

Dregne, James

From: Sullivan, Ann
Sent: Wednesday, March 03, 2004 10:53 AM
To: Roughton, Laurie
Cc: Dregne, James; Benefield, Jackie
Subject: RE: RE: OGC# 00-2345, International Petroleum

Laurie, This was sent to the Comptroller 7-11-03. The Comptroller has NOT responded to any items we sent on that request. I spoke with a Comptroller contact person yesterday .She said they are really behind and could not tell me when we could expect an answer. They are working on all agency requests and are trying to answer each one ASAP.

Ann R. Sullivan
Accounting Services Supervisor 1
FDEP - Administration/Revenue, MS-77
Room #276, Carr Building
Phone# 850-245-2458, SC 205-2458
Fax# 850-245-2464, SC 205-2464

-----Original Message-----

From: Roughton, Laurie
Sent: Wednesday, March 03, 2004 7:58 AM
To: Sullivan, Ann
Cc: Dregne, James
Subject: RE: OGC# 00-2345, International Petroleum

Ann,

In May 2003, the write-off referral for OGC# 00-2345 was submitted. I've received an inquiry about the status of this matter. Can you please let me and Jim Dregne know something.

Thanks, Laurie

Memorandum

Florida Department of Environmental Protection

TO: Jonathan Alden, Office of General Counsel

FROM: James M. Dregne, Environmental Specialist III,
Waste Management Division, Southwest District

DATE: May 12, 2003

SUBJECT: **Notice of Hearing**
International Petroleum Corporation
OGC# 00-2345

I am attaching a Notice of Hearing (Atch #1) I received today for Earth Care and International Petroleum Corporation (IPC). I don't think we need to worry about this because I have already requested to F&A that we write-off the unpaid penalty due to the bankruptcy.

I have attached the write-off request (Atch #2) that I submitted on February 12, 2003. I don't know how long it will take for F&A to respond to the request.

2 Attachments as

JMD/jd

Vincent P. Slusher
State Bar No. 00785480
DAVIS MUNCK
900 Three Galleria Tower
13155 Noel Road
Dallas, TX 75240
972.628.3637
972.629.3616 -Fax
ATTORNEY FOR OFFICIAL
COMMITTEE OF UNSECURED CREDITORS

Frank J. Wright
State Bar No. 22028800
C. Ashley Ellis
State Bar No. 00794824
Hance Scarborough Wright Ginsberg & Brusilow, LLP
600 Signature Place
14755 Preston Road
Dallas, TX 75254
972.788.1600
972.702.0662 - Fax
ATTORNEYS FOR DEBTORS

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re

EARTHCARE COMPANY, et al.,
DEBTORS
NORTHERN DISTRICT

Debtors.

§ CASE NO. 02-42716
§ Jointly Administered
§ Chapter 11
§
§ Judge Barbara J. Houser
§
§ HEARING DATE: June 16, 2003
§ HEARING TIME: 9:00 A.M.

NOTICE OF HEARING

TO ALL PARTIES-IN-INTEREST:

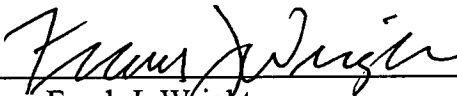
YOU ARE HEREBY NOTIFIED that the hearing to approve the Official Committee of Unsecured Creditors' and Debtors' Joint Disclosure Statement with Respect to First Amended Joint Plan of Reorganization for EarthCare ("Joint Disclosure Statement") has been set for hearing on **June 16, 2003, at 9:00 a.m. before the Honorable Barbara J. Houser, United States Bankruptcy Judge, 501 W. Tenth Street, Fort Worth, Texas 76102.**

YOU ARE FURTHER NOTIFIED that objections to the Joint Disclosure Statement must be filed with the Clerk of the Court and received by counsel for the Committee and the Debtors at the addresses set forth above on or before **June 6, 2003, at 5:00 p.m.**

DATED: May 8, 2003

Respectfully submitted,

**HANCE SCARBOROUGH WRIGHT
GINSBERG & BRUSILOW, LLP**

By: 

Frank J. Wright

Texas Bar No. 22028800

C. Ashley Ellis

Texas Bar No. 00794824

750 Signature Place
14785 Preston Road
Dallas, TX 75254
(972) 788-1600
(972) 702-0662 (fax)

**COUNSEL FOR DEBTORS AND
DEBTORS-IN-POSSESSION**

Memorandum

TO: Ann Sullivan, F&A Division

FROM: Deborah A. Getzoff, Director of District Management, Southwest District

DATE: February 21, 2003

SUBJECT: **Write Off of Outstanding Debt**
International Petroleum Corporation
OGC# 00-2345

I recommend the referenced case be sent to the Comptroller for write off of the outstanding debt.

See attached request.

DG/jd

CC: Laurie Roughton, OGC, Enforcement

Memorandum

TO: Ann Sullivan, F&A Division

FROM: Deborah A. Getzoff, Director of District Management, Southwest District

DATE: February 21, 2003

SUBJECT: **Write Off of Outstanding Debt**
International Petroleum Corporation
OGC# 00-2345

DA Getzoff 2/26/03

I recommend the referenced case be sent to the Comptroller for write off of the outstanding debt.

See attached request.

DG/jd

CC: Laurie Roughton, OGC, Enforcement

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Southwest District

OGC#: 00-2345

RESPONSIBLE PARTY'S NAME: International Petroleum Corporation

ADDRESS OF RESPONSIBLE PARTY: 105 South Alexander Street
Plant City, FL 33566

SS#: N/A

FEID# 59-2459425 (active)

DIVISION/DISTRICT COLLECTION CONTACT: James Dregne, SW District

AMOUNT ASSESSED: \$20,160.00

AMOUNT PAID: \$10,920.00

BALANCE DUE/MONEY CATEGORY/FUND: \$9,240.00 / PEN / ECOSYS

DATE DUE: Final installment due February 20, 2003

EXPLANATION OF ASSESSMENT: International Petroleum Corporation (IPC) entered into a Short Form Consent Order with the Department on March 12, 2001, in order to complete resolution of the matters identified by the Department in the Warning Letter dated December 1, 1997. International Petroleum Corporation 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. The payment was to be made to the Department in 24 equal monthly installments of \$840.00 commencing on March 22, 2001, and ending on February 20, 2003.

On May 1, 2002, the United States Bankruptcy Court for the Northern District of Texas, Fort Worth Division, notified the Department that on April 11, 2002, International Petroleum Corporation filed for bankruptcy protection under Chapter 11, Bankruptcy Code. Prior to the April 11, 2002, filing, IPC had made 13 of 24 payments of \$840.00 each towards settlement of the case. No payments were received from IPC after the bankruptcy filing. The Department received payment No. 13 on March 29, 2002.

On May 1, 2002, the District forwarded the IPC bankruptcy notice to the Department's senior financial counsel for review. On October 25, 2002, the Department's senior financial counsel recommended that the remaining IPC debt be written off because it was unlikely that IPC would have any money for unsecured creditors. Due to the Chapter 11 bankruptcy filing by IPC, this matter should be sent for write-off of the outstanding debt.

RECOMMENDATION: Recommend case be sent to Comptroller for write off in the amount of \$9,240.00.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re	§	
	§	
EARTHCARE COMPANY	§	CASE NO. 02-42716-BJH-11
EARTHCARE COMPANY	§	
OF NEW YORK	§	CASE NO. 02-42721-BJH-11
MAGNUM ENVIRONMENTAL	§	
SERVICES, INC.	§	CASE NO. 02-42724-BJH-11
REIFSNEIDER ENVIRONMENTAL	§	
SERVICES, INC.	§	CASE NO. 02-42725-BJH-11
ALL COUNTY RESOURCE	§	
MANAGEMENT CORPORATION	§	CASE NO. 02-42727-BJH-11
INTERNATIONAL PETROLEUM	§	
CORPORATION	§	CASE NO. 02-42729-BJH-11
INTERNATIONAL PETROLEUM	§	
CORPORATION OF MARYLAND	§	CASE NO. 02-42732-BJH-11
INTERNATIONAL PETROLEUM	§	
CORPORATION OF PENNSYLVANIA	§	CASE NO. 02-42733-BJH-11
INTERNATIONAL PETROLEUM	§	
CORPORATION OF DELAWARE	§	CASE NO. 02-42734-BJH-11
INTERNATIONAL PETROLEUM	§	
CORPORATION OF LOUISIANA	§	CASE NO. 02-42731-BJH-11
INTERNATIONAL PETROLEUM	§	
CORPORATION OF LAFAYETTE	§	CASE NO. 02-42735-BJH-11
MAGNUM NORTHEAST	§	
PROPERTIES, LTD.	§	CASE NO. 02-42736-BJH-11
MAGNUM EAST COAST	§	
PROPERTIES, LTD.	§	CASE NO. 02-42737-BJH-11
	§	
DEBTORS.	§	CHAPTER 11

D.E.P.
MAY 01 2002
Southwest District Tampa

**NOTICE OF COMMENCEMENT OF CASE UNDER BANKRUPTCY CODE
CHAPTER 11, MEETING OF CREDITORS, AND FIXING OF DATES**
(Corporation Case)

DATE FILED: April 11, 2002

ADDRESS OF DEBTOR: 14901 Quorum Drive, Suite 200
Dallas, Texas 75240

NAME/ADDRESS OF ATTORNEY FOR DEBTOR

Frank Jennings Wright
Hance Scarborough Wright Ginsberg & Brusilow, LLP
750 Signature Place
14785 Preston Road
Dallas, TX 75254
Telephone Number: (972) 788-1600 Telecopy Number: (972) 702-0662

DATE/TIME/LOCATION OF MEETING OF CREDITORS

May 22, 2002 at 10:00 am
U.S. Courthouse
501 W. Tenth Street, Room 521
Fort Worth, Texas 76102-3643

DEADLINES: Proof of Claim creditors other than governmental units: 8/20/ Governmental Units: 180 days from the date of Order for Relief.

COMMENCEMENT OF CASE. A petition for reorganization under Chapter 11 of the Bankruptcy Code has been filed in this Court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the Court, including lists of the debtor's property and debts, are available for inspection at the Clerk's office.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the Court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review Sec. 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the Clerk of Court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor's representative, as specified in Bankruptcy Rule 9001(5), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

PROOF OF CLAIM. Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim by the date set forth under "DEADLINES". A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. The place to file a proof of claim, either in person or by mail is the **Clerk's Office, 147 U.S. Courthouse, 501 W. 10th Street, Fort Worth, Texas 76102-3643**. Proof of claim forms are available in the Clerk's Office of any U.S. Bankruptcy Court.

PURPOSE OF CHAPTER 11 FILING. Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the Court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

DIRECT REQUESTS FOR COPIES TO: Fort Worth Legal Copies, Inc., 510 Oil & Gas Bldg., 309 W. 7th Street, Fort Worth, TX 76102 (817) 336-8207

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		PROOF OF CLAIM
Name of Debtor _____		Case Number: _____
<p>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</p>		
Name of Creditor (The person or other entity to whom the debtor owes money or property): _____		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
Name and address where notices should be sent: _____		
Telephone number: _____		
Account or other number by which creditor identifies debtor: _____		THIS SPACE IS FOR COURT USE ONLY
		Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim, dated: _____
<p>1. Basis for Claim</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____ </div> <div style="width: 45%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Your SS #: _____ Unpaid compensation for services performed from _____ (date) to _____ (date) </div> </div>		
2. Date debt was incurred: _____		3. If court judgment, date obtained: _____
<p>4. Total Amount of Claim at Time Case Filed: \$ _____</p> <p>If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.</p>		
<p>5. Secured Claim.</p> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____		<p>6. Unsecured Priority Claim.</p> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, Salaries, or commissions (up to \$4,300),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other Specify applicable paragraph of 11 U.S.C. § 507(a)(_____). <small>*Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
<p>7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p>8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If the documents are voluminous, attach a summary.</p> <p>9. Date- Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.</p>		THIS SPACE IS FOR COURT USE ONLY
Date _____	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): _____	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

— DEFINITIONS —

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on the property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before a bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY FILLED IN)

Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

4. Total Amount of Claim at Time Case Filed:

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

6. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority, if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

7. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

8. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

Florida Department of
Environmental Protection

Facsimile Cover Sheet

To: Jon Alden
OGC

Phone: (850) 921-9650

Fax: (850) 921-5433

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

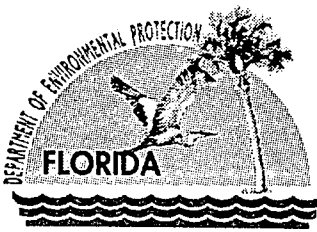
Date: May 17, 2002

Pages including this 9
cover page:

FYI

IPC Consent Order

IPC Bankruptcy Notice



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

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.

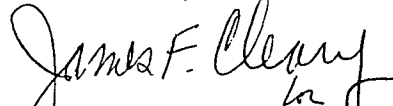
Your signing of this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the 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.

"More Protection, Less Process"

Printed on recycled paper.

