

TO: Bill Kutash Program Administrator
THROUGH: Larry Morgan, Deputy General Counsel, Enforcement Section
FROM: Mary Wilson, Administrative Assistant, Enforcement Section
RE: Open Enforcement Case
DEP vs. Howco Environmental Services, Inc.
OGC Case No.: 91-1176
Program Area: HW
County: Pinellas

DATE: February 18, 2005

Please direct this request to appropriate staff.

The referenced file is an open case in Legal Case Tracking. Please provide a brief summary of ongoing district activity or indicate file closure appropriate by returning this form to my attention, Office of General Counsel, Mail Station 35.

Brief summary of ongoing district activity: file archived, memo
closing case not available dated 10/6/1996
COMET CASE 33721

CASE CLOSED

Closure Request (check applicable closure criteria):

- ☐ Compliance without formal enforcement (draft NOV or Consent Order resolved informally)
- ☐ Consent Order executed; all conditions met.
- ☐ NOV issued, Final Order filed; all conditions met.
- ☐ Circuit Court action; all conditions met.
- ☐ In-Kind Obligation completed.
- ☐ Pollution Project completed.
- ☐ TUA conditions met/ Lease obtained

File Closure Requested By: _____ Date: _____

91-1176

Compliance & Enforcement Tracking System - Activity View							
PA	Activity	Description of Activity	Date Done	Date Due	Date Comp		
HW	CP	CASE CLOSED BY RESPECT	10/15/1995				
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	08/06/1996				
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	08/05/1996				
HW	CAR	CONTAMINATION ASSESSMENT REPORT	07/09/1996	08/10/1996	08/12/1996		
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	07/06/1996	07/01/1996	07/05/1996		
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	06/01/1996				
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	05/03/1996				
HW	CAR	CONTAMINATION ASSESSMENT REPORT	04/19/1996	05/23/1996	06/06/1996		
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	04/04/1996	04/01/1996	04/04/1996		
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	03/04/1996				
HW	COND	PERMIT CONDITION OR CONSENT ORDER RESPONSE DUE	02/01/1996	02/01/1996	02/01/1996		

Memorandum

Florida Department of Environmental Protection


TO: Lauri Roughton, OGC
THROUGH: *WR* William R. Kutash, WPA, SWD
FROM: *E* Elizabeth B. Knauss, RCRA Program SWD
DATE: December 17, 1996
RE: HOWCO
OGC Case 91-1176
Pinellas County


Per your request I have attached a copy of HOWCO's check #505654 dated June 30, 1992 for the payment missing from the LCT database records.

There is still a discrepancy of \$0.04 from the total penalty. Per our conversation, you confirmed that we would write off this amount.

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

 ☒ William Kutash, Environmental Administrator

FROM/THROUGH:  Jim Dregne, Program Manager 7/12/05
Al Gephart, Engineering Specialist IV

DATE: July 27, 2005

FILE NAME: HOWCO Environmental Services

PROJECT #: 285070
OGC # 05-0911

PROGRAM: Hazardous Waste

COUNTY: Pinellas

TYPE OF DOCUMENT:

<input type="checkbox"/> Draft or <input checked="" type="checkbox"/> Final	<input type="checkbox"/> NOV	<input type="checkbox"/> Consent Order
<input type="checkbox"/> Final Order	<input type="checkbox"/> Case Report	<input type="checkbox"/> Penalty Authorization
<input type="checkbox"/> Warning Letter	<input checked="" type="checkbox"/> Other: Case Closed Letter	

DESCRIPTION OF VIOLATIONS:

Failure to (1) properly label used oil filter containers and (2), failure to properly label screen filter residue container.

SUMMARY OF CORRECTIVE ACTIONS:

The facility has corrected the cited violations and has submitted to the Department a check for \$1,475.

PENALTY SUMMARY:

ELRA Guidelines

Penalty Amount: \$ 1,375.00 Expenses: \$ 100.00

TOTAL PENALTY PAID: \$ 1,475 ON 7/25/05



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 28, 2005

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

Re: Final Agency Action (Consent Order)
HOWCO Environmental Services
FLD 152 764 767, Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The Department has received your payment totaling \$1,475.00 as stipulated by the Order. The Department is closing the enforcement file associated with the inspection of January 27, 2005.

Sincerely,

William Kutash
Administrator
Division of Waste Management

WK/afg

cc: Jeff Pallas, US EPA Region IV
Kathy Carter, OGC
Steve Ray, HWR Section
Lora Ross, SWD SW Section
Compliance File



Memorandum

Florida Department of Environmental Protection

SOUTHWEST DISTRICT

TO: Larry Morgan
Office of General Counsel

THROUGH: ~~Deborah A. Getzoff~~, District Director
Southwest District

~~William Kutash~~, Program Administrator
~~James Dregne~~, Hazardous Waste Program Manager *ALW*

FROM: *ALW* Al Gephart

DATE: July 27, 2005

SUBJECT: Case Closure Request
HOWCO Environmental Services (Hagan Holding Company)
Facility EPA ID# FLD 152 764 767, OGC Case# 05-0911
Pinellas County

All provisions of the subject Short Form Consent Agreement have been met. Therefore, it is requested that this case be closed.

Amount of penalties: \$1,475.00

AFG



Cash Receiving Application - Collection Point Log Remittance

Collection Point Log Remittance

AREA **SWD** Total **\$1,475.00**

Remittance# **636168** Type **CP** Received Date **07/26/2005** Status **RECEIVED**

SYS#RCPT **509578** PNR Check# **24089** Amount **1,475.00**

SSN/FEI# Name **HOWCO ENVIRONMENTAL SERVICES**

First Middle Title Suf

Address1 **3701 CENTRAL AVENUE** Short Comments

Address2 OGC 05-0911 HW

City **ST PETERSBURG** ST **FL** Zip **33713** Country

PAYMENT(S)

Payment#	Area	Code/Description	Amount	Reference#	Applic	Fund *	Status
700442	SWD	010003 LCT-REMBLELEGAL	\$100.00	050911		ECOSYS	COMPLETE
700943	SWD	012008 LCT-PENALTIES	\$1,375.00	050911		ECOSYS	COMPLETE

COMMIT FREQUENTLY

\$1,475.00

Payment total

Press <TAB> to affect Collection Point or enter FAA

start

Inbox - M...

4 Intern...

Document...

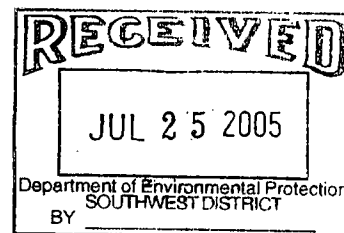
9:53 AM



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619



Colleen M. Castille
Secretary

*Original Mailed
7/20/05*

July 11, 2005

Mr. Tim Hagen
Hagan Holding Company (dba HOWCO Environmental Services)
3701 Central Avenue
St. Petersburg, FL 33713

JUL 12 2005

SUBJECT: Proposed Settlement - HOWCO Environmental Services
Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated March 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed to bring your facility into compliance. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,375 along with \$100 to reimburse the Department costs, for a total of \$1,475.

The civil penalties are apportioned as follows: a total of \$750.00 for one violation of Florida Administrative Code (FAC) 62-710.850(6), and \$625.00 for violating Specific Condition IV.4.d in the facility's used oil and material processing permit.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." The payment shall be made within thirty (30) days of your signing this letter.

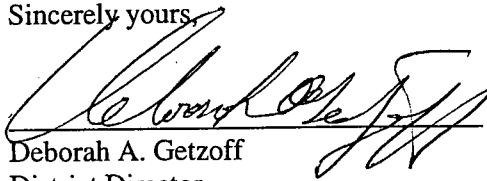
Your signing this letter constitutes your acceptance of the Department's offer to resolve this matter on these terms. If you elect to sign this letter, please return it to the Department at the address indicated above. The Department will then countersign the letter and file it with the Clerk of the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

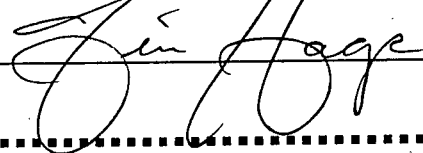
If you do not sign and return this letter to the Department at the District address by July 15, 2005, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENTS:

I, Tim Hagan, on behalf of Hagan Holding Company, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 

Date: 7-18-5

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk

Date

DAG/afg

cc: Kathy Carter – FDEP OGC, Tallahassee

Attachments

Memorandum

Florida Department of Environmental Protection

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: ☒ Deborah A. Getzoff, District Director

THROUGH: *WKP* William Kutash, Environmental Administrator
JD Jim Dregne, Hazardous Waste Program Manager *7/2*

FROM: *AG* Al Gephart, Engineering Specialist IV

DATE: July 21, 2005

FILE NAME: HOWCO Environmental Services

PROJECT #: 285070

OGC #: 05-0911

PROGRAM: Hazardous Waste

COUNTY: Pinellas

TYPE OF DOCUMENT:

<input type="checkbox"/> Draft or <input checked="" type="checkbox"/> Final	<input type="checkbox"/> NOV	<input checked="" type="checkbox"/> Consent Order (Short Form)
<input type="checkbox"/> Final Order	<input type="checkbox"/> Case Report	<input type="checkbox"/> Penalty Authorization
<input type="checkbox"/> Warning Letter	<input type="checkbox"/> Other:	

DESCRIPTION OF VIOLATIONS:

Failure to (1) properly label containers of used oil filters and (2), properly label screen filter residue container.

SUMMARY OF CORRECTIVE ACTIONS:

The facility has corrected the cited violations and has returned a *signed* Consent Order involving the payment of a penalty and Department cost. **The facility has agreed to satisfy the penalty within 30 days of signing this order.**

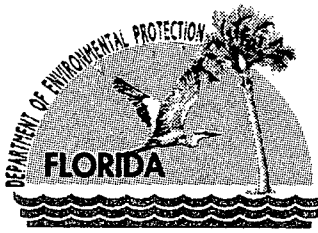
PENALTY SUMMARY:

Because the alleged violations were limited to those of Used Oil and Solid Waste rules, ELRA penalties were assessed (FS 403.121)

Penalty Amount: \$1,375

Expenses: \$100.00

TOTAL PENALTY AMOUNT: \$1,475



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 21, 2005

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

SUBJECT: Executed Short Form Consent Order
OGC File No.: 05-0911

Dear Mr. Hagan:

Attached is a copy of the executed Consent Order for the referenced case. In order to close this enforcement case the following must be submitted to the Department by the date indicated:

1. Due August 17, 2005

Submittal of settlement payment of \$1,475.00

Your continued cooperation is appreciated. If you have any questions please call me at (813) 744-6100, extension 372.

Sincerely,

Albert F. Gephart
Engineering Specialist IV
Division of Waste Management

Attachment

cc: Kathy Carter, OGC
Jeff Pallas, US EPA Region IV
Steve Ray, FDEP HWR Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 11, 2005

Mr. Tim Hagen
Hagan Holding Company (dba HOWCO Environmental Services)
3701 Central Avenue
St. Petersburg, FL 33713

JUL 12 2005

SUBJECT: Proposed Settlement - HOWCO Environmental Services
Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated March 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed to bring your facility into compliance. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,375 along with \$100 to reimburse the Department costs, for a total of \$1,475.

The civil penalties are apportioned as follows: a total of \$750.00 for one violation of Florida Administrative Code (FAC) 62-710.850(6), and \$625.00 for violating Specific Condition IV.4.d in the facility's used oil and material processing permit.

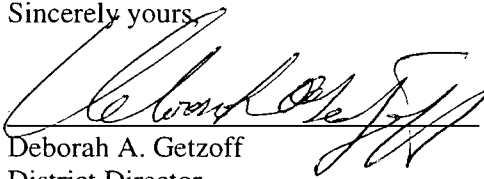
The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." The payment shall be made within thirty (30) days of your signing this letter.

Your signing 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.

Hagan Holding Company (d/b/a HOWCO Environmental Services)
Pinellas County
OGC Case #05-0911

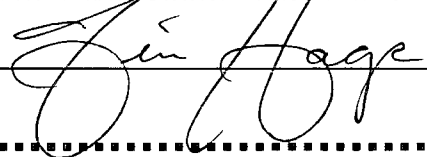
If you do not sign and return this letter to the Department at the District address by July 15, 2005, the Department will assume that you are not interested in settling this matter on the above described terms, and will proceed accordingly. None of your rights or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENTS:

I, Tim Hagan, on behalf of Hagan Holding Company, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**


By:  Date: 7-18-5

.....

FOR DEPARTMENT USE ONLY

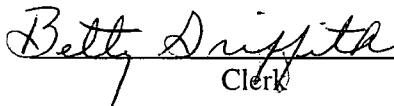
DONE AND ENTERED this 21 day of July, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION


Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby Acknowledged.


Clerk

7-21-05
Date

DAG/afg

cc: Kathy Carter – FDEP OGC, Tallahassee

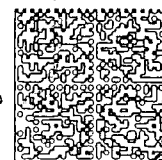
Attachments



3701 Central Avenue • St. Petersburg, FL 33713

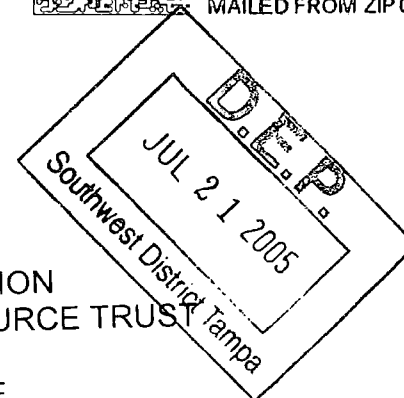
CONFIDENTIAL

ADDRESS SERVICE
REQUESTED



UNITED STATES POSTAGE
02 1A \$ 00.37⁰
0004339337 JUL 20 2005
MAILED FROM ZIP CODE 33713

JAMES M (JIM) DREGNE
FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION
ECOSYSTEMS MGMT/RESOURCE TRUST
SOUTHWEST DISTRICT
3804 COCONUT PALM DRIVE
TAMPA, FL 33619-8318
33619+1352



D/B/A HOWCO Environmental Services
3701 Central Avenue
St Petersburg, FL 33713-8338
(727) 327-8467
(727) 323-2249 FAX

**Hagan Holding
Company**

Fax

To: James M. Dregne

From: Sharon D. Mendlovitz, ext 222

Department of Environmental Protection

Fax: 813-744-6125

Pages: 3, including cover sheet

Phone:

Date: Tuesday, July 19, 2005

Re: Comhaz Case #285070

Cc: Mike Wolfe

Urgent

☒ **Review**

☐ **Please Comment**

☐ **Please Reply**

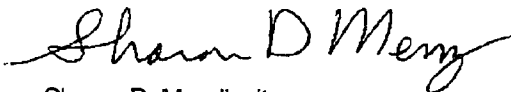
☐ **Please Recycle**

• **Comments:**

Attached are the signed copies of your letter to Mr. Tim Hagan dated July 11, 2005. Mr. Hagan returned from vacation yesterday. Payment in the form of a cashier's check will be sent within thirty (30) days of signing of the letter.

If you should have any questions, please do not hesitate to contact us.

Sincerely,




Sharon D. Mendlovitz

Accounts Payable Manager

MFR:

Original Mailed 7/20/05.





Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 11, 2005

Mr. Tim Hagen
Hagan Holding Company (dba HOWCO Environmental Services)
3701 Central Avenue
St. Petersburg, FL 33713

JUL 12 2005

SUBJECT: Proposed Settlement - HOWCO Environmental Services
Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated March 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed to bring your facility into compliance. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,375 along with \$100 to reimburse the Department costs, for a total of \$1,475.

The civil penalties are apportioned as follows: a total of \$750.00 for one violation of Florida Administrative Code (FAC) 62-710.850(6), and \$625.00 for violating Specific Condition IV.4.d in the facility's used oil and material processing permit.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." The payment shall be made within thirty (30) days of your signing this letter.

Your signing 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.

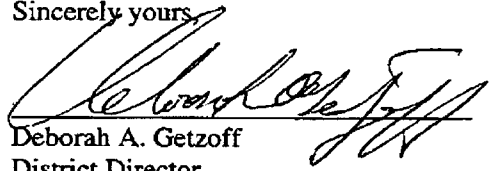
"More Protection, Less Process"

Printed on recycled paper.

Hagan Holding Company (dba HOWCO Environmental Services)
Pinellas County
OGC Case #05-0911

If you do not sign and return this letter to the Department at the District address by July 15, 2005, 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 or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENTS:

I, Tim Hagan, on behalf of Hagan Holding Company, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: 

Date: 7-18-5

FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk

Date

DAG/afg

cc: Kathy Carter – FDEP OGC, Tallahassee

Attachments

ENFORCEMENT/COMPLIANCE COVER MEMO

TO: ☒ Deborah A. Getzoff, District Director

FROM/THROUGH: William Kutash, Environmental Administrator
Jim Dregne, Program Manager
Al Gephart, Engineer IV

DATE: July 5, 2005

FILE NAME: HOWCO Environmental Services

PROJECT #: 285070

OGC #: 05-0911

PROGRAM: Hazardous Waste

COUNTY: Pinellas

TYPE OF DOCUMENT:

☐ Draft or ☒ Final

☐ NOV

☒ Model Short Form Consent Order
Revised from May 16, 2005 version

☐ Final Order

☐ Case Report

☐ Penalty Authorization

☐ Warning Letter

☐ Other:

DESCRIPTION OF VIOLATIONS:

Failure to (1) store used oil filters in sealed containers, (2) properly label containers of used oil filters, (3) store containers of used oil filters on an impermeable surface, (4) contain, cleanup and properly manage released oil and oily waste and (5), label screen filter residue container.

SUMMARY OF CORRECTIVE ACTIONS:

Based on documentation submitted by HOWCO at the 4/12/05 enforcement meeting, and subsequent letters/conversations, violations #1, #3 and #4 above have been deleted and the former May 16, 2005, SFCO has been revised. The facility is to ensure that used oil filters are stored in aboveground containers and the containers are sealed and are properly labeled. The container of screen filter residue must be labeled properly.

PENALTY SUMMARY:

ELRA Guidelines

Penalty Amount: \$ 1,375.00 Expenses: \$ 100.00

TOTAL PENALTY AMOUNT: \$ 1,475.00

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number

7002 3150 0003 8459 6719

MR. CHRISTOPHER SMART
CARLTON FIELDS, ET AL.
CORPORATE CENTER 3 @ INTL PLAZA
4221 W. BOY SCOUT BLVD
TAMPA, FL 33607-3736

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery:

7/11/05

5. Received By (Print Name)

6. Signature: (Addressee or Agent)

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

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

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Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & F

Postmark
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7-11-05

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

MR. CHRISTOPHER SMART
CARLTON FIELDS, ET AL.
CORPORATE CENTER 3 @ INTL PLAZA
4221 W. BOY SCOUT BLVD
TAMPA, FL 33607-5736

PS Form 3800, June 2002

See Reverse for Instructions

7002 3150 0003 8459 6719



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

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

State of Florida
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33629-4550

RECEIVED

JUL 18 2005

Department of Environmental Protection
SOUTHWEST DISTRICT
BY _____

*Al Dephant
Waste Mgt*



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 11, 2005

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Mr. Christopher Smart
Carlton Fields Attorneys At Law
Corporate Center Three at International Plaza
4221 W. Boy Scout Boulevard
Tampa, FL 33607-5736

RE: HOWCO Environmental Services
Comments regarding Warning Letter #285070 and Revised Short Form Consent Order

Dear Mr. Smart:

The Department has reviewed the comments and counter-offer, provided by you in behalf of Mr. Tim Hagan, in your letter dated April 13, 2005, your subsequent conversation with the Department on June 3, 2005, and follow-up letter dated June 21, 2005, regarding the March 11, 2005, Warning Letter and alleged violations. The following is the Department's response to your letters.

Violation (1). The Department accepts the explanation provided in your June 21, 2005, letter that loading activities were in process at the time of the inspection and the dump trailer was transported from the site as soon as a truck was available. Therefore, the cited violation [62-710.850(6)(a), F.A.C.] has been deleted.

Violation (3). The Department accepts the documentation (submitted on April 12, 2005) supporting the claim that the loading/unloading ramp is an impervious surface and the alleged violation of 62-710.850(6)(a), F.A.C., "Failure to store containers of used oil filters on an impermeable surface," has been deleted.

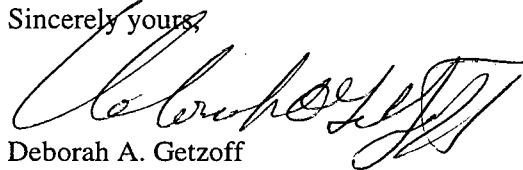
Violation (4). The Department accepts HOWCO's claim that the loading/unloading area is an impervious surface and the alleged violation of 62.710.850(6)(b) F.A.C., "Failure to contain, clean up and properly manage released oil and any subsequent oily waste," has been deleted.

Based on the above, the Penalty Computation Worksheet and Short Form Consent Order have been revised. The Department has computed the penalty, using the ELRA guidelines, to be \$1,375.00. Costs and expenses in this case will be \$100.00. The revised short form consent order is attached for Mr. Hagan's signature. Mr. Hagan is to sign the consent order and return it to the Department, at the letter address above, by July 15, 2005.

For future guidance, the Department's position is that containers used for used oil filters (e.g. drums, roll-off boxes, dump trailers, etc.) shall be structurally sound, not leaking, properly labeled, stored on an impermeable surface, and the contents sealed or protected from the weather except when actively adding used oil filters to or removing them from said containers.

We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Tim Hagan, HOWCO Environmental Services
Compliance File

REVISED PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, Pinellas County, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Revision Date: July 5, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	[DELETED]		---		
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.		[DELETED]		---	---	
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	[DELETED]		---	---	
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 1,375

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

Citation (1) above is for 62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F. [DELETED]

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device. [DELETED]

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste. [DELETED]

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 11, 2005

Mr. Tim Hagen
Hagan Holding Company (dba HOWCO Environmental Services)
3701 Central Avenue
St. Petersburg, FL 33713

SUBJECT: Proposed Settlement - HOWCO Environmental Services
Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated March 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed to bring your facility into compliance. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$1,375 along with \$100 to reimburse the Department costs, for a total of \$1,475.

The civil penalties are apportioned as follows: a total of \$750.00 for one violation of Florida Administrative Code (FAC) 62-710.850(6), and \$625.00 for violating Specific Condition IV.4.d in the facility's used oil and material processing permit.

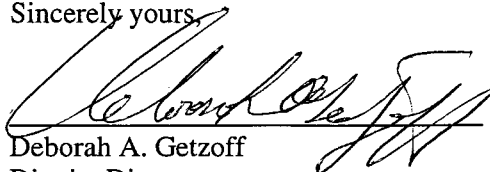
The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." The payment shall be made within thirty (30) days of your signing this letter.

Your signing 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.

Hagan Holding Company (dba HOWCO Environmental Services)
Pinellas County
OGC Case #05-0911

If you do not sign and return this letter to the Department at the District address by July 15, 2005, 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 or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENTS:

I, Tim Hagan, on behalf of Hagan Holding Company, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk

Date

DAG/afg

cc: Kathy Carter – FDEP OGC, Tallahassee

Attachments

NOTICE OF RIGHTS

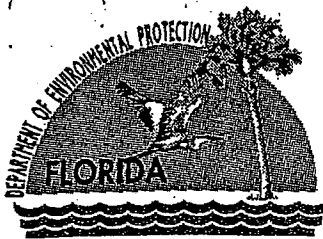
Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 wants 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 proceeding. 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 this proceeding.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

March 11, 2005

Colleen M. Castille
Secretary

CERTIFIED MAIL 7004 0750 0003 0518 0448
RETURNED RECEIPT REQUESTED

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #285070
Pinellas County

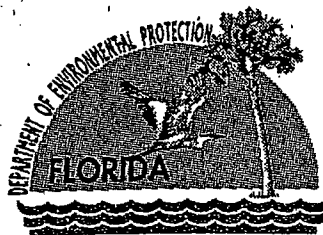
Dear Mr. Hagan:

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 joint hazardous waste and solid waste program field inspection conducted on January 27, 2005, 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 Al Gephart at (813) 744-6100, extension 372, 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 that will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In 2001 the Florida Legislature enacted the Environmental Litigation Reform Act (ELRA)(2001 Fla. Laws, Ch. 258). ELRA is now codified in Section 403.121, Florida Statutes (FS). ELRA is an efficient means of resolving smaller environmental cases in Administrative Court.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

HAZARDOUS WASTE INSPECTION REPORT

1. INSPECTION TYPE: ☒ Routine ☐ Complaint ☐ Follow-Up ☒ Permitting ☐ Pre-Arranged
FACILITY NAME: HOWCO Environmental Services DEP/EPA ID #: FLD 152 764 767
STREET ADDRESS: 843 43rd Street South, St. Petersburg, FL 33711
MAILING ADDRESS: 3701 Central Avenue, St. Petersburg, FL 33713
COUNTY: Pinellas PHONE: (727) 327-8467 DATE: 01/27/05 TIME: 10:05 am

NOTIFIED AS:

☐ N/A

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

CURRENT STATUS:

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

2. APPLICABLE REGULATIONS:

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

3. RESPONSIBLE OFFICIAL:

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP
Kelly Honey - FDEP
Lora Ross - FDEP
Richard Dillen - HOWCO

5. LATITUDE/LONGITUDE: 27°45'41.6" / 82°41'32.5" 6. SIC CODE: 2999
7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL
8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

"More Protection, Less Process"

Printed on recycled paper.

and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there were three (3) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, the third was empty. Both of the full containers were covered and labeled. However, when placing sludge in one of the containers the liner must have slid down slightly. Facility personnel were advised to use caution when placing solid waste in the lined roll-off box so that the liner remains in position.

Just north of Tanks #110 and #111, the facility has constructed a below ground loading/unloading dock to unload containers of solid waste and used oil filters. There was a dump trailer of used oil filters stored on the earthen surface. This is a violation of 62-710.850(6)(a), FAC. The tarp used to cover the dump trailer to protect the contents from the weather did not completely cover the top of the trailer. This is a violation of 62-710.850(6)(a), FAC. Also, the inspectors observed staining of the soil just east of this area from the loading of used oil filters and there was used oil observed dripping out of the back tail gate of the trailer onto the soil. These are violations of 62-710.850(6)(b), FAC. Facility personnel were advised to clean up the area and dispose the stained material appropriately. Facility personnel were also reminded that since there is no secondary containment, the loading/unloading dock cannot be used to store trucks containing solid waste, used oil or used oil filters. The facility must also depict this loading/unloading dock in its facility site diagram and submit the diagram to the Department for inclusion in the facility's permit application.

The HOWCO tank farm consists of 47 aboveground storage tanks in five separate containment areas. Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) in containment Areas #1 and #2 are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. In general, facility personnel have done a very good job in cleaning and power washing the containment areas. An Area of Concern to the inspectors is that the sealant on the cement in the secondary containment in the processing area and south of Tanks #130 thru #135 is peeling off. This was mentioned in the last inspection and is repeated here. The Department requests that Mr. Hagan conduct an assessment of the secondary containment in the processing area to determine if it still meets the impermeable surface standards in Florida's used oil processor rules. It is also requested that the conclusions drawn from the assessment be submitted to the Department.

Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The heated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the

10. SUMMARY OF ALLEGED VIOLATIONS:

62-710.850(6)(a), FAC

Failure to seal, or otherwise protect from the weather, containers of used oil filters. (*Repeat Violation*).

Failure to properly label containers, "Used Oil Filters." (*Repeat Violation*).

Failure to store containers of used oil filters on an impermeable surface.

62-710.850(6)(b), FAC

Failure to contain, clean up and properly manage released oil and oily waste.

Specific Condition IV.4.d

Failure to properly label the container receiving solids from the vibrascreen, "Screen Filter Residue". (*Repeat Violation*).

11. RECOMMENDED CORRECTIVE ACTIONS:

62-710.850(6)(a), FAC

Effective immediately and henceforth, the facility shall ensure that used oil filters are stored in containers that are sealed or otherwise protected from the weather, stored on impermeable surfaces and properly labeled.

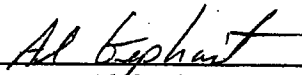
62-710.850(6)(b), FAC

Effective immediately and henceforth, the facility shall ensure that all released used oil and oily waste are cleaned up and properly managed.

Specific Condition IV.4.d

Effective immediately and henceforth, the facility shall ensure that the container receiving the solids from the vibrascreen is properly labeled, "Screen Filter Residue".

Report Prepared By:



Al Gephart
Engineer IV

Report Reviewed By:



Kelly Honey
Environmental Specialist II

PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Date: March 8, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	403.121(5)	\$500	---	\$500	\$1,000
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.	ELRA	403.121(4)(b)	\$4,000	---	---	\$4,000
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	403.121(5)	\$500	---	---	\$500
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 6,875

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

For citation (1) above [62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional 100% was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device.

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste.

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].

Inspectors: Gephart / Honey / Ross
Date: January 27, 2005

INSPECTION CHECKLIST

HOWCO Environmental Services
843 43rd Street South
St. Petersburg, FL 33711
FLD 152 764 767

Permit No.	92465-HO06-001	Renewal Application
Issued	08/03/00	Due 6/4/05
Expires	08/03/05	

Last Inspection 3/04/04

Used Oil and Material Processing Facility

47 Aboveground Storage Tanks (See Tables 3-1, 3-2 and 3-3 for descriptions of contents).

GC General Conditions

- GC.2 Have there been any changes in processes or operations? *FACILITY USING UNLOADING RAMP FOR STORAGE OF USED OIL FILTERS. UNLOADING DOCK IS EARTHEN AND NOT AN APPROVED STORAGE AREA.* ☒ Y ☐ N
- GC.12 A copy of the operating permit is maintained at the facility. ☒ Y ☐ N
- GC.14 Operating records contain the required information:
 - Date, Place and Time of sampling or analyses;
 - Person performing the sampling or analyses;
 - Analytical techniques or methods used;
 - Results of the analyses.☒ Y ☐ N

SC Specific Conditions

Part I. General

- I.11 The facility has submitted its annual registration *for 2004 by March 1.* ☒ Y ☐ N
- I.12 Were any shipments of used oil refused due to suspected mixing with hazardous waste? (Any oil analyses pass or fail must be kept for 3 yrs.) ☐ Y ☒ N

Part II. Used Oil Processing

- II.3 Only permitted waste streams are processed at the facility. ☒ Y ☐ N
- Automotive crankcase oil, transmission and differential oil;
 - Oil/water emulsion from ships, barges and other sources;
 - Automotive oils recovered from oil/water separators;
 - Virgin oils contaminated with water;
 - Virgin oils recovered from tank cleaning and tank removals;
 - Used industrial oil.

HOWCO Environmental Services, Inc.
Compliance Evaluation Inspection Checklist

- Petroleum contact water;
- Petroleum contaminated sediments sludges and liquids from oil/water separators at car washes;
- Empty petroleum contaminated drums, pails, gas tanks and fuel filters;
- Non-liquid waste streams from on-site oil processing and wastewater pretreatment facilities.

	Household hazardous wastes or wastes from a CESQG are <u>NOT</u> managed as solid waste at the facility.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.3	Processing equipment is repaired within one week of becoming inoperable.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Operations DO NOT change the chemical characteristics of any of the solid materials.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.4	Each solid waste stream is sampled and analyzed at least annually. <i>* LAST SAMPLES WERE RUINED DURING SHIPMENT TO LAB FACILITY NEEDS TO RE-SAMPLE WASTE STREAMS</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Records are available of annual WWTS sampling and analyses.	<input type="checkbox"/> Y <input type="checkbox"/> N
	Records are available of annual oil-extracted sludge (OES) sampling and analyses.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Vibratory screen filter solids are containerized, properly sealed and labeled, "Screen Filter Residue". <i>CONTAINER HAD A LABEL BUT NOT IDENTIFIED AS SCREEN FILTER Residue</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	All tank bottom sludges and screen filter residues are transferred to Tanks 110 or 111 for further processing. (If not, the facility must have records of waste determinations on these streams.)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The facility has notified the Department within 3 days prior to sampling any solid waste streams.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The facility has records of hazardous waste determinations from each generator for all solid waste streams received.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The determinations are updated annually.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.5	All outgoing materials for disposal are sampled and analyzed annually.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.6	Storage of solid waste is at or below 22,000 gallons. Where 15 yd ³ = 3,030 gallons 20 yd ³ = 4,040 gallons	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Processed solids are stored in covered, <u>lined</u> , roll-off containers or covered drums and stored on an impervious surface. <i>FACILITY PERSONNEL NEED TO BE CAREFUL WHEN FILLING SO LINERS DON'T SLIDE DOWN INSIDE ROLL-OFF BOX</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	All processed and unprocessed solid wastes are <u>stored</u> within the Solids Storage and Sludge Separation Areas.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.7	All materials are <u>processed</u> on impervious surfaces, tanks or containers.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N

HOWCO Environmental
Compliance Evaluation Inspection Checklist

V.3,4 Emergency and safety equipment is available, tested and maintained. ☒ Y ☐ N

V.5 There is adequate aisle space in all storage areas for inspections. ☒ Y ☐ N

V.6 Primary evacuation routes are posted in appropriate locations throughout the facility. ☒ Y ☐ N

V.7 A copy of the Contingency Plan is maintained on-site. ☒ Y ☐ N

The following are still the Emergency Coordinators: ☐ Y ☒ N

David Roehm Primary

Tim Hagan Alternate

*Needs
Revision due to
personnel turnover*

A list of emergency response phone numbers is posted by the phones. ☒ Y ☐ N

The Contingency Plan was last amended on (date) 7-21-99

Amendments to the CP are sent to appropriate agencies. ☒ Y ☐ N

Part VI. Training

VI.1,2 The Company's "Used Oil Training Program" is given initially and annually thereafter. ☒ Y ☐ N

Personnel training is documented. 1/15/04 ☒ Y ☐ N

due for training

Part VII. Closure

VII.1 The facility maintains a copy of the Closure Plan. ☒ Y ☐ N

Used Oil Filter Processing (62-710.850, F.A.C.)

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

- Used Oil Filter Transporter ☒ Y ☐ N
- Used Oil Filter Processor ☒ Y ☐ N

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

The facility has submitted its annual report ^{*For 2004*} ~~by March 1.~~ ☒ Y ☐ N

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

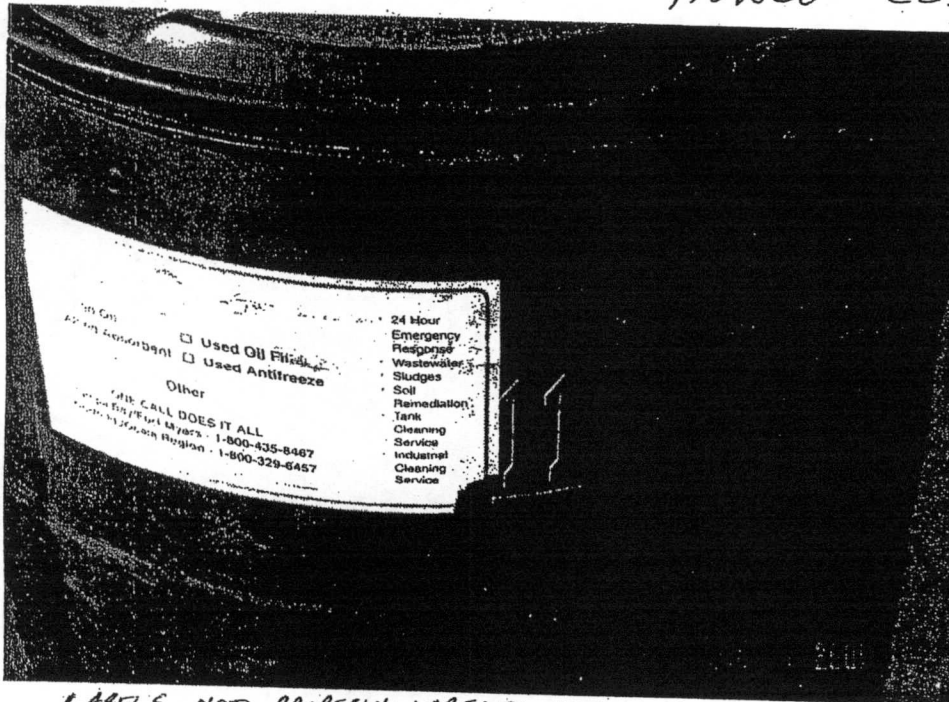
- Above ground containers on impermeable surfaces; ☐ Y ☒ N
- Sealed containers that are in good condition; ☐ Y ☒ N
- Containers labeled, "Used Oil Filters". ☐ Y ☒ N

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

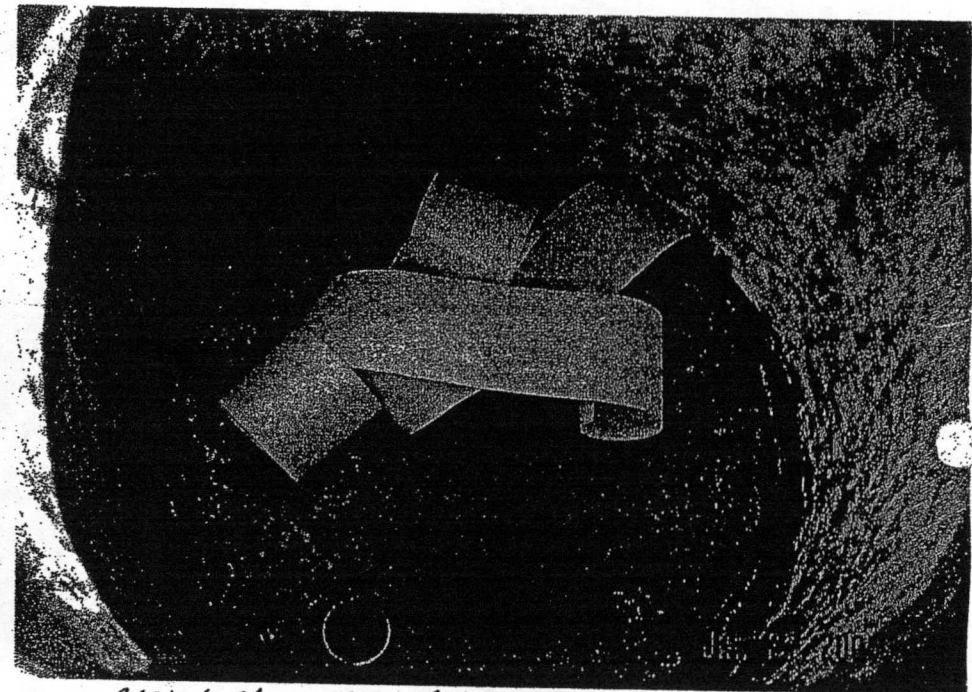
DOCUMENTS AND RECORDKEEPING

<input checked="" type="checkbox"/> Permit Application.	<input checked="" type="checkbox"/> Operating Permit.
<input checked="" type="checkbox"/> Validated Annual Used Oil Registration [Form 62-701.900(13)].	<input checked="" type="checkbox"/> Annual Used Oil Recovery Report. 2004
<input checked="" type="checkbox"/> Annual DEP Registration Placard For Storage Tanks.	<input checked="" type="checkbox"/> Contingency Plan.
<input checked="" type="checkbox"/> Training Logs. 1/15/04 DUE FOR TRAINING	<input checked="" type="checkbox"/> Closure Plan.
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Disposed</i> .	<input checked="" type="checkbox"/> Transporter Liability Insurance [\$100,000 minimum].
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Received</i> From Generators.	<input checked="" type="checkbox"/> Monthly Inspection Logs Of The Solids Storage and Sludge Separation Areas.
<input checked="" type="checkbox"/> Processed Oil Sampling Logs [Minimum Of One Sample Every Two Weeks].	<input type="checkbox"/> Annual Analyses Of WWT and OES Sludges. <i>NEED TO BE RE-SAMPLED</i>
<input checked="" type="checkbox"/> Tank Inspections and Monthly Release Detection Monitoring.	<input type="checkbox"/> Generator Non-Haz Demonstration For Used Antifreeze. <i>ALL RECYCLED</i>
<input type="checkbox"/> Analysis Of Vibrascreen Filter Solids and Tank Bottom Sludges [Unless Processed In Tanks 110 or 111].	<input type="checkbox"/> Records Of Refused Used Oil Shipments
<input type="checkbox"/> Documentation Of Annual Closure Cost Estimate [Solid Waste Processing].	<input checked="" type="checkbox"/> Documentation Of Annual Financial Assurance [Solid Waste Processing].
<input checked="" type="checkbox"/> Records Of Quantities Of Waste Received, Stored, Processed and Disposed.	<input checked="" type="checkbox"/> Quarterly Submittals Of Material Balance Of Quantities Of Solid Waste.
<input checked="" type="checkbox"/> Records Of Disposal Or Treatment Facility For All Solid Wastes Removed [Name and Location].	<input checked="" type="checkbox"/> Monthly Solid Waste Inspection / Corrective Actions Logs.
<input checked="" type="checkbox"/> Copies Of Permits For Facilities Receiving Processed Wastes.	<input checked="" type="checkbox"/> Manifests / Bill-Of-Lading.
<input checked="" type="checkbox"/> Monthly Inspection Logs Of Safety and Emergency Equipment.	

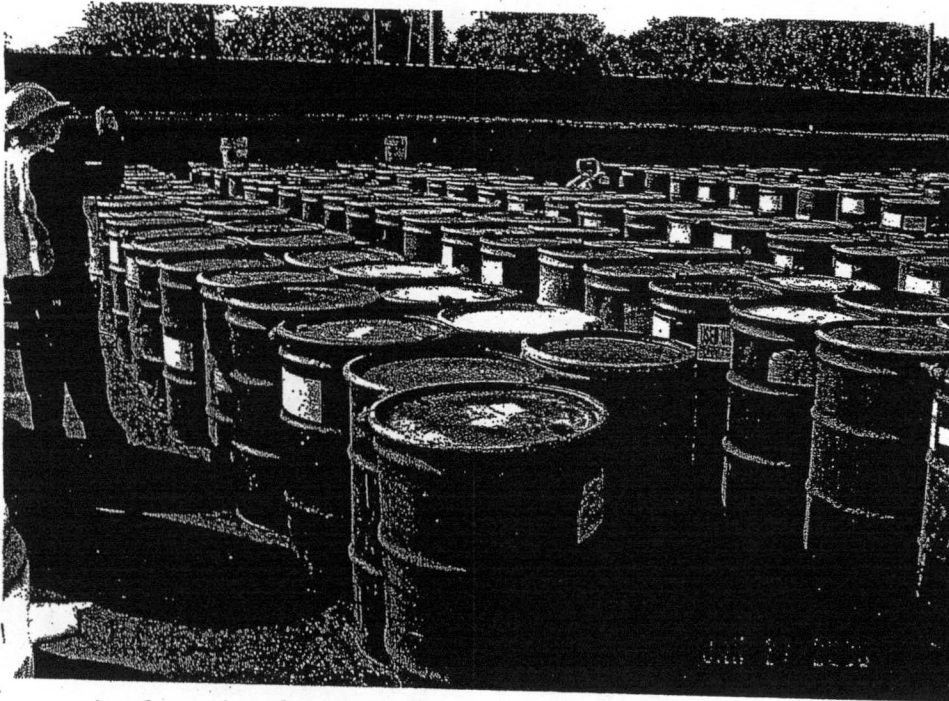
HOWCO CEI FFY '05



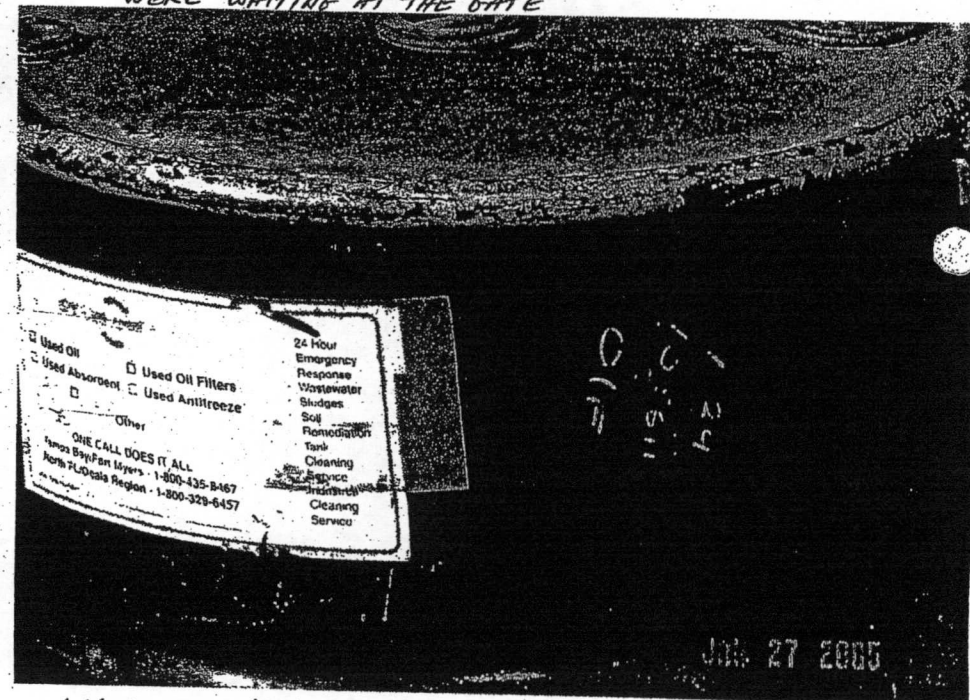
LABELS NOT PROPERLY LABELED, "USED OIL FILTERS"



BACKING FROM LABELS PLACED ON DRUMS WHILE INSPECTORS WERE WAITING AT THE GATE

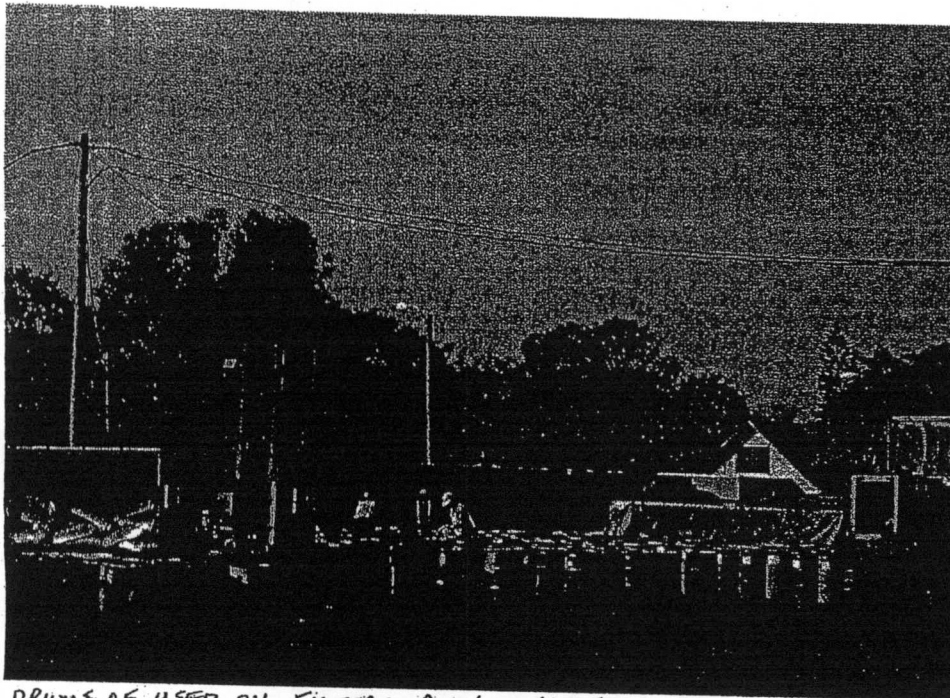


USED OIL FILTER DRUM STORAGE

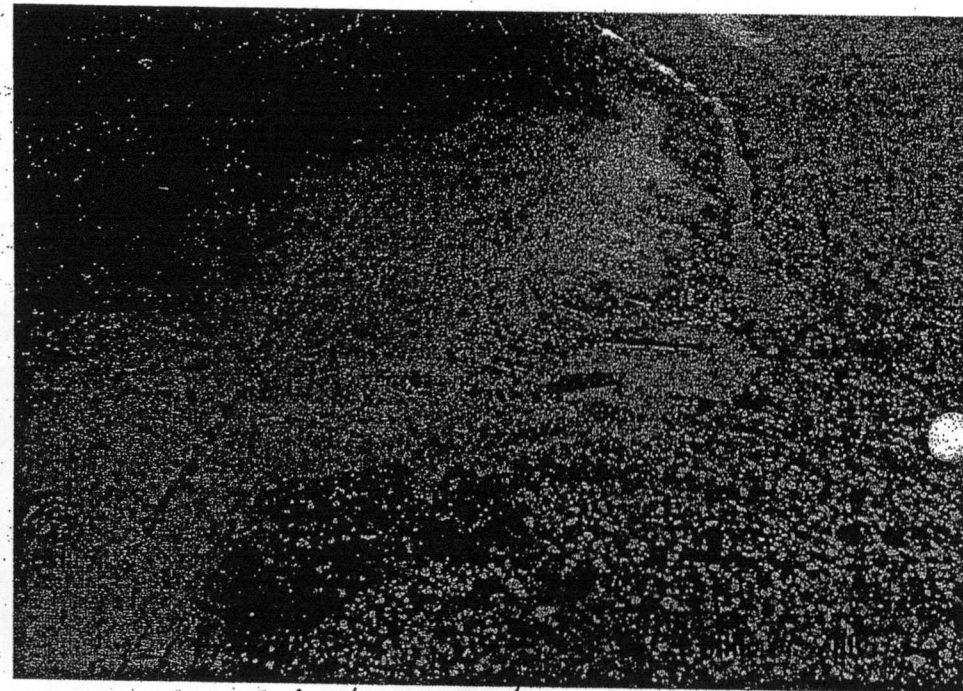


LABELS NOT PROPERLY MARKED USED OIL FILTERS

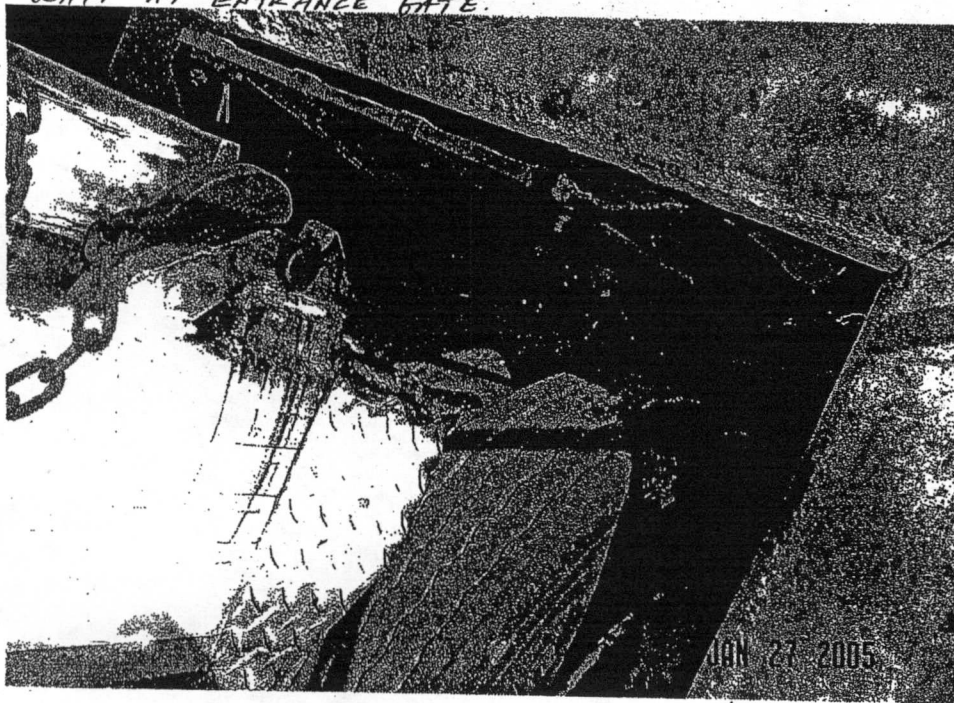
HOWCO CEI FFY '05



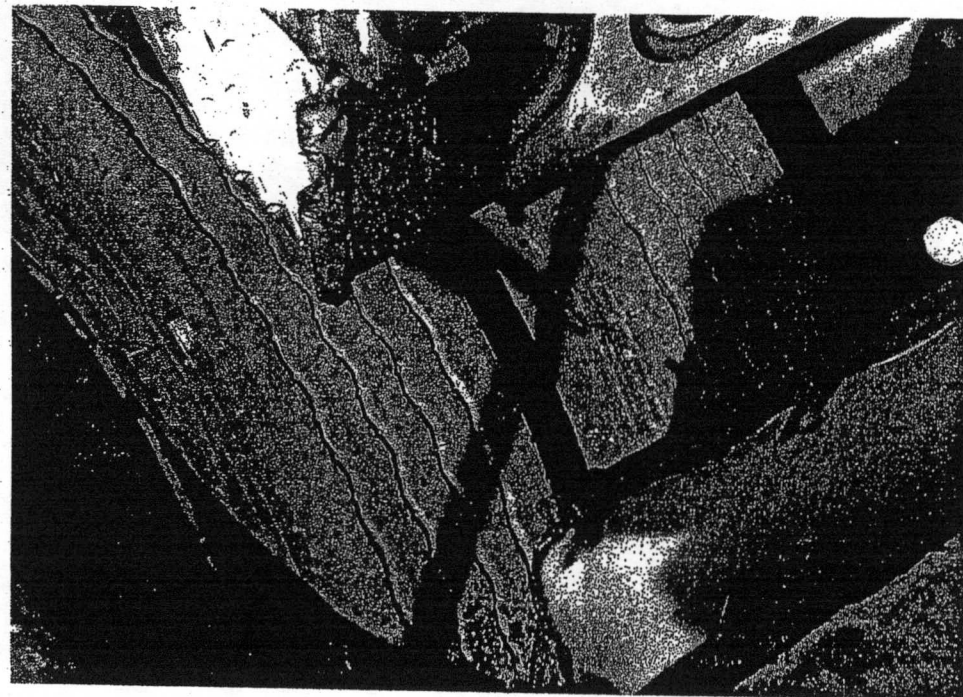
DRUMS OF USED OIL FILTERS BEING LABELED WHILE INSPECTORS
WAIT AT ENTRANCE GATE.



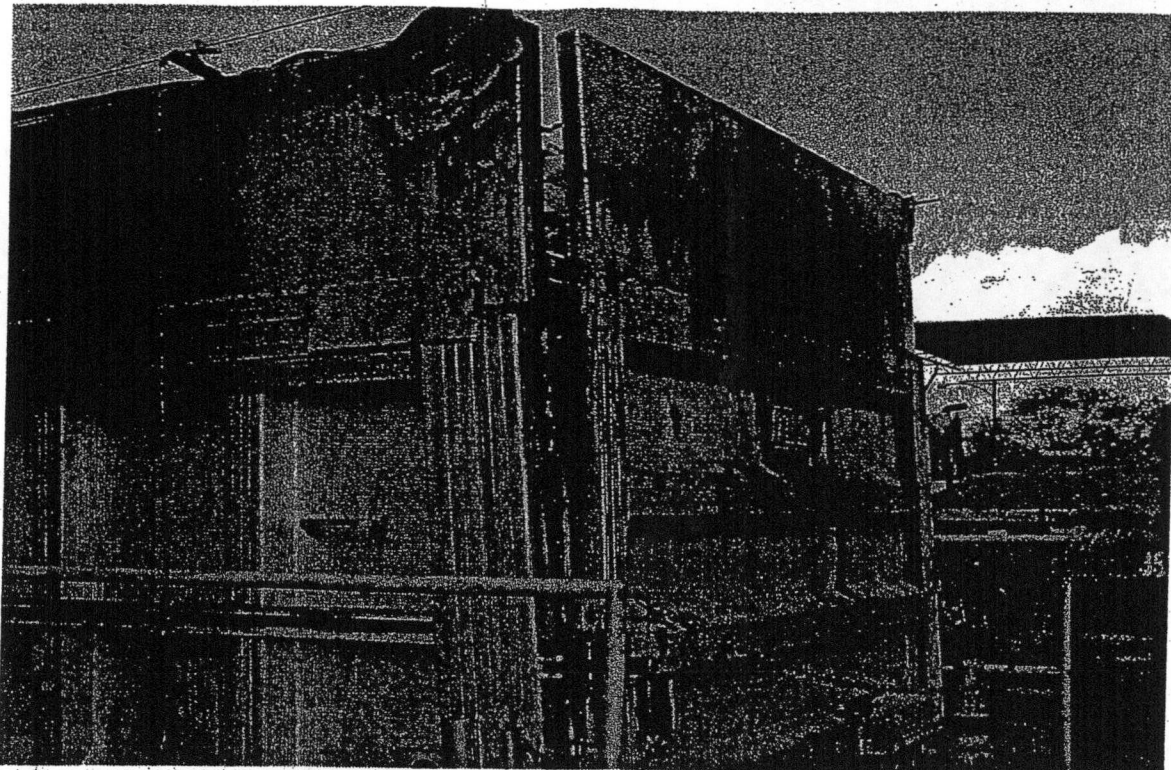
OILY WASTE ALONG LOADING/UNLOADING DOCK



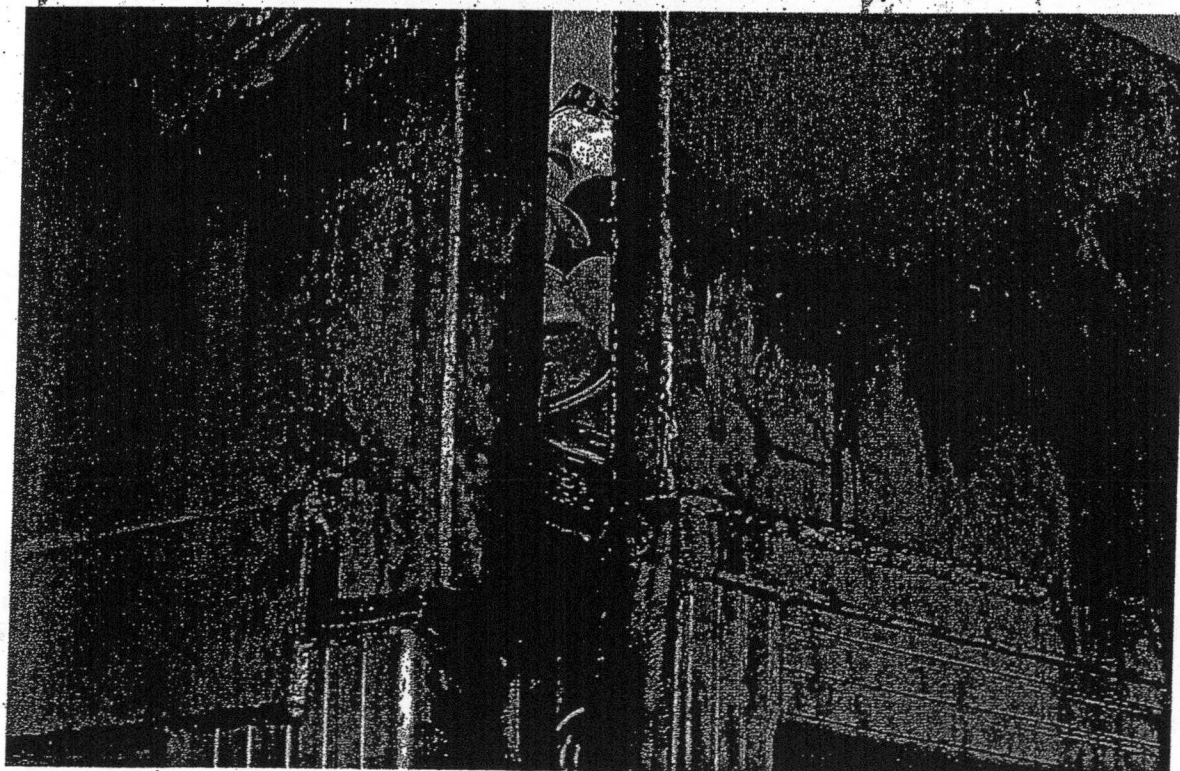
JAN 27 2005



WASTE OIL DRIPPING FROM OIL TRAILER



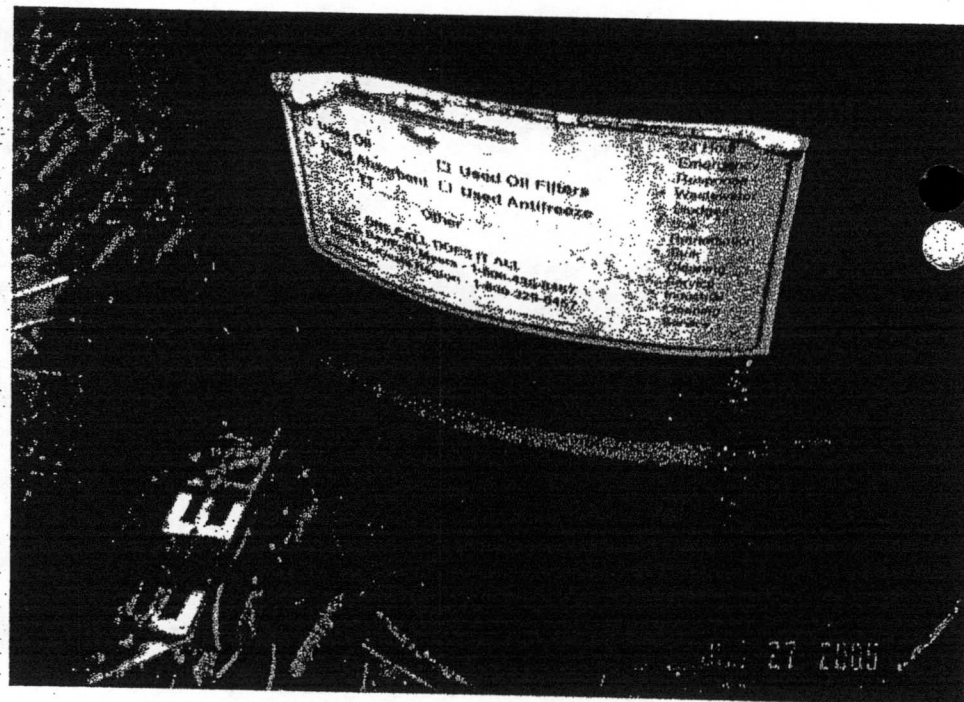
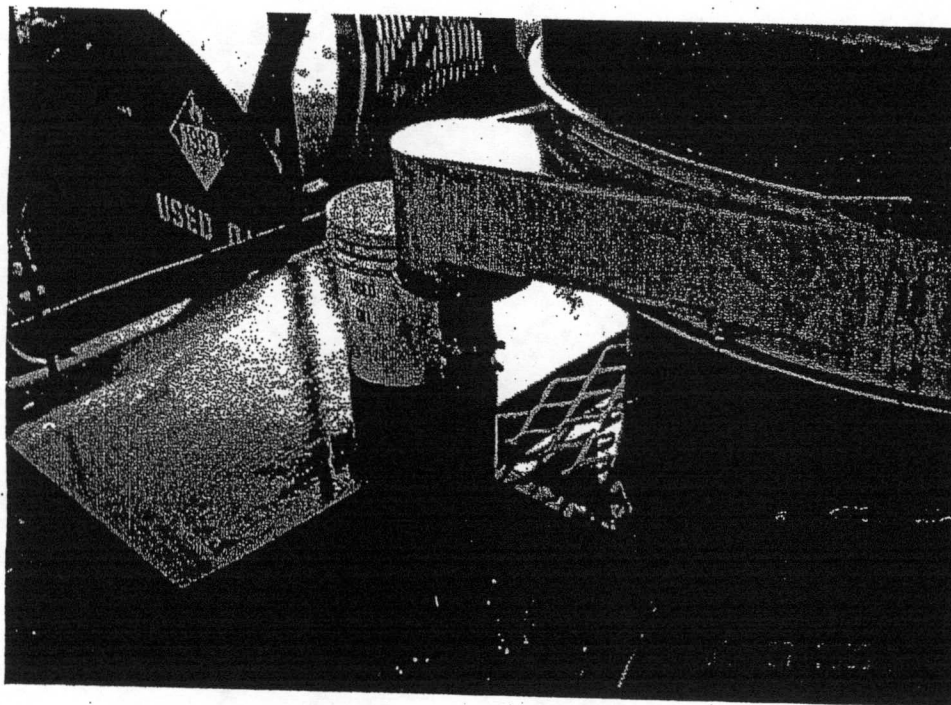
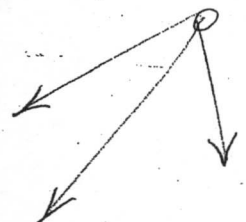
↑ DUMP TRAILER OF USED OIL FILTERS ↓



HOWCO CEI FFY '05



CONTAINER OF
SCREEN FILTER RESIDUE
NOT PROPERLY LABELED.



Prog Area		Activity	Date Done	Date Due	Date Completed	E V
HW	CALL	TELEPHONE CONVERSATION	06/21/2005		06/21/2005	
HW	LTR	LETTER	06/21/2005		06/21/2005	
HW	LTR	LETTER	06/06/2005		06/06/2005	
HW	CALL	TELEPHONE CONVERSATION	06/03/2005		06/03/2005	
HW	SCOI	SHORT FORM CONSENT ORDER ISSUED	05/16/2005		05/16/2005	
HW	LTR	LETTER	04/13/2005			
HW	EMT	ENFORCEMENT MEETING	04/12/2005		04/12/2005	
HW	CALL	TELEPHONE CONVERSATION	03/23/2005		03/23/2005	
HW	WLI	WARNING LETTER ISSUED	03/11/2005		03/11/2005	
HW	FR	FILE REVIEW	03/01/2005		03/01/2005	
HW	CEI	COMPLIANCE EVALUATION INSPECTION	01/27/2005		01/27/2005	Y
HW	EPI	ENFORCEMENT PROJECT INITIATED	01/27/2005			

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

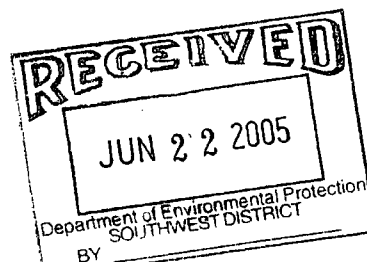
CARLTON FIELDS

ATTORNEYS AT LAW

Christopher W. Smart

Associate
813.229.4142 (Direct)
csmart@carltonfields.com

ATLANTA
MIAMI
ORLANDO
ST. PETERSBURG
TALLAHASSEE
TAMPA
WEST PALM BEACH



June 21, 2005

Corporate Center Three
at International Plaza
4221 W. Boy Scout Boulevard
Tampa, Florida 33607-5736
P.O. Box 3239
Tampa, Florida 33601-3239

813.223.7000
813.229.4133 fax
www.carltonfields.com

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

Via Facsimile No. (813) 744-6125

Re: DEP Inspection Report dated January 27, 2005 regarding HOWCO
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Evidence of Alleged Spill

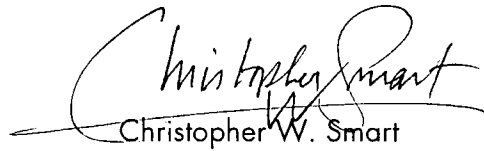
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Mr. James M. Dregne
June 21, 2005
Page 3

In light of the foregoing, we ask you to kindly reconsider your position on this matter. Howco is willing to settle the alleged violations for \$1,375.00. If this is acceptable, please contact me as soon as possible so that we can schedule delivery of this payment.

Sincerely yours,



Christopher W. Smart

TO Jim

DATE 6/22 TIME 12:05

WHILE YOU WERE OUT

M Larnal Lockett

of _____

PHONE 229-4139 ^{Chris} 229-4142
AREA CODE NUMBER EXTENSION

TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL	<input checked="" type="checkbox"/> WILL CALL AGAIN	
RETURNED YOUR CALL	CALL IMMEDIATELY		
CAME TO SEE YOU	WANTS TO SEE YOU		

MESSAGE Please call

when you receive
the fax. She's
refusing the letter.

By Betty

CARLTON FIELDS, P.A.

ATTORNEYS AT LAW

Corporate Center Three at International Plaza
4221 W. Bay Scout Boulevard
Tampa, Florida 33607-5736

MAILING ADDRESS
P.O. Box 3239, Tampa, FL 33601-3239
Tel (813) 223-7000 Fax (813) 229-4133

FAX COVER SHEET

Date:	June 21, 2005	Phone Number	Fax Number
To:	James Dregne	(813) 744-6100, Ext. 410	(813) 744-6125
cc:	Al Gephart	(813) 744-6100, Ext. 372	(813) 744-6125
From:	Chris Smart	(813) 223-7000	(813) 229-4133

Client/Matter No.: 31028/59598

Employee No.: 583

Total Number of Pages Being Transmitted, Including Cover Sheet: 4

Message: Re: Howco Environmental Services

Please see attached letter.

☒ Original to follow Via Regular Mail ☐ Original will Not be Sent ☐ Original will follow via Overnight Courier

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If there are any problems or complications, please notify us immediately at:
(813) 223-7000

Telecopier operator: _____

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Atlanta Miami Orlando St. Petersburg Tallahassee Tampa West Palm Beach

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2690
RECIPIENT ADDRESS 583#31028#59598#7446125
DESTINATION ID
ST. TIME 06/21 16:07
TIME USE 01'03
PAGES SENT 4
RESULT OK

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ST. PETERSBURG
TALLAHASSEE
TAMPA
WEST PALM BEACH**Christopher W. Smart**

Associate

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csmart@carltonfields.com

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Tampa, Florida 33607-5736
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Tampa, Florida 33601-3239813.223.7000
813.229.4133 fax
www.carltonfields.com

June 21, 2005

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

Via Facsimile No. (813) 744-6125

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Mr. James M. Dregne
June 21, 2005
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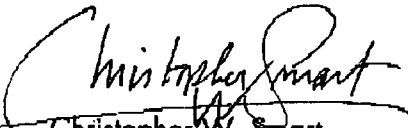
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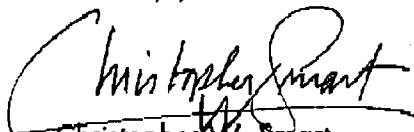
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Sincerely yours,


Christopher W. Smart

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

P.1

Jun 6 2005 8:55

Telephone Number	Mode	Start	Time	Pages	Result	Note
92294133	NORMAL	6, 8:44	10'52"	18	O K	

**Florida Department of
Environmental Protection**

Facsimile Cover Sheet

To: Chris Smart

Carlton Fields

Phone: (813)223-7000**Fax:** (813)229-4133**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:** June 6, 2005**Pages including this** 43
cover page:

Chris,

I have reviewed the last six annual HOWCO inspection reports and have found the mismanagement of used oil filters have been cited in every report. You have the 2005 reports, so I have attached the following reports:

March 4, 2004

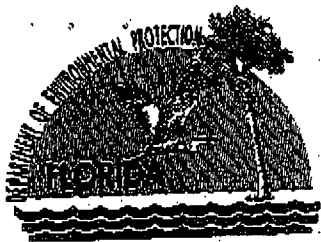

6/6

** Transmit Conf. Report **

P.1

Jun 6 2005 9:10

Telephone Number	Mode	Start	Time	Pages	Result	Note
92294133	NORMAL	6, 8:55	14'35"	25	O K	



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 15, 2004

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #276795
Pinellas County

Dear Mr. Hagan:

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 joint hazardous waste and solid waste program field inspection conducted on March 4, 2004, 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 Al Gephart at (813) 744-6100, extension 372, 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.

It is noted that this Warning Letter is part of an agency investigation, preliminary to agency action

Florida Department of
Environmental Protection

Facsimile Cover Sheet

To: Chris Smart

Carlton Fields

Phone: (813)223-7000

Fax: (813)229-4133

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: June 6, 2005

Pages including this 43
cover page:

Chris,

I have reviewed the last six annual HOWCO inspection reports and have found the mismanagement of used oil filters have been cited in every report. You have the 2005 reports, so I have attached the following reports:

March 4, 2004

June 24, 2003

July 24, 2002

August 13, 2001

September 19, 2000

+



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

July 15, 2004

CERTIFIED MAIL
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3701 Central Avenue
St. Petersburg, FL 33713

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EPA ID# FLD 152 764 767
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Pinellas County

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Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order that will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In 2001 the Florida Legislature enacted the Environmental Litigation Reform Act (ELRA)(2001 Fla. Laws, Ch. 258). ELRA is now codified in Section 403.121, Florida Statutes (FS). ELRA is an efficient means of resolving smaller environmental cases in Administrative Court.

"More Protection, Less Process"

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ELRA sets specific penalty amounts for violations covered under the Act. The Department has computed the penalty, using the ELRA guidelines, to be \$3,625.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Steve Ray, HWR Section
Compliance File ✓



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: HOWCO Environmental Services **DEP/EPA ID #:** FLD 152 764 767

STREET ADDRESS: 843 43rd Street South; St. Petersburg, FL 33711

MAILING ADDRESS: 3701 Central Avenue; St. Petersburg, FL 33713

COUNTY: Pinellas **PHONE:** (727) 327-8467 **DATE:** 03/4/04 & 04/1/04 **TIME:** 9:45 am

NOTIFIED AS:

☐ N/A

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

CURRENT STATUS:

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

2. **APPLICABLE REGULATIONS:**

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

3. **RESPONSIBLE OFFICIAL:**

Tim Hagan, President

4. **INSPECTION PARTICIPANTS:**

Al Gephart - FDEP
Stanley Tam - FDEP
Jim Dregne - FDEP

Lora Ross - FDEP
Richard Dillen - HOWCO
Mazen Jubrail - HOWCO

Dave Roehn - HOWCO
Mike Wolfe - HOWCO

5. **LATITUDE/LONGITUDE:** 27°45'41.6"/ 82°41'32.5"

6. **SIC CODE:** 2999

7. **TYPE OF OWNERSHIP:** PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. **PERMIT #:** 92465-HO06-001 **ISSUE DATE:** 08/03/2000 **EXP. DATE:** 08/03/2005

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. The 3.2 acre site contains an oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

The facility receives used oil, industrial wastewater, petroleum contact water (PCW), antifreeze, used oil filters, oily solids, industrial solids and petroleum contaminated solids. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that also participated in this inspection. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is transported directly from the generator to the disposal facility by a registered hazardous waste transporter. HOWCO routinely collects waste antifreeze from its customers. Facility personnel advised the inspectors that all of the antifreeze received at the facility is shipped to an antifreeze recycler.

The majority of used oil, used oil filters and oily wastes are brought into the facility by HOWCO trucks, common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the pick-up site using a halogen "sniffer". Seven drivers were checked at the time of the inspection to verify that they had "sniffer" units and that they were properly documenting that the used oil being picked-up had halogen levels below 1000 ppm. All drivers had "sniffer" units, but one unit appeared to be malfunctioning. Care must be taken to insure that all units are properly calibrated and have working batteries. Used oils arriving at the facility are also sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halide concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made. On the day of the inspection, it was determined that one truck contained used oil with a halogen level over 1000 ppm. The truck and load were segregated until it was determined that the "hot oil" had come from a conditionally exempt small quantity generator. The drivers were properly documenting the halogen screening on all pick-up receipts. Used oils shipped to the facility by other vendors are required to include a manifest describing the material.

The HOWCO tank farm consists of 47 aboveground storage tanks in five separate containment areas. Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) in containment Areas #1 and #2 are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. In general, facility personnel have done a very good job in cleaning and power washing the containment areas. However, the facility experienced a situation early in the morning of the inspection date in which processed oil overflowed from Tank #134. As a result, trenches in the area of Tanks #130 thru #135 contained residual oil. Facility personnel were advised that the oil in these areas needed to be cleaned up. It was also requested that the facility submit a write-up of the incident to the Department. A description of the incident was submitted to the Department on March 12, 2004. An **Area of Concern** to the inspectors is that the sealant on the cement in the secondary containment in the processing area and south of Tanks #130 thru #135 is peeling off. The Department requests that Mr. Hagan conduct an assessment of the secondary containment in the processing area to determine if it still meets the impermeable surface standards in

Florida's used oil processor rules. It is also requested that the conclusions drawn from the assessment be submitted to the Department. In addition, it was observed that there was sludge, debris and three stainless steel filter baskets under Tank #136. Facility personnel were advised to include this area in their housekeeping activities.


Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The heated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the batching process. Facility personnel use a vacuum truck to remove the solids collected from the vibrascreen and then adds them to Tank #110 or Tank #111. The solids from these tanks are tested annually to ensure that they are not a hazardous waste. Upon inspection, the inspectors observed that the receiving drum containing solids from the vibrascreen was not labeled, "Screen Filter Residue", as required. This is a violation of **Specific Condition IV.4.d** in the facility's operating permit.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for processing. The facility stores its wastewater treatment chemicals at the east end of the site. The area was clean indicating that housekeeping has improved in this area.

Truck tires are stored behind the east equipment trailer. It was recommended that the facility clean the area and remove leaves and vegetation growing among the tires. Oil transfer hoses are stored along a second equipment trailer east of the truck wash rack. Residual oil from one of the hoses had leaked onto the pavement. Facility personnel were advised that the oil in this area needs to be cleaned up and hoses are to be completely drained of residual oil prior to placing them in storage.

There were ten (10) drums of hazardous waste (D018) stored in the area of the wastewater treatment sludge (WWTS) press. The accumulation dates on the drums were 2/26/04 and 2/27/04. This waste was generated from filtering sludge from the wastewater treatment plant. The facility is required to sample the sludge annually, to demonstrate that it is a nonhazardous waste. The annual sampling event was performed on December 15, 2003. The sample was analyzed on December 18, 2004, and found to exhibit the characteristic of toxicity for Benzene (D018). Therefore, it was a hazardous waste. The facility received the analytical report on February 4, 2004, and notified the Department of the hazardous waste determination, by letter, on February 11, 2004. However, the facility did not notify the Department of its change in status from a small quantity generator (SQG) to a large quantity generator (LQG). This is a violation of **62-730.150(5), FAC**. The facility's permit requires the sampling of the next two (2) batches of sludge to demonstrate that the waste stream is nonhazardous or continually manage the waste stream as hazardous waste. On May 5, 2004, HOWCO submitted to the Department TCLP analyses of two consecutive batches of WWTS. The analyses indicate that the contaminants in both batches of WWTS were of concentrations below the regulatory levels for the toxicity characteristic.

Crushed and uncrushed used oil filters are received and stored on the south side of the property, west of the used oil filter crusher. The uncrushed used oil filters are conveyed to a used oil filter crusher. The



used oil from draining the filters is collected in a drip pan under the filter crusher and is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil." Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational. Facility personnel advised the inspectors that the used oil filter crusher has not been operational for several months. However, the feed hopper on the crusher was full of used oil filters. This is improper storage of used oil filters and is a *repeat* violation of **62-710.850(6)(a), FAC**. Crushed and uncrushed used oil filters are stored in either drums, roll-off boxes or dump trailers. At the time of the inspection, there were no drums of crushed or uncrushed used oil filters being stored in this area. There were, however, two roll-off boxes of used oil filters. One contained crushed drums, scrap pipe and crushed used oil filters. The roll-off box was not covered and was improperly labeled, "Sludge For Disposal". The second roll-off box contained uncrushed used oil filters, fuel filters and water. The roll-off box was properly labeled, but not covered. These are *repeat* violations of **62-710.850(6)(a), FAC**.

Along the east side of the used oil filter crusher were three (3) drums labeled oil/acid. Facility personnel advised the inspectors that the drums contained an emulsifier product that was re-containerized from another container (tote). Facility personnel were advised to affix proper labels on the containers identifying their true contents.

In the area south of the used oil filter crusher, there was oil and debris on the pavement. Facility personnel were advised to clean the area and maintain good housekeeping practices.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there were three (3) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste. One was not covered and was not equipped with a liner, as required. The second roll-off box was covered but was not equipped with a liner. The third roll-off box containing sludge was mis-labeled, "Scrap Metal", did not have a liner and was not covered. These are violations of **Specific Condition IV.6.b** in the facility's operating permit.

Also, in the sludge separation area, it was observed that HOWCO has capped the discharge pipe from Tank #111 that extends outside secondary containment. This satisfies the Department's previous recommendation that the facility find a means to ensure that there are no discharges to areas outside of the secondary containment.

Just north of Tanks #110 and #111, the facility has constructed a below ground loading/unloading dock to unload containers of solid waste and used oil filters. The inspectors observed staining of the soil just east of this area. Facility personnel were advised to investigate the source of the staining, clean up the area and dispose the stained material appropriately. Facility personnel were advised that since there is no secondary containment, the loading/unloading dock cannot be used to store trucks of containers of solid waste or used oil. The facility must also depict this loading/unloading dock in its facility site diagram and submit the diagram to the Department for inclusion in the facility's permit application.

The fire and emergency equipment are inspected monthly and are tested annually. The inspection records were reviewed and, with the exception of October 2003, found to be complete. A copy of the missing October 2003 monthly inspection report was submitted to the Department on March 12, 2004. Located east of the truck wash rack is the facility's emergency trailer consisting of absorbents, blankets and booms. The trailer was orderly and contained sufficient amounts of emergency equipment.

In the vehicle maintenance garage area were observed one (1) 55-gallon drum for used oil filters generated on-site and one (1) parts washing machine. The drum of used oil filters was not properly labeled, "Used Oil Filters". This is a violation of **62-710.850(6)(a), FAC**. According to the maintenance staff, the spent parts washer solution is disposed of with the facility's used oil. No waste determination had been made on the waste solvent. If the spent part washer solvent is hazardous, it can only be mixed with the facility's used oil when the facility is a conditionally exempt small quantity generator of hazardous waste. It is requested that the facility submit to the Department its paperwork depicting the proper disposal of the spent parts washer fluid.

Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs from January 2003 through February 2004 were reviewed and, with the exception of October 2003, found to be complete. A copy of the missing October 2003 monthly inspection report was submitted to the Department on March 12, 2004.

Incoming and outgoing manifests for used oil, used oil filters, crushed used oil filters, petroleum contact water and antifreeze are kept by HOWCO at its Central Avenue office for at least three years. Incoming and outgoing manifests were being properly filled-out by the drivers. Care must be taken to ensure that all manifests have the signature of the generator and the name of the transporter, not the initials, on the manifest. A random selection of customer files were inspected, all of which were found to be in compliance. Receipts for pick-up and delivery of used oil products are also maintained at the Central Avenue office. A review of the analytical results of processed oil shipped from the facility indicated that all parameters were in compliance.

HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The training records were reviewed and found to be complete.

HOWCO is current on its liability and financial assurance requirements and current in required documents and recordkeeping except that the facility did not submit its Annual Used Oil Recovery Report by March 1, 2004, as required. This is a violation of **62-710.500, FAC**.

10. SUMMARY OF ALLEGED VIOLATIONS:

62-730.150(5), FAC

Failure to notify the Department of all changes in generator status using EPA Form 8700-12.

62-710.500, FAC

Failure to submit the annual Used Oil Recovery Report by March 1.



62-710.850(6)(a), FAC

Failure to seal, or otherwise protect from the weather, containers of used oil filters. (*Repeat Violation*)

Failure to properly label containers, "Used Oil Filters." (*Repeat Violation*).

Specific Condition IV.4.d

Failure to properly label the container receiving solids from the vibrascreen, "Screen Filter Residue".

Specific Condition IV.6.b

Failure to line, cover, and properly label containers of solid waste.

11. RECOMMENDED CORRECTIVE ACTIONS:

62-730.150(5), FAC

Effective immediately and henceforth, the facility must notify the Department of all changes in generator status using EPA Form 8700-12.

62-710.500, FAC

Effective immediately and henceforth, the facility shall submit its annual Used Oil Recovery Report by March 1 of each year.

62-710.850(6)(a), FAC

Effective immediately and henceforth, the facility shall ensure that all used oil filters are stored in containers that are sealed or otherwise protected from the weather and properly labeled, "Used Oil Filters."

Specific Condition IV.4.d

Effective immediately and henceforth, the facility shall ensure that the container receiving the solids from the vibrascreen is properly labeled, "Screen Filter Residue".

Specific Condition IV.6.b

Effective immediately and henceforth, the facility shall ensure that all solid wastes stored on the property are stored in lined containers that are properly labeled and covered to protect the contents from the weather.

Report Prepared By: Al Gephart
Al Gephart
Engineer IV

Report Reviewed By: Jim Dregne
Jim Dregne
Environmental Specialist III

Report Reviewed By: Lora Ross
Lora Ross
Environmental Specialist I

Report Reviewed By: Stanley Tam
Stanley Tam
Professional Engineer II

Report Approved By: Elizabeth Knauss Date 7/13/07
Elizabeth Knauss
Environmental Manager



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

November 4, 2003

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #269743
Pinellas County

Dear Mr. Hagan:

The purpose of this letter is to advise you of possible violations of law for which you may be responsible, and to seek your cooperation in resolving the matter. A hazardous waste program field inspection conducted on June 24, 2003, 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.

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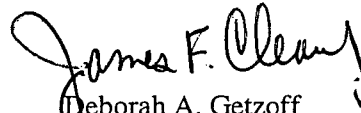
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ELRA sets specific penalty amounts for violations covered under the Act. The Department has computed the penalty, using the ELRA guidelines, to be \$5,375.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

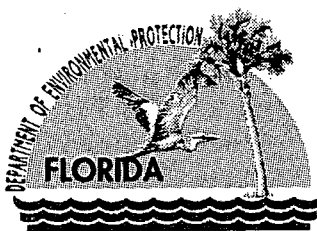
Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Randy Strauss, Pinellas County
Steve Ray, HWR Section
Compliance File ✓



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: HOWCO Environmental Services DEP/EPA ID #: FLD 152 764 767

STREET ADDRESS: 843 43rd Street South; St. Petersburg, FL 33711

MAILING ADDRESS: 3701 Central Avenue; St. Petersburg, FL 33713

COUNTY: Pinellas PHONE: (727) 327-8467 DATE: 06/24/03 TIME: 9:55 am

NOTIFIED AS:

☐ N/A

- ☐ non-handler
- ☐ CESQG (<100 Kg per month)
- ☐ SQG (100 Kg - 1000 Kg per month)
- ☐ LQG (>1000 Kg per month)
- ☐ transporter
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- ☒ used oil: Processing Facility, Transporter
- ☒ used oil filter: Processor, Transporter

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2. APPLICABLE REGULATIONS:

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

3. RESPONSIBLE OFFICIAL:

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP	Wade Behnke - FDEP
Stanley Tam - FDEP	Richard Dillen - HOWCO
David Roehm - HOWCO	

5. LATITUDE/LONGITUDE: 27°45'41.6"/ 82°41'32.5"

6. SIC CODE: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. HOWCO has been at this location since 1972 and currently employs approximately forty people; thirty of which work at the processing facility. The 3.2 acre site contains an oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

The facility receives used oil, industrial wastewater, petroleum contact water (PCW), antifreeze, used oil filters, oily solids, industrial solids and petroleum contaminated solids. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that has its own inspections and reporting requirements. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is transported directly from the generator to the disposal facility by a registered hazardous waste transporter.

The majority of used oil, used oil filters and oily wastes are brought into the facility by HOWCO trucks, common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the pick-up site using a halogen "sniffer". Used oils shipped to the facility by other vendors are required to include a manifest describing the material.

Used oils arriving at the facility are sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halide concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made. According to facility personnel, no loads were rejected since our last compliance inspection.

The HOWCO tank farm consists of 47 aboveground storage tanks in five separate containment areas. Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) in containment Areas #1 and #2 are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. Facility personnel have done a very good job in cleaning and power washing the containment areas. The secondary containment in the processing area was very clean and free of residual oil. Now that the construction activities have been completed for secondary containment in Areas #1 and #2, ***the facility must submit documentation to the Department stating that it has met the requirements of Consent Order #97-2190, "as-built" drawings of the tanks and containment areas, and revised calculations of the capacity of secondary containment.*** The drawing and secondary containment calculations must be signed and sealed by a professional engineer licensed in the state of Florida.

Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The heated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the

batching process. A vacuum truck is used to remove the solids from the vibrascreen to be added to Tank #110 or Tank #111. The solids from these tanks are tested annually to ensure that they are not a hazardous waste.

Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. The uncrushed used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher and is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil." Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational. Crushed used oil filters are stored in either drums, roll-off boxes or dump trailers. At the time of this inspection, there was one roll-off box of oil filters. The container was covered and properly labeled. Facility personnel were re-coating the storage area where containers are normally stored. It is recommended that the facility continue to inspect the area, make any repairs and re-coat, where necessary, as part of its preventive maintenance program. This would include the area around the drum washer.

The facility was storing approximately 200 used oil filter drums in a manner such that (a) there were no aisle ways for the inspectors to inspect each of the drums, (b) many drums were either without the proper labeling, were mislabeled or were not "sealed" [this included nine (9) drums of sludge of which some were mislabeled used oil or not labeled, and one (1) drum of an unknown material that was stored in a container that had corrosion on the lid to the point that there were holes in the lid. It was recommended that the facility re-containerize or overpack the container and characterize the waste for proper disposal] and (c), facility personnel are placing crushed used oil filters on top of the containers to differentiate containers of crushed filters from those containing uncrushed filters. These are violations of **62-710.850(6)(a)**. The facility should use some other method than placing crushed used oil filters on the tops of containers to designate the contents. Also observed were housekeeping issues in the area such as discarded paint brushes and a partially full container of oily trash and water.

On May 21, 2003, a Pinellas County Health Dept. inspector observed, during his tank compliance inspection, that HOWCO had dumped used oil filters on the surface of the container storage area (see photos attached). This is a violation of **62-710.850(6)(a)**, F.A.C. All waste materials at the facility are to be managed in containers, not on the ground or pavement.

HOWCO routinely collects waste antifreeze from its customers. The non-hazardous waste determination for the spent antifreeze is maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining the waste antifreeze to be non-hazardous. HOWCO may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that there were waste determination documents from its clients on file.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for processing.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily

solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there was one roll-off box of solid waste in the Solids Storage and Sludge Separation Areas. The roll-off box was covered and properly labeled. Also, as noted in previous inspections, the discharge pipe from Tank #111 extends outside secondary containment. Per Specific Condition IV.7(e), the facility is to ensure that Tank #111 discharges into a suitable container, and does not discharge onto the ground or asphalt pavement. It is recommended that the facility install a flexible pipe onto the discharge that would extend back into the area of secondary containment when there is no container under the discharge pipe.

Just north of Tanks #110 and #111, the facility is in the process of constructing a below ground incline to serve as an unloading dock for containers of solid waste and used oil filters. Facility personnel were advised that since there is no secondary containment, it cannot be used to store trucks or containers of solid waste or used oil filters. The facility must also depict this loading dock in its facility site diagram and submit the diagram to the Department for inclusion in the facility's permit application.

The facility stores its wastewater treatment chemicals at the east end of the site. It was observed that hydrated lime had been spilled in several areas. The housekeeping needs to be improved in this area.

Receipts for pick-up and delivery of used oil products are maintained at the Central Avenue office. A review of the analytical results of processed oil shipped from September 2001 through June 2002 indicated that all parameters were in compliance.

Incoming and outgoing manifests for used oil, used oil filters, crushed oil filters, petroleum contact water and antifreeze are kept by HOWCO for at least three years. A random selection of customer files were inspected, all of which were found to be in compliance.

The fire and emergency equipment are inspected monthly and are tested annually. The inspection records were reviewed and, with the exception of September 2002, found to be complete. A copy of the missing September 2002 monthly inspection report was submitted to the Department on July 18, 2003. Located east of the truck wash rack is the facility's emergency trailer consisting of absorbents, blankets and booms. The trailer is in need of housekeeping and re-organization. It was difficult to enter the trailer to make use of the emergency equipment. It was also observed that the facility was deficient in providing safety equipment for use in an emergency. This is a violation of **40 CFR 279.52(a)(3)**.

Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs from July 2002 through May 2003 were reviewed and, with the exception of September 2002, found to be complete. A copy of the missing September 2002 monthly inspection report was submitted to the Department on July 18, 2003.

HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The training records were reviewed and found to be complete.

HOWCO submitted its annual used oil registration and is current on its liability and financial assurance requirements. The facility is current in required documents and recordkeeping.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 279.52(a)(3)

Failure to provide emergency response equipment.
(Repeat Violation)

62-710.850(6)(a), FAC

Failure to seal, or otherwise protect from the weather, containers of used oil filters. (Repeat Violation)

Failure to store used oil filters in above ground containers.

Failure to properly label containers, "Used Oil Filters."

11. RECOMMENDED CORRECTIVE ACTIONS:

40 CFR 279.52(a)(3)

Effective immediately, the facility shall re-supply the emergency equipment trailer with the appropriate safety equipment as described in Specific Condition V.2(a) in the facility's operating permit.

62-710.850(6)(a), FAC

Effective immediately and henceforth, the facility shall ensure that all used oil filters are stored in above ground containers that are sealed or otherwise protected from the weather and properly labeled, "Used Oil Filters."

Report Prepared By: Al Gephart
Al Gephart
Engineer IV

Report Reviewed By: Wade Behnke
Wade Behnke
Environmental Specialist II

Report Reviewed By: Stanley Tam
Stanley Tam
Professional Engineer II

Report Approved By: Elizabeth Knauss Date 11/3/03
Elizabeth Knauss
Environmental Manager



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

November 18, 2002

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #259973
Pinellas County

Dear Mr. Hagan:

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 July 24, 2002, 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 Al Gephart at (813)744-6100, extension 372, 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.

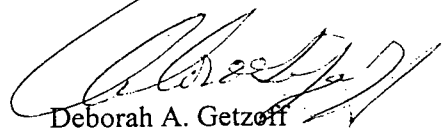
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In 2001 the Florida Legislature enacted the Environmental Litigation Reform Act (ELRA)(2001 Fla. Laws, Ch. 258). ELRA is now codified in Section 403.121, Florida Statutes (FS). ELRA is an efficient means of resolving smaller environmental cases in Administrative Court.

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ELRA sets specific penalty amounts for violations covered under the Act. The Department has computed the penalty, using the ELRA guidelines, to be \$5,000.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
Director of District Management
Southwest District

DAG/afg

Enclosure

cc: Steve Ray, HWR Section
Susan Pelz, Solid Waste Section
Compliance File ✓



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: HOWCO Environmental Services DEP/EPA ID #: FLD 152 764 767

STREET ADDRESS: 843 43rd Street South; St. Petersburg, FL 33711

MAILING ADDRESS: 3701 Central Avenue; St. Petersburg, FL 33713

COUNTY: Pinellas PHONE: (727) 327-8467 DATE: 07/24/02 TIME: 9:45 am

NOTIFIED AS:

☐ N/A

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

CURRENT STATUS:

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

2. APPLICABLE REGULATIONS:

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

3. RESPONSIBLE OFFICIAL:

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP	Wade Behnke - FDEP
Stanley Tam - FDEP	Richard Dillen - HOWCO
David Roehm - HOWCO	Ed Kerr - HOWCO

5. LATITUDE/LONGITUDE: 27°54'00"/ 82°38'11"

6. SIC CODE: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

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9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. HOWCO has been at this location since 1972 and currently employs approximately forty people; thirty of which work at the processing facility. The 3.2 acre site contains an oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

The facility receives used oil, industrial wastewater, petroleum contact water (PCW), antifreeze, used oil filters, oily solids, industrial solids and petroleum contaminated solids. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that has its own inspections and reporting requirements. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is not transported by HOWCO, but is transported directly from the generator to the disposal facility.

The majority of used oil, used oil filters and oily wastes are brought into the facility by HOWCO trucks, common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the pick-up site using a halogen "sniffer". Used oils shipped to the facility by other vendors are required to include a manifest describing the material.

Used oils arriving at the facility are sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halide concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm, the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made.


The HOWCO tank farm consists of 47 aboveground storage tanks in five separate containment areas. Used oil was observed in containment Area #3 around tanks 105, 140 and 151. **This is a repeat violation of Specific Condition III.8 in the facility's operating permit.** Facility personnel cleaned and power washed the containment area before the inspectors left the site.

Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) in containment Areas #1 and #2 are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. In general, the containment areas in the processing area were clean and in good condition. Now that the construction activities have been completed for secondary containment Areas #1 and #2, the facility is to submit to the Department an "as-built" drawing of the tanks and containment areas and revised calculations of the capacity of secondary containment. The drawing and secondary containment calculations shall be signed and sealed by a professional engineer licensed in the state of Florida.

Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower Process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The treated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the

facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the batching process. The solids from the vibrascreen are collected in a drum that was properly labeled, "Screen Filter Residue". The solids are sent to a solid waste landfill or processed for oil recovery. The solids are tested annually to ensure that they are not a hazardous waste.

North of the drum press was a roll-off box of crushed drums (scrap metal). The crushed drums appeared to have been properly cleaned and the roll-off was dry. There was no evidence of used oil leakage.



Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. The "impermeability" of the surface in the drum storage area appears somewhat marginal. Mr. Roehm showed the inspectors where repairs have been made. It is recommended that the facility continue to inspect the area and make any repairs necessary as part of its preventive maintenance program. This would include the area around the drum washer. The used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher where it is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil". Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-refined. Crushed filters are stored in either drums, roll-off boxes or dump trailers. At the time of the inspection, three (3) roll-off boxes were sitting on the earthen portion of the property, not on an impermeable surface, and were not covered. **This is a repeat violation of 62-710.850(6)(a), FAC.** It is also the opinion of the inspectors that the roll-offs were filled to over-capacity. The facility should limit the amount of filters in the roll-offs to accommodate an appropriate cover to protect the contents from the weather. Facility personnel were pressure washing the storage area where the roll-off boxes are normally placed. The inspectors were told that upon cleaning the "pad" the roll-offs would be rolled back onto the impermeable surface. During the inspection, the facility was operating its used oil filter crusher. The crusher is in need of repair. As a result of the crusher not performing correctly, there was used oil spilled onto the pad surrounding the crusher area. Oil was leaking from the conveyor belt and blocks of crushed filters were "bridging" on the conveyor and falling off onto the pavement. Facility personnel had to continually pick up the crushed filters that fallen off the conveyor and put them in drums. There were two 55-gallon drums of crushed used oil filters next to the crusher. One was partially full and was open during the crushing process to put the filters in that would fall from the conveyor. The other drum, sitting adjacent to the area, was overly full of used oil filters and not covered. **This is a violation of 62-710.850(6)(a), FAC.** The drums and/or roll-off boxes of crushed filters are shipped to the Pinellas County incinerator for disposal or to a scrap metal recycling facility.

HOWCO routinely collects waste antifreeze from its customers. The non-hazardous waste determination for the spent antifreeze is maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining the waste antifreeze to be non-hazardous. HOWCO may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that there were waste determination documents from its clients on file.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for re-refining.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there were no roll-off boxes of solid waste in the Solids Storage and Sludge Separation Areas. However, facility personnel were processing solid waste using a front-end loader to mix the waste with mulch directly on the pad. **This is a violation of Specific Condition IV.7(c) in the facility's operating permit.** Also, as noted in last year's inspection, the discharge pipe from Tank #111 extends outside secondary containment. Per Specific Condition IV.7(e), the facility is to ensure that Tank #111 discharges into a suitable container, and does not discharge onto the ground or asphalt pavement. It is recommended that the facility install a flexible pipe onto the discharge that would extend back into the area of secondary containment when there is no container under the discharge pipe.

Receipts for pick-up and delivery of used oil products are maintained at the Central Avenue office. A review of the analytical results of processed oil shipped from September 2001 through June 2002 indicated that all parameters were in compliance.

Incoming and outgoing manifests for used oil, used oil filters, crushed oil filters, petroleum contact water and antifreeze are kept by HOWCO for at least three years. A random selection of customer files were inspected, all of which were found to be in compliance.

HOWCO submitted its annual used oil registration and is current on its liability and financial assurance requirements.


Fire extinguishers at the facility were serviced in January 2002. The fire and emergency equipment are inspected monthly and are tested annually. Inspection records were reviewed and found to be complete. Located east of the truck wash rack is the facility's emergency trailer consisting of absorbents, blankets and booms. It was noted in the January 2002 inspection sheet that the facility was deficient in the equipment inventory. Corrective action was taken in February to order replacement equipment. If received, the equipment has since disappeared. The facility is still deficient in providing safety equipment for use in an emergency. **This is a violation of Specific Condition V.2(a) in the facility's operating permit.** The facility provided the Department with a sales receipt indicating that the emergency equipment was re-stocked on July 26, 2002.

Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs from September 2001 through June 2002 were found to be complete. However, although the facility is documenting deficiencies, there is sometimes a 4 month backlog on getting these deficiencies communicated to management. It is recommended that the facility make a photo copy of the handwritten inspection sheets that have deficiencies noted on them and provide the copy to management so that corrective actions can proceed immediately. As currently done, the handwritten sheets are first typed up and then given to management. There is sometimes substantial delay between the date of inspection and the date on which the inspection is typed and provided to management.

HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The training records were reviewed and found to be complete. However, some of the training certificates were not signed by the instructor. It is recommended that the facility obtain the instructor's signature on future training certificates.

10. SUMMARY OF ALLEGED VIOLATIONS:



62-710.850(6)(a), FAC	Failure to seal, or otherwise protect from the weather, containers of used oil filters. <i>(Repeat Violation)</i>
Specific Condition III.8	Failure to remove spilled or leaked waste within secondary containment areas. <i>(Repeat Violation) (Corrected)</i>
Specific Condition IV.7(c)	Failure to manage solid waste materials in containers and/or processing tanks.
Specific Condition V.2(a)	Failure to provide emergency response equipment. <i>(Corrected)</i>

11. RECOMMENDED CORRECTIVE ACTIONS:

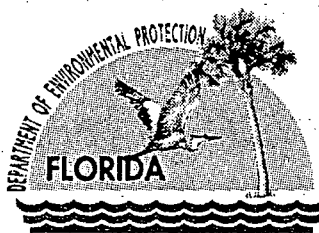
62-710.850(6)(a), FAC	Effective immediately and henceforth, the facility shall ensure that all containers of used oil filters are sealed or otherwise protected from the weather.
Specific Condition IV.7(c)	Effective immediately and henceforth, the facility shall manage all solid waste materials in containers and/or processing tanks.

Report Prepared By: Al Gephart
Al Gephart
Engineer IV

Report Reviewed By: Wade Behnke
Wade Behnke
Environmental Specialist II

Report Reviewed By: Stanley Tam
Stanley Tam
Professional Engineer II

Report Approved By: Elizabeth Knauss Date: 11/15/02
Elizabeth Knauss
Environmental Manager



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

November 5, 2001

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #251080
Pinellas County

Dear Mr. Hagan:

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 August 13, 2001, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

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

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

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties which would be assessed in this case are \$22,450.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, under

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the Department's agreement with the EPA, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,

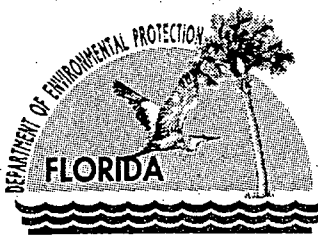


Deborah A. Getzoff
Director of District Management
Southwest District

DG/jmd

Enclosure

cc: Steve Ray, HWR Section
Angela Dempsey, OGC
Robert Butera, Solid Waste Section
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: HOWCO Environmental Services DEP/EPA ID #: FLD 152 764 767

STREET ADDRESS: 843 43rd Street South; St. Petersburg, FL 33711

MAILING ADDRESS: 3701 Central Avenue; St. Petersburg, FL 33713

COUNTY: Pinellas PHONE: (727) 327-8467 DATE: 08/13/01 TIME: 9:15 am

NOTIFIED AS: ☐ N/A

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

CURRENT STATUS:

- ☐ non-handler
- ☐ CESQG (<100 Kg per month)
- ☐ SQG (100 Kg - 1000 Kg per month)
- ☐ LQG (>1000 Kg per month)
- ☐ transporter
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- ☐ permitted TSDF
- ☐ unit types:
- ☐ exempt treatment facility
- ☒ used oil: Processing Facility, Transporter
- ☒ used oil filter: Processor, Transporter

2. APPLICABLE REGULATIONS:

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

3. RESPONSIBLE OFFICIAL:

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP	Sara Smithee - FDEP
Jim Dregne - FDEP	Richard Dillen - HOWCO
Stanley Tam - FDEP	David Roehm - HOWCO
Steve Morgan - FDEP	Tim Hagan - HOWCO

5. LATITUDE/LONGITUDE: 27°54'00"/ 82°38'11"

6. SIC CODE: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. HOWCO has been at this location since 1972 and currently employs approximately forty people; thirty of which work at the processing facility. The 3.2-acre site contains oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

The facility receives used oil, industrial wastewater, petroleum contact water (PCW), antifreeze, used oil filters, oily solids, industrial solids and petroleum contaminated solids. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that has its own inspections and reporting requirements. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is not transported by HOWCO, but is transported directly from the generator to the disposal facility.

The majority of used oil, used oil filters and oily wastes are brought into the facility by HOWCO trucks, common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the pick-up site using a halogen "sniffer". Used oils shipped to the facility by other vendors are required to include a manifest describing the material.

Used oils arriving at the facility are sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halide concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made.


The HOWCO tank farm consists of 47 aboveground storage tanks. Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) are used to store used and re-refined used oil. The tanks have secondary containment consisting of an oil impermeable concrete surfaces on the walls and floors to contain oil spills. Overall, the facility's "impermeable surfaces" are suspect (containment areas #1 and #2, the used oil and used oil filter container storage areas, and the solids storage area). These areas are in need of thorough inspection and repair, as necessary.

Containment areas #1 and #2 had pools of used oil due to leaking equipment and the failure of employees to prevent spills during the transfer of oil to and from storage tanks. Oil was observed leaking from two unused valves on the oil plant manifold and from the handle of a third valve. The oil had been leaking from the unused valves for at least five days. Following the inspection the unused valves were blanked off and the third valve was replaced. Department inspectors had informed HOWCO officials on numerous occasions since January 2001 that oil was in the secondary containment areas and needed to be cleaned up thoroughly. During those earlier discussions it was said by HOWCO that the last complete cleaning of the containment area had been over a year ago and that it was a very time and labor intensive task. Spilled or leaked waste must be removed from the secondary containment within 72 hours of the incident. This was not being done. **This is a repeat violation of Specific Condition III.8 in the facility's operating permit.**

There were two (2) 55-gallon drums of solid waste (i.e., garbage and trash), one located next to the wash rack and the other located south of Tank 137. Facility personnel are using these drums to dispose oily waste. In the future the facility is to ensure that oily waste and solid waste are segregated.

Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower Process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The treated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the batching process. The solids from the vibrascreen are collected in a drum that was properly labeled, "Screen Filter Residue". The solids are sent to a solid waste landfill or processed for oil recovery. The solids are tested annually to ensure that they are not a hazardous waste.

The facility's permit requires that a tank (batch) of processed oil be sampled and tested once every two weeks to determine if the processed used oil meets the used oil fuel specifications. In the event a batch of processed used oil does not meet the on-spec requirements the batch will be re-processed and a notation shall be made in the facility operating records indicating the batch number that was re-processed. An inspection of analytical results of processed oil shipped from the facility indicated that all parameters were in compliance. However, the facility is sampling the processed oil twice per month (e.g., for the month of August 2001, the facility sampled on August 7 and August 9). **This is a violation of Specific Condition II.8.c.2 in the facility's operating permit.**



Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. At the time of the inspection facility personnel were unloading a truck of drums containing used oil filters and placing them in storage at the used oil container storage area. Due to the limited aisle space in the truck, not all drums could be inspected. However, of those that had been unloaded, there were approximately four (4) drums of used oil filters that did not have labels. The facility was advised to ensure that drums are properly labeled at the customer's site prior to transporting. The "impermeability" of the surface in the drum storage area appears somewhat marginal. It is recommended that the facility inspect the area and make any repairs necessary. This would include the area around the drum washer. The used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher where it is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil". Periodically the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-refined. Crushed filters are stored in either drums or dump trailers. At the time of the inspection there was one dump trailer on-site into which crushed filters had been loaded. No crushing operations were being done. It is the opinion of the inspectors that the trailer be covered except during processing (crushing) activities. It is also the opinion of the inspectors that this trailer was filled to over-capacity. The facility should limit the amount of filters in the trailer to accommodate an appropriate cover to protect the contents from the weather. The drums and/or dump trailers of crushed filters are shipped to the Pinellas County incinerator for disposal or to a scrap metal recycling facility.

North of the used oil filter crusher there was a roll-off box of crushed drums (scrap metal). Facility personnel are not completely emptying the drums. There was a substantial amount of oil in the roll-off box, some of which was leaking onto the ground. **This is a violation of 40 CFR 279.54(g).**

West of the used oil filter crusher was one (1) 30-gallon plastic container approximately 2/3 full with an open bung. The contents of the container appeared to be used oil and water. Following the inspection it was determined that the drum contained product diesel fuel used to power diesel equipment at the facility. The drum was labeled following the inspection.

HOWCO routinely collects waste antifreeze from its customers. The non-hazardous waste determination for the spent antifreeze is maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining the waste antifreeze to be non-hazardous. HOWCO may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that there were waste determination documents from its clients on file.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for re-refining. East of the wastewater pretreatment plant there was an area in which powdered lime had spilled from a damaged 50-pound bag onto the asphalt. The lime was cleaned up following the inspection.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The facility does not have a tracking mechanism in place to track the incoming solid waste to the corresponding outbound shipments. At the time of the inspection, there were three (3) roll-off boxes of solid waste in the Solids Storage and Sludge Separation Areas. The roll-off boxes were covered and properly labeled, "Processed Solid Waste". Also noted was that the discharge pipe from Tank #111 extends outside the secondary containment. Per Specific Condition IV.7(e), the facility is to ensure that Tank #111 discharges into a suitable container, and does not discharge onto the ground or asphalt pavement. It is recommended that the facility install a flexible pipe onto the discharge that would extend back into the area of secondary containment when there is no container under the discharge pipe.

Receipts for pick-up and delivery of used oil products are maintained at the Central Avenue office. Incoming and outgoing manifests for used oil, used oil filters, crushed oil filters, petroleum contact water and antifreeze are kept by HOWCO for at least three years. A random selection of customer files were inspected, all of which were found to be in compliance.

HOWCO maintains manifests/records for each solid waste shipment accepted at the facility for processing/disposal at the Central Avenue office. HOWCO also maintains copies of analytical results submitted to demonstrate that a waste is non-hazardous. However, the shipment manifests and the submitted analytical results and annual generator hazardous waste determinations are kept in separate files, with no tracking system to link the analytical results or generator determinations to a particular manifested shipment. Therefore, HOWCO is unable to verify that a hazardous waste determination has

been made on each shipment of solid waste accepted at the facility for processing/disposal. **This is a violation of Specific Condition IV.4.f. in the facility's operating permit and F.A.C. Rules 62-701.700(3)(a)&(b).(effective 4/23/97)**

HOWCO maintains records of hazardous waste determination from each generator for solid waste streams received at the facility. HOWCO is required to have the generators re-affirm at least annually, that the processes have not changed and record this update in its records for that generator. No annual updates were noted in the generator files reviewed during this inspection, despite the fact that the original determinations were almost a year old. The Department will expect to find records of timely annual generator updates in the generators' files during its next facility inspection.

HOWCO failed to submit its initial proof of financial assurance, which is required to be submitted within 60 days of the date of issuance of the facility's operating permit (permit issued 8/3/00). **This is a violation of Specific Condition IV.12.b. in the facility's operating permit and F.A.C. Rule 62-700(4) (effective 4/23/97).** HOWCO also failed to submit its annual closure cost estimate update by the anniversary date of permit issuance. **This is a violation of Specific Condition IV.12.a. in the facility's operating permit and F.A.C. Rule 62-700(4) (effective 4/23/97).**

HOWCO failed to submit its annual used oil activities registration by March 1, 2001. **This is a violation of 62-710.500(2), F.A.C.**

Fire extinguishers at the facility were serviced in June 2001. The fire and emergency equipment are inspected monthly and are tested annually. Located east of the truck wash rack is the facility's spill kit consisting of absorbents, blankets and booms. Inspection records were reviewed and found to be complete.

Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs from October 2000 through July 2001 were found to be complete. However, the facility is not documenting what and when corrective actions are taken. It is recommended that the facility note on the inspection sheets when the listed inspection deficiencies are corrected.

HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The last annual refresher training was conducted on January 26, 2001. Training records were reviewed and found to be complete. However, the training certificates were not signed by the instructor. It is recommended that the facility obtain the instructor's signature on future training certificates.

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 279.54(g)

Failure to respond to releases of used oil into the environment.

62-710.500(2), F.A.C.

Failure to submit the facility annual used oil registration by March 1. *(Submitted on 7-18-01).*

Specific Condition III.8	Failure to remove spilled or leaked waste within secondary containment areas. (<i>Repeat Violation</i>).
Specific Condition III.8.c.2	Failure to sample processed oil at a frequency of once every two weeks prior to shipping off-site.
Specific Condition IV.4.f. and F.A.C. Rules 62-700(3)a. & b.	Failure to demonstrate a hazardous waste determination had been made for all solid waste received at the facility.
Specific Condition IV.12.b. and F.A.C. Rule 62-700(4)	Failure to submit initial proof of financial assurance within 60 days of permit issuance.
Specific Condition IV.12.a. and F.A.C. Rule 62-700(4)	Failure to submit annual closure cost estimates by the anniversary date of permit issuance.

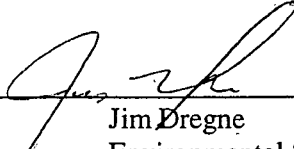
11. RECOMMENDED CORRECTIVE ACTIONS:

40 CFR 279.54(g)	Upon discovery the facility shall ensure that all leaks and spills of used oil into the environment are contained and managed according to applicable rules and regulations.
Specific Condition III.8	Effective immediately and henceforth, the facility shall remove spilled or leaked waste within secondary containment areas as described in Section 9.6 of the facility's permit application.
Specific Condition III.8.c.2	Effective immediately and henceforth, at a minimum the facility shall sample its off-site shipments of processed oil once every two weeks.
Specific Condition IV.4.f.	Within 90 days of receipt of this report, the facility must develop a tracking system to link each waste shipments manifest with its corresponding generator or analytical hazardous waste determination.
Specific Condition IV.12.b.	Immediately submit initial proof of financial assurance in the amount of \$58,760. Upon approval of annual closure cost estimates due August 3, 2001, provide proof of financial assurance in the amount of the approved annual cost estimate.

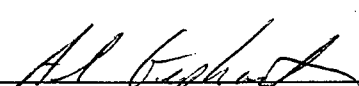
Specific Condition IV.12.a.

Within 30 days of receipt of this report, the facility must submit the annual closure cost estimate that was due August 3, 2001.

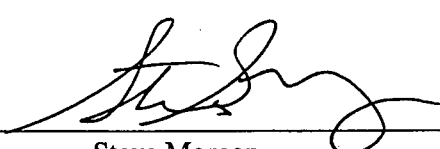
Report Prepared By: _____


Jim Dregne
Environmental Specialist III

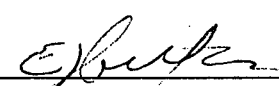
Report Reviewed By: _____


Al Gephart
Engineer IV

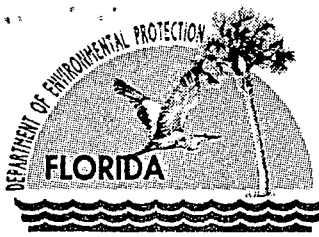
Report Reviewed By: _____


Steve Morgan
Environmental Specialist III

Report Approved By: _____


Elizabeth Knauss
Environmental Manager

Date: 10/30/01



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

March 21, 2001

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #241880
Pinellas County

Dear Mr. Hagan:

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 19, 2000, indicates that violations of Florida Statutes and Rules may exist at the above referenced facility. Department of Environmental Protection personnel made observations described in the attached inspection report. Section 10 of the report lists a summary of alleged violations of Department Rules.

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

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

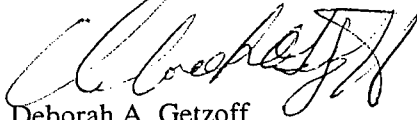
Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(4), F.S. If after further investigation the Department's preliminary findings are verified, this matter may be resolved through the entry of a Consent Order which will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In accordance with the United States Environmental Protection Agency's (EPA) RCRA Civil Penalty Policy of 1990, the penalties which would be assessed in this case are \$14,900.00.

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

Sincerely yours,



Deborah A. Getzoff
Director of District Management
Southwest District

DG/jmd

Enclosure

cc: Steve Ray, HWR Section
Compliance File ✓



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME HOWCO Environmental Services EPA ID # FLD 152 764 767

STREET ADDRESS 843 43rd Street South, St. Petersburg, FL

MAILING ADDRESS 3701 Central Avenue, St. Petersburg, FL 33713

COUNTY Pinellas PHONE (727) 327-8467 DATE 09/19/00 TIME 10:20 am

NOTIFIED AS:

- ☐ Non Handler
☒ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
☐ Transporter
☐ Transfer Facility
☐ Interim Status TSD Facility
☐ TSD Facility
☐ Unit Type(s):
☒ Used Oil: Processing Facility, Transporter
☒ Used Oil Filters: Processor, Transporter:

CURRENT STATUS:

- ☐ Non Handler
☒ CESQG (<100 kg/mo.)
☐ SQG (100-1000 kg/mo.)
☐ Generator (>1000 kg/mo.)
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☐ Transfer Facility
☐ Interim Status TSD Facility
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☒ Used Oil Filters: Processor, Transporter:

2. APPLICABLE REGULATIONS:

- | | | | |
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| <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 checked="" type="checkbox"/> 62-730, FAC | <input checked="" type="checkbox"/> 62-740, FAC |

3. RESPONSIBLE OFFICIAL(s):

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Dave Roehn – HOWCO	Lewis Sparks - HOWCO	Al Gephart - FDEP
Richard Dillen – HOWCO	Stanley Tam - FDEP	Jim Dregne – FDEP
Dave Thompson – HOWCO	Roger Evans - FDEP	

5. LATITUDE/LONGITUDE 27° 54' 00" 82° 38' 11"

6. SIC Code: 2999

7. TYPE OF OWNERSHIP: Private Federal State County Municipal

8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

"More Protection, Less Process"

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9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. HOWCO has been at its current location since 1972 and currently employs approximately forty people; thirty of which work at the 43rd Street processing facility. The 3.2 acre site contains an oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

HOWCO operates about six used oil recovery trucks from their St. Petersburg location. The recovery trucks also provide other waste pumping services including waste removal from oil/water separators and car and truck wash pits. In addition to the St. Petersburg facility, HOWCO operates a used oil transfer facility in Ocala. The used oil waste stored in Ocala is brought to St. Petersburg for processing. A majority of the waste processed at the facility is brought to the facility in HOWCO owned trucks. The facility receives a few shipments of used oil each week from common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the generator's site using a halogen "sniffer". Used oils transported to HOWCO by other vendors are required to include a manifest describing the material.

Used oil shipments arriving at HOWCO are sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halogen concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made. All oil is processed and marketed as "on-spec" used oil fuel to various burners. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. Records of used oil that was tested and rejected by HOWCO was not being maintained on file for a minimum of three years. **This is a violation of 40 CFR 279.44(d).** Also, HOWCO drivers were not notifying the Department of any refusals to pick-up used oil from clients. **This is a violation of 62-710.510(2) F.A.C.**

Used oil is processed utilizing the Cooker Process. HOWCO discontinued the use of the distillation flash tower as part of their used oil processing several years ago. According to Mr. Hagan, the process was done only to remove light ends from the processed oil to meet a used oil specification of the phosphate industry. HOWCO discontinued selling oil to the phosphate industry for use in beneficiation in 1997. Used oil processed in the Cooker is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The treated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The oil is then sent through a vibrascreen to separate out the solids. The solids from the vibrascreen are collected in a drum that was properly labeled, "Screen Filter Residue". The solids are sent to a solid waste landfill for disposal or processed for oil recovery. The solids from the vibrascreen are tested annually to ensure that they are not a hazardous waste.

At the time of the inspection, the facility's permit required that every tank (batch) of processed oil be sampled and tested to determine if the processed used oil meets the used oil fuel specifications. In the event a batch of processed used oil did not meet the on-spec requirements the batch would be re-processed and a notation would be made in the facility operating records indicating the batch number that was re-processed. Inspection of the analytical results of processed oil shipped from February 2000 through April 2000 indicated that all parameters were in compliance.

The facility also receives used oil filters, used antifreeze, non-hazardous solid waste, industrial wastewater, and petroleum contact water (PCW) for processing and disposal. The ultimate disposal of other waste is either

through the permitted discharge to the St. Petersburg POTW or to an off-site disposal facility. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that has its own inspections and reporting requirements. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered by HOWCO is not transported by HOWCO, but is transported directly from the generator to the disposal facility.

Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. At the time of the inspection, there were approximately 227 drums of used oil filters. The drums were sealed and properly labeled. After the filters have been removed from the 55-gallon drums, the empty drums are transferred to a drum washing area located west of the oil filter crusher. The drums are pressure washed with water. Diesel fuel or kerosene is used to "cut" the oil. The oily waste from the drum cleaning operation drains to a sump next to the wash area. The oily waste is then pumped from the sump to the water/oil processing facility. The area was clean and in good condition. However, there were several areas on the floor around the drum washer that require maintenance. The used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher where it is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil". Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-refined. Crushed filters are stored in either drums or dump trailers. Valves at the bottom of the dump trailers allow any remaining oil to be drained into a 55-gallon drum. At the time of the inspection there were two dump trailers on-site. One trailer was being loaded with crushed filters. The other trailer was loaded with filters and was awaiting disposal. The trailer awaiting disposal had a 55-gallon drum beneath the drain valve. The drum was not labeled, "Used Oil". **This is a violation of 40 CFR 279.54(f)(1).** Neither dump trailer was covered to protect the contents from the weather. **This is a violation of 62-710.850(6)(a), F.A.C..** The drums and/or dump trailers of crushed filters are shipped to the Pinellas County incinerator for disposal or to U.S. Foundry, Medley, FL.

West of the used oil filter crusher was one container of a waste oil and water mixture that was structurally defective (an open slit down the side). **This is a violation of 40 CFR 279.54(b)(1).**

HOWCO routinely collects waste antifreeze from its customers. Records of the waste determinations for the spent antifreeze are maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining that the waste antifreeze is non-hazardous. HOWCO requires that all antifreeze be tested for four contaminants of concern, Benzene, Lead, Trichloroethylene and Tetrachloroethylene. The facility may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that antifreeze waste determination records were complete.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for re-refining.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is required to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. At the time of the inspection, there

were three roll-off boxes of solid waste in the Solids Storage and Sludge Separation Areas. The roll-offs were covered and properly labeled, "Processed Solid Waste". Also noted was that the discharge pipe from Tank #111 extends outside the secondary containment. Per Specific Condition IV.7(e), the facility is to ensure that Tank #111 discharges into a suitable container, and does not discharge onto the ground or asphalt pavement. It is recommended that the facility install a flexible pipe onto the discharge that would extend back into the area of secondary containment when there is no container under the discharge pipe.

The HOWCO tank farm consists of 48 aboveground storage tanks. The newest tank in the tank farm is a temporary 300 gallon diesel fuel tank that was placed within the secondary containment in Area #5. FDEP was not notified of the addition of this tank. **This is in violation of Specific Condition II.2 in the facility's operating permit.** Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. Overall, the containment areas were clean and in good condition. However, containment areas #1 and #2, had pools of used oil due to leaking equipment. **This is in violation of Specific Condition III.8 in the facility's operating permit.** The tanks in the receiving area, Tanks 130 -135 were not labeled or marked with their contents. Initially there was some confusion over what each tank contained. Tanks 132, 134, and 135 were being used to store used oil exclusively. **Failure to label used oil tanks with the words "Used Oil" is a violation of 40 CFR 279.54(f)(1).**

Incoming and outgoing manifests for used oil, used oil filters, crushed oil filters, petroleum contact water and antifreeze are kept by HOWCO for at least three years. A random selection of customer files were inspected, all of which were found to be in compliance.

The Company had copies of its current registrations for used oil transporter, processor and marketer, and used oil filter transporter, transfer facility and processor. HOWCO also submitted its annual transporter report and its biennial processor report.

Fire extinguishers at the facility were serviced in June 2000. The fire and emergency equipment are inspected monthly and are tested annually. Located east of the truck wash rack is the facility's spill kit consisting of absorbents, blankets and booms. Inspection records were reviewed and found to be complete. Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs from January 2000 through August 2000 were found to be deficient because they are lacking the date and time the inspection was performed and the inspector's name. **This is a violation of General Condition 14(c) in the facility's operating permit.**

HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The last annual refresher training was conducted on May 20, 2000, and July 29, 2000. Training records were reviewed and found to be complete.

Approximately twenty spent fluorescent light tubes (spent mercury containing lamps) were being improperly stored in the facility's laboratory. Spent mercury containing lamps must be stored in a way that prevents breakage. **Failure to label each spent mercury-containing lamp or container of lamps with the words "Spent mercury-containing lamps for recycling" is a violation of 62-737.400(5)(b)(1), F.A.C.**

10. SUMMARY OF ALLEGED VIOLATIONS:

40 CFR 279.44(d)

Failure to maintain all records of analysis used to comply with paragraphs (a), (b), (c) of the rebuttable presumption section for at least three years.

40 CFR 279.54(b)(1)	Failure to store used oil in containers that are in good condition.
40 CFR 279.54(f)(1)	Failure to properly label containers of used oil with the words "Used Oil".
62-710.510(2), FAC	Failure of drivers to notify the Department of any refusal to pick-up used oil from a client.
⇒ 62-710.850(6)(a), FAC	Failure to cover containers of crushed used oil filters to protect the contents from the weather.
62-737.400(5)(b)(1), F.A.C.	Failure to label each spent mercury-containing lamp or container of lamps with the words "Spent mercury-containing lamps for recycling".
Specific Condition II.2	Failure to notify FDEP of the installation of a 300 gallon diesel fuel tank.
Specific Condition III.8	Failure to remove spilled or leaked waste within secondary containment areas.
General Condition 14(c)	Failure to note the date, time and inspector's name on the facility's monthly inspection forms.

11. RECOMMENDED CORRECTIVE ACTIONS:

40 CFR 279.44(d)	The facility shall ensure that all records of analyses of incoming used oil are maintained for at least three years.
40 CFR 279.54(b)(1)	The facility shall ensure that all containers of used oil are in good condition; the material is removed; or personnel over-pack defective containers.
40 CFR 279.54(f)(1)	Effective immediately and henceforth, the facility shall properly label all containers of used oil.
62-710.510(2) FAC	Effective immediately, the company shall notify the Department's District Office by letter or electronic mail of any refusal to pick-up used oil by a HOWCO transporter within 72 hours of the refusal.
62-710.850(6)(a), FAC	Effective immediately and henceforth, the facility shall ensure that all containers of crushed and uncrushed used oil filters are covered to protect the contents from the weather.
62-737.400(5)(b)(1), F.A.C.	Effective immediately each spent mercury-containing lamp or container of lamps shall be labeled with the words "Spent mercury-containing lamps for recycling".

Specific Condition II.2

The capacity of the facility's secondary containment is sufficient to handle any spills/leaks from the temporary storage tank of diesel fuel. Therefore, the facility may leave the tank at its current location for a period of 90 days or until the diesel fuel has been consumed, whichever occurs first. At that time, the facility shall cease to use the storage tank and (1) apply for a minor modification of its used oil processing permit to permanently include the tank in the tank farm for future use or (2), remove the tank and cease using it.

Specific Condition III.8

Effective immediately and henceforth, the facility shall remove spilled or leaked waste within secondary containment areas as described in Section 9.6 of the facility's permit application.

General Condition 14(c)

Effective immediately and henceforth, facility personnel shall note the date, time and inspector's name on all inspection logs.

Report Prepared By:

Al Gephart
Al Gephart
Engineer IV

Report Reviewed By:

Jim Dregne
Jim Dregne
Environmental Specialist III

Report Approved By:

Elizabeth Knauss
Elizabeth Knauss
Environmental Manager

Date:

3/16/01



HOWCO Re: Used Oil Filter Containers Noted In Past Inspections

10/16/96	Report mentions transporting UOF in roll-off boxes. Also noted was that Tankers on-site must be in secondary containment if stored more than 24 hours.
9/29/98	The CEI report states that UOF are put in roll-offs. The report also states that "filters are managed in containers throughout the entire process."
3/1/99	In HOWCO's permit application, dump trailers were mentioned but it was in Attachment 2, Item 2.3, which is Solid Waste Processing. When oily waste is mixed to solidify it they say it is hauled away in dump trailers.
9/19/00	The CEI report states "crushed filters are stored in either drums or dump trailers." Two dump trailers were on site. Neither were covered.
8/13/01	The CEI report states "crushed filters are stored in either drums or dump trailers."
7/24/02	The CEI report states "crushed filters are stored in either drums, roll-off boxes or dump trailers." Three roll-off boxes were being stored on an earthen portion of the property, not on an impermeable surface and not covered.
6/24/03	The CEI report states "crushed filters are stored in either drums roll-off boxes or dump trailers." There was one roll-off box covered and properly labeled.
3/4/04	The CEI report states "crushed filters are stored in either drums, roll-off boxes or dump trailers." There were two roll-off boxes of UOF. One was not covered and was improperly labeled. The second was labeled but not covered.
1/27/05	One dump trailer leaking and not covered. There is no note as to whether it was labeled.

9/19/00 CEI

through the permitted discharge to the St. Petersburg POTW or to an off-site disposal facility. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that has its own inspections and reporting requirements. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered by HOWCO is not transported by HOWCO, but is transported directly from the generator to the disposal facility.

Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. At the time of the inspection, there were approximately 227 drums of used oil filters. The drums were sealed and properly labeled. After the filters have been removed from the 55-gallon drums, the empty drums are transferred to a drum washing area located west of the oil filter crusher. The drums are pressure washed with water. Diesel fuel or kerosene is used to "cut" the oil. The oily waste from the drum cleaning operation drains to a sump next to the wash area. The oily waste is then pumped from the sump to the water/oil processing facility. The area was clean and in good condition. However, there were several areas on the floor around the drum washer that require maintenance. The used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher where it is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil". Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-refined. Crushed filters are stored in either drums or dump trailers. Valves at the bottom of the dump trailers allow any remaining oil to be drained into a 55-gallon drum. At the time of the inspection there were two dump trailers on-site. One trailer was being loaded with crushed filters. The other trailer was loaded with filters and was awaiting disposal. The trailer awaiting disposal had a 55-gallon drum beneath the drain valve. The drum was not labeled, "Used Oil". **This is a violation of 40 CFR 279.54(f)(1).** Neither dump trailer was covered to protect the contents from the weather. **This is a violation of 62-710.850(6)(a), F.A.C..** The drums and/or dump trailers of crushed filters are shipped to the Pinellas County incinerator for disposal or to U.S. Foundry, Medley, FL.

West of the used oil filter crusher was one container of a waste oil and water mixture that was structurally defective (an open slit down the side). **This is a violation of 40 CFR 279.54(b)(1).**

HOWCO routinely collects waste antifreeze from its customers. Records of the waste determinations for the spent antifreeze are maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining that the waste antifreeze is non-hazardous. HOWCO requires that all antifreeze be tested for four contaminants of concern, Benzene, Lead, Trichloroethylene and Tetrachloroethylene. The facility may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that antifreeze waste determination records were complete.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for re-refining.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is required to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. At the time of the inspection, there

HOWCO Environmental Services
EPA ID #FLD 152 764 767
Project ID # 259973

facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the batching process. The solids from the vibrascreen are collected in a drum that was properly labeled, "Screen Filter Residue". The solids are sent to a solid waste landfill or processed for oil recovery. The solids are tested annually to ensure that they are not a hazardous waste.

North of the drum press was a roll-off box of crushed drums (scrap metal). The crushed drums appeared to have been properly cleaned and the roll-off was dry. There was no evidence of used oil leakage.

Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. The "impermeability" of the surface in the drum storage area appears somewhat marginal. Mr. Roehm showed the inspectors where repairs have been made. It is recommended that the facility continue to inspect the area and make any repairs necessary as part of its preventive maintenance program. This would include the area around the drum washer. The used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher where it is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil". Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-refined. Crushed filters are stored in either drums, roll-off boxes or dump trailers. At the time of the inspection, three (3) roll-off boxes were sitting on the earthen portion of the property, not on an impermeable surface, and were not covered. **This is a repeat violation of 62-710.850(6)(a), FAC.** It is also the opinion of the inspectors that the roll-offs were filled to over-capacity. The facility should limit the amount of filters in the roll-offs to accommodate an appropriate cover to protect the contents from the weather. Facility personnel were pressure washing the storage area where the roll-off boxes are normally placed. The inspectors were told that upon cleaning the "pad" the roll-offs would be rolled back onto the impermeable surface. During the inspection, the facility was operating its used oil filter crusher. The crusher is in need of repair. As a result of the crusher not performing correctly, there was used oil spilled onto the pad surrounding the crusher area. Oil was leaking from the conveyor belt and blocks of crushed filters were "bridging" on the conveyor and falling off onto the pavement. Facility personnel had to continually pick up the crushed filters that fallen off the conveyor and put them in drums. There were two 55-gallon drums of crushed used oil filters next to the crusher. One was partially full and was open during the crushing process to put the filters in that would fall from the conveyor. The other drum, sitting adjacent to the area, was overly full of used oil filters and not covered. **This is a violation of 62-710.850(6)(a), FAC.** The drums and/or roll-off boxes of crushed filters are shipped to the Pinellas County incinerator for disposal or to a scrap metal recycling facility.

HOWCO routinely collects waste antifreeze from its customers. The non-hazardous waste determination for the spent antifreeze is maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining the waste antifreeze to be non-hazardous. HOWCO may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that there were waste determination documents from its clients on file.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for re-refining.

batching process. A vacuum truck is used to remove the solids from the vibrascreen to be added to Tank #110 or Tank #111. The solids from these tanks are tested annually to ensure that they are not a hazardous waste.

Crushed and uncrushed used oil filters are received in 55-gallon drums and stored on the south side of the property, west of the used oil filter crusher. The uncrushed used oil filters are conveyed to a filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher and is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil." Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational. Crushed used oil filters are stored in either drums, roll-off boxes or dump trailers. At the time of this inspection, there was one roll-off box of oil filters. The container was covered and properly labeled. Facility personnel were re-coating the storage area where containers are normally stored. It is recommended that the facility continue to inspect the area, make any repairs and re-coat, where necessary, as part of its preventive maintenance program. This would include the area around the drum washer.

The facility was storing approximately 200 used oil filter drums in a manner such that (a) there were no aisle ways for the inspectors to inspect each of the drums, (b) many drums were either without the proper labeling, were mislabeled or were not "sealed" [this included nine (9) drums of sludge of which some were mislabeled used oil or not labeled, and one (1) drum of an unknown material that was stored in a container that had corrosion on the lid to the point that there were holes in the lid. It was recommended that the facility re-containerize or overpack the container and characterize the waste for proper disposal] and (c), facility personnel are placing crushed used oil filters on top of the containers to differentiate containers of crushed filters from those containing uncrushed filters. These are violations of **62-710.850(6)(a)**. The facility should use some other method than placing crushed used oil filters on the tops of containers to designate the contents. Also observed were housekeeping issues in the area such as discarded paint brushes and a partially full container of oily trash and water.

On May 21, 2003, a Pinellas County Health Dept. inspector observed, during his tank compliance inspection, that HOWCO had dumped used oil filters on the surface of the container storage area (see photos attached). This is a violation of **62-710.850(6)(a)**, F.A.C. All waste materials at the facility are to be managed in containers, not on the ground or pavement.

HOWCO routinely collects waste antifreeze from its customers. The non-hazardous waste determination for the spent antifreeze is maintained on-site in the form of a record of certification from each generator clearly stating the basis for determining the waste antifreeze to be non-hazardous. HOWCO may treat the non-hazardous waste antifreeze in its industrial wastewater pretreatment plant or ship it to another treatment facility for disposal or recycling. Any used oil present in the antifreeze will be removed by oil/water separation. A review of HOWCO's records showed that there were waste determination documents from its clients on file.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for processing.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily

3-4-04 C-I

used oil from draining the filters is collected in a drip pan under the filter crusher and is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil." Periodically, the oil from the storage tank is removed and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational. Facility personnel advised the inspectors that the used oil filter crusher has not been operational for several months. However, the feed hopper on the crusher was full of used oil filters. This is improper storage of used oil filters and is a repeat violation of **62-710.850(6)(a), FAC**. Crushed and uncrushed used oil filters are stored in either drums, roll-off boxes or dump trailers. At the time of the inspection, there were no drums of crushed or uncrushed used oil filters being stored in this area. There were, however, two roll-off boxes of used oil filters. One contained crushed drums, scrap pipe and crushed used oil filters. The roll-off box was not covered and was improperly labeled, "Sludge For Disposal". The second roll-off box contained uncrushed used oil filters, fuel filters and water. The roll-off box was properly labeled, but not covered. These are repeat violations of **62-710.850(6)(a), FAC**.

Along the east side of the used oil filter crusher were three (3) drums labeled oil/acid. Facility personnel advised the inspectors that the drums contained an emulsifier product that was re-containerized from another container (tote). Facility personnel were advised to affix proper labels on the containers identifying their true contents.

In the area south of the used oil filter crusher, there was oil and debris on the pavement. Facility personnel were advised to clean the area and maintain good housekeeping practices.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there were three (3) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste. One was not covered and was not equipped with a liner, as required. The second roll-off box was covered but was not equipped with a liner. The third roll-off box containing sludge was mis-labeled, "Scrap Metal", did not have a liner and was not covered. These are violations of **Specific Condition IV.6.b** in the facility's operating permit.

Also, in the sludge separation area, it was observed that HOWCO has capped the discharge pipe from Tank #111 that extends outside secondary containment. This satisfies the Department's previous recommendation that the facility find a means to ensure that there are no discharges to areas outside of the secondary containment.

Just north of Tanks #110 and #111, the facility has constructed a below ground loading/unloading dock to unload containers of solid waste and used oil filters. The inspectors observed staining of the soil just east of this area. Facility personnel were advised to investigate the source of the staining, clean up the area and dispose the stained material appropriately. Facility personnel were advised that since there is no secondary containment, the loading/unloading dock cannot be used to store trucks or containers of solid waste or used oil. The facility must also depict this loading/unloading dock in its facility site diagram and submit the diagram to the Department for inclusion