  
Clerk Date

### NOTICE OF RIGHTS

Persons who are not parties to this Settlement Agreement but whose substantial interests are affected by this Settlement Agreement have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this notice. A copy of the Petition must also be mailed at the time of filing to the District Office named above at the address indicated. Failure to file a petition within the 21 days constitutes a waiver of any right such person has to an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes.

The petition shall contain the following information: (a) The name, address, and telephone number of each petitioner; the Department's Settlement Agreement identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Settlement Agreement; (c) A statement of how each petitioner's substantial interests are affected by the Settlement Agreement; (d) A statement of the material facts disputed by petitioner, if any; (e) A statement of facts which petitioner contends warrant reversal or modification of the Settlement Agreement; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Settlement Agreement; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner want the Department to take with respect to the Settlement Agreement.

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Mediation under Section 120.573, Florida Statutes, is not available in the proceeding.



# Department of Environmental Protection

Lawton Chiles  
Governor

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

Virginia B. Wetherell  
Secretary

DEC - 1 1997

Mr. Garry Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, FL 33566

RE: International Petroleum Corporation  
EPA ID# FLD 065 680 613  
Warning Letter #187521  
Hillsborough County

Dear Mr. Allen:

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 September 17, 1997, 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 379, 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.

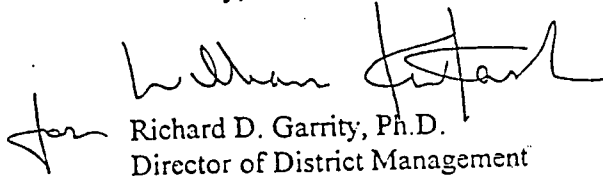
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which 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 could be assessed in hazardous waste cases are up to \$25,000 per day per violation. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, under the

*"Protect, Conserve and Manage Florida's Environment and Natural Resources"*

*Printed on recycled paper.*

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,



Richard D. Garrity, Ph.D.  
Director of District Management  
Southwest District

RDG/jd

Enclosure

cc: Panduranga Ojili, HWR  
Kelley Boatwright, Hillsborough County EPC  
Compliance File

# WATKINS & CALEEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1725 MAHAN DRIVE, SUITE 201  
POST OFFICE BOX 15828  
TALLAHASSEE, FLORIDA 32317-5828

D.E.P.  
SEP 07 2001  
Southwest District Tampa

R. L. CALEEN, JR.  
W. DAVID WATKINS

(850) 671-2644  
FAX (850) 671-2732  
E-MAIL: lawyers@floridacourts.com

September 5, 2001

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

RE: International Petroleum Corporation  
FLD 065 680 613  
Warning Letter #249186  
Hillsborough County

Dear Ms. Getzoff:

On behalf of International Petroleum Corporation ("IPC"), this letter responds to your Warning Letter of July 26, 2001. The primary alleged violation relates to several 55-gallon drums of drained and crushed used oil filters not labeled "Used Oil Filters" in accordance with Rule 62-710.850(6)(a), F.A.C.

Both Garry Allen, of IPC, and I have questioned Jim Dregne about this allegation. He reiterated that the Department interprets Rule 62-710.850 as regulating all used oil filters, whether crushed or uncrushed, as used oil filters until they reach the processing end user.

This interpretation is not expressed nor necessarily implied by the plain language of the rule. In fact, the language implies the opposite. "Used Oil Filter(s)," which are subject to regulation by Rule 62-710.850, F.A.C., are defined as a devices which remove contaminants from flowing oil, are removed from service and contain "entrapped used oil." Properly drained and crushed used oil filters, however, are no longer subject to used oil regulations as materials containing entrapped used oil. See 40 C.F.R. 279.10(e)(1); Rule 62-710.210(2), F.A.C. (The methods for properly draining used oil filters are specified in 40 C.F.R. 261.4(b)(13).)

Once drained in compliance with state and federal regulations, these filters are disposed of or recycled as a non-hazardous waste. If recycled, they may also be considered as scrap metal. "EPA does not see any reason to distinguish drained used oil filters, which may be contaminated with small amounts of used oil, from other types of scrap metal which may be contaminated with small amounts of other liquid hazardous wastes." EPA Letter from Elizabeth A. Cotsworth, Acting Director, Office of Solid Waste to Christopher Harris, dated January 2, 1998. Also, 40 C.F.R. 261.1(a)(6).

The Department adopted 40 C.F.R. Pt. 279, which contains the federal standards for management of used oil. § 62-710.210(2), F.A.C. Further, the Department's Used Oil Management rule expressly states that the intent of the rule is "to regulate used oil in a manner consistent with the Federal Regulations and interpretations thereof promulgated by the United States Environmental Protection Agency." § 62-710.210(2), F.A.C.

The Department's Used Oil Management rule, which addresses management of used oil filters, was adopted to implement Sections 403.751 and 403.754, Florida Statutes. Those provisions provide authority to regulate used oil – not materials which are no longer subject to used oil regulations as materials containing used oil.

It appears, therefore, that the Department may be enforcing a policy or interpretation of Ch. 62-710, not expressed or implied by the rule, in violation of Sections 120.54(1)(a) and 120.56(4), Florida Statutes. This non-rule policy is also stricter or more stringent than one set by EPA in adopting (and interpreting) 40 C.F.R. Pt. 279 pursuant to federal law. The Department is free to adopt such stricter standards by rule, provided it is based on specific statutory authority, but such action may only be taken by the Governor and Cabinet after completing economic and environmental impact studies. See, § 403.804, F.S.

The Department's non-rule interpretation at issue has not been exposed to public hearing or comment, which might call it into question. For example, I understand that crushed or drained used oil filters are often transported to a broker who accumulates them for shipment to the end user, e.g. U.S. Foundry, for smelting. The Department's interpretation would impose used oil management standards on the temporary storage of scrap metal or materials no longer containing used oil by federal and state regulations; and on parties not subject to registration under Rule 62-710.850, F.A.C.

Deborah A. Getzoff  
September 5, 2001  
Page 3

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I would appreciate it if you would discuss this further with Mr. Dregne and Ms. Posner and reconsider the interpretation of Ch. 62-710 which the Warning Letter seeks to enforce.

Thank you for your consideration.

Sincerely,



R. L. Caleen, Jr.

xc: Augusta Posner, OGC  
James M. Dregne, SW District  
Garry Allen, IPC

1202-1:RLC:ko

# WATKINS & CALEEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1725 MAHAN DRIVE, SUITE 201  
POST OFFICE BOX 15828  
TALLAHASSEE, FLORIDA 32317-5828

D.E.P.

SEP 07 2001

Southwest District Tampa

R. L. CALEEN, JR.  
W. DAVID WATKINS

(850) 671-2644  
FAX (850) 671-2732  
E-MAIL: lawyers@floridacourts.com

September 5, 2001

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

RE: International Petroleum Corporation  
FLD 065 680 613  
Warning Letter #249186  
Hillsborough County

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Deborah A. Getzoff  
September 5, 2001  
Page 3

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Thank you for your consideration.

Sincerely,



R. L. Caleen, Jr.

xc: Augusta Posner, OGC  
James M. Dregne, SW District  
Garry Allen, IPC

1202-1:RLC:ko

0

# Memorandum

To: All Drivers  
CC: Dennis, JP, Sam, Mike  
From: Hunt  
Date: 07/13/00  
Re:

Please ensure that drums of filters and antifreeze are labeled as follows:

- Filters – Used Oil Filters
- Antifreeze – Used Antifreeze for recycling

This is the only acceptable wording for the contents description on the labels.

This memo is in effect as of today. There will be no excuses for mislabeling a drum.



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

Garry R. Allen  
IPC/Magnum  
105 South Alexander Street  
Plant City, Florida 33566

August 7, 2001

RE: Warning Letter 249186  
International Petroleum Corporation  
EPA ID #FLD 065 680 613  
Hillsborough County

Dear Mr. Allen:

The Department has received your request for a sixty-day extension on responding to the referenced Warning Letter. The extension is approved. Please contact the Department NLT October 2, 2001, for the purpose of scheduling a meeting to resolve this matter.

If you have any questions please contact me at (813) 744-6100 extension 410.

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Dregne".

James M. Dregne  
Environmental Specialist III  
Waste Management Division

JMD/jmd



**D.E.P.**  
**AUG 06 2001**  
**Southwest District Tampa**

105 S. Alexander Street  
Plant City, FL 33566  
(800)282-9585  
(813)754-1504  
(813)754-3789 Fax

James Dregne  
Department of Environmental Protection  
Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

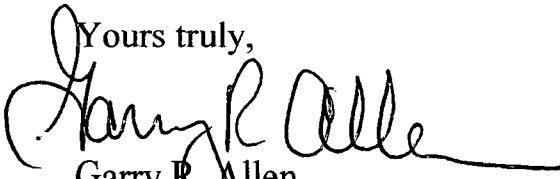
August 2, 2001

Re: Warning Letter # 249186

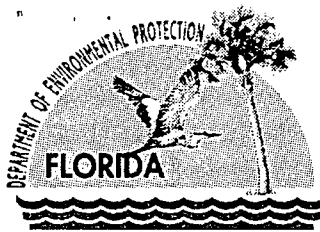
Dear Mr. Dregne:

Please accept this letter as our request for a sixty (60) day extension on responding to your Warning Letter dated July 26, 2001. We will need more time to answer the alleged violations.

Yours truly,



Garry R. Allen  
President IPC



Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

October 3, 2001

R.L. Caleen, Jr.  
Watkins & Caleen, P.A.  
POB 15828  
Tallahassee, FL 32317-5828

RE: International Petroleum Corp., FLD 065 680 613, Warning Letter #249186

Dear Mr. Caleen:

This is in response to your letter of September 5, 2001, concerning regulation of used oil filters under Rule 62-710.850, Florida Administrative Code (F.A.C.)

In June, 1995, the Department properly noticed and promulgated the used oil filter (UOF) regulation in accordance with all applicable administrative procedure requirements. Among other things, the rule implements the statutory prohibition set forth in §403.751(1)(c), Florida Statutes (F.S.): "No person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills in Florida unless approved by the department." This is ample statutory authority for the Department to ensure that mixtures of used oil and other solid waste do not end up in landfills. One way to accomplish this is appropriate management of UOFs.

Rule 62-710.850(2)(a), F.A.C., contains the following definition:

"Used oil filter" means any device which is an integral part of an oil flow system, the primary purpose of which is to remove contaminants from the flowing oil contained within the system and which, as a result of use has become contaminated and unsuitable for its original purpose, is removed from service and contains entrapped used oil.

All UOFs, including those that have been crushed and drained, contain "entrapped used oil." Research has demonstrated that a 55-gallon drum of UOFs crushed by the generator can contain as much as seven to ten gallons of used oil. Therefore, your statement that "Properly drained and crushed used oil filters, however, are no longer subject to used oil regulations as materials containing entrapped used oil" is not correct.

*"More Protection, Less Process"*

*Printed on recycled paper.*

The definition of UOF in Chapter 62-710, F.A.C. does not contain an exception for "crushed and drained" used oil filters.

Rule 62-710.850(6)(a), F.A.C. requires that "All persons storing used oil filters shall store used oil filters in above ground containers which are clearly labeled 'Used Oil Filters'" ... This is a very clear and simple regulation that has been applied in the most literal and straightforward fashion. No "policy or interpretation not expressed or implied by the rule" is involved. "All persons" means "all persons" and "used oil filters" means "used oil filters."<sup>1</sup>

The Department construes 40 CFR 279.10(e)(1) as relating solely to *petroleum products* that are reclaimed from used oil and not burned for energy recovery. This is consistent with the example specified in the regulation, "re-refined lubricants."

It is very important to note that Florida has not adopted the exemption provided in 40 CFR. 261.4(b)(13), according to which used oil filters are "solid waste" but not "hazardous waste" if they have been appropriately hot-drained. Thus, in Florida, drained and crushed UOFs remain solid waste and are subject to a hazardous waste determination, unless they are managed in accordance with the UOF rule. This state of affairs is summed up in EPA's preamble to promulgation of 40 CFR Part 279, at 57 FR 41585 (September 10, 1992):

After separating used oils from other materials or solid wastes, the remaining materials or solid waste must be managed in accordance with any and all applicable RCRA requirements. The generator must determine whether or not the materials that previously contained used oil exhibit a characteristic of hazardous waste...and, if so, manage them in accordance with RCRA controls. If the material does not exhibit a hazardous characteristic (and is not mixed with a listed hazardous waste) then the material can be managed as a solid waste.

Florida grants relief from the hazardous waste determination requirement by allowing UOF to be managed as used oil.

Your letter of September 5 mentions an "EPA letter from Elizabeth A. Cotsworth to Christopher Harris dated January 2, 1998." I believe the correct date of the EPA letter is June 2, 1998. In any event, this EPA letter addressing the possibility that crushed used oil filters might under some circumstances be "processed scrap metal" was written after Florida adopted the UOF regulation. The question of whether EPA felt that regulation of used oil filters was appropriate in 1998 is not really relevant in Florida, since we have had a rule regulating used oil filters in place since 1995.

---


<sup>1</sup> Once the UOFs reach an "end user," such as a scrap metal dealer or metal foundry, an exemption from all UOF requirements is provided in Rule 62-710.850(4)(d), F.A.C. "... with respect to used oil filters that have been obtained from a registered used oil filter processor." Thus, even end users must label UOF drums, if the UOFs were obtained from anyone other than "a registered used oil filter processor."

We also disagree with your suggestion that Section 62-710.850, F.A.C., may not have been properly promulgated. Such a determination can only be made in accordance with the provisions of Section 120.56(3), F.S., but it is the Department's position now, as it was in 1995, that the adoption of this rule met all applicable rulemaking requirements in Sections 120.54 and 403.804, F.S. Even if the Cotsworth letter is read to imply that EPA interpreted its rules to exclude crushed used oil filters in 1998, that can have no bearing on our earlier rulemaking.

Hopefully this addresses your concerns and your client will continue to label all UOF containers.

The Southwest District has recalculated the proposed penalty for the violations noted in WL#249186, based on a later version of the "Guidelines for Characterizing Used Oil Violations." A copy of the revised penalty proposal is enclosed. I look forward to a prompt resolution of the outstanding enforcement issue.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Deborah A. Getzoff". The signature is fluid and cursive, with a large initial 'D'.

Deborah A. Getzoff  
Director of District Management  
Southwest District

Encl.

cc: Augusta Posner, OGC  
Chris McGuire, OGC  
Raoul Clarke, HWM  
Satish Kastury, HWR  
Garry Allen, IPC



## PENALTY COMPUTATION WORKSHEET

Violator's Name: International Petroleum Corporation

Identify Violator's Facility: 105 South Alexander Street, FL --- FLD 065 680 613

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

ComHaz Case #: 249186

Date: September 28, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	279.52(a)(5) aisle space	28.7	Minor	Moderate	\$599 -- \$200		Combined with viol. #3	\$0
2	279.54(f)(1) no UO label	20.1	Minor	Minor	\$199 -- \$100		repeat	\$199
3.	62-710.850(6)(a) no UO-F label	26.2	Minor	Moderate	\$599-- \$200			\$400
Administrative Costs								\$100

**REVISED TOTAL PENALTY AND COST**

**\$699.00**

**Florida Department of  
Memorandum Environmental Protection**

---

**ENFORCEMENT/COMPLIANCE COVER MEMO**

TO:

- 10/9/01
- Deborah A. Getzoff, Director of District Management  
 William Kutash, Environmental Administrator  
 Office of General Counsel, ATTN: \_\_\_\_\_

THRU

- for*  
William Kutash, Environmental Administrator  
*for*  
Stanley Tam, Professional Engineer II  
Elizabeth Knauss, Environmental Manager  
Al Gephart, Engineer IV

FROM:

*for* Jim Dregne, Environmental Specialist III

DATE:

October 3, 2001

FILE NAME: **International Petroleum Corporation**

PROJECT #: 249186

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 type="checkbox"/> Warning Letter                          | <input checked="" type="checkbox"/> Other Letter |  |

DESCRIPTION OF VIOLATIONS: IPC generates, transports, markets and processes used oil and generates and transports used oil filters. IPC also handles used antifreeze. During this routine annual inspection, inspectors found three violations pertaining to the proper sealing and labeling of containers and adequate aisle space for inspections and emergency response.

SUMMARY OF CORRECTIVE ACTIONS: The facility, through its attorney, contested both the legality and District's application of the regulation governing the management of crushed used oil filters. The District and Tallahassee believe the regulation was properly promulgated and is being properly applied by the District. This letter was drafted by Augusta Posner, OGC, and reviewed by Chris McGuire, OGC, Raoul Clarke, HWM, and Richard Neves, HWM. The facility has corrected the violations and is now labeling all drums of crushed and uncrushed filters.

PENALTY SUMMARY:

Potential for Harm: Moderate

Extent of Deviation: Minor

Penalty Amount: \$599.00

Expenses: \$100.00

TOTAL PENALTY AMOUNT: **\$699.00**

TO SECRETARY

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Mrs. Dany Allen  
 International Petroleum Corp.  
 105 S. Alexander St.  
 Plant City, FL 33566

4a. Article Number 7000 0520  
 0014 8857 3541

4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
 7-27

5. Received By: (Print Name)  
 G. ALLEN

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)  
 X *[Signature]*

PS Form 3811, December 1994 Domestic Return Receipt

**U.S. Postal Service  
 CERTIFIED MAIL RECEIPT  
 (Domestic Mail Only; No Insurance Coverage Provided)**

7000 0520 0014 8857 3541

[Redacted area]

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>

Postmark  
 Here  
 7-26-01

Recipient's Name (Please Print Clearly) (To be completed by mailer)  
 Dany Allen - Earth Petroleum  
 Street, Apt. No., or PO Box No.  
 105 S. Alexander St.  
 City, State, ZIP+4  
 Plant City, FL 33566

PS Form 3800, February 2000 See Reverse for Instructions

Thank you for using Return Receipt Service.



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in the box

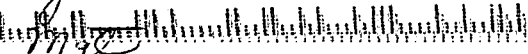
State of Florida  
Department of Environmental Protection  
3804 Coconut Palm Drive  
Tampa, Florida 33619-8318

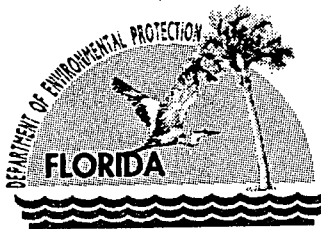
Department of Environmental Protection  
By SOUTHWEST DISTRICT

**RECEIVED**  
JUL 30 2001

*Jim Dreger*

*Waste Mgt*





Jeb Bush  
Governor

# Department of Environmental Protection

Southwest District  
3804 Coconut Palm Drive  
Tampa, Florida 33619

David B. Struhs  
Secretary

July 26, 2001

**CERTIFIED MAIL**  
**RETURN RECEIPT**

Mr. Garry Allen  
International Petroleum Corporation  
105 South Alexander Street  
Plant City, Florida 33566

Re: International Petroleum Corporation  
FLD 065 680 613  
Warning Letter #249186  
Hillsborough County

Dear Mr. Allen:

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 June 14, 2001, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. During that inspection, Florida 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 the matter.

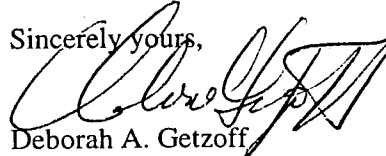
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order that 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 that would be assessed in this case are \$1,799.00. 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 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: Steve Ray, FDEP-Tallahassee  
Kelley Boatwright, Hillsborough County EPC  
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  Follow-Up  Permitting  Pre-Arranged

FACILITY NAME: International Petroleum Corporation DEP/EPA ID #: FLD 065 680 613

STREET ADDRESS: 105 South Alexander Street; Plant City, FL 33566

MAILING ADDRESS: 105 South Alexander Street; Plant City, FL 33566

COUNTY: Hillsborough PHONE: (813) 754-1504 DATE: 06/14/01 TIME: 9:15 am

NOTIFIED AS:  N/A

CURRENT STATUS:

- non-handler
- CESQG (<100 Kg per month)
- SQG (100 Kg - 1000 Kg per month)
- LQG (>1000 Kg per month)
- transporter
- transfer facility
- interim status TSDF
- permitted TSDF
- unit types:
- exempt treatment facility
- used oil: Processor, Transporter, Marketer
- used oil filter: Processor, Transporter

- non-handler
- CESQG (<100 Kg per month)
- SQG (100 Kg - 1000 Kg per month)
- LQG (>1000 Kg per month)
- transporter
- transfer facility
- interim status TSDF
- permitted TSDF
- unit types:
- exempt treatment facility
- used oil: Processor, Transporter, Marketer
- used oil filter: Processor, Transporter

### 2. APPLICABLE REGULATIONS:

- |  |   |  |                                      |
|--|---|--|--------------------------------------|
| <input type="checkbox"/> 40 CFR 261.5          | <input checked="" type="checkbox"/> 40 CFR 262  | <input checked="" 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"/> 62-737, FAC           | <input type="checkbox"/> 62-740, FAC |

### 3. RESPONSIBLE OFFICIAL:

Garry Allen - President

### 4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP	Garry Allen - IPC
Steve Morgan - FDEP	Dave Pomella - IPC/Magnum
Jim Dregne - FDEP	

5. LATITUDE/LONGITUDE: 28°00'30"/ 82°08'00"

6. SIC Code: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: 93015-HO06-001 ISSUE DATE: 08/20/98 EXP. DATE: 08/20/03

"More Protection, Less Process"

## 9. PROCESS DESCRIPTION:

International Petroleum Corporation (IPC) is a used oil processor and marketer of on-spec used oil. IPC produces a fuel oil that is equivalent to No. 5 Fuel Oil and a flotation oil for the phosphate industry. IPC has been at this location since 1984 and is currently employing approximately 60 people. The eight-acre site contains an oil re-refinery facility, an industrial wastewater pre-treatment facility, storage tanks, two maintenance garages, a testing laboratory and three administration/storage buildings. According to Mr. Allen, the facility does not intentionally accept off-spec used oil or hazardous waste. On occasion, IPC may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is not transported by IPC, but is transported directly from the generator to the disposal facility.

The IPC tank farm consists of 27 aboveground storage tanks. Seventeen (17) of these tanks (approximate capacity of 1,397,600 gallons) are used to store used and re-refined used oil. The tanks have secondary containment consisting of concrete walls and floors designed to contain oil spills. Overall, the containment areas were clean and in good condition.

Used oil and petroleum contaminated products, including off-spec virgin fuels, are processed into an on-spec used oil fuel using a multi-stage distillation system. Water that is distilled from the used oil is pretreated in the company's wastewater treatment plant prior to being discharged to the Plant City POTW. The light distillates from the distillation process are burned on-site in the Born hot oil furnace to provide thermal energy for the re-refinery process. The Born furnace is operated under a FDEP Air Permit. The containment in this area was clean and in good condition.

The majority of the used oil, used oil filters and oily wastes are brought into the facility by tanker trucks owned by IPC, common carriers, independent oil transporters and tanker rail cars. A rail spur is located along the south side of the facility. Used oil delivered by rail only stays at the facility for a few days depending on the time it is staged at the spur. The spur has a small containment curb running parallel to the rails that provides some secondary containment capacity for small spills and leaks for rail cars staged at the spur.

IPC drivers screen all used oil that is scheduled for pick-up. Each driver takes a sample of the oil to be picked-up and also tests the oil for total halogens using a sniffer. Any oil showing a halogen concentration greater than 1000 ppm is not pumped or accepted by the IPC driver. Generator samples are retained by IPC for future analytical verification.

All used oil arriving at the facility is sampled and analyzed in the facility's on-site laboratory using a Dohrmann MC120/130 analyzer before it is off loaded from any truck or rail car. International Environmental Service (IES) operates the laboratory. All tanker truck compartments are sampled and tested. If the oil indicates a total halogen concentration of less than 1,000 ppm, the used oil is accepted and pumped into the tank farm. Used oil containing 1000 ppm or more total halogens is presumed to be hazardous and is not accepted by IPC. Usually the facility has been able to rebut the presumption by demonstrating through testing that the used oil does not contain a hazardous waste or that it is from an exempted source. A document review of used oil analyses conducted at the facility between February 2, 2001, and June 16, 2001, showed fifteen samples that had used oil exceeding 1000-ppm halogens. Each sample was evaluated and properly managed.

Used oil, oily water or used antifreeze from tanker trucks are first pumped through a 40-mesh filter basket to remove silts and other solids before they enter any tank in the tank farm. The filtered material is pumped to a 630,000-gallon aboveground storage tank, T-630. The tank was properly labeled, "Used Oil". Used oil from tank T-630 is fed by aboveground piping to the processing area where it is processed



through an atmospheric distillation column and a vacuum distillation column. The re-refined oil is then transferred to tank 30KV. Normally, the re-refined oil in tank 30KV is transferred to tank 552 once per day. The processed oil in tank 552 is sampled and tested to determine if the processed used oil meets the used oil fuel specifications. If the used oil meets the specifications, it is released by IPC for shipment to, or is further blended for, its customers. Water distilled from the used oil is pumped to tanks SKW and SKE.

Crushed and uncrushed used oil filters are received in 55-gallon drums and stored in a drum storage area adjacent to the maintenance building. There was no aisle space between the drums in the storage area. **This is a violation of 40 CFR 279.52(a)(5).** The filters are segregated into groups of crushed and uncrushed filters. The uncrushed filters are normally shipped to Fort Pierce for crushing. On occasions the uncrushed filters will be crushed at the Plant City facility. Crushed filters are smelted at the U.S. Foundry facility in Medley, Florida. At the time of the inspection, drums of uncrushed used oil filters were sealed and properly labeled. However, the 55-gallon drums of crushed used oil filters were not properly labeled and one 55-gallon drum was missing the bung and therefore, not properly sealed. **These are violations of 62-710.850(6)(a), FAC.** At the time of the inspection, Mr. Allen contended that the crushed filters qualified as scrap metal and therefore did not have to be managed as used oil filters. The Department considers all used oil filters, crushed and uncrushed, as used oil filters until they have reached the processing end user. In this case, the end user is U.S. Foundry. The end user is not required to comply with the used oil filter provisions for filters obtained from a registered used oil filter processor.

Empty 55-gallon drums are collected in a drum washing area located at the east end of the product oil tank farm. The drums are pressure washed with water. Diesel fuel or kerosene is used to "cut" the oil. The oily waste from the drum cleaning operation drains to a sump next to the wash area. The oily waste is then pumped from the sump, via aboveground piping, to T-630. If the waste generated at the wash area is water, a valve can be used to route the wastewater to tanks SKE and SKW.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water distilled from the re-refining of used oil is accumulated in two 47,000 gallon aboveground storage tanks SKE and SKW. The wastewater is treated in a pre-treatment system consisting of gravity separation, chemical treatment, flocculation, coagulation and dissolved air flotation. Any oil recovered from the tanks by gravity separation or dissolved air flotation is pumped to T-630 for re-refining. Following pre-treatment of the wastewater, the water is discharged to the Plant City POTW.

Used antifreeze picked-up by IPC drivers is placed in a separate compartment in the tanker truck. When the truck arrives at IPC, the used antifreeze is transferred to T-630 for processing with the used oil or it may be pumped to tank 20V (or alternate tanks) for recycling. The destination for the incoming used antifreeze is dependent on the glycol content of the antifreeze. Antifreeze containing greater than 30% glycol (high value glycol) typically goes to tank 20V. IPC stores the antifreeze in tank 20V until it has enough to fill a rail car. Rail cars of used antifreeze are shipped to the Magnum - U.S. Filter facility. Antifreeze with low glycol value normally goes to Ft. Pierce or T-630. According to Mr. Allen, IPC requires a hazardous waste determination to be made prior to the acceptance of any used antifreeze that is not destined for recycling. A separate waste determination is necessary for each facility. A review of IPC's records showed that each client providing antifreeze to IPC had a TCLP analysis performed for four contaminants of concern; benzene, lead, trichloroethene and tetrachloroethene. Any client's antifreeze that tested hazardous was not being accepted by IPC.

Solid waste managed at the facility includes petroleum contaminated solid waste generated by IPC and its clients. Petroleum contaminated solid wastes are picked-up by IPC as a service to its clients. The solid waste handled by IPC includes petroleum-contaminated sludges, absorbents, soils and rags. The waste is

managed as a non-hazardous waste. The incoming solid waste drums are screened at the facility to make sure that they do not contain any oil or other liquids. The drums of solid waste are sent to an approved thermal facility or a licensed landfill for disposal. Incoming drums containing oil and solids are managed as used oil. The oil is pumped from the drums and the solids are bulked for disposal at an approved thermal facility or a licensed landfill. At the time of the inspection there were seven 55-gallon drums of oily waste, oil and oily sludge that had been generated on site. Six of the drums were not properly labeled. **This is a violation of 40 CFR 279.54(f)(1).**

There were also two 55-gallon drums of oily sludge stored alongside a roll-off box in the wash rack area. One of the drums had no label. **This is a violation of 40 CFR 279.54(f)(1).**

A large amount of the solid waste generated by IPC comes from the cleaning of lint traps and sumps. The Company has done extensive testing of these waste streams. The analyses from these tests indicate that the waste is non-hazardous. A review of the records at IPC for the previous twelve months showed that the lint trap and sump waste had been managed properly.

Before the processed oil is shipped off-site, a composite sample is collected from tank 552 using the All-levels sampling procedure or, depending on tank level, a sample may be drawn from a six-foot high sample port. The sample is taken to the IES on-site laboratory for analysis. If the analytical results indicate that the processed oil meets the on-spec criteria, the oil is released for shipment or further blending. Re-refined oil may be blended or stored in tanks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20V or 24K with other virgin fuels to make a variety of different fuel blends to meet customer demands. An inspection of the analytical results indicated that the re-refined oil meets the specification for No. 5 Fuel Oil and the on-spec criteria listed in 40 CFR 279.11.

At various locations throughout the facility there were observed 5-gallon buckets of used oil mostly used to collect drips/leaks from piping and equipment. These buckets should be labeled, "Used Oil."

East of tank T-83 was one 55-gallon drum of oily sludge generated on-site. The drum was not labeled. **This is a violation of 40 CFR 279.54(f)(1).**

Incoming and outgoing manifests for used oil, used oil filters, crushed oil filters, petroleum contact water and antifreeze are kept by IPC for at least three years. Records for the previous eight months were reviewed for completeness and accuracy. No record violations were observed.

The Company had copies of its current registrations for used oil transporter, processor and marketer, and used oil filter transporter, transfer facility and processor. IPC also submitted its annual report in a timely manner.

Fire extinguishers at the facility are being serviced annually. The fire and emergency equipment are inspected monthly. The facility is equipped with spill kits consisting of absorbents, blankets and booms. Inspection records from October 2000 thru May 2001 were reviewed and found to be incomplete. Two weekly inspection logs of the Refinery (10/9/00 and 10/16/00) could not be produced at the time of the inspection. The inspection logs were provided the Department following the inspection.

IPC employees receive training as outlined in the company's "Used Oil Training and Certification Manual". The company's truck drivers are provided driver training and an orientation program. All personnel are to receive annual refresher training. The last annual refresher training was conducted on May 4,7,8,14 and 15, 2001.

On June 20<sup>th</sup> and 26<sup>th</sup> IPC trucks and drivers were checked. Each truck inspected was operational and had all required safety equipment. All trucks had records of valid annual state inspections. Each driver had a valid driver license and medical certificate. Drivers had received training commensurate with their responsibilities during the previous six months.

**10. SUMMARY OF ALLEGED VIOLATIONS:**

- |                       |  |
|-----------------------|--|
| 40 CFR 279.52(a)(5)   | Failure to provide aisle space to allow inspections and emergency response.  |
| 40 CFR 279.54(f)(1)   | Failure to properly label containers of used oil and oily waste with the words, "Used Oil". <b>(repeat)(corrected)</b> |
| 62-710.850(6)(a), FAC | Failure to properly seal and label containers of used oil filters. <b>(corrected)</b>                                  |

**11. RECOMMENDED CORRECTIVE ACTIONS:**

- |                     |   |
|---------------------|---|
| 40 CFR 279.52(a)(5) | Effective immediately, the facility shall provide and maintain aisle space between containers in storage to provide unobstructed movement for inspections and emergency response. |
|---------------------|---|

Report prepared by: Al Gephart  
Al Gephart  
Engineer IV

Report reviewed by: Jim Dregne  
Jim Dregne  
Environmental Specialist III

Approved by: Elizabeth Knauss Date: 7/19/01  
Elizabeth Knauss  
Environmental Manager

## PENALTY COMPUTATION WORKSHEET

Violator's Name: International Petroleum Corporation

Identify Violator's Facility: 105 South Alexander Street, FL --- FLD 065 680 613

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

ComHaz Case #: 249186

Date: July 13, 2001

	Violation Type	Manual Guide	Potential for Harm	Extent of Deviation	Matrix Range	Multi Day	Other Adjustments	Total
1.	279.52(a)(5) aisle space	28.7	Moderate	Minor	\$1,999 -- \$1,200		Combined with viol. #3	\$0
2	279.54(f)(1) no UO label	20.1	Minor	Minor	\$199 -- \$100		repeat	\$199
3.	62-710.850(6)(a) no UO-F label	26.2	Moderate	Minor	\$1,999-- \$1,200			\$1,600
<b>TOTAL</b>								<b>\$1,799</b>

Inspectors: Dregne / Gephart / Morgan

Date: June 14, 2001

## INSPECTION CHECKLIST

*International Petroleum Corporation  
105 South Alexander Street  
Plant City, FL 33566  
FLD 065 680 613*

Permit No. 93015-HO06-001  
Issued: 08/20/98  
Expires: 08/20/03  
Site ID No. 30676

Permit No. 93015-HOS6-003  
Issued: 11/02/00  
Expires: 08/20/03

Last Inspection 9/25/00

### Used Oil Processing Facility

27 Aboveground Storage Tanks (See Attachment B for descriptions of contents).

#### GC General Conditions

- GC.2 Have there been any changes in processes or operations ?  Y  N
- GC.12 A copy of the operating permit is maintained at the facility.  Y  N
- GC.14 Operating records contain the required information:  Y  N
- Date, Place and Time of sampling or analyses;
  - Person performing the sampling or analyses;
  - Analytical techniques or methods used;
  - Results of the analyses.

#### SC Specific Conditions

##### Part I. Standard

- I.10 The facility has submitted its annual registration by March 1.  Y  N
- I.11 Were any shipments of used oil refused due to suspected mixing with hazardous waste ? (Any oil analyses pass or fail must be kept for 3 yrs.)  Y  N
- If so, was the Department notified in writing within 7 days ?  Y  N

##### Part II. Operations

- II.2 Used oil storage capacity at the facility is at or below 1,543,000 gallons.  Y  N
- II.3 Only permitted non-hazardous waste streams are processed at the facility.  Y  N
- Used oil;
  - Oily waste (centrifuge solids, filter residues or sludges, tank bottom sediments, sorbents (pads, booms, rags, vermiculite), and oily rags;

**International Petroleum Corporation  
Compliance Evaluation Inspection Checklist**

- Petroleum contaminated soils, sludges, debris and PPE;
- Debris from spill cleanup;
- Petroleum sludges from tanks, pits and sumps;
- Petroleum contaminated water and industrial waters;
- Petroleum contact water;
- Non-liquid waste streams from on-site oil processing;
- Waste antifreeze;
- Used oil filters.

- II.4 Generators supply initial TCLP analysis (or generator knowledge statement)  Y  N  
of waste antifreeze. (Check facility files for certifications.) \* FOR THOSE THAT ARE NOT RECYCLED.
- II.6 The following records are maintained at the facility.
- Permit application;  Y  N
  - Operating permit;  Y  N
  - Manifests and Bill-of-Lading of all shipments;  Y  N
  - Shipping papers include all of the required information as stated in 40 CFR 279.56 (Acceptance / Delivery);  Y  N
  - Training records;  Y  N
  - Inspection records; \*\* FACILITY COULD NOT PRODUCE 10/9/00 AND 10/16/00 WEEKLY INSPECTION LOGS FOR THE REFINERY.  Y  N
  - Closure Plan;  Y  N
  - Results of Waste Analyses;  Y  N
  - Annual used oil recovery reports;  Y  N
  - Validated annual used oil registration form.  Y  N
- II.9 All processed oil is sampled prior to shipping off-site.  Y  N

**Part III. Tanks**

- III.1 Used oil tanks and containers are labeled "Used Oil". See inspection report  Y  N
- III.2 Regulated tank systems are inspected weekly. \*\* See note on Inspection Records Above  Y  N
- III.3 Records are maintained for inspections and monthly release detection monitoring for process and storage tanks. \*\* See note on inspection Records above  Y  N
- III.5 Secondary containment areas are sealed and free of cracks.  Y  N
- III.6 The areas of secondary containment provide containment for at least 110 % of the volume of the largest tank.  Y  N
- III.7 Spilled or leaked waste and accumulated precipitation is removed from containment areas within 24 hours of detection.  Y  N

**Part IV. Contingency Plan**

- IV.2 Emergency and spill equipment is available at the facility.  Y  N
- At a minimum the facility shall have:
- |                              |                           |                         |
|------------------------------|---------------------------|-------------------------|
| 10 eight ft. absorbent booms | 3 bales of absorbent pads |                         |
| 4 shovels                    | 2 rakes                   | *** ONLY CHECKED THE    |
| Absorbent clay               | 3 hoes                    | SPILL KIT FOR SUPPLIES. |
- IV.2,3 The emergency and safety equipment is available, tested and maintained.  Y  N
- IV.5 There is adequate aisle space in all storage areas for inspections.  Y  N  
\*\*\* NO AISLE SPACE IN CONTAINER STORAGE AREA
- IV.6 Primary evacuation routes are posted in appropriate locations throughout the facility.  Y  N
- IV.7 A copy of the Contingency Plan is maintained on-site.  Y  N
- The following are still the Emergency Coordinators:  Y  N
- |                     |           |
|---------------------|-----------|
| <u>Gary Allen</u>   | Primary   |
| <u>Dave Pomella</u> | Alternate |
| <u>Rick Mobley</u>  | Alternate |
- A list of emergency response phone numbers is posted by the phones.  Y  N
- The Contingency Plan was last amended on (date) 9-09-00
- Amendments to the CP are sent to appropriate agencies.  Y  N

**Part V. Training**

- V.1,2 The Company's "Used Oil Training Program" is given initially and annually thereafter.  Y  N
- Personnel training is documented.  Y  N

**Part VI. Closure**

- VI.1 The facility maintains a copy of the Closure Plan.  Y  N

**Solid Waste (40 CFR 262)**

- 40 CFR 262.11 Each solid waste stream is sampled and analyzed at least annually.  Y  N
- All outgoing materials for disposal are sampled and analyzed annually.  Y  N

**International Petroleum Corporation  
Compliance Evaluation Inspection Checklist**

**Used Oil Filter Processing (62-710.850, FAC)**

62-710.850(4) The facility has current registration certificates for:

- Used Oil Filter Transporter;  Y  N
- Used Oil Filter Processor.  Y  N

62-710.850(5) The facility has records indicating the destination or end use of the processed used oil filters and the Name and Address of each destination or end user.  Y  N

The facility has submitted its annual report by March 1.  Y  N

62-710.850(6) All used oil filters are stored in:

- Above ground containers on impermeable surfaces;  Y  N
- Sealed containers that are in good condition;  Y  N
- Containers labeled, "Used Oil Filters". \*\*\*\*  Y  N

Upon detection of any leaking oil from a container, the oil is contained, cleaned-up and managed properly.  Y  N

\*\*\*\*  
Need to provide  
DEP position on crushed  
used oil filters  
versus uncrushed  
filters

**Petroleum Contact Water (62-740, FAC)**

62-740.300(2) The following records are maintained at the facility:

- Name and address of producer;
- Name and address of transporter;
- Date of receipt of the PCW shipment;
- Volume of PCW received;
- A copy of the shipping paper;
- Weekly container or tank inspections.

\_\_ Y \_\_ N

} WAS NOT INSPECTED  
ON THIS INSPECTION

62-740.300(4) The facility has written assurance from the producer that the PCW is non-hazardous. \_\_ Y \_\_ N



Florida Department of  
**Memorandum Environmental Protection**

---

**ENFORCEMENT/COMPLIANCE COVER MEMO**

*Handwritten signature and date: [Signature] 7/25/01*

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

THRU *SCT* William Kutash, Environmental Administrator  
*SCT* Stanley Tam, Professional Engineer II  
*B* Elizabeth Knauss, Environmental Manager  
✓ Al Gephart, Engineer IV

FROM: *JD* Jim Dregne, Environmental Specialist III

DATE: July 17, 2001

FILE NAME: **International Petroleum Corporation** PROJECT #: 249186

PROGRAM: Hazardous Waste COUNTY: Hillsborough

TYPE OF DOCUMENT:  
 draft or  final  NOV  Consent Order  
 Final Order  Case Report  Penalty Authorization  
 Warning Letter  Other

DESCRIPTION OF VIOLATIONS: IPC generates, transports, markets and processes used oil and generates and transports used oil filters. IPC also handles used antifreeze. During this routine annual inspection, inspectors found ~~six~~ violations pertaining to the proper sealing and labeling of containers and adequate aisle space for inspections and emergency response.

SUMMARY OF CORRECTIVE ACTIONS: The facility must return to compliance, enter into a Consent Order, and pay a penalty.

**PENALTY SUMMARY:**

Potential for Harm: Moderate Extent of Deviation: Minor

Penalty Amount: \$1,799.00 Expenses: \$100.00

TOTAL PENALTY AMOUNT: **\$1,899.00**  TO SECRETARY



an Earth Liquids Company

105 S. Alexander Street  
Plant City, FL 33560  
(800) 202-9505  
(813) 754-1504  
(813) 754-3789 Fax

INTERNATIONAL PETROLEUM CORPORATION- PLANT CITY

TELECOPIER COVER PAGE

NAME:

Jim Dregne

COMPANY:

FDEP

DATE:

7-9-01

SENT BY:

David Pomella

NUMBER OF PAGES  
(INCLUDING COVER):

5

TELECOPIER NUMBER:

813 744-6125

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2 Weeks Inspections

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TELEPHONE NO.:  
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(813) 754-3789

# International Petroleum Corporation

105 South Alexander Street, Plant City, Florida 33516

(813) 754-1504

U.S. EPA ID. NO. FLD 05-080-113

## YARD INSPECTION REPORT

Tank No.	
1	05K
2	20V
3	24K
4	10K
5	20KV
6	30KV <input checked="" type="checkbox"/>
7	T-83
8	T-150
9	SF2 <input checked="" type="checkbox"/>
10	SK-1F <input checked="" type="checkbox"/>
11	SK-1V <input checked="" type="checkbox"/>
12	T-60 <input checked="" type="checkbox"/>

Fire Hydrants No.	
1 <input checked="" type="checkbox"/>	7 <input checked="" type="checkbox"/>
2 <input checked="" type="checkbox"/>	18 <input checked="" type="checkbox"/>
3 <input checked="" type="checkbox"/>	19 <input checked="" type="checkbox"/>
4 <input checked="" type="checkbox"/>	20 <input checked="" type="checkbox"/>
5 <input checked="" type="checkbox"/>	21
6 <input checked="" type="checkbox"/>	22
7 <input checked="" type="checkbox"/>	23
8 <input checked="" type="checkbox"/>	24
9 <input checked="" type="checkbox"/>	25
10 <input checked="" type="checkbox"/>	26
11 <input checked="" type="checkbox"/>	27
12 <input checked="" type="checkbox"/>	28
13 <input checked="" type="checkbox"/>	29
14 <input checked="" type="checkbox"/>	30
15 <input checked="" type="checkbox"/>	31
16 <input checked="" type="checkbox"/>	32

Fire Hoses No.	
1 <input checked="" type="checkbox"/>	5
2 <input checked="" type="checkbox"/>	6
3 <input checked="" type="checkbox"/>	7
4 <input checked="" type="checkbox"/>	

Contaminated Area (South Tank Farm): \_\_\_\_\_

Contaminated Area (West Tank Farm): \_\_\_\_\_

Contaminated Area (T-60):

Contaminated Area (Refinery):

Spill Kit Equipment: \_\_\_\_\_

General Condition of Facility: **GOOD**

Remarks: \_\_\_\_\_

Notes: \_\_\_\_\_

Inspector: **H. DAVIS** Date: **10/09/00**

Signature: **H.E. DAVIS**

Page 1 of 11

WEEKLY FACILITY INSPECTION CHECKLIST

Date: 10/09/00
Time: 8:00 AM
Inspector: HAROLD DAVIS

Not Satisfactory
If Any of Applicable
If Required
Remedial/Corrective Actions

Drainage
Any noticeable oil sheen on runoff.
Containment area drainage valves are closed and locked.
Oil/water separator systems working properly.
Effluent from oil/water separator inspected.
No visible oil sheen in containment area.
No standing water in containment area.

ASTs
Tank surfaces checked for signs of leakage.
Tank coating inspected for cracking, corrosion, pitting.
Bolts/welds, especially on containment, inspected.
Tank foundation inspected.
Level gauges and floats working properly.
Vents are not obstructed.
Valves, lances, or gauges are free from seals.
Containment walls are intact.

Pipelines
No signs of corrosion damage to pipelines or supports.
Buried pipelines are not exposed.
Out-of-service pipes capped.
Signs/barriers to protect pipelines from vehicles are in place.
No leaks at valves, flanged, or other fittings.

Truck Loading/Unloading Area
No standing water in area.
Warning signs posted.
No leaks in hoses.
Drip pans not overflowing.
Catch basins free of material.
Containment covering intact.
Connections & area around flanges flanged.

Security
Fence and gates intact.
Gates have locks.
ASTs locked when not in use.
Starter controls for pumps locked when not in use.
Lighting is working properly.

Training
Spill prevention training held.
Training records are available.

Remarks/Recommendations:

# International Petroleum Corporation

105 South Alexander Street, Plant City, Florida 33563  
(813) 754-1504

U.S. EPA ID. NO. FLD 05 650 213

## YARD INSPECTION REPORT

Tank No.	
1	DSK
2	20V
3	24K
4	10K
5	20KV
6	30KV X
7	T-83
8	T-150
9	S52 X
10	SK-F X
11	SK-W X
12	T-650 X

Fire Extinguishers No.	
1 X	7 X
2 X	18 X
3 X	19 X
4 X	20
5 X	31
6 X	22
7 X	23
8 X	24
9 X	25
10 X	26
11 X	27
12 X	28
13 X	29
14 X	30
15 X	31
16 X	32

Fire Hoses No.	
1	5
2	6
3	7
4	

Containment Area (South Tank Farm):  
 Containment Area (West Tank Farm):  
 Containment Area (T-650): X  
 Containment Area (Refinery): X  
 Spill Kit Equipment:

General Condition of Facility: **GOOD**  
 Remarks:  
 Notes:

Inspector: **H. DAVIS** Date: **10/17/00**  
 Signature: **H.C. DAVIS**

Page 3 of 11  
Page 7 of 11

WEEKLY FACILITY INSPECTION CHECKLIST

Date: 10/17/00  
Time: 8:35 AM  
Inspector: HAROLD DAVIS

X = Satisfactory  
N/A = Not Applicable  
C = Repair or Replacement Required  
G = See comments section  
H = Hazardous conditions

Drainage

Any noticeable oil sheen on runoff.

Containment area drainage valves are closed and locked.

Oil/water separator systems working properly.

Effluent from oil/water separator inspected.

No visible oil sheen in containment area.

No standing water in containment area.

ASTs

Tank surfaces checked for signs of leakage.

Tank coating inspected for cracking, corrosion, pitting.

Baffle walls, if present, are cleaned.

Tank ladders are intact.

Level gauges and floats working properly.

Vents are not obstructed.

Valves, lances, or gauges are free from leaks.

Containment walls are intact.

Pipelines

No signs of corrosion damage to pipelines or supports.

Buried pipelines are not exposed.

Out-of-service pipes capped.

Signs/barriers to protect pipelines from vehicles are in place.

No leaks at valves, flanged, or other fittings.

Truck Loading/Unloading Area

No standing water on ground.

Warning signs posted.

No leaks in hoses.

Drip pans not overflowing.

Catch basins free of sediment.

Containment bunding present and intact.

Connections at ends of hoses/flanged.

Security

Fence and gates intact.

Gates have locks.

ASTs locked when not in use.

Starter controls for pumps locked when not in use.

Lighting is working properly.

Training

Spill prevention training held.

Training records are in order.

Remarks/Recommendations:



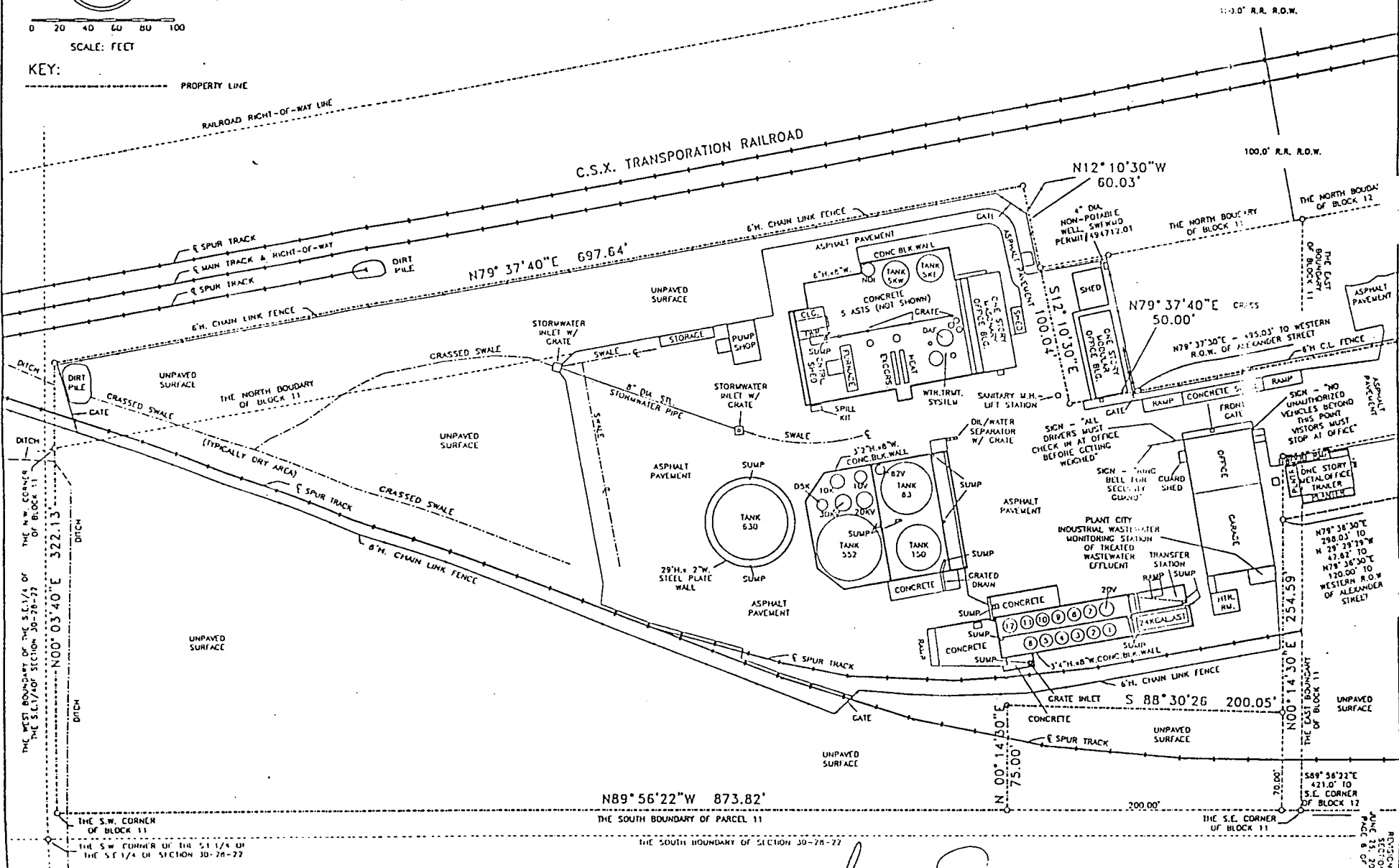
0 20 40 60 80 100  
SCALE: FEET

KEY:

----- PROPERTY LINE

NOTES:  
SITE PLAN IS DEVELOPED FROM THE PIMM-WOODS ENGINEERING CO. SURVEY CERTIFIED ON MAY 25, 1993 BY RICHARD C. HUMMEL, R.L.S. NO. 3809

LEGAL DESCRIPTION:  
SAID PROPERTY IS BLOCK 11 AND PART OF BLOCK 12 OF EAST FOREST PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 7, PAGE 14 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA  
ALSO, SITE IS LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 30, TOWNSHIP 28 SOUTH, RANGE 22 EAST.



ATTACHMENT A

15959 SITE DWG.

**HANDEX**  
Practical Environmental Solutions

4510 Oak Tree Boulevard  
Suite No. 120  
Tampa, Florida 33610  
(813) 876-4846

**INTERNATIONAL PETROLEUM CORPORATION**  
U.S. EPA ID. NO. FLD 065 680 613  
105 SOUTH ALEXANDER STREET, PLANT CITY, FLORIDA 33566

*Richard C. Hummel*  
6-27-00

**BUILDINGS AND OTHER STRUCTURES**  
P.N. 120461-01      FIGURE 1-E

SECTION 2  
JUNE 28, 2000  
PAGE 8 OF 11

1 OIL 14,700 GAL. IN SERVICE 5/80	2 OIL 14,700 5/80	3 OIL 15,000 5/80	4 OIL 15,000 5/80	5 OIL 15,000 5/80	6 OIL 18,800 5/80	24K OIL 24,000 5/80
20V ANTIFREEZE 20,000 5/80	7 OIL 14,100 5/80	8 OIL 14,100 5/80	9 OIL 14,700 5/80	10 OIL 14,700 5/80	11 OIL 18,800 5/80	12 OIL 24,000 5/80
T-150 EMPTY 212,000 NOT IN SERVICE	T-83 EMPTY 212,000 NOT IN SERVICE	552 OIL 500,000 7/89	10K DIESEL 10,000 7/89	20KV OIL 20,000 5/89	30KV OIL 30,000 5/89	D5K OILY WATER 5,000 1/99
SKW OILY WATER 44,650 9/87	SKE OILY WATER 44,650 9/87	NOI EMPTY 2,900 NOT IN SERVICE	T-630 OIL 630,000 12/99	<p>ALL TANKS AND PIPELINES ARE ABOVE GROUND.                  ALL TANKS ARE ON CONCRETE SLABS.                  ALL SLABS HAVE CONCRETE BLOCK WALLS/REINFORCED                  AND Poured CAP, EXCEPT T-630 WHICH HAS A                  COATED STEEL WALL.                  ALL TANKS ARE STEEL.                  ALL CONTAINMENT AREAS HAVE AUTOMATIC SUMP PUMPS                  THAT PUMP RAINWATER TO TANKS SKW AND SKE.                  TANKS 10V AND 82V MAY OCCASIONALLY BE USED TO                  TEMPORARILY HOLD RAINWATER FROM THE CONTAINMENT                  AREAS BEFORE BEING TRANSFERRED TO TANKS SKW                  AND SKE.                  ALL TANKS ARE INVENTORIED DAILY USING THIS FORM.                  ALL INCOMING PRODUCTS ARE TESTED BEFORE LOADING.                  TANK 20V MAY OCCASIONALLY CONTAIN OIL.</p>		
10V RAINWATER 10,000 9/87	82V RAINWATER 8,200 9/87					

SECTION 2  
SECTION 3  
SECTION 4  
SECTION 5  
SECTION 6  
SECTION 7  
SECTION 8  
SECTION 9  
SECTION 10  
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SECTION 48  
SECTION 49  
SECTION 50



Jim - Gary Allen's T-552 is exempt from tank req because he stores a re-refined used oil equivalent to a No. 5 fuel oil. When I checked the analytical logs in the lab the viscosity of the oil was in the proper range to pass for #5 fuel oil

But, when I checked the certificate of analysis of the oil shipped. I saw that the API gravity of all shipments ranged from 27-28 which would indicate oil equivalent to #4 Fuel Oil or #2 Fuel oil not #5 (14-22 API gravity).

Next time you're at IBC would you ask them to explain. It's a big issue to them because T-552 does not have adequate secondary containment if it falls under the tank rules.



Individuals and businesses with violations still have the option of negotiating a settlement with DEP at any time. Under the new law, individuals and businesses will also have the opportunity to resolve violations through mediation or through a quicker, less formal administrative legal process.

### **What is mediation?**

Individuals and businesses can choose a mediator from a list provided by the Florida Conflict Resolution Consortium to negotiate disputed violations. Up to eight hours of mediation will be paid out of the Ecosystem Management and Restoration Trust Fund, which is funded by penalties collected for environmental violations.

### **What is the administrative legal process?**

Individuals and businesses may choose to resolve violations through an administrative hearing, which allows a less formal legal process than state court but still requires violations to be proven by a *preponderance of the evidence*. Under this option, an administrative law judge imposes penalties according to the penalty schedule provided in the law.

Administrative law judges may increase penalties if the individual or business has a history of non-compliance or to eliminate economic gain from the violation. Administrative law judges may also reduce penalties if mitigating circumstances are proven. This process requires violations to be resolved within six months.

### **What other states have comprehensive administrative penalty authority for resolving environmental violations?**

Delaware, Massachusetts, Missouri, Montana, Rhode Island and Hawaii.

## DRUM STORAGE AREA NEXT TO MAINTENANCE GARAGE

≈ 24 DRUMS UNCRUSHED used oil FILTERS  
NO AISLE SPACE

≈ 18 DRUMS CRUSHED used oil FILTERS  
1 DRUM - open bung (NOT sealed)  
ALMOST ALL HAD NO LABELS  
NO AISLE SPACE TO CHECK

DEP needs to resolve crushed filter issue.

19 DRUMS OF SOLID TRANSFER WASTE

## WASH RACK / SLUDGE AREA

ROLL-OFF BOX CONTAINED NON-OIL CONTAMINATED SOLIDS  
WOOD / CAULKING / DRUM

10 DRUMS FROM NEFF RENTAL WITH LABELS

7 DRUMS OF OILY WASTE 6 HAD NO LABELS  
SITE GENERATED WASTE?

2 DRUMS OF SLUDGE ALONGSIDE ROLL-OFF BOX  
1 HAD NO LABEL

3 DRUMS OF CURING AGENT ⇒ SHOULD BE STORED  
WITH TRANSFER WASTE

## EAST OF T-83

1 DRUM site-generated SLUDGE - NO LABEL

~~DRUMS~~

## NORTH WEST OF Refinery

11 DRUMS OF PRODUCT (5) were labeled waste

## LABORATORY

ONE MANIFEST D001 ⇒ should be D002

The following comments are in response to the "Hazardous Waste Facility Operating Permit Renewal Application" submitted to the Department on May 29, 2001.

**Section 1 Application For A Hazardous Waste Facility Permit**

DEP Form 62-730.900(2)(a)

On page 13, there is no mention of the previously held air permit (issued by FDEP) for the facility's storage tanks. Please provide the status of any air permits issued to the facility.

The list of SIC codes on page 14 appears to be incomplete. Please provide all applicable SIC codes for the facility.

Please add a statement in the application that the facility has reviewed 40 CFR 264 Subpart CC and has determined that none of the current operations at the facility fall under those regulations.

**Section 2 Facility Description**

On page 2-1, the third sentence of the second paragraph should be re-written for clarity. For example, the sentence could state, "Unloading and loading of tanker trucks with fresh parts washer solvent and spent washer solvent occurs at Area C, ....."

On page 2-1, the fourth sentence of the second paragraph references Area B on Figure 2.1-2. Would it be more appropriate to reference Area A?

There is no mention of the acceptance and management of "continued use solvent" at the facility. Please provide descriptions of the handling, management and tracking of continued use solvent and the Continued Use Program, in general.

On page 2-4, the description of buildings and other structures does not include a notation of the roof extension in the return/fill station as mentioned in the description of legal boundaries on page 2-3.

On page 2-5, please include the drainage or flood control barriers for the extreme north end of the property as mentioned in the description of the run-off control system on page 2-4.

On page 2-9, reference is made to 62-737.700 FAC. This part of the rule has been repealed. Please cite 62-737.400.

On Page 2-12, please add the SKDOT number 60 to the listing and provide the proper description of this waste stream.

mentation that a hazardous waste determination has been made and that the soils or sludges accepted by the used oil processor are non-hazardous. My opinion is based upon Rule 62-701.320(13), F.A.C. which provides:

“(13) Other facility permits. In addition to the exemptions in subsection (2) of this section, the following solid waste management facilities which are constructed and operated under an appropriate and currently valid permit are not required to obtain a separate solid waste permit pursuant to this chapter:

(a) Incinerators which are constructed and operated under a permit issued pursuant to Chapters 62-296 or 62-256, F.A.C.; however, if the facility is also storing or disposing of solid waste on the site, and such storage or disposal is not addressed in the permit, a separate solid waste permit is required;

(b) Incinerators which are constructed and operated under a site certification pursuant to Chapter 403, Part II, F.S.;

(c) Solid waste management facilities, such as composting facilities, waste tire processing facilities, used oil recycling facilities, and bio-hazardous waste treatment or storage facilities, which are required to obtain permits under Rules 62-702 through 62-729, F.A.C.”

Thus, DEP's rules clearly provide that a used oil recycling facility does not need to obtain a separate solid waste permit. So long as sludge and solid waste management is rationally and reasonably related to the facility's used oil recycling operations, DEP would be acting contrary to its own rules in requiring a separate solid waste facility permit, or in imposing requirements beyond those specifically set forth in the used oil management standards of Chapter 62-710, F.A.C.

DEP's past policy statements regarding the need for streamlining of permit processes also are contrary to the suggestion that a separate solid waste permit should be required for a facility which recovers used oil or petroleum products from solids and soils. DEP's announced policy of permit streamlining would be defeated by imposing onerous solid waste management permit requirements on a used oil recycler.

Some DEP staff members have argued that a used oil processing facility, which conducts processing or recovery from solids and soils is a "combination" facility which includes both a used oil processor facility and a Materials Recovery Facility. Under this view, a single permit could still be issued, but the combined permit would address both used oil requirements, as well as MRF requirements. Rule 62-701.320(5)(c), F.A.C. provides:

(c) Combination facilities. An application for a permit to construct or operate a solid waste management facility having multiple solid waste management components which, if standing alone, would require solid waste management facility permits, shall include all information required to be submitted had each component been proposed as a separate facility, independent of the other components. Such information may be combined or otherwise presented so as to avoid duplicative or repetitive submittals. Additionally, such applications shall be accompanied by such fees as would be required for each facility component; however, the total permit fees for a facility shall not exceed \$25,000, exclusive of modifications and renewals.

The significance of treating a used oil processing facility as a "combination" facility which includes a MRF component is that the MRF rule (Rule 62-701.700, F.A.C.) has ground water monitoring and financial assurance requirements that are not included in the Used Oil Processor rule. As to the issue of ground water monitoring, I would point out that the contaminants of concern for the soil and sludge activities are no different than the contaminants of concern for the other used oil and petroleum product recovery operations. Therefore, the only requirements applicable should be the requirements of Chapter 62-710 for used oil operations, and 62-762 for above ground storage tanks. As to financial assurance requirements, I would point out that there is no specific financial assurance requirement for used oil processors, and that the increased costs for closure of the facility as a result of limited soil or sludge management activities is negligible.

In summary, there is no definitive answer to the question. Some DEP districts have agreed that a used oil processor does not need a separate MRF permit to process limited volumes of petroleum-contaminated sludge or soil. Other districts are taking the approach that a used oil processor must obtain a MRF permit. My interpretation of the applicable regulations leads to the conclusion that a separate MRF permit should not be required, although some additional specific conditions may be included in the used oil processor operating permit to address any environmental concerns from the processing of solids. In most instances, additional groundwater monitoring and financial assurances should not be required.

Please feel free to call with your questions or comments. Next month: an update on DEP's Guidelines for Characterizing Used Oil Violations for penalty assessments.

*Geoffrey D. Smith maintains a statewide environmental law practice with the Tallahassee based firm of Blank, Rigsby & Meenan. He formerly served as a Senior Attorney for the Florida Department of Environmental Protection.*

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# Legal Lines

by: Geoffrey D. Smith, Attorney at Law, Blank, Rigsby & Meenan, P. A., Tallahassee

The Legal Lines column was established to respond to questions and concerns raised by the UAUOS members regarding interpretation and application of used oil regulations, as well as other legal matters of interest. Any member with such questions is invited to call me at the Legal Hotline at 850-681-6710.

Over the past couple of years, the response to this member service has been mixed. At times, I feel like the Maytag repairman—lonely and wishing someone would call with a question. At other times, the phone has been ringing off the hook. As the old saying goes, it's either feast or famine. This month, it's feast. Here's a summary of the questions and my responses.

**Q.** Does a used oil transporter need a permit to collect used oil filters which are subsequently shipped to a processing facility within 5-7 days?

**A.** No. The requirements for management of used oil filters are quite simple and are set forth in Rule 62-710.850, F.A.C. There are no permit requirements. There is a requirement that the following categories of operators must register with DEP:

- (a) used oil filter transporters;
- (b) used oil filter transfer facilities;
- (c) used oil filter processors; and

(d) end users of used oil filters, including scrap metal dealers, metal foundries and thermal processing units such as cement kilns, who accept used oil filters from a person who is not a registered used oil filter processor. An end user shall not be required to comply with the provisions of this section with respect to used oil filters that have been obtained from a registered used oil filter processor.

A 'Used oil filter transporter' means any person who transports for hire used oil filters to a used oil filter transfer or processing facility.

A 'Used oil filter transfer facility' means any facility which is used to store, for more than 10 days, used oil filters which were not generated at that facility. A person who stores their own used oil filters generated at their own non-contiguous operations on their own property is not considered a used oil filter transfer facility provided the used oil filters are processed by a registered used oil filter processor.

In the question posed, the facility would not store the used oil filters for more than 10 days, and therefore is not considered a "used oil filter transfer" facility. However, the facility would meet the definition for a used oil filter transporter, and would simply file a registration form notifying DEP of this activity. There is no separate fee required.

In summary, a person who transports used oil filters, but does not store the filters for more than 10 days, needs only to register with DEP as a used oil filter transporter. It should be noted,

however, that disposal of used oil filters in a landfill or commingling of such filters with other solid waste for disposal in a landfill is prohibited in Florida.



**Q.** A used oil transporter collects used oil in tank trucks for delivery to processors or burners. The transporter does not have any storage tanks, but periodically allows shipments to remain in tank trucks parked at its facility for longer than 24 hours. Must the transporter register as a used oil transfer facility? What are the requirements for a "transfer" facility?

**A.** The requirements for used oil transfer facilities are set forth in 40 CFR Section 279.45. A used oil transfer facility means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation.

If a transporter stores used oil in its tank trucks for more than 24 hours, then the facility meets the definition of a transfer facility. The requirements for transfer facilities are: (1) to ensure that storage tanks or containers are in good condition with no visible leaks; (2) to provide secondary containment around tanks or storage units; (3) to label storage containers with the words "Used Oil", and; (4) to take appropriate actions to respond to spills and releases.

A transporter who stores used oil in parked trucks for more than 24 hours could easily meet the transfer facility requirements by simply creating a berm around an impervious parking area, and following the above requirements. The transporter should register with DEP as a "transfer facility."

**Q.** We operate a used oil processing facility, where we receive used oil and process it for re-sale. Our facility also accepts some soils and sludge materials that are contaminated with used oil and petroleum products. The product is drained from the soil or sludge, and the remaining material is then shipped to an off-site treatment or disposal facility. The soils and sludges account for only a small fraction (less than 10%) of the volume of materials we process; the remainder is used oil. We have applied for a used oil processor permit, but DEP is requiring that we also apply for a separate solid waste facility (Materials Recovery Facility or "MRF") permit. Do we have to get two different permits for the facility?

**A.** This question has resulted in debate and disagreement, among operators in the industry as well as within DEP itself. My opinion is that the limited processing of soils and sludges should not require a separate permit. Of course, this assumes that the generator is supplying the facility with proper docu-

There are a number of difficulties in deriving conclusions with a high degree of confidence from UOF data. First, as the Department's authority to regulate UOFs extends only to the oil trapped within the filter, the reporting of such data was made optional under the rule.

Second, UOFs are collected in a number of different ways (e.g. barrels, drums, roll-offs or bins of crushed, uncrushed or shredded filters) and the data are reported using barrel equivalents (1 barrel equals a certain number of filters) and tonnage conversions (converting weight to numbers of filters). Hence, the numbers generated can only be approximations. Furthermore, staff has been unable to obtain sales figures of new oil filters in Florida as this is considered proprietary information by the companies involved in this business. As a result, staff can only estimate the number of filters which are generated in the state. Finally, data on filters generated in areas of the state serviced by Waste-to-Energy facilities are, for the most part, not reported at all. This is assumed to be a significant number of filters as approximately 30% of all solid waste generated in Florida is burned for energy recovery.

Even though the actual reporting mechanisms are weak, the Department continues to use a very liberal estimate of UOF generation in Florida (assuming four filter changes per year for the 12.7 million vehicle registrations estimated for 1998 by the Florida Department of Highway Safety and Motor Vehicles). Based on this assumption, FDEP now estimates that approximately 52 million UOFs are generated in Florida per year.

From the data reported, approximately 18,544,657 UOFs were collected (diverted from landfill disposal). This accounts for approximately 36% of the UOFs generated in Florida. It can be assumed that a majority of the unreported filters are managed by persons served by a WTE facility. Most of the filters reported to have been collected were sent to U.S. Foundry in Dade County which recycles the filters into gray steel, used to produce manhole covers and similar products. The prohibition against the landfill disposal of used oil filters has resulted in the recycling, rather than disposal, of approximately 9,272 tons of steel in 1998. About 427,430 gallons of used oil, trapped within the filter, were collected during the management of these filters and handled under the used oil management standards. Approximately 985,478 UOFs were reported as end of year, on-site inventory. It is very common for filter handlers to store large quantities of filters on-site until a large bulk load can be shipped to a final end user. This practice minimizes transportation costs, allows for thorough draining of used oil from the filters and ensures a maximum value for the clean metal. A slight degree of error can be assumed, based on the variables mentioned at the start of this section. The degree of reporting error for 1998 data was around 1.8%.

### PUBLIC USED OIL COLLECTION CENTERS (PUOCCs)

As of December, 1999, Florida had a statewide network of 1,125 PUOCCs. The Department has worked closely with all county Used Oil Coordinators, the Florida Petroleum Council, the Florida Petroleum Marketers Association, and others in the quick-lube oil-change business in establishing this network. As a result of this effort, all but four (rural) counties have more than one location where used oil can be taken for recycling. Major oil companies and hundreds of independent service stations, auto repair shops, quick-lube shops and auto parts

**U.S. ANALYSIS REQUEST FC VI**

Date: \_\_\_\_\_

I.E.S. Control #: \_\_\_\_\_

Customer #: \_\_\_\_\_

Driver: \_\_\_\_\_ Sales Representative: \_\_\_\_\_

**Client Information:**

*PTLX 126008*

Company: Systech Contact: \_\_\_\_\_  
 Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sample Matrix: (Please Circle)**

Oil Water Soil Sludge/Sediment Absorbent(clay) Other:

**Please check requested parameters:**

X	Parameter:	Result:(ppm)	X	Parameter:	Result:(ppm)
	Arsenic	<i>2.19</i>		% Ash	
	Barium			Flash Point	
	Cadmium	<i>0.46</i>		Gravity (API)	
	Chromium	<i>22.4</i>		% H <sup>2</sup> O	
	Lead	<i>31.2</i>		% Solids	
	Mercury			% Sulfur	
	Selenium			Viscosity	
	Silver			Total Halides (TX)	<i>5285</i>
	--			--	
	CBOD			PCB's	
	Chloride			8021B (BTEX)	
	COD			8021B (VOH)	<i>&lt;100 mg/kg</i>
	Conductivity			8021B (FULL)	
	Nitrate / Nitrite				
	Phenol			Bench Test H <sup>2</sup> O	Treatable
	Phosphorus				Untreatable
	TSS			Drops 7808	
	Other:			Initial pH	

Analyst: \_\_\_\_\_

Accepted : \_\_\_\_\_ Date: \_\_\_\_\_

Rejected : \_\_\_\_\_ Date: \_\_\_\_\_

*A 552 6/8/01*  


---

*TK = 398*  
*AS = 0.5*  
*Cr = 2.0*  
*Cd = 0.26*  
*Ph = 25.2*



**I.E.S. ANALYSIS REQUEST FORM**

Date: 6-8-01

I.E.S. Control #: 01-0427

Customer #: \_\_\_\_\_

Driver: DARRIN L JAMES Sales Representative: NICK BAKER

**Client Information:**

Company: Allied Tire Contact: \_\_\_\_\_

Address: 2900 S. Woodland Blvd  
Deland FL

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sample Matrix: (Please Circle)**

Oil Water Soil Sludge/Sediment Absorbent(clay) Other:

**Please check requested parameters:**

X	Parameter:	Result:(ppm)	X	Parameter:	Result:(ppm)
	Arsenic			% Ash	
	Barium			Flash Point	
	Cadmium			Gravity (API)	
	Chromium			% H <sup>2</sup> O	
	Lead			% Solids	
	Mercury			% Sulfur	
	Selenium			Viscosity	
	Silver			Total Halides (TX)	<u>4265 ppm</u>
	--			--	
	CBOD			PCB's	
	Chloride			8021B (BTEX)	
	COD			8021B (VOH)	
	Conductivity			8021B (FULL)	
	Nitrate / Nitrite				
	Phenol			Bench Test H <sup>2</sup> O	Treatable
	Phosphorus				Untreatable
	TSS			Drops 7808	
	Other:			Initial pH	

Analyst: \_\_\_\_\_

Accepted : \_\_\_\_\_ Date: \_\_\_\_\_

Rejected : \_\_\_\_\_ Date: \_\_\_\_\_

**I.E.S. ANALYSIS REQUEST FORM**

Date: 4/16/01

I.E.S. Control #: 01-0276

Customer #: \_\_\_\_\_

Driver: \_\_\_\_\_ Sales Representative: G. Allen

**Client Information:**

Company: ESI, Ecological Systems Contact: \_\_\_\_\_

Address: Indianapolis IN

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sample Matrix: (Please Circle)**

Oil  Water  Soil  Sludge/Sediment  Absorbent(clay)  Other:

**Please check requested parameters:**

X	Parameter:	Result:(ppm)	X	Parameter:	Result:(ppm)
<input checked="" type="checkbox"/>	Arsenic	289	<input checked="" type="checkbox"/>	% Ash	4.59
<input checked="" type="checkbox"/>	Barium		<input checked="" type="checkbox"/>	Flash Point	160°
<input checked="" type="checkbox"/>	Cadmium	.578	<input checked="" type="checkbox"/>	Gravity (API)	12.72-11.4
<input checked="" type="checkbox"/>	Chromium	36.8	<input checked="" type="checkbox"/>	% H <sup>2</sup> O	39.90
<input checked="" type="checkbox"/>	Lead	87.3	<input checked="" type="checkbox"/>	% Solids	8%
<input type="checkbox"/>	Mercury		<input type="checkbox"/>	% Sulfur	
<input type="checkbox"/>	Selenium		<input checked="" type="checkbox"/>	Viscosity	980
<input type="checkbox"/>	Silver		<input checked="" type="checkbox"/>	Total Halides (TX)	SL26-APR-02 SPECIN 8530 PPM
<input type="checkbox"/>	--		<input type="checkbox"/>	--	
<input type="checkbox"/>	CBOD		<input checked="" type="checkbox"/>	PCB's	BDL
<input type="checkbox"/>	Chloride		<input type="checkbox"/>	8021B (BTEX)	
<input type="checkbox"/>	COD		<input checked="" type="checkbox"/>	8021B (VOH)	203.6 mg/kg
<input type="checkbox"/>	Conductivity		<input type="checkbox"/>	8021B (FULL)	
<input type="checkbox"/>	Nitrate / Nitrite		<input type="checkbox"/>		
<input type="checkbox"/>	Phenol		<input type="checkbox"/>	Bench Test H <sup>2</sup> O	Treatable
<input type="checkbox"/>	Phosphorus		<input type="checkbox"/>		Untreatable
<input type="checkbox"/>	TSS		<input type="checkbox"/>	Drops 7808	
<input type="checkbox"/>	Other:		<input type="checkbox"/>	Initial pH	

(Analyst): [Signature]

(Accepted): \_\_\_\_\_

(Rejected): \_\_\_\_\_

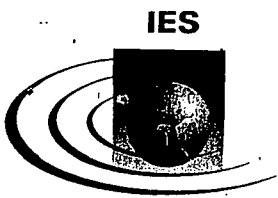
(Date): \_\_\_\_\_

(Date): \_\_\_\_\_

**\* high Chromium**

[Signature]





IES

**International**  
Environmental Services, Inc.  
anEarthLiquids Company

105 S. Alexander Street  
Plant City, FL 33566  
(800)282-9585  
(813)754-1504  
(813)754-3780 Fax

**CERTIFIED ANALYSIS**

**CLIENT INFORMATION**

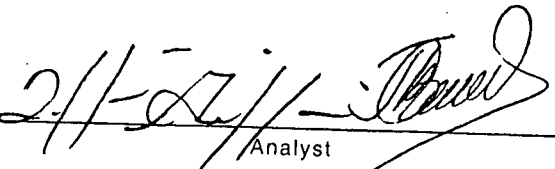
CLIENT NAME:	<b>Entegra Rooftile- Indiantown</b>
CLIENT SAMPLE ID:	275 gal tank
SAMPLED BY:	Jim Briggs
SAMPLE DATE:	05/15/01
SAMPLE TYPE:	WASTE OIL
IES CONTROL NUMBER:	01-0378

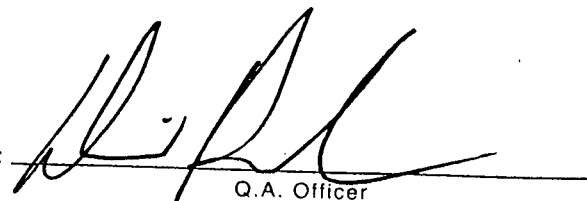
**RESULT INFORMATION**

ANALYTE	METHOD	DATE	RESULTS	MDL*	UNITS
Total Halogens	EPA9076	05/16/01	2403	10.0	mg/Kg
Tetrachloroethene	EPA8021B	05/16/01	2151.9	10.0	mg/Kg
<b>Total Halogenated Volatile Organic Compounds</b>	<b>EPA8021B</b>	<b>05/16/01</b>	<b>2151.9</b>	<b>10.0</b>	<b>mg/Kg</b>

\*Surrogate 1,4-dichlorobutane: 112.8% recovery  
\*10ppm HVOC QA /QC Standard: 99.8% recovery

MDL\* : METHOD DETECTION LIMIT  
BDL : BELOW DETECTION LIMIT

Certified By:   
Analyst

Certified by:   
Q.A. Officer

State of Florida Certification: E84160

COMQAP:870319G

**I.E.S. ANALYSIS REQUEST FORM**

Date: 3/12/01

I.E.S. Control #: 01-0181

Customer #: \_\_\_\_\_

Driver: \_\_\_\_\_

Sales Representative: \_\_\_\_\_

**Client Information:**

*PTCY 126012*

Company: Shamrock Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**Sample Matrix: (Please Circle)**

Oil Water Soil Sludge/Sediment Absorbent(clay) Other:

**Please check requested parameters:**

X	Parameter:	Result:(ppm)	X	Parameter:	Result:(ppm)
<input checked="" type="checkbox"/>	Arsenic	.281	<input checked="" type="checkbox"/>	% Ash	0.328%
<input checked="" type="checkbox"/>	Barium		<input checked="" type="checkbox"/>	Flash Point	144
<input checked="" type="checkbox"/>	Cadmium	.477	<input checked="" type="checkbox"/>	Gravity (API)	30@74°=29'
<input checked="" type="checkbox"/>	Chromium	<del>1.34</del> 1.34	<input checked="" type="checkbox"/>	% H <sup>2</sup> O	2
<input checked="" type="checkbox"/>	Lead	19.1	<input checked="" type="checkbox"/>	% Solids	.6
	Mercury			% Sulfur	
	Selenium		<input checked="" type="checkbox"/>	Viscosity	65
	Silver		<input checked="" type="checkbox"/>	Total Halides (TX)	1165
	--			--	
	CBOD		<input checked="" type="checkbox"/>	PCB's	BDL
	Chloride			8021B (BTEX)	
	COD		<input checked="" type="checkbox"/>	8021B (VOH)	162.3mg/kg
	Conductivity			8021B (FULL)	
	Nitrate / Nitrite				
	Phenol			Bench Test H <sup>2</sup> O	Treatable
	Phosphorus				Untreatable
	TSS			Drops 7808	
	Other:			Initial pH	

Analyst: *2/F-L/L*

Accepted: *25* Date: 3/13/01

Rejected: \_\_\_\_\_ Date: \_\_\_\_\_



**I.E.S. ANALYSIS REQUEST FORM** #1

Date: 4-12-01

I.E.S. Control #: 01-0278

Customer #: \_\_\_\_\_ 1 COPY

Driver: JEFF Wenglarski

Sales Representative: MIKE ANDERSON  
"Drum"

**Client Information:**

Company: Nortrax Contact: \_\_\_\_\_

Address: SO ST \_\_\_\_\_

Phone: Tampa \_\_\_\_\_ Fax: \_\_\_\_\_

**Sample Matrix: (Please Circle)**

Oil  Water  Soil  Sludge/Sediment  Absorbent(clay)  Other: TX

**Please check requested parameters:**

X	Parameter:	Result:(ppm)	X	Parameter:	Result:(ppm)
	Arsenic			% Ash	
	Barium			Flash Point	
	Cadmium			Gravity (API)	
	Chromium			% H <sup>2</sup> O	
	Lead			% Solids	
	Mercury			% Sulfur	
	Selenium			Viscosity	
	Silver			Total Halides (TX)	<u>2176. PPM</u>
	--			--	
	CBOD			PCB's	
	Chloride			8021B (BTEX)	
	COD			8021B (VOH)	<u>1762.7</u>
	Conductivity			8021B (FULL)	
	Nitrate / Nitrite				
	Phenol			Bench Test H <sup>2</sup> O	Treatable
	Phosphorus				Untreatable
	TSS			Drops 7808	
	Other:			Initial pH	

Analyst: [Signature]

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_

Rejected: [Signature] Date: 4/16/01

#2

**I.E.S. ANALYSIS REQUEST FORM**

Date: 4-12

I.E.S. Control #: \_\_\_\_\_

Customer #: \_\_\_\_\_

Driver: JEFF W

Sales Representative: MIKE ANDERSON

"TANK"

**Client Information:**

Company: Nortrax Contact: \_\_\_\_\_

Address: SO ST \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Sample Matrix: (Please Circle)**

Oil     Water     Soil     Sludge/Sediment     Absorbent(clay)     Other:

TX

**Please check requested parameters:**

X	Parameter:	Result:(ppm)	X	Parameter:	Result:(ppm)
	Arsenic			% Ash	
	Barium			Flash Point	
	Cadmium			Gravity (API)	
	Chromium			% H <sup>2</sup> O	
	Lead			% Solids	
	Mercury			% Sulfur	
	Selenium			Viscosity	
	Silver			Total Halides (TX)	1571 ppm
	--			--	
	CBOD			PCB's	
	Chloride			8021B (BTEX)	
	COD			8021B (VOH)	1522.5 mg/kg
	Conductivity			8021B (FULL)	
	Nitrate / Nitrite				
	Phenol			Bench Test H <sup>2</sup> O	Treatable
	Phosphorus				Untreatable
	TSS			Drops 7808	
	Other:			Initial pH	

Analyst: JD

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_

Rejected: 24 Date: 4/16/01



# INTERNATIONAL ENVIRONMENTAL SERVICES, INC.

105 S. Alexander Street • Plant City, Florida 33566

## CHAIN OF CUSTODY RECORD

813 764 8914 P. 02/02

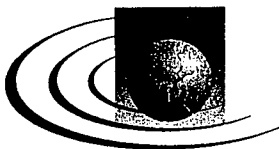
TOTAL P 02

PROJ. NO.		PROJECT NAME & ADDRESS					NUMBER & TYPE OF CONTAINERS						REMARKS	
SAMPLERS: (Signature)		SAMPLERS ORGANIZATION												
STA. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION									
01-0285		Shell Station 2720 Morningside Blvd. Port St Lucie												
<i>Jim Bugay</i>		IPC/MAGNUM												
Oil-1	4/16/01	1400		✓	Oil tank	1-TIME	✓						✓ Laboratory test 1353 PPM	
RELINQUISHED BY: (Signature)			DATE / TIME		RECEIVED BY: (Signature)			RELINQUISHED BY: (Signature)			DATE / TIME		RECEIVED BY: (Signature)	
<i>Jim Bugay</i>			4/17/01 1630											
RELINQUISHED BY: (Signature)			DATE / TIME		RECEIVED BY: (Signature)			RELINQUISHED BY: (Signature)			DATE / TIME		RECEIVED BY: (Signature)	
ADDITIONAL FIELD DATA PERFORMED:			SAMPLER: FROM: TO:		TRANSPORTATION TO LABORATORY BY:			DATE / TIME		REMARKS				

IPC-MAGNUM

APR-17-2001 13:06

IES



**International**  
Environmental Services, Inc.  
an EarthLiquids Company

105 S. Alexander Street  
Plant City, FL 33566  
(800)282-9585  
(813)754-1504  
(813)754-3780 Fax

### CERTIFIED ANALYSIS

### CLIENT INFORMATION

CLIENT NAME:	MAGNUM - FT. PIERCE
CLIENT SAMPLE ID:	Auto Care Center
SAMPLED BY:	Jim Briggs
SAMPLE DATE:	04/13/01
SAMPLE TYPE:	WASTE OIL
IES CONTROL NUMBER:	01-0286

### RESULT INFORMATION

ANALYTE	METHOD	DATE	RESULTS	MDL*	UNITS
Total Halogens	EPA9076	04/20/01	1152	10.0	mg/Kg
Methylene Chloride	EPA8021B	04/24/01	147.2	10.0	mg/Kg
Tetrachloroethene	EPA8021B	04/24/01	977.4	10.0	mg/Kg
<b>Total Halogenated Volatile Organic Compounds</b>	<b>EPA8021B</b>	<b>04/24/01</b>	<b>1124.6</b>	<b>10.0</b>	<b>mg/Kg</b>

\*Surrogate 1,4-dichlorobutane: 104.7% recovery

\*60ppm HVOC QA /QC Standard: 90.7% recovery

MDL\* : METHOD DETECTION LIMIT

BDL : BELOW DETECTION LIMIT

Certified By:

Analyst

Certified by:

Q.A. Officer



# INTERNATIONAL ENVIRONMENTAL SERVICES, INC.

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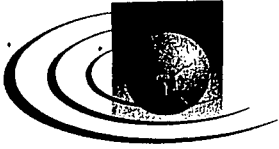
## CHAIN OF CUSTODY RECORD

TOTAL P. 02

PROJ. NO.		PROJECT NAME & ADDRESS					NUMBER & TYPE OF CONTAINERS					REMARKS
SAMPLERS: (Signature)		SAMPLERS ORGANIZATION						2021 TX				
STA. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION							
01-0284	Freightliner 1499 North US One, Ft. Pierce					IPC/ Magnum						
01-1	4/12/01	1200		✓	Oil tank	1-1ME	✓				✓	Rebuttal test 1977 PPM 1909.2mg/Kg
RELINQUISHED BY: (Signature)		DATE / TIME		RECEIVED BY: (Signature)			RELINQUISHED BY: (Signature)		DATE / TIME		RECEIVED BY: (Signature)	
[Signature]		4/16/01 1630										
RELINQUISHED BY: (Signature)		DATE / TIME		RECEIVED BY: (Signature)			RELINQUISHED BY: (Signature)		DATE / TIME		RECEIVED BY: (Signature)	
ADDITIONAL FIELD DATA PERFORMED:				SAMPLER: FROM: TO:		TRANSPORTATION TO LABORATORY BY:		DATE / TIME		REMARKS		

APR-17-2001 13:06

IES



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**CERTIFIED ANALYSIS**

**CLIENT INFORMATION**

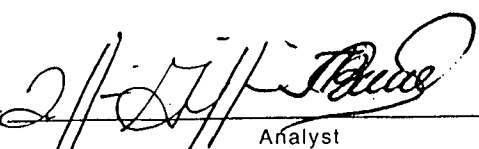
CLIENT NAME:	MAGNUM - FT. PIERCE
CLIENT SAMPLE ID:	<b>Freightliner- 1699 North U.S. 1,</b>
	<b>Ft. Pierce</b>
SAMPLED BY:	Jim Briggs
SAMPLE DATE:	04/12/01
SAMPLE TYPE:	WASTE OIL
IES CONTROL NUMBER:	01-0284

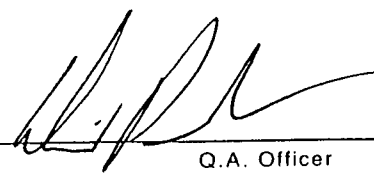
**RESULT INFORMATION**

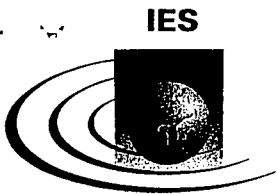
ANALYTE	METHOD	DATE	RESULTS	MDL*	UNITS
Total Halogens	EPA9076	04/20/01	1977	10.0	mg/Kg
Methylene Chloride	EPA8021B	04/23/01	141.0	10.0	mg/Kg
Tetrachloroethene	EPA8021B	04/23/01	1768.2	10.0	mg/Kg
<b>Total Halogenated Volatile Organic Compounds</b>	<b>EPA8021B</b>	<b>04/23/01</b>	<b>1909.2</b>	<b>10.0</b>	<b>mg/Kg</b>

\*Surrogate 1,4-dichlorobutane: 96.98% recovery  
\*40ppm HVOC QA /QC Standard: 96.3% recovery

MDL\* : METHOD DETECTION LIMIT  
BDL : BELOW DETECTION LIMIT

Certified By   
Analyst

Certified by:   
Q.A. Officer



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(813)754-1504  
(813)754-3780 Fax

**CERTIFIED ANALYSIS**

**CLIENT INFORMATION**

CLIENT NAME: MAGNUM - FT. PIERCE  
 CLIENT SAMPLE ID: Shell Station- 2780 Morningside Blvd.,  
 Port St. Lucie  
 SAMPLED BY: Jim Briggs  
 SAMPLE DATE: 04/16/01  
 SAMPLE TYPE: WASTE OIL  
 IES CONTROL NUMBER: 01-0285

**RESULT INFORMATION**

ANALYTE	METHOD	DATE	RESULTS	MDL*	UNITS
Total Halogens	EPA9076	04/20/01	1353	10.0	mg/Kg
Methylene Chloride	EPA8021B	04/23/01	37.91	10.0	mg/Kg
Tetrachloroethene	EPA8021B	04/23/01	1410.0	10.0	mg/Kg
<b>Total Halogenated Volatile Organic Compounds</b>	<b>EPA8021B</b>	<b>04/23/01</b>	<b>1447.9</b>	<b>10.0</b>	<b>mg/Kg</b>

\*Surrogate 1,4-dichlorobutane: 103.0% recovery  
 \*40ppm HVOC QA /QC Standard: 96.3% recovery

MDL\* : METHOD DETECTION LIMIT  
 BDL : BELOW DETECTION LIMIT

Certified By: 2/15/01 [Signature] Analyst      Certified by: [Signature] Q.A. Officer