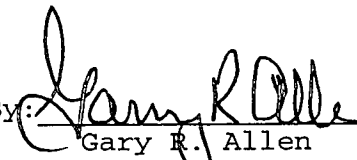
If you do not sign and return this letter to the Department at the District address above by March 9, 2001, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights of substantial interests are determined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

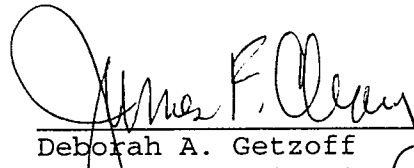
Sincerely yours,


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

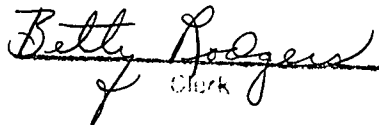
ENTERED this 12 day of March, 2001 in Tampa, Florida.

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
Clerk 3-12-01
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.

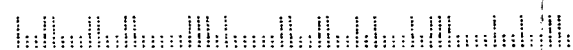
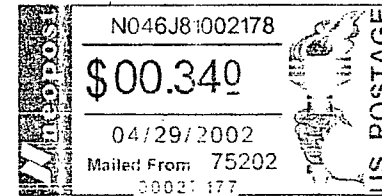
Mediation under Section 120.573, Florida Statutes, is not available in the proceeding.

**HANCE SCARBOROUGH WRIGHT
GINSBERG & BRUSILOW**
ATTORNEYS AND COUNSELORS AT LAW

750 SIGNATURE PLACE
14785 PRESTON ROAD
DALLAS, TEXAS 75240

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

STANDARD



DEADLINES: Proof of Claim, creditors other than governmental units: **8/20/02**, Governmental Units: 180 days from the date of Order for Relief

COMMENCEMENT OF CASE. A petition for reorganization under Chapter 11 of the Bankruptcy Code has been filed in this Court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the Court, including lists of the debtor's property and debts, are available for inspection at the Clerk's office.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the Court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review Sec. 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the Clerk of Court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor's representative, as specified in Bankruptcy Rule 9001(5), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may examine the debtor and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to the creditors.

PROOF OF CLAIM. Schedules of creditors have been or will be filed pursuant to Bankruptcy Rule 1007. Any creditor holding a scheduled claim which is not listed as disputed, contingent, or unliquidated as to amount may, but is not required to, file a proof of claim in this case. Creditors whose claims are not scheduled or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claim by the date set forth under "DEADLINES". A creditor who desires to rely on the schedule of creditors has the responsibility for determining that the claim is listed accurately. The place to file a proof of claim, either in person or by mail is the **Clerk's Office, 147 U.S. Courthouse, 501 W. 10th Street, Fort Worth, Texas 76102-3643**. Proof of claim forms are available in the Clerk's Office of any U.S. Bankruptcy Court.

PURPOSE OF CHAPTER 11 FILING. Chapter 11 of the Bankruptcy Code enables a debtor to reorganize pursuant to a plan. A plan is not effective unless approved by the Court at a confirmation hearing. Creditors will be given notice concerning any plan, or in the event the case is dismissed or converted to another chapter of the Bankruptcy Code. The debtor will remain in possession of its property and will continue to operate any business unless a trustee is appointed.

DIRECT REQUESTS FOR COPIES TO: Fort Worth Legal Copies, Inc., 510 Oil & Gas Bldg., 309 W. 7th Street, Fort Worth, TX 76102 (817) 336-8207

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		PROOF OF CLAIM
Name of Debtor _____		Case Number: _____
<p>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</p>		
Name of Creditor (The person or other entity to whom the debtor owes money or property): _____		THIS SPACE IS FOR COURT USE ONLY
Name and address where notices should be sent: _____		
Telephone number: _____		
Account or other number by which creditor identifies debtor: _____		
		<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.
		Check here <input type="checkbox"/> replaces if this claim <input type="checkbox"/> amends a previously filed claim, dated: _____
<p>1. Basis for Claim</p> <input type="checkbox"/> Goods sold <input type="checkbox"/> Services performed <input type="checkbox"/> Money loaned <input type="checkbox"/> Personal injury/wrongful death <input type="checkbox"/> Taxes <input type="checkbox"/> Other _____		
<input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a) <input type="checkbox"/> Wages, salaries, and compensation (fill out below) Your SS #: _____ Unpaid compensation for services performed from _____ to _____ (date) (date)		
2. Date debt was incurred: _____		3. If court judgment, date obtained: _____
<p>4. Total Amount of Claim at Time Case Filed: \$ _____</p> <p>If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.</p> <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<p>5. Secured Claim.</p> <input type="checkbox"/> Check this box if your claim is secured by collateral (including a right of setoff). Brief Description of Collateral: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____ Value of Collateral: \$ _____ Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____		<p>6. Unsecured Priority Claim.</p> <input type="checkbox"/> Check this box if you have an unsecured priority claim Amount entitled to priority \$ _____ Specify the priority of the claim: <input type="checkbox"/> Wages, salaries, or commissions (up to \$4,300)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4). <input type="checkbox"/> Up to \$1,950* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). <input type="checkbox"/> Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8). <input type="checkbox"/> Other Specify applicable paragraph of 11 U.S.C. § 507(a)(____). <small>*Amounts are subject to adjustment on 4/1/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
<p>7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p>8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If documents are not available, explain. If the documents are voluminous, attach a summary.</p> <p>9. Date - Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.</p>		THIS SPACE IS FOR COURT USE ONLY
Date _____	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): _____	

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

— DEFINITIONS —

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owed a debt on the date that the bankruptcy case was filed.

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on the property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before a bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also *Unsecured Claim*.)

Unsecured Claim

If a claim is not a secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY FILLED IN)

Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor.

3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

4. Total Amount of Claim at Time Case Filed:

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges.

5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

6. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority, if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

7. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

8. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available.

Collection Point Log Remittance

AREA: **SWD** Tot: **\$840.00**
 Remittance: **465420** Type: **CP** Recvd Date: **03/29/2002** Status: **RECEIVED**
 SYSRCPT: **379141** PNR: Check #: **428632** Amount: **840.00**
 SSN/FEI#: Name: **INTERNATIONAL PETROLEUM CORPORATION**
 First: Middle: Title: Sur:
 Address1: **105 SOUTH ALEXANDER STREET** Short Comments:
 Address2: **S-OGC 00-2345 HW**
 City: **PLANT CITY** ST: **FL** Zip: **33566** Country:

PAYMENT(S)

Payment#	Distr CL Area	Object Code/Description	Payment Amount	Reference#	Applic/ Fund *	status
496436	SWD	012006 LCT-PENALTIES	\$840.00		ECOSYS	COMPLETE

COMMIT FREQUENTLY **\$840.00** Payment total

Collection Point Log Remittance

AREA **SWD** Tot **CRAF006A**
\$840.00
 Remittance **462783** Type * **CP** Recvd Date * **03/04/2002** Status **RECEIVED**
 SYS\$RCPT **376689** PNR Check # * **44228** Amount * **840.00**
 SSN/FE# Name * **MAGNUM ENVIRONMENTAL SERVICES INC**
 First Middle Title Suf
 Address1 **1280 N E 48TH STREET** Short Comments
 Address2 **S-OGC 00-2345 HW**
 City **POMPANO BEACH** ST **FL** Zip **33064** Country

PAYMENT (S)

Payment#	Distr CL Area	Object Code/Description	Payment Amount	Reference#	Applic/ Fund *	status
493424	SWD	012008 LCT-PENALTIES	\$840.00		ECOSYS	COMPLETE

COMMIT FREQUENTLY

\$840.00 Payment total

AREA: SWD Cash Receiving Application CRAF 006A
 Collection Point Log Remittance Tot: \$840.00

SYS\$RENT: 456849 Type: CP Recvd Date: 08-JAN-2002 Status: RECEIVED
 SYS\$RCPT: 371163 PNR: Check #: 428235 Amount: 840.00
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORP
 First: Middle: Title: Suf:
 Address1: 105 SOUTH ALEXANDER STREET Short Comments:
 Address2: S-OGC 00-2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

→ PAYMENT(S) ←

Distr	CL	Object	Payment	Applic/	S
SYS\$PAYT	Area..	Code/Description.....	Amount.....	Reference#	Fund A
487064	SWD	012008 LCT-PENALTIES	\$840.00		ECOSYS CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>

DEP2 - KEAL A20

File Edit Transfer Options Connection Macro Window Help

AREA: SWD Cash Receiving Application CRAFD06A
 Collection Point Log Remittance Tot: \$840.00

SYS\$RENT: 453823 Type: CP Recvd Date: 10-DEC-2001 Status: RECEIVED
 SYS\$RCPT: 368648 PNR: Check #: 428090 Amount: 840.00
 SSN/FEIH: Name: INTERNATIONAL PETROLEUM CORPOR
 First: Middle: Title: Suf:
 Address1: 105 S ALEXANDER ST Short Comments:
 Address2: S-DGC 00-2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT (S) <

Distr	CL	Object	Payment	Reference#	Applic/ Fund	S T
SYS\$PAYT	Area..	Code/Description.....	Amount.....			A
483654	SWD	012008 LCT-PENALTIES	\$840.00		EGOSYS	CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>

11:25 AM

AREA: SWD Cash Receiving Application CRAF006A
 Collection Point Log Remittance Tot: \$840.00

SYS\$RENT: 451155 Type: CP Recvd Date: 14-NOV-2001 Status: RECEIVED
 SYS\$RCPT: 366509 PNR: Check #: 428009 Amount: 840.00
 SSN/FEIH: Name: INTERNATIONAL PETROLEUM CORPOR
 First: Middle: Title: Suf:
 Address1: 105 SOUTH ALEXANDER STREET Short Comments:
 Address2: S-OGC 00-2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

Distr	CL	Object	Payment	Applic/	S
SYS\$PAYT	Area..	Code/Description.....	Amount.....	Reference#	Fund A
480516	SWD	012008 LCT-PENALTIES	\$840.00		ECOSYS CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: x1 <Replace>

DEP2 - KEA1 A20

File Edit Transfer Options Connection Macro Window Help

AREA: SWD Cash Receiving Application CRAF006A
 Collection Point Log Remittance Tot: \$840.00

SYS\$RENT: 448569 Type: CP Recvd Date: 10-OCT-2001 Status: RECEIVED
 SYS\$RCPT: 364110 PNR: Check #: 427862 Amount: 840.00
 SSN/FEIH: Name: INTERNATIONAL PETROLEUM CORPOR
 First: Middle: Title: Suf:
 Address1: 105 SOUTH ALEXANDER STREET Short Comments:
 Address2: S-OGC 00-2345-HV
 City: PLANT CITY ST: FL Zip: 33566 Country:

→ PAYMENT(S) ←

SYS\$PAYT	Distr CL	Object Code/Description	Payment Amount	Reference#	Applic/Fund	S T A
477391	SWD	012008 LCT-PENALTIES	\$840.00		ECOSYS	CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>

DEP2 Micro Inbox Oracle Oracle 4:02 PM

DEP2 - KEA1 420

File Edit Transfer Options Connection Macro Window Help

AREA: SUD Cash Receiving Application CRAF 006A
 Collection Point Log Remittance Tot: \$840.00

SYS\$REMT: 445454 Type: CP Recvd Date: 29-AUG-2001 Status: RECEIVED
 SYS\$RCPT: 361261 PNR: Check #: 427588 Amount: 840.00
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORPOR
 First: Middle: Title: Suf:
 Address1: 105 S ALEXANDER ST Short Comments:
 Address2: S-OGC 00-2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

SYS\$PAYT	Distr CL	Object Code/Description	Payment Amount	Reference#	Applic/Fund	S T A
474225	SWD	012008 LCT-PENALTIES	\$840.00		ECOSYS	CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>

11:19 AM

DEP2 KEAL A20

AREA: SWD Cash Receiving Application CRAF006A
Collection Point Log Remittance Tot: \$840.00

SYSSREMT: 442452 Type: CP Rcvd Date: 25-JUL-2001 Status: RECEIVED
SYSRCPT: 358576 PNR: Check #: 427327 Amount: 840.00
SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORPOR
First: Middle: Title: Suf:
Address1: 105 SOUTH ALEXANDER STREET Short Comments:
Address2: S-DGC 00-2345 HW
City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

Distr	CL	Object	Payment	Reference#	Applic/ Fund	S T A C	
SYSSPAYT	SWD	012008	LCT-PENALTIES	\$840.00	DGC00-2345	ECOSYS	CO

COMMIT FREQUENTLY \$840.00 Payment total
Press <TAB> to accept Collection Point or enter F&A
Count: *1 <Replace>

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dep2 - KEA1 420

File Edit Transfer Options Connection Macro Window Help

Collection Point Log Remittance Tot: \$840.00

SYS\$RENT: 440858 Type: CP Recvd Date: 05-JUL-2001 Status: RECEIVED
 SYS\$RCPT: 357221 PNR: Check #: 427195 Amount: 840.00
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORPOR
 First: Middle: Title: Suf:
 Address1: 105 SOUTH ALEXANDER STREET Short Comments:
 Address2: MU-OGC 00-2345 HV
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

SYS\$PAYT	Distr CL Area	Object Code/Description	Payment Amount	Reference#	Applic/Fund	S I A
468868	SWD	012008 LCT-PENALTIES	\$840.00	00-2345	ECOSYS	CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>

Start | Inbx - Mic... | dep2 - K... | dep2 - KEA... | Microsoft... | 8:13

5th of 74

dep2 - KEAI 420

File Edit Transfer Options Connection Macro Window Help

Collection Point Log Remittance Tot: \$840.00

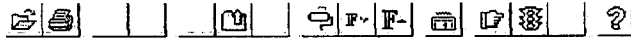
SYS\$REMT: 438628 Type: @P Recvd Date: 12-JUN-2001 Status: RECEIVED
 SYS\$RCPT: 355527 PNR: Check #: 427038 Amount: 840.00
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORP.
 First: Middle: Title: Suf:
 Address1: 105 S. ALEXANDER ST. Short Comments:
 Address2: P= OGC 00-2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

Distr	CL	Object	Payment	Reference#	Applic/	S
SYS\$PAYI	Area	Code/Description	Amount		Fund	T
466403	SWD	012008 LCT-PENALTIES	\$840.00	00-2345	ECOSYS	CO

COMMIT FREQUENTLY \$840.00 Payment total
 Press <TAB> to accept Collection Point or enter F&A.
 Count: *1 <Replace>

Start | Inbo... | Microsoft Word | dep2 - KEAI | dep2 - KEAI 420 | 1:35



Collection Point Log Remittance Tot: \$840.00

SYS\$REMT: 425850 Type: P Recvd Date: 10-APR-2001 Status: RECEIVED
 SYS\$RCPT: 349875 PNR: Check #: 426445 Amount: 840.00
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORP
 First: Middle: Title: Suf:
 Address1: 105 S ALEXANDER ST Short Comments:
 Address2: S-OGC 00-2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

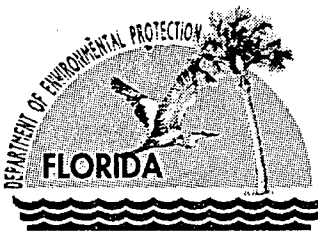
Distr	CL	Object	Payment	Reference#	Applic/	S
	Area	Code/Description	Amount		Fund	T
SYS\$PAY1	SWD	012008	LCT-PENALTIES	\$416.00	00-2345	ECOSYS CO
	SWD	018003	LCT-REIMB. LEGAL	\$424.00	00-2345	ECOSYS CO

COMMIT FREQUENTLY \$840.00 Payment total

Press <TAB> to accept Collection Point or enter F&A.

Count: *1 <Replace>

1(004,028)



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

March 12, 2001

David B. Struhs
Secretary

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

RE: Settlement Agreement, OGC Case No. 00-2345
International Petroleum Corporation
FLD 065 680 613, Hillsborough County

Dear Mr. Allen:

Enclosed is a copy of the executed Settlement Agreement for the referenced case.

In order to close this case, 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. The payment shall be made in 24 equal monthly installment payments of \$840.00. Payments are due on the 20th of each month. Final payment is due no later than January 20, 2003. The Department received the first payment on February 7, 2001.

Your continued cooperation is appreciated. If you have any question please call me at (813) 744-6100, extension 410.

Sincerely,

James M. Dregne
Environmental Specialist III
Division of Waste Management

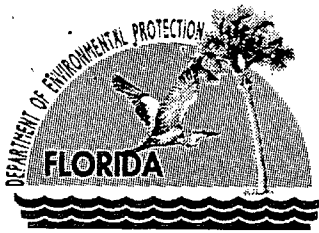
JMD/jd

Enclosure

cc: Kathy Carter, OGC
Steven Ray, HWR Section
Jeff Pallas, US EPA Region IV
Kelley Boatwright, Hillsborough County EPC
R.L. Caleen Jr., Watkins & Caleen, P.A.
Compliance File

"More Protection, Less Process"

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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

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

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.

"More Protection, Less Process"

Printed on recycled paper.

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
in
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.

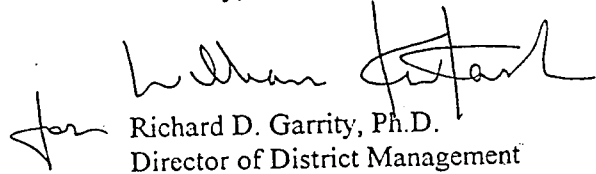
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which 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

Memorandum

Florida Department of Environmental Protection

3/12/01

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: [Signature] Deborah A. Getzoff, Director of District Management
 William Kutash, Environmental Administrator
 Office of General Counsel, ATTN: _____

FROM: [Signature] William Kutash, Environmental Administrator
[Signature] Stanley Tam, Professional Engineer II
[Signature] Elizabeth Knauss, Environmental Manager
[Signature] Jim Dregne, Environmental Specialist III

DATE: March 9, 2001

FILE NAME: International Petroleum Corporation (IPC) PROJECT #: 187521

PROGRAM: Hazardous Waste COUNTY: Hillsborough

TYPE OF DOCUMENT:

- draft or final
 Final Order
 Warning Letter
 NOV
 Case Report
 Other
 Consent Order (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 . Some of the antifreeze that was transported, stored and treated at IPC was determined to be hazardous. The company did not notify the Department of these hazardous waste activities. The company also generated a solid waste when they cleaned out their used oil storage tank, but did not perform a waste determination. Eleven truckloads of used oil tank bottom sludge were disposed of as non-hazardous waste.

SUMMARY OF CORRECTIVE ACTIONS: The facility has returned to compliance. The Department negotiated a \$20,160.00 settlement. IPC has signed the Short Form Consent Order and made their first payment.

PENALTY SUMMARY:

Potential for Harm: Major Extent of Deviation: Major

Penalty Amount: \$18,896.00 Expenses: \$1,264.00

TOTAL PENALTY AMOUNT: \$20,160.00 TO SECRETARY

HW

dep2 KEAL420

File Edit Transfer Options Connection Macro Window Help

Collection Point Log Remittance Tot: \$840.00

SYS\$REMT: 422552 Type: SP Recvd Date: 07-MAR-2001 Status: RECEIVED
 SYS\$RCPT: 346901 PNR: Check #: 426134 Amount: 840.00
 SSN/FEI#: Name: INTERNATIONAL PETROLEUM CORP
 First: Middle: Title: Suf:
 Address1: 105 SOUTH ALEXANDER STREET Short-Comments:
 Address2: MW OGC 00 2345 HW
 City: PLANT CITY ST: FL Zip: 33566 Country:

> PAYMENT(S) <

Distr	GL	Object	Payment	Applic/	S
SYS\$PAYT	Area	Code/Description	Amount	Reference#	Fund
448962	SWD	018003 ECT-REIMB..LEGAL	\$840.00	00-2345	ECOSYS CO

COMMIT FREQUENTLY \$840.00 Payment total

Press <TAB> to accept Collection Point or enter F&A

Count: *1 <Replace>

1(004,028)

To: R. L. Caleen Jr.
WATKINS + CALEEN

Phone: (850) 671-2644
 Fax phone: (850) 671-2732
 CC: _____

From: Jim Dregne
FDEP - SWD

Phone: - (813) 744-6100 X410
 Fax phone: (813) 744-6125

REMARKS: Urgent For your review Reply ASAP Please comment

Rip
Change to first page has been made
per our discussion. Please replace the first
page of the settlement letter with the new
first page (attached). I have mailed GARRY
Allen the original.

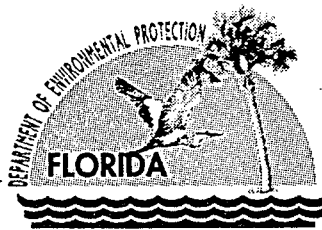
JIM

818506712732	NORMAL	20,13:38	1'28"	2	* O K	
Telephone Number	Mode	Start	Time	Pages	Result	Note

Feb 20 2001 13:40

P.1

** Transmit Conf. Report **



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

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

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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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

3804 Coconut Palm Drive Tampa, FL 33619-8318

FAX

Date: FEBRUARY 16, 2001

Number of pages including cover sheet: 4

To:

R. L. CALEEN, JR
WATKINS + CALEEN

Phone: (850) 671-2644

Fax phone: (850) 671-2732

CC:

From:

JIM DREGUE EST III
FDEP-SWD

Phone: (813) 744-6100 X410

Fax phone: (813) 744-6125

REMARKS:

Urgent

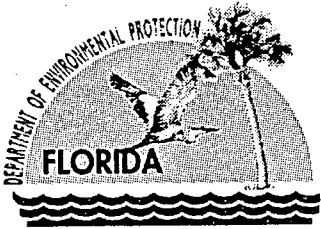
For your review

Reply ASAP

Please comment

Rip:
Attached is a copy of the Settlement Agreement that I mailed to GARRY ALLEN today. It contains all conditions that were discussed on Tuesday.

JIM



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

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OGC File No.:00-2345

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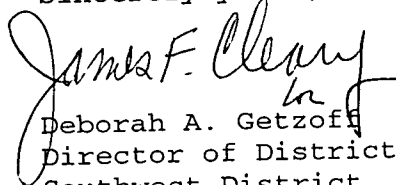
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If you do not sign and return this letter to the Department at the District address above by March 9, 2001, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None 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
in
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

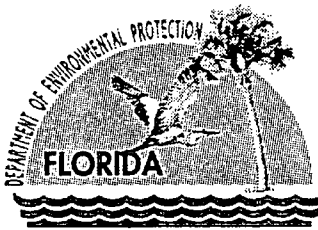
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Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

February 16, 2001

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.:00-2345

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.

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

Article Sent To:

9715 0926 T000 004E 6602
7099 3400 0001 9760 5118

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

2/14/01

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

Use for Instructions

NOTICE OF RIGHTS

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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.

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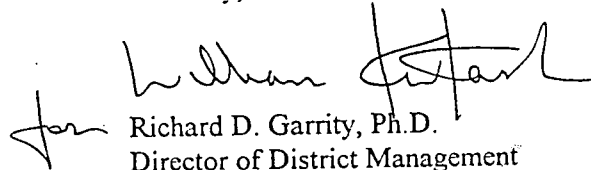
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"Protect, Conserve and Manage Florida's Environment and Natural Resources"

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,

A handwritten signature in black ink, appearing to read "Richard D. Garrity". The signature is written in a cursive style with a large, stylized initial "R".

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



Department of Environmental Protection

Lawton Chiles
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Virginia B. Wetherell
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: INTERNATIONAL PETROLEUM CORP. DEP/EPA ID #:FLD065680613

STREET ADDRESS: 105 South Alexander Street, Plant City, Florida 33566

MAILING ADDRESS: same

COUNTY: Hillsborough PHONE: (813)754-1504 DATE: 9/17&23/97 10/7/97 TIME: 1020 hrs

NOTIFIED AS: N/A

- | | |
|---|---|
| <input checked="" type="checkbox"/> non-handler | <input type="checkbox"/> non-handler |
| <input type="checkbox"/> CESQG (<100 Kg per month) | <input type="checkbox"/> CESQG (<100 Kg per month) |
| <input type="checkbox"/> SQG (100 Kg - 1000 Kg per month) | <input type="checkbox"/> SQG (100 Kg - 1000 Kg per month) |
| <input type="checkbox"/> LQG (>1000 Kg per month) | <input type="checkbox"/> LQG (>1000 Kg per month) |
| <input type="checkbox"/> transporter | <input checked="" type="checkbox"/> transporter |
| <input type="checkbox"/> transfer facility | <input type="checkbox"/> transfer facility |
| <input type="checkbox"/> interim status TSDF | <input type="checkbox"/> interim status TSDF |
| <input type="checkbox"/> permitted TSDF | <input type="checkbox"/> permitted TSDF |
| <input type="checkbox"/> unit types: | <input type="checkbox"/> unit types: |
| <input type="checkbox"/> exempt treatment facility | <input type="checkbox"/> exempt treatment facility |
| <input checked="" type="checkbox"/> used oil: gen./trans./market./processor | <input checked="" type="checkbox"/> used oil: gen./transporter./marketer./processor |
| <input checked="" type="checkbox"/> used oil filter:generator/transporter | <input checked="" type="checkbox"/> used oil filter:generator/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:

Garry Allen - IPC	Frank Shibetti - IPC	David Pomella - IPC
Stanley Tam - FDEP	Beth Knauss - FDEP	Bill Crawford - FDEP
Jim Dregne - FDEP	Roger Evans - FDEP	Tony Malatino - Malatino & Assoc.

5. LATITUDE/LONGITUDE: 28°00'30"/82°08'00" 6. SIC Code: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: n/a ISSUE DATE: EXP. DATE:

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

9. Facility and Process Description:

International Petroleum Corporation (IPC) was inspected on September 17, 1997, to evaluate its compliance with state and federal hazardous waste and used oil regulations. Follow-up visits were conducted on September 23 and October 7 & 17, 1997, to review company records. The inspection determined that the facility was primarily a generator, transporter, marketer, and processor of used oil. The inspection also determined that IPC was accepting, transporting, and treating hazardous waste antifreeze. The inspection team was accompanied throughout the inspection by the company's president, Mr. Garry Allen. Three follow-up visits were made to the facility to review records.

International Petroleum Corporation specializes in the re-refining of on-spec used oil. IPC produces a fuel oil that is equivalent to Virgin No. 5 Fuel Oil and a flotation oil for the phosphate industry. It has been at its current locations since 1984 and is currently employing about 35 people. The eight acre site contains an oil re-refinery facility, an industrial wastewater pre-treatment facility, storage tanks, maintenance garage, and administration building. According to Mr. Allen, the facility does not accept off spec used oil or hazardous waste. On occasions, the company may act as a broker for the disposal of hazardous waste for some IPC clients. The hazardous waste that is brokered is not transported by or to IPC, but is transported directly from the generator to the disposal facility.

The tank farm at IPC consist of 22 steel above-ground tanks. The total capacity of the tanks is approximately 1,267,000 gallons in the 20 tanks that are used to store used and re-refined oil. The facility also has two tanks used to store industrial waste water and oil contaminated water. Secondary containment for the tanks was found to be in adequate condition.

Used Oil and Oily Waste Products

Used oil and petroleum contaminated products including off spec virgin fuels, are processed into an on-specification 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 unit prior to being discharged to the City of Plant City POTW. The light distillates are burned in a furnace on site and provide the energy for the re-refinery process.

Used oil and petroleum contaminated products are delivered to the IPC facility via tanker trucks and rail tanker cars. The used oil products are pumped from tankers and rail cars through 40 mesh filter baskets to a 212,000 gallon above ground storage tank. The tank, No.83, is labeled "Used Oil". Used oil from tank No.83 is fed by above ground piping to the processing unit where it is processed through an atmospheric distillation column and a vacuum distillation column. The re-refined oil is then transferred to tank No.150. Normally the re-refined oil in tank No.150 is transferred to tank No.552 once a day. The processed oil in tank No. 552 is sampled and tested to determine if it meets used oil specifications. If the used oil meets specifications, it is released by IPC for shipment to clients or it is further blended.

Used Oil Filters

Crushed and uncrushed used oil filters are processed inside the southern side of the maintenance garage. Approximately 600 drums of used oil filters are delivered to the facility each month. Crushed filters are transferred into totes that are used to transport the filters to a metal recycler. Uncrushed used oil filters are dumped onto one of two processing tables where they are drained and inspected. All non metal filters are separated and disposed of into a solid waste roll off. The metal filters are crushed and put into totes. The crushed oil filters are shipped to U.S. Foundry in Medley, Florida, for smelting. At the time of the

inspection, fifteen drums of used oil filters were awaiting processing. All drums were properly labeled and closed. Beneath the two inspection/draining tables were containers used to collect the used oil from the filters. The containers were not labeled "Used Oil" in violation of 40 CFR 279.22(c). The used oil collected during the used oil filter processing is pumped into a 250 gallon AST in the garage. The AST was properly labeled "Used Oil". Oil collected in this tank is transferred to tank No.83 before going through the re-refining process.

After the filters have been removed from the 55 gallon drums, the empty drums are transferred to a drum wash area located at the west end of the product oil tank farm. The drums are pressured washed with water. Diesel or kerosene are 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 pumped from the sump, via above ground piping, to used oil tank No. 83. If the waste generated at the wash area is water, a valve can be used to route the wastewater to Tanks SKE or SKW. The above ground piping from the sump was labeled "Used Oil".

Wastewater

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary areas, and water distilled from the used oil is accumulated in two 47,000 gallon AST's, 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 tank No.83 for re-refining. Following pre-treatment of the wastewater in the IPC pre-treatment unit, the pre-treated water is discharged to the City of Plant City POTW.

Used Antifreeze

Used antifreeze is processed at the facility in the same manner as used oil. Used antifreeze picked-up by IPC drivers is place in a separate compartment in the tanker trucks. When the truck arrives at the IPC facility, the waste antifreeze is pumped into tank No.83 with the used oil. The antifreeze is processed in the same manner as the used oil. The ethylene glycol from the antifreeze is not reclaimed during the processing. According to Mr. Allen, IPC requires a hazardous waste determination be made prior to the acceptance of any used antifreeze from generators. Some antifreeze was picked-up from small quantity generators before proper waste determinations were conducted. Antifreeze picked-up at Jiffy Lube facilities was consolidated into one waste determination. This practice should stop immediately. A separate waste determination is necessary for each facility.

A waste determination is required of all antifreeze generated by small quantity generators that is destined for disposal. Contaminants of concerns that have been identified by the Department are benzene, trichloroethylene, tetrachlorethylene, and lead. The maximum concentrations for the toxicity characteristic for these four contaminants are as follows:

<u>Contaminant</u>	<u>Regulatory Level</u>
Benzene	0.5 mg/L
Tetrachloroethylene	0.7 mg/L
Trichloroethylene	0.5 mg/L
Lead	5.0 mg/L

A review of IPC records showed that the analysis of used antifreeze from eight clients was hazardous for one or more of the contaminants of concern. The company's records also showed that the hazardous waste

antifreeze was managed as non-hazardous and was accepted for processing at IPC. Twenty-one shipments of hazardous waste antifreeze were accepted and processed by IPC between December 12, 1995 and September 1997. The following IPC client's used antifreeze was determined to be hazardous based on analysis from state certified laboratories:

#	Generator	Date of Analysis	Laboratory	Contaminant	Results	Pickups
1.	Daytona Linc/Merc	5/29/97	Progress Env.	Tetrachloro.	.891 mg/L	1
2.	Halifax Ford Mercury	7/14/97	Progress	Tetrachloro.	.714 mg/L	3
3.	Honda, Merritt Island	1/28/97	Enco	Tetrachloro.	.700 mg/L	3
4.	Jim's Import Auto	8/1/97	Progress	Lead	10.0 mg/L	2
5.	Mazda Village	12/12/95	Enco	Trichloro.	11.3 mg/L	5
				Tetrachloro.	18.4 mg/L	
6.	McNamara Pontiac	3/5/97	Progress	Tetrachloro.	1.41 mg/L	3
7.	Moody Truck Center	4/25/97	Progress	Tetrachloro.	1.24 mg/L	2
8.	Florida Clark Lift	8/17/97	HOWCO	Lead	38.1 mg/L	2

The Department found additional cases of hazardous waste antifreeze being handled by IPC from conditionally exempt small quantity generators (CESQG). A CESQG's hazardous wastes are not subject to regulation under Parts 262 through 266 of 40 C.F.R.. In some of these instances, IPC determined that the client was a CESQG after the hazardous waste was picked-up and treated. IPC should institute a procedure that ensures that waste antifreeze is not handled until a proper waste determination is made and after it is confirmed that the client is not subject to the hazardous waste regulations in Parts 262 through 266 of 40 C.F.R.

IPC failed to file a written notification with the Department that it was transporting and treating hazardous waste. The hazardous waste antifreeze was being stored in Tank No.83. IPC failed to comply with the requirements governing the storage of hazardous waste in a tank system. Storing and treating hazardous waste without notifying as a hazardous waste facility, obtaining a permit or complying with 40 CFR Part 264 standards is a violation of 403.727(3)(b), F.S. It is also a violation of 40 CFR 263.20 for a transporter to accept hazardous waste (antifreeze) from a small quantity generator unless it is accompanied by a manifest signed in accordance with the provisions of 40 CFR 262.20.

Solid Waste

Solid waste managed at the facility includes oily solid waste generated by IPC and clients. Oil contaminated solid waste is picked-up by IPC as a service to their clients. The solid waste handled by IPC includes filter basket debris, sludge, absorbent, contaminated dirt, and rags. This waste is managed as non hazardous and sent to Clark Environmental Incorporated (Clark) for disposal.

A large amount of the solid waste generated by IPC comes from the clean-out of the lint traps and sumps. The company has done extensive analysis of this waste stream and determined it to be non hazardous. The Department did split sampling of this waste stream previously and confirmed that the lint and sludge was non hazardous. The waste profile document for this waste stream was prepared on August 19, 1991, and is on file with Clark.

A review of records at IPC and Clark show that there has been at least thirteen shipments of waste from IPC to Clark in 1997 using the 1991 waste profile document described as "filter cleaning and soil". A closer review of these shipments shows that they included drums of solid waste from clients and waste from IPC that is not reflective of the 1991 profile document. The solid waste collected from clients did not

include a waste determination and may have been a hazardous waste. On March 10, 14 & 17, 1997, eleven truck loads of soil, sand and sludge, were manifested to Clark as non hazardous using the 1991 profile document. This waste was generated at IPC from the cleaning of storage tanks and rail cars. No waste determination was performed on this waste in violation of 40 CFR 262.11.

IPC was cited during a Department inspection in February 10, 1993, for failing to make waste determinations for 18 of 20 shipments of waste from IPC to Clark Environmental. This practice of failing to make a proper waste determination has continued.

Transportation

The majority of used oil, used oil filters, and oily wastes are brought to the facility by International Oil Service (IOS) tanker trucks owned by IPC. Used oil and oily waste are also delivered by common carriers, independent oil transporters and tanker rail cars. IOS has a fleet of 18 trucks that are maintained at the IPC maintenance garage. The IOS trucks are also used to deliver products to customers. According to Mr. Allen, the company has only had one traffic accident with a tanker truck and there was no spill of used oil at the time. The facility ID number is displayed on each vehicle.

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 lacked adequate containment to prevent the migration of used oil out of the system in violation of 40 CFR 279.54(c)(2).

Contingency Plans

The facility had adequate emergency communication, fire protection, and spill control equipment appropriate for the waste being handled at the facility. The facility had both a public address system and bell alarm system to notify employees of a plant emergency. The facility was equipped with 32 fire extinguishers, seven hose and reel systems, and a fire suppression system. The equipment is operational and is inspected annually by Sunstate Fire Extinguisher Service, Lake Wales, Florida. The equipment was last inspected in June 1997.

Records

The company notified the state of its used oil activities. The company applied for registration as a used oil transporter, marketer, processor and used oil filter transporter, transfer facility, processor on February 26, 1997. The registration was for the period July 1, 1997 to June 30, 1998. Copies of licenses, registrations and authorization documents were posted on the wall in Mr. Allen's office. The transporter ID number is also painted on each IPC vehicle. The annual collection report submitted for 1996 showed that the company collected 18,279,791 gallons of used oil and 1,046,175 used oil filters. Certification of required accident insurance is being maintained. Current insurance is with National Union Fire Insurance Company.

All receipts for pick-up and delivery of used oil products are maintained in the administration office. These records are complete and very well organized. Pick-up receipts from generators are maintained by driver and date of pick-up. The EPA ID number of the generator is not on the pick-up receipts, but the EPA ID numbers for all used oil generators that have ID numbers is maintained on a company printout. Receipts for the used oil delivered to the plant are also maintained for each driver by day.

10. Summary of Alleged Violations:

40 CFR 262.11

A person who generates a solid waste, as defined in 40 CFR 261.2 must determine if that waste is a hazardous waste. Such a determination had not occurred for eleven loads of waste from International Petroleum Corporation to Clark Environmental.

40 CFR 263.20

Transportation of hazardous waste antifreeze without a manifest.

40 CFR 279.22(c)

Failure to label two containers used to store used oil with the words "Used Oil".

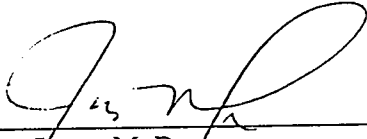
40 CFR 279.54(c)(2)

Failure to provide adequate secondary containment for rail cars containing used oil.

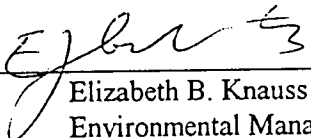
403.727(3)(b), F.S.

Storing and treating hazardous waste without notifying as a hazardous waste facility, obtaining a permit or without complying with 40 CFR Part 264 standards.

Report prepared by: _____


James M. Dregne
Environmental Specialist II

Approved by: _____


Elizabeth B. Knauss
Environmental Manager

Date: _____

11/18/97

WATKINS & CALEEN, JR. P.A.

ATTORNEYS AND COUNSELORS

1725 MAHAN DRIVE, SUITE 201

POST OFFICE BOX 15828

TALLAHASSEE, FLORIDA 32317-5828

RECEIVED
FEB 12 2001

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

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

February 9, 2001

VIA FACSIMILE & U.S. MAIL

James M. Dregne
Division of Waste Management
Southwest District
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

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

Dear Mr. Dregne:

Thank you for discussing with me today the possibility of settling the Warning Letter issued to International Petroleum Corporation ("IPC"). I conveyed the substance of your comments to Garry Allen at IPC. He, too, is eager to put this long-standing issue to rest and avoid litigating issues which have long since been resolved. Actions have been taken, as you acknowledge, which should prevent their recurrence.

Since settlement depends on the payment of money, it must be emphasized that IPC is owned by another company without the financial resources of World Fuel Services. A cash payment of \$27,414.00 or anything approaching that, would be a considerable financial burden. It has authorized me, however, to present a counter-offer of \$15,000 plus costs of \$1,264, totaling \$16,264. Payments would have to be made monthly, in equal installments, over 24-month period. A settlement in this amount, paid by installments, would be difficult but could be managed by IPC.

If the Department finds this acceptable, IPC would be agreeable to the short-form settlement agreement attached to Ms. Getzoff's letter of February 1, 2001, subject to substituting the \$16,264 figure and the term "settlement agreement" for the term "consent order" in the Notice of Rights. The use of the term "settlement agreement" is crucial to IPC, for the reasons I explained. It would allow IPC in the future to refer to this matter as an FDEP Warning Letter resolved by a settlement agreement. IPC could not accept a disposition which

James M. Dregne
February 9, 2001
Page 2

would require it to state that it committed violations, or was required to pay fines or penalties by an FDEP consent order. Words are important. Even though the short-form settlement agreement states that signing the letter is not "an admission that [the] facility was in violation" reference to it as a consent order and the payment of money carries such a connotation. I appreciate your understanding of why this is so important to IPC and its management.

The short-form settlement agreement asks for IPC to sign and return the agreement by February 15, 2001. Please let me know before that date whether or not this counteroffer is acceptable so that we can conform to your schedule.

Thank you for your cooperation.

Sincerely,



R. L. Caleen, Jr.

xc: Garry R. 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

R. L. CALEEN, JR.
W. DAVID WATKINS(850) 671-2644
FAX (850) 671-2732
E-MAIL: lawyers@floridacourts.com

February 9, 2001

VIA FACSIMILE & U.S. MAILJames M. Dregne
Division of Waste Management
Southwest District
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619**RE:** Warning Letter 187521
International Petroleum Corporation
EPA ID #FLD 065 680 613
Hillsborough County

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February 9, 2001
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Sincerely,



R. L. Caleen, Jr.

xc: Garry R. Allen, IPC

1202-1:RLC:ko

WATKINS & CALEEN, P.A.
ATTORNEYS AND COUNSELORS AT LAW

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

1725 MAHAN DRIVE, SUITE 201
TALLAHASSEE, FLORIDA 32308
(850) 671-2644 FAX (850) 671-2732
E-MAIL: LAWYERS@FLORIDACOURTS.COM
MAILING ADDRESS: P. O. BOX 15828
TALLAHASSEE, FLORIDA 32317-5828

FACSIMILE

To: James M. Dregne (813) 744-6084

From: R. L. Caleen, Jr.

MESSAGE:

Please see the attached from Mr. Caleen. Thank you.

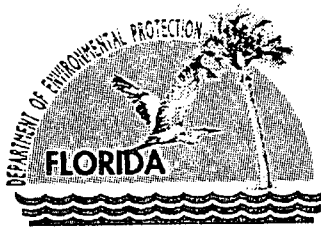
TOTAL NO. OF PAGES: 3 (INCLUDING THIS COVER SHEET)

ORIGINAL TO FOLLOW U.S. MAIL: YES

CLIENT NUMBER: 1202-1

DATE: 02-09-01

This facsimile is intended only for the use of the addressee(s) named herein and it may contain legally privileged and/or confidential information. If you are not the intended recipient of the facsimile, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us by telephone and return the original facsimile to us at the address above via the United States Postal Service.



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

February 1, 2001

Mr. Reynold L. Caleen, Jr.
Watkins & Caleen, P.A.
P. O. Box 15828
Tallahassee, FL 32317-5828

Dear Mr. Caleen:

Re: International Petroleum Corporation
FLD 065 680 613
Hillsborough County
Warning Letter # 187521

*Letter
prepared at
Deborah Getzoff's
request
CPI's Corroded
cells*

Secretary

I have thoroughly considered the offer presented in your letter of January 19, 2001 to settle the matters identified in the referenced warning letter.

Your proposal to offset a cash penalty payment by undertaking a supplemental environmental project is being rejected because of the severity of the violations and the considerable economic benefit IPC may have derived through mismanagement of tank bottom sludges. In addition, the proposed supplemental environmental projects to offset a cash penalty are not acceptable under the Department's SEP policy. Private parties may propose environmental enhancement or restoration projects as SEPs, or (if the proposed penalty is less than \$10,000) other in-kind projects that do not involve environmental restoration.

The purchase of two gas chromatographs is not a capital improvements that will directly enhance the Department's pollution control activities. Testing is required both by your permit and by the regulations in order to demonstrate compliance. Improving the timeliness and comprehensiveness of your testing program will not improve your compliance beyond that which is required under the regulations. Costs of required activities may not be used to offset penalties. Please refer to the Department's Settlement Guidelines for Civil Penalties for further discussion of the SEP policy. A copy is posted on the Internet at:

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

In addition, your proposal to conduct comparative total and TCLP volatile organics testing on waste antifreeze as a SEP does not meet the criteria of an acceptable environmental information project. You may choose to implement the project for your own purposes, but as tetrachloroethene is not a filterable solid, there should be no significant difference between the two results if samples are collected and processed in accordance with approved VOC sampling protocols per SW-846. If a significant difference is found, your protocol is not designed to determine if the difference is due to the test procedure or due to inadequate quality assurance on the part of the sampler or laboratory. Since the time of your original discussions with Dr. Garrity, district staff have collected a sample of spent aqueous parts cleaning fluid for both totals and TCLP analysis. There was no significant difference detected between the tetrachloroethene levels with either analysis. In fact the TCLP level was slightly higher than the total level.

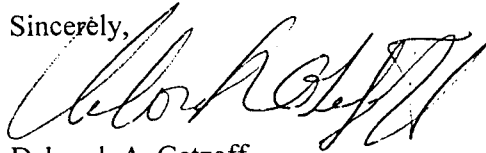
"More Protection, Less Process"

Printed on recycled paper.

It is obvious that there continues to be considerable disagreement as to how the case should be viewed. Your letter of January 19, 2001 re-states the same arguments that have been presented in the past. We had adjusted the original proposed penalty from \$61,150.00 to \$26,150 in response to these arguments, and do not believe that further adjustments are warranted.

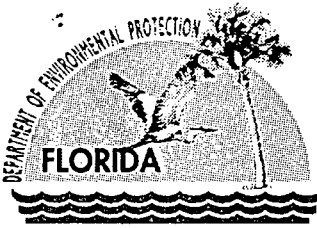
We are requesting that you respond as soon as possible regarding your willingness to settle this matter without litigation, through entry of a Consent Order that includes a total payment of penalties and costs of \$27,414.00. As you did not comment on the language of the draft Consent Order that was forwarded to you January 2, 2001, this office is forwarding a second copy for your consideration.

Sincerely,



Deborah A. Getzoff
Director of District Management
Southwest District

CC: Gary R. Allen, IPC/Magnum



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

February 1, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

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

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 are assessed civil penalties in the amount of \$26,150.00, along with \$1,264.00 to reimburse the Department costs, for a total of \$27,414.00. 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 February 15, 2001, the Department will

"More Protection, Less Process"

Printed on recycled paper.

Z 386 524 127

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

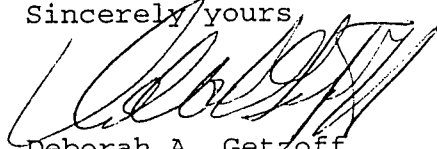
Do not use for International Mail (See reverse)

Sent to	Garry R. Allen IPC/ Magnum
Street & Number	105 S. Alexander St
Post Office, State, & ZIP Code	Plant City, FL 33566
Postage	A \$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	02-01-01

PS Form 3800, April 1995

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,



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

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order 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 Consent Order 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 Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (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 Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner want the Department to take with respect to the Consent Order.

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 Consent Order 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.

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: [X] Deborah A. Getzoff, Director of District Management
[] William Kutash, Environmental Administrator
[] Office of General Counsel, ATTN: _____

FROM: WMR 1/30/01
William Kutash, Environmental Administrator
SCT Stanley Tam, Professional Engineer II
Elizabeth Knauss, Environmental Manager
Jim Dregne, Environmental Specialist II

DATE: January 29, 2001

FILE NAME: International Petroleum Corporation (IPC) PROJECT #: 187521

PROGRAM: Hazardous Waste COUNTY: Hillsborough

TYPE OF DOCUMENT:
[X] draft or [] final [] NOV [X] Consent Order (Short Form)
[] Final Order [] Case Report [] Penalty Authorization
[] Warning Letter [X] 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. Some of the antifreeze that was transported, stored and treated at IPC was determined to be hazardous. The company did not notify the Department of these hazardous waste activities. The company also generated a solid waste when they cleaned out their used oil storage tank, but did not perform a waste determination. Eleven truckloads of used oil tank bottom sludge were disposed of as non-hazardous waste.

SUMMARY OF CORRECTIVE ACTIONS: The facility has returned to compliance. The penalty was initially at \$61,150.00. The penalty was reduce in the following ways: (1) Rail car secondary containment violation deleted following new Department guidance on the subject, (2) penalty amounts reduced to bottom of matrix, (3) potential for harm on waste determination violation reduced from major to moderate based on reduction in receptors. IPC submitted a counteroffer that is unacceptable. If IPC does not agree to sign CO, Department will initiate a Case Report.

PENALTY SUMMARY:

Potential for Harm: Major Extent of Deviation: Major

Penalty Amount: \$26,150.00 Expenses: \$1,264.00

TOTAL PENALTY AMOUNT: \$27,414.00 [] TO SECRETARY

*Jim, after reviewing
Please discuss with
Ms. Getzoff -
Hanks
JH*

WATKINS & CALEEN, P.A.
ATTORNEYS AND COUNSELORS AT LAW

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

1725 MAHAN DRIVE, SUITE 201
TALLAHASSEE, FLORIDA 32308
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E-MAIL: LAWYERS@FLORIDACOURTS.COM
MAILING ADDRESS: P. O. BOX 15828
TALLAHASSEE, FLORIDA 32317-5828

FACSIMILE

To: Deborah A. Getzoff (813) 744-6084
James M. Dregne

From: R. L. Caleen, Jr.

MESSAGE:

Please see the attached from Mr. Caleen. Thank you.

TOTAL NO. OF PAGES: 8 (INCLUDING THIS COVER SHEET)

ORIGINAL TO FOLLOW U.S. MAIL: YES

CLIENT NUMBER: 1202-1

DATE: 01-19-01

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WATKINS & CALEEN, P.A.

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

January 19, 2001

VIA FACSIMILE & U.S. MAILDeborah A. Getzoff
Director of District Management
Southwest District
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619**RE:** Warning Letter 187521
International Petroleum Corporation
EPA ID #FLD 065 680 613
Hillsborough County

Dear Ms. Getzoff:

On behalf of International Petroleum Corporation ("IPC"), this letter responds to your letter to Mr. Garry R. Allen dated January 2, 2001 on the referenced Warning Letter dated December 1, 1997.

Management of Use Oil Tank Bottom Sludges

The Department seeks to penalize IPC for the shipment of 11 truckloads of soil, sand and sludge which occurred almost four years ago. Allegedly, the shipment was made without making the waste determination required by 40 CFR 262.11.

Contrary to the Department's allegation, however, a proper waste determination was made in accordance with 40 CFR 262.11, based on IPC's knowledge of the materials and processors involved. According to EPA, "a person need not test to determine a waste non-hazardous." 45 Fed. Reg. 12727 (Feb. 26, 1980). A person may declare a waste non-hazardous based on knowledge of the materials and processes involved, as was done here, and such a determination is entitled to equal respect under RCRA regulations. There are no set criteria prescribed for making such a determination. What is required is a good faith belief that the waste is hazardous or non-hazardous based on an objective review of the materials and process involved in generating the waste. 45 Fed. Reg. 12724, 12727 (Feb. 16, 1980).

Deborah A. Getzoff
January 19, 2001
Page 2

IPC's determination of the non-hazardous nature of the tank bottom sludge from Tank-83 as stated in my letter of August 11, 1998, was based on the following:

1. Extensive laboratory analysis, periodically performed since 1994, of sludge waste and pump filter based lint, pumped into or out of T-83.
2. Used oil tank bottoms, tested at IPC's sister used oil recycling facilities located in Wilmington, Delaware and New Orleans, Louisiana. According to David Strahorn, an expert in the field, the waste tested at those facilities was similar to the waste materials contained in the 11 truckloads.
3. Mr. Strahorn, who specializes in advising used oil recycling facilities, confirms that prior to the March 1997 IPC shipment, he had specifically informed Garry Allen, IPC's president, that industry-wide data, together with data from sister facilities, established that soil, sand and sludge of the kind generated from tank and railcar clean-outs had shown to be non-hazardous. He further recommended that with such process knowledge there was no need to submit such waste to TCLP testing. As stated in his letter dated July 10, 1998, attached as Exhibit 7 to my August 11, 1998 letter:

I have been active in the Used Oil recycling industry since 1980. I am a State of California Registered Environmental Assessor (No. 220). Over the years, I have reviewed a huge amount of data from Used Oil recyclers across the country, both EP TOX and TCLP, and know of no example of a Used Oil tank bottoms sample ever failing. This material and similar solid wastes from Used Oil recyclers are routinely disposed of in non-hazardous landfills across the country.

Subsequent testing has confirmed the correctness of the March 1997 determination that the waste was non-hazardous. As you know, in February 2000, the bottom sludge of T-150 was split-sampled using the TCLP method. No circulating pump had been installed in the tank and it had been in use, and accumulating bottom sludge longer than T-83 had been in March 1997. The test results showed it to be non-hazardous.

Deborah A. Getzoff
January 19, 2001
Page 3

Moreover, in contrast to T-83, which stored used oil prior to re-refining, T-150 received oil after the water and light volatiles were removed by the re-refining process. Consequently, these metals would be expected to be higher and more concentrated in T-150 than T-83. Even so, T-150 sludge passed TCLP.

You mention in your letter that on January 11, 2000, the Department sampled used oil solids which had collected on the floor of out-of-service T-83. TCLP testing showed that an exceedance of the regulatory level for Benzene. Contrary to the Department's assertion, this is not "good evidence that the sludge removed from T-83 in 1997 may have also been hazardous." p. 2. The material sampled was not accumulated sludge similar to what would have accumulated on the bottom of T-83. Rather, it was used oil which had settled on the bottom. This was because, as your letter acknowledges, a re-circulating pump and an internal suction pipe "that picked up the solids that accumulated at the dead tank bottom" (p. 2) had been operational since early 1997.

In other words, the conditions under which the Department sampled T-83 on January 11, 2000 were the same conditions that existed when the tank was sampled in December 1998. You described those conditions in your January 2, 2001 letter to IPC:

The report on the sampling of Tank T-83 in December 1998 said that there was "no discernable sludge layer" in the 2,000-ml sample taken from the bottom of the tank. After the sample stood for 72 hours, the sample separated into three layers: (1) oil, (2) water, and (3) a heavier viscous oil/water layer.

There is no serious doubt that IPC relied on the professional advice and opinion supplied by an independent consultant with expertise and a national reputation in the field. His opinion, in turn, was based on testing data from IPC's sister facilities as well as many other facilities around the country.

It is equally certain that the nature of the IPC operation has now changed in that it receives greater amounts of oily wastes/solids. As a result, it now routinely tests each load of waste for hazardousness before shipment off-site. There should, therefore, be no recurrence of the kind of shipments made in March 1997 without a RCRA test actually being performed.

Your staff's efforts to survey other states are appreciated. Each state is free to adopt waste management standards for tank bottoms more stringent than EPA's but Florida has not. You write that there was a "consensus" among other states that generator knowledge was

Deborah A. Getzoff
January 19, 2001
Page 4

insufficient. There may or may not have been such a consensus among such individuals in March 1997, but surely IPC was not required by CFR 262.11 to poll the changing views of various environmental administrators in 31 states, in search of such a consensus.

In summary, no penalty is warranted because no violation of 40 CFR 262.11 occurred. Due to the change in the nature of IPC operations, RCRA testing of wastes is now performed on a regular basis and we do not expect this issue to arise again in the future.

Management of Hazardous Antifreeze

The Department also seeks to impose an \$18,000 penalty for alleged violations of 40 CFR 263.20 and Section 403.727(3)(b), Florida Statutes, arising out of the transport, storage and treatment of used antifreeze. At issue were twenty-one shipments of waste antifreeze from eight generators, accepted and processed by IPC between December 12, 1995 and August 1, 1997.

First, waste or spent antifreeze, that has not been mixed with hazardous waste, rarely fails the TCLP test.¹ Numerous studies and data collections have substantiated this fact. See 63 Fed. Reg. 20187 (April 23, 1998). Memoranda and analysis by EPA and the Federal Aviation Administration indicate that ethylene glycol, comprising 80-95% of antifreeze, presents little environmental concern and that changes in automobile radiators have significantly decreased the possibility of lead contamination. Id. RCRA Docket No. S0014, S0019; See Attachment 41 to August 11, 1998 letter to James M. Dregne.

The generators of the waste antifreeze at issue certified that this waste was non-hazardous and that it had not been mixed with hazardous waste. Often, they were Conditionally Exempt Small Quantity Generators not even subject to regulation under 40 CFR Parts 262-266.

Moreover, the test relied on by DEP as proof that the antifreeze exhibited the toxicity characteristic under 40 CFR 261.24(a) is legally and factually insufficient. Instead of using the TCLP, Test Method 1311, Progress Lab repeatedly measured "totals" using EPA Method 8010. In each instance, the lab analysis was patently insufficient for FDEP's purpose, as it does not

¹ See, 63 Fed. Reg. 20187 (April 23, 1998). Although EPA never finalized its official statement to this effect, the data and studies it relied on in proposing such a statement remain valid and available for use.

Deborah A. Getzoff
January 19, 2001
Page 5

show that the waste contained less than 0.5% filterable solids, and the waste was not pre-filtered using the methodology outlined in Method 1311. See 40 CFR 261.24(a).

The Director of Progress Lab, Vince Giampa, subsequently confirmed that none of the samples analyzed by Progress Lab were filtered using the methodology of Method 1311. According to him, the results of the "totals" analysis cannot be considered the extract for purposes of determining the toxicity characteristics in accordance with 40 CFR 261.24.

Subsequent comparisons of results from unfiltered "totals" and from TCLP tests of used antifreeze show marked differences. A comparison of the two test methods in August 1998 showed that the "totals" method indicated Tetrachloroethene almost 10-fold the amount detected using the TCLP test. See Attachment 9 to August 11, 1998 letter to James M. Dregne. We submit that the "totals" measured by Progress Lab support the conclusion that regulatory levels were not exceeded.

On December 9, 1998, representatives of IPC met with James Dregne, Elizabeth B. Knauss, and Dr. Garrity, to discuss the allegations of the December 1, 1997 Warning Letter. It was agreed that IPC would submit analysis protocols for sampling used oil tank sludge and waste antifreeze. For the latter, the purpose of the protocol was to determine the comparative relationship between "totals" data derived using EPA Method 8010 and 6010 as compared to data from the same antifreeze samples analyzed using EPA Method 1311 (TCLP extraction).

On January 11, 1999, the protocols, developed by Edward E. Clark - Engineers-Scientists, Inc., were submitted to FDEP. No response was received until January 2, 2001. Your letter does not approve the antifreeze testing protocol, as contemplated by Dr. Garrity and the participants in the December 1998 settlement meeting. Nor does it disapprove the protocol. Instead, it concludes that while "the protocol may show a relationship between total analysis and TCLP . . . it does not demonstrate that the antifreeze identified by the 1997 inspection was not hazardous." (p. 3.)

That historical fact, of course, is impossible to prove with absolute certainty. But comparative after-the-fact sampling is a frequently used tool to estimate past conditions or predict future outcomes. It would seem to be a particularly useful here, where there is no specific TCLP data indicating that the antifreeze exhibited the toxicity characteristic.

The protocol for sampling sludge from the bottom of T-83 has been implemented, producing favorable results which Mr. Dregne discounts because of changed conditions due

Deborah A. Getzoff
January 19, 2001
Page 6

to the installation of a circulating pump. The testing results from the sister T-150, however, confirm that the T-83 sludge removed in March 1997 was non-hazardous.

But the more extensive and costly comparative sampling proposed by the Waste Antifreeze Sampling and Analysis protocol could not be implemented without FDEP approval. There is good reason to believe that such sampling will confirm the "totals"/TCLP relationship found by limited preliminary testing. ("Totals" testing detected almost 10 times the amount of Tetrachloroethene detected by TCLP testing.)

The manner in which IPC handled and used the waste antifreeze should also be considered. It picked up and transported waste antifreeze from generators primarily as a service when it picked up used oil. It then recycled the antifreeze along with on-spec used oil at its re-refinery, where it was reprocessed into fuel and burned for energy recovery. (Ethylene glycol, with a heating value of 8200 Btu/lb, is a useful fuel.)

Although it is true that EPA and FDEP do not currently regulate used antifreeze as used oil under 40 CFR 279 and Ch. 62-701 and 62-710, F.A.C., it is also true that used antifreeze typically meets EPA's three definitional criteria for used oil. RCRA Hotline Report, April 1997, EPA: 530R-97-005d. Used antifreeze is (1) undeniably derived from crude oil, (2) used as a coolant, and (3) contaminated by physical or chemical impurities as a result of use.

Finally, and perhaps more important to your concerns, FDEP was recently granted a modification of IPC oil re-refinery permit. Under this modification any used high-glycol antifreeze not RCRA tested will be stored in an IPC tank. When enough has accumulated, the used antifreeze will be placed in a railcar and transported to a licensed antifreeze reclamation facility.

IPC Settlement Proposal

The Department's proposed \$26,150 penalty is unwarranted and, under the circumstances, excessive. IPC, however, would like to put this matter to rest as we hope FDEP would.

To begin with, without admitting that any violations occurred, IPC would agree to fully reimburse the Department \$1,264.00, for its costs and expenses of investigation.

Mr. Dregne had mentioned that it was possible that settlement could consist of other than a cash payment to FDEP. In that vein, IPC would agree to enhance and improve its on-

Deborah A. Getzoff
January 19, 2001
Page 7

site testing of solids by adding two No. 3400 Varian gas chromatographs at a total cost exceeding \$25,000. With four gas chromatographs on-site, more comprehensive and timely testing of solids could be performed, thus improving the scope and quality of environmental safeguards.

In addition, IPC would commit to pursuing Florida Pro Certification for Solids Testing for its on-site laboratory. Few, if any, re-refineries have obtained such FDEP/HRS certification because of the costs and difficulty of meeting more stringent testing standards.

Neither the additional gas chromatographs nor the Pro Certification are necessary to IPC's current operation. Both would enable IPC to, provide a greater degree and frequency of environmental testing than required by FDEP and Hillsborough County.

Alternatively, we ask for your approval of the waste antifreeze sampling and testing protocol. IPC would then implement the comparative testing program, and report the results to you – an approach thoroughly discussed and approved by Dr. Garrity at the December 1998 settlement meeting.

Finally, throughout this regulatory ordeal, your staff – though persistent with their contentions – has always been courteous, professional, and polite. We appreciate that.

Thank you for your consideration of this settlement proposal.

Sincerely,



R. L. Caleen, Jr.

xc: Garry R. Allen, IPC/Magnum
James M. Dregne, FDEP

1202-1:RLC:ko

D.E.P.

JAN 22 2001

Southwest District Tampa

WATKINS & CALEEN, P.A.

ATTORNEYS AND COUNSELORS AT LAW

1725 MAHAN DRIVE, SUITE 201

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January 19, 2001

VIA FACSIMILE & U.S. MAIL

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

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

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Thank you for your consideration of this settlement proposal.

Sincerely,



R. L. Caleen, Jr.

xc: Garry R. Allen, IPC/Magnum
James M. Dregne, FDEP

1202-1:RLC:ko

08C 00-2345

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- 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):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Barry R. Allen
IPC / Magnum
105 So. Alexander St.
Plant City, FL 33566

4a. Article Number
7099 3400 0001 97603824

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
1-3-01

5. Signature (Addressee)

[Signature]

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

6. Signature (Agent)

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530 **DOMESTIC RETURN RECEIPT**

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U.S. Postal Service
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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Name (Please Print Clearly) (to be completed by mailer)
Barry R. Allen

Street, Apt. No., or PO Box No.
105 So. Alexander St

City, State, ZIP+4
Plant City, FL 33566

PS Form 3800, July 1999 See Reverse for Instructions

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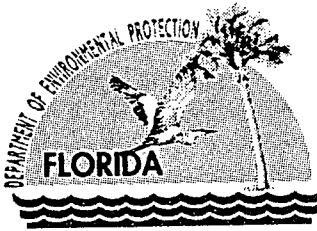
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JAN 04 2001
Southwest District Tampa

Print your name, address and ZIP Code here

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION
3804 COCONUT PALM
TAMPA, FLORIDA 33610

3610+1002





Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

January 2, 2001

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

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

Dear Mr. Allen:

The Florida Department of Environmental Protection (Department) has completed an exhaustive review into all the facts and circumstances pertaining to the reference case and has determined that specific violations of Florida Statutes and Rules existed at the International Petroleum Corporation (IPC) facility during the hazardous waste compliance inspection conducted on September 17, 1997. The violations of Department Rules concerned the improper management of characteristically hazardous used antifreeze and the improper characterization and disposal of used oil tank bottom sludges. As part of the Department's review of this case, it has done the following:

- 1) Reviewed IPC's management of used antifreeze and used oil tank bottom sludges with Department RCRA staff throughout the state.
- 2) Discussed the handling of used oil tank bottom sludges with Mr. Allen Plaza, Department of Toxic Control, State of California.
- 3) Reviewed with personnel from Clark Environmental Services the characterization, handling and disposal of used oil tank bottom sludge from IPC.
- 4) Sampled and tested sludge from the bottom of used oil storage tank (Tank T-83) at the IPC facility.
- 5) Reviewed the regulatory requirements of thirty-one (31) state environmental agencies pertaining to the handling of used antifreeze and used oil tank bottom sludges.
- 6) Evaluated the Waste Antifreeze Sampling and Analysis Protocol and Used Oil Tank Sludge Sampling and Analysis Protocol submitted by Edward E. Clark Engineering-Scientists, Inc.

Management of Used Oil Tank Bottom Sludges

Violation: 40 CFR 262.11 *Failure to determine if eleven trailer loads of used oil tank bottom sludges were a hazardous waste.*

Used oil tank bottom sludges that are not burned for energy recovery must be managed as a solid waste. Title 40, Code of Federal Regulation (CFR), Section 262.11 says a person who generates a solid waste

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must determine if that waste is a hazardous waste. The Department agrees that the used oil tank bottom sludges disposed of by IPC in March 1997 were not excluded from regulation under 40 CFR 261.4 and were not a listed hazardous waste. However, IPC has not put forth any evidence that would demonstrate that the waste was not characteristically hazardous. Under 40 CFR, 262.11, a generator can test the waste according to the methods set forth in Subpart C of 40 CFR Part 261 (or equivalent method) or apply knowledge of the hazardous characteristics of the waste in light of the materials or processes used. The sludges that were generated in Tank T-83 came from several different waste streams. The waste placed in T-83 included used oil from hundreds of different used oil generators around the state of Florida, waste antifreeze (some of which was hazardous), waste fuels, and waste waters from the rinsing of filter baskets and drums. The contaminants commonly found in these wastes include trichloroethylene, tetrachloroethylene, toluene, lead, chromium, cadmium, arsenic and benzene.

The leachability of toxic contaminants in tank bottoms cannot be directly compared to the leachability of toxics from your filter basket sludge. The size of the solids in the sludge has a direct effect on the leachability of the heavy metals. Smaller diameter particles, such as those in the tank bottoms have more surface area, and consequently leach contaminants more readily when tested.

The Used Oil Tank Sludge Sampling and Analysis Protocol prepared by Edward E. Clark Engineers-Scientists, Inc. has been reviewed by the Department. The protocol demonstrated that the sampling plan as designed could not recover a sludge sample from Tank T-83. The sludge that was removed from T-83 in early 1997 was generated in a tank that was constructed differently from the tank that we saw at IPC in 1999. When the sludge was removed from the tank in early 1997 by Clark Environmental Services, the tank did not have a re-circulating pump and an internal suction pipe that picked up the solids that accumulated at the dead tank bottom and pump it to various levels within the tank depending on its current tank volume. As a result, when the tank was cleaned in early 1997 there was a large amount of sludge that had accumulated on the bottom of the tank floor. When IPC personnel attempted to take a sludge sample in December 1998, they were unsuccessful because the re-circulating pump kept most of the solid particles suspended in the tank. The report on the sampling of Tank T-83 in December 1998 said that there was "no discernable sludge layer" in the 2,000-ml sample taken from the bottom of the tank. After the sample stood for 72 hours, the sample separated into three layers: (1) oil, (2) water, and (3) a heavier viscous oil/water layer.

In December 1999, oil receiving tank number 83 was taken out of service along with the re-refined oil tank number 150. Tank T-630 replaced T-83 as the main feed tank in the IPC refinery. The emptying of T-83 allowed the Department to gain access to the bottom of the tank. Because the tank is not completely flat, used oil solids were allowed to collect on the floor of the tank. On January 11, 2000, the Department took a sludge sample through an opening in the bottom of T-83. Certified test results from the Department's Central Laboratory in Tallahassee showed that the used oil tank bottom sludge exhibited the characteristic for toxicity using the Toxicity Characteristic Leaching Procedure, Test Method 1311. The sludge sample exceeded the regulatory level for Benzene. The Department feels that this is the good evidence that the sludge removed from T-83 in 1997 may have also been hazardous.

There has been no documentation presented that would show that IPC had any information from Mr. David Strahorn that the used oil tank bottom sludges generated at IPC in March 1997 were non-hazardous before they were sent to Clark Environmental Services for disposal. During the March 4, 1998 meeting at the Southwest District offices, Mr. Strahorn said the "California Study" showed that used oil tank bottom sludges were non-hazardous. As a reference, Mr. Strahorn gave the name of Mr. Allan Plaza as a used oil expert with the Department of Toxic Control, Glendale, California. Mr. Plaza was contacted on May 7, 1998. While Mr. Plaza was not familiar with the "California Study", he was confident that used oil tank bottom sludges would test hazardous for organic constituents.

A survey of thirty-one states throughout the United States revealed that several states including Nevada, New Hampshire, and Arizona manage used oil tank bottom sludges as hazardous waste. The consensus among the other states was that generator's knowledge is not sufficient because of the large number and various levels of contaminants found in used oils and the multiple sources the used oil comes from.

Management of Hazardous Antifreeze

Violation: 40 CFR 263.20 *Transportation of hazardous waste antifreeze without a manifest.*

Violation: 403.727(3)(b), F.S. *Storing and treating hazardous waste antifreeze without notifying as a hazardous waste facility, obtaining a permit or without complying with 40 CFR Part 264 standards.*

The Department's position on the management of waste antifreeze remained consistent from February 2, 1988 through August 5, 1996. During that period, persons generating waste antifreeze were required to make a waste determination as required by Title 40, Code of Federal Regulation (CFR), Section 262.11. The waste determination could be made by testing the waste using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311, or by applying knowledge of the waste in light of the materials or the processes used. The Department's guidance further said that if the waste determination was based on testing, the testing could be limited to contaminants that were most likely found in waste antifreeze. These contaminants included lead, benzene, tetrachlorethylene (Perc) and trichloroethylene. During the 1988 to 1996 time period, the Hillsborough County Environmental Protection Commission (HCEPC) required generators of waste antifreeze in Hillsborough County to test their waste antifreeze as part of their waste determination.

It is clear from a review of your antifreeze records that during the period 1995 to 1997 IPC was requiring waste antifreeze customers to have their antifreeze tested for the contaminants of concern (COC). A review of the company's records showed that waste antifreeze from twenty-four generators showed exceedences for at least one or more of the COC. Poor screening procedures allowed twenty shipments of hazardous waste antifreeze from seven clients to be picked up and transported to the IPC facility in Plant City for processing. The mismanagement of the antifreeze can be attributed to several causes including; the improper characterization of the antifreeze by the company's environmental consultant, A. M. Malatino, the acceptance of shipments of hazardous waste antifreeze on the same day that the antifreeze was sampled for analysis, and the misidentification of small quantity generators (SQG) as conditionally exempt small quantity generators (CESQG). In cases where there was some doubt whether the generator was a conditionally exempt small quantity generator (CESQG) or a small quantity generator (SQG), the Department accepted the premise that the generator was a CESQG.

The Department does not accept the argument that the test results collected by IPC are invalid because the testing was a total waste analysis in lieu of a TCLP analysis. If a facility relies upon a total waste analysis in lieu of conducting a TCLP analysis, they must assume that the waste is hazardous unless the total analysis indicates regulated compounds are present at such low concentrations that the appropriate regulatory level could not possibly be exceeded. In the seven instances cited in the 1997 inspection, the concentrations of specific COC was high enough that this assumption could not be made. Also, on several separate occasions the Department and HCEPC personnel have instructed IPC personnel that there is no such thing as an "assumed 20:1 dilution factor" when comparing total and TCLP analyses for wastes that contain free liquids.

The Waste Antifreeze Sampling and Analysis Protocol prepared by Edward E. Clark Engineer-Scientists, Inc. has been reviewed by the Department. While the protocol may show a relationship between total analysis and TCLP analyses in the ten new generators chosen for the study, it does not demonstrate that the antifreeze identified by the 1997 inspection was not hazardous.

As previously stated in the Department's November 13, 1998 letter, the Department does not agree that waste antifreeze is used oil. EPA has clearly stated in its November 1996 fact sheet entitled Managing Used Oil, that certain petroleum derived products like antifreeze do not meet EPA's definition of used oil. The Department agrees that burning for energy recovery is a form of recycling. However it is a form of recycling that is regulated if the material being burned is a hazardous waste that is not otherwise excluded. Per 40 CFR 261.2(c)(2), spent antifreeze that is characteristically hazardous is a solid waste when burned for energy recovery. The 40 CFR 261.6(a)(4) exclusion does not apply since the antifreeze is not used oil. Your argument that some of the IPC's antifreeze is being recycled as an ingredient in flotation agents can't be considered since IPC commingles oil and antifreeze and does not manage fuel and flotation oil streams separately upon receipt. Moreover you have not demonstrated that any ethylene glycol serves any purpose or is even present in flotation oil.

Again, the Department cannot agree with your position that a violation did not occur. IPC management was told that fuel blending characteristically hazardous waste antifreeze was not allowed without a RCRA permit during a training session sponsored by the UAUOS.

Rail Car Secondary Containment

Violation: 40 CFR 279.54(c)(2) Failure to provide adequate secondary containment for rail cars containing used oil.

The violation involving the requirement for adequate secondary containment for rail cars was set aside by the Department on June 25, 1998, following the issuance of guidance by the Department's Division of Waste Management in Tallahassee on June 18, 1998.

Used Oil Container Labeling

Violation: 40 CFR 279.22(c) Failure to label two containers used to store used oil with the words "Used Oil".

Violation was acknowledged by IPC. No discussion required.

Penalty Adjustment

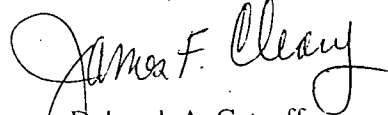
The original penalty amount calculated in this case was \$61,150.00. The penalty amount was reduced to \$54,150.00 on June 25, 1998, when the rail car secondary containment violation was deleted. In an effort to bring this long-standing enforcement case to closure, the Department is willing to adjust the penalty to **\$26,150.00** (penalty computation worksheet attached as enclosure 1). The willingness by the Department to reduce the penalty is based on the effort shown by IPC in returning to compliance and the checks and balances instituted by the company to ensure the proper management of used antifreeze.

Cost and expenses for this case are \$1,264.00.

A draft Short Form Consent Order that would close this enforcement case has been attached (enclosure 2) for your review and signature. If the signed Order is not received at the District's address above by January 19, 2001, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly.

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

Sincerely yours,



Deborah A. Getzoff
Director of District Management
Southwest District

DAG/jmd

1 Encl.

CC: R. L. Caleen, Jr., Watkins & Caleen, P.A.

PENALTY COMPUTATION WORKSHEET

Facility Name: INTERNATIONAL PETROLEUM CORPORATION

Facility Address: 105 South Alexander Street, Plant City, Florida, 33566

Penalty Computed By: James Dregne

Date: ^{DECEMBER 19, 2000} November 18, 1997

PART I - Class B (no penalty) Determination

Rationale: n/a

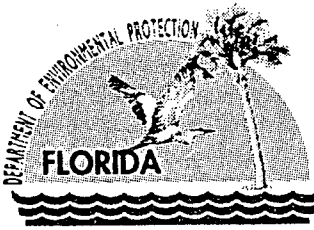
PART II - Class A Penalty Determination

	Violation Type	Potential for Harm	Extent of Deviation	Matrix Amount	Multi-Day	Adjustment	Total
1	40 CFR 262.11	moderate major	major	8,000 \$25,000			8,000 \$25,000
2	40 CFR 263.20	moderate	moderate	5,000 \$6,500	\$5,000		10,000 \$11,500
3	40 CFR 279.22(c)	minor	minor	\$150			\$150
4	40 CFR 279.54(c)(2)	major	moderate	\$7,000			\$7,000
5	403.727(3)(b)	moderate	major	8,000 \$9,500	\$8,000		8,000 \$17,500

DELETED
6/25/98

Total Penalties for All Violations: **\$61,150.00**

26,150.00



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

January 2, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

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

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 are assessed civil penalties in the amount of \$26,150.00, along with \$1,264.00 to reimburse the Department costs, for a total of \$27,414.00. 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.

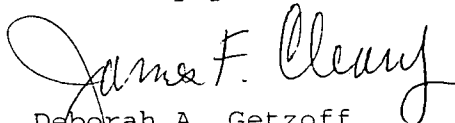
If you do not sign and return this letter to the Department at the District address above by January 15, 2001, the Department will

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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,



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 _____, 2000 in Tampa,
Florida.

DAG/jmd

Attachments

NOTICE OF RIGHTS

Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order 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 Consent Order 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 Consent Order; (c) A statement of how each petitioner's substantial interests are affected by the Consent Order; (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 Consent Order; (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Consent Order; (g) A statement of the relief sought by petitioner, stating precisely the action petitioner want the Department to take with respect to the Consent Order.

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 Consent Order 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.

Memorandum

Florida Department of Environmental Protection

12/27/00

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: [initials] Deborah A. Getzoff, Director of District Management
 William Kutash, Environmental Administrator
 Office of General Counsel, ATTN: _____

FROM: WAC 12/27/00 William Kutash, Environmental Administrator
SCT Stanley Tam, Professional Engineer II
Elizabeth Knauss, Environmental Manager
Jim Dregne, Environmental Specialist II

DATE: December 19, 2000

FILE NAME: International Petroleum Corporation (IPC) PROJECT #: 187521

PROGRAM: Hazardous Waste COUNTY: Hillsborough

TYPE OF DOCUMENT:

- draft or final
 Final Order
 Warning Letter
 NOV
 Case Report
 Other Letter
 Consent Order (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. Some of the antifreeze that was transported, stored and treated at IPC was determined to be hazardous. The company did not notify the Department of these hazardous waste activities. The company also generated a solid waste when they cleaned out their used oil storage tank, but did not perform a waste determination. Eleven truckloads of used oil tank bottom sludge were disposed of as non-hazardous waste.

SUMMARY OF CORRECTIVE ACTIONS: The facility has returned to compliance. The penalty was initially at \$61,150.00. The penalty was reduce in the following ways: (1) Rail car secondary containment violation deleted following new Department guidance on the subject, (2) penalty amounts reduced to bottom of matrix, (3) potential for harm on waste determination violation reduced from major to moderate based on reduction in receptors. If IPC does not agree to sign CO, Department will initiate a Case Report.

PENALTY SUMMARY:

Potential for Harm: Major Extent of Deviation: Major

Penalty Amount: \$26,150.00 Expenses: \$1,264.00

TOTAL PENALTY AMOUNT: \$27,414.00 TO SECRETARY

**WATKINS, TOMASELLO
& CALEEN, P.A.**
ATTORNEYS AND COUNSELORS AT LAW

R. L. CALEEN, JR.
DEBORAH A. LACOMBE
THOMAS G. TOMASELLO
W. DAVID WATKINS

D.E.P.

JAN 12 1999

Southwest District Tampa

1725 MAHAN DRIVE, SUITE 201
TALLAHASSEE, FLORIDA 32308
(850) 671-2644 FAX (850) 671-2732
E-MAIL: WTC-PA@WTC-PA.COM

MAILING ADDRESS
POST OFFICE BOX 15828
TALLAHASSEE, FLORIDA 32317-5828

January 11, 1999

VIA FEDERAL EXPRESS

Elizabeth B. Knauss
Environmental Manager
Southwest District
Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, Florida 33619

Re: International Petroleum Corporation/Special Sampling and Analysis Protocols

Dear Ms. Knauss:

Enclosed, for your review and approval, are Analysis Protocols for Sampling of Used Oil Tank Sludge and Waste Antifreeze. I apologize for the delay in presenting them but the intervening Holiday made it difficult to respond earlier.

We hope that we can come to a quick agreement on the analysis protocols so that the sampling can be initiated soon.

Thank you for your cooperation.

Sincerely,



R. L. Caleen, Jr.

xc: Dr. Richard Garrity, DEP (w/encl. - Via Federal Express)
James M. Dregne, DEP (w/encl. - Via Federal Express)
Garry Allen, President, IPC (w/encl.)
Clark Engineers-Scientists (w/o encl.)

1039:RLC:kj

January 6, 1999

Mr. R. L. Caleen, Jr., Esq.
Watkins, Tomasello & Caleen, P.A.
1725 Mahan Drive, Suite 201
Tallahassee, Florida 32308

Rec'd 1/8/99 File _____
Resp. Date _____ PKJ _____
WDW _____ TGT _____
RLC _____ DAG _____
CC: _____

Subject: Special Sampling and Analysis Protocols

Dear Mr. Caleen:

On behalf of our client, International Petroleum Corporation (IPC), the firm of Edward E. Clark Engineers-Scientists, Inc. (CLARK) is pleased to submit the enclosed copies of the two special sampling and analysis protocols CLARK was asked to prepare. Please find three (3) signed and sealed copies of each of the following documents:

- Used Oil Tank Sludge Sampling and Analysis Protocol
- Waste Antifreeze Sampling and Analysis Protocol

Upon approval, we will need to contact the appropriate FDEP, IPC and environmental laboratory staff to coordinate both sampling, analysis and data reporting requirements. Please contact either Ken Baughman or myself if you have any questions.

Yours truly,



Edward E. Clark, Ph.D., P.E.
President

EEC/bjk

Enclosure

cc: G. Allen, President, IPC (With enclosure)

Project 9704

WASTE ANTIFREEZE SAMPLING AND ANALYSIS

PROTOCOL

D.E.R.

JAN 12 1999

**SOUTHWEST DISTRICT
TAMPA**

**Waste Antifreeze Sampling and Analysis
protocol**

Prepared For:

**International Petroleum Corporation
105 South Alexander Street
Plant City, Florida 33599**

Prepared By:

**Edward E. Clark Engineers-Scientists, Inc.
Miami, Florida**

January 6, 1999





Waste Antifreeze Analysis

Introduction

International Petroleum Corporation (IPC) operates a used oil re-refinery located at 105 South Alexander Street, Plant City, Florida. IPC collects both waste oil and waste antifreeze from clients and processes the material at its used oil re-refinery, as authorized by their Florida Department of Environmental Protection (FDEP) permit. The firm of Edward E. Clark Engineers-Scientists, Inc. (CLARK) has been asked to develop a sampling and analysis protocol for waste antifreeze samples to determine the comparative relationship between "totals" data derived from EPA Method 8010 and EPA Method 6010 as compared to data from the same samples analyzed by EPA Method 1311 (TCLP Extraction) as prescribed in 40 CFR 261.24(a), Appendix II.

Proposed Sampling Protocol

Waste antifreeze samples will be collected from ten different generators over the course of the next three calendar months and used for the comparative study. It is expected that ten or more waste antifreeze collections entailing TCLP testing will be generated during the three month period. Sufficient sample volumes will be collected from each generator to complete all required laboratory analytical procedures. Waste antifreeze samples will be collected using pre-cleaned, disposable glass Coliwasa sample tubes and placed in pre-cleaned sample bottles and submitted to a Florida certified environmental laboratory for analysis. During the study period, IPC will randomly collect additional sample volume from two (2) of the ten waste antifreeze samples so the laboratory has sufficient sample volume to conduct method required matrix spike analyses for the TCLP extraction, in addition to the sample specific methodology.

Proposed Analytical Procedure

The ten waste antifreeze samples will be submitted to a Florida certified environmental laboratory for the following:

CLARK

TCLP

1. Each waste sample will be extracted using the appropriate procedure(s) specified in EPA Method 1311 for specific volatile and metal parameters listed below.
2. TCLP extracts for each sample will be analyzed for trichloroethene, tetrachloroethene and lead. The following analytical methods will be utilized:

Trichloroethene, Tetrachloroethene - EPA Method 8010

Lead - EPA Method 6010

3. The laboratory will perform all required CompQAP and/or method-specific QA/QC procedures for all ten samples. In addition, the two (2) additional waste volumes that were randomly selected will be used to perform the required laboratory matrix spike analyses, as specified in EPA Method 1311. The laboratory will use a spiking mixture of the three required TCLP parameters at a concentration equal to the RCRA regulatory limit for each parameter.

"Totals" Analysis

In addition to performing the TCLP procedure, the laboratory will analyze separate aliquots of each original waste antifreeze sample for the following:

EPA Method 8010 (Trichloroethene, Tetrachloroethene)

EPA Method 6010 (Lead)

Laboratory Data Reporting Requirements

The laboratory will submit laboratory reports in accordance with Florida Administrative Code (FAC) 62-160 requirements for each sample submitted. In addition, the laboratory will report the percent solids for each sample (required by EPA Method 1311) and all method specific quality control data

In addition, the laboratory will indicate whether Zero Headspace Extraction (ZHE) or filtration was used to create the volatile TCLP extract. Matrix spike data for the two designated samples will also be reported. The laboratory will document the original

CLARK

sample concentrations, the spiking mixture concentrations, the concentrations of each parameter in each of the spiked samples, and calculate and report the percent recovery for each parameter (Tier or Level 3 deliverables package).

Letter Report

A report will summarize the results of both testing methods and discuss the relationship between the two methods for the various parameters analyzed. Graphs and statistical analysis will be included, as appropriate. The report will reiterate the sampling protocol, analytical methods, data summaries, QA/QC results and contain copies of the laboratory reports and Chain-of-Custody forms.

**USED OIL TANK SLUDGE SAMPLING AND ANALYSIS
PROTOCOL**

D.E.R.

JAN 12 1999

SOUTHWEST DISTRICT
TASIS

**Used Oil Tank Sludge Sampling and
Analysis Protocol**

Prepared For:

**International Petroleum Corporation
105 South Alexander Street
Plant City, Florida 33599**

Prepared By:

**Edward E. Clark Engineers-Scientists, Inc.
Miami, Florida**

January 6, 1999





Used Oil Tank Sludge Sampling and Analysis Protocol

Introduction

International Petroleum Corporation (IPC) operates a used oil re-refinery located at 105 South Alexander Street, Plant City, Florida. The firm of Edward E. Clark Engineers-Scientists, Inc. (CLARK) has been asked to develop a protocol for the sampling and analysis of used oil tank bottom sludge from the main used oil feed tank located at the IPC refinery. Based on generator knowledge of the process and materials used, IPC has determined that such bottom sludge does not exhibit the RCRA hazardous characteristics of toxicity. This proposal is to determine whether this knowledge is accurate and correct.

Background

The main used oil feed tank for the IPC re-refinery is a 212,000 gallon aboveground storage tank (designated Tank 83) approximately 37-feet in diameter and approximately 26-feet in height. Access to the tank is through a 1-foot diameter gauge hatch located on top of the tank. During normal process operations Tank 83 is anywhere from 10 percent to 90 percent full of used oil that is re-circulated via a Gorman-Rupp recirculating pump and an internal suction pipe that picks up product from dead tank bottom and pumps it to various levels within the tank depending on current tank volume. The re-circulating pump and associated piping were added in January 1997 as part of the re-refinery upgrade. The pump operates continuously and cannot be shut down long-term without disrupting re-refinery operations for several days.

In December 1998, using a stainless steel weighted zone sampler, IPC personnel collected approximately 2,000 ml of sample from the bottom of Tank 83. A visual examination of the sample showed the presence of an oil and water layer with no discernable sludge layer. The collected sample was placed in a 2,000 ml graduated cylinder and allowed to stand for approximately 72-hours. At the end of the settling time, the sample had separated into three layers: (1) oil; (2) water, and (3) a heavier viscous oil/water layer that contained some fine sludge-like solids.

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Proposed Sampling Protocol

CLARK proposes to use a clean stainless steel tankerman's gauge and pre-cleaned stainless steel zone sampler to collect samples of fine sludge-like solids from the bottom of Tank 83 located at the IPC re-refinery. All sampling will be performed in accordance with the sampling procedures specified in the Edward E. Clark Engineers-Scientists, Inc., approved CompQAP (870224). All proposed sampling activities will be scheduled in writing and approved by both IPC and the Florida Department of Environmental Protection (FDEP), Tampa district office prior to the actual sampling.

A stainless steel zone sampler consists of a check valve, sample container and flapper. The check valve and flapper remain open while the zone sampler is passed through a liquid. As the sampler is returned to the surface the check valve and flapper mechanism close, thereby collecting a sample from the zone of interest. CLARK proposes to utilize the zone sampler to collect approximately 2,000 ml of sample from the bottom of Tank 83.

The pre-cleaned sampler will be lowered through the gauge hatch located at the top of the tank. Alternatively, one of the sidewall manholes may be used to gain access to the tank contents, should the liquid level in the tank be low enough to provide access. Due to normal re-refinery process operations, it is not possible to predict how much used oil will be present in Tank 83 at the time of sampling. Therefore, the exact tank entry point will be determined at the time of the proposed sampling event.

The composite sample collected from the bottom of Tank 83 will be placed in a pre-cleaned 2,000 ml glass cylinder and covered with clean foil and allowed to separate (gravity and viscosity) for a period of 72-hours. Following the 72-hours, the upper two (2) layers (oil and water layers) will be decanted and discarded. The third layer, the bottom which is expected to be comprised of the heavier viscous oil/water and solids layer will be decanted and placed in a pre-cleaned sample containers and sent to a Florida certified environmental laboratory for petroleum tank bottom sludge analyses. Sufficient samples will be collected and decanted so that a split sample can be provided to FDEP for independent analysis. The sample will be analyzed for the following waste oil parameters:

- TCPL Metals
- Flashpoint
- Total Halogens
- PCBs

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Letter Report

CLARK will prepare a brief letter report describing the sampling protocol, sample separation and decanting procedures, and a summary of the laboratory results. This report, the laboratory results and Chain-of-Custody forms will be submitted to FDEP. It is expected that the results will confirm, consistent with the generator's knowledge of the process and materials used, that used oil tank bottoms in Tank 83 do not exhibit a hazardous characteristic under RCRA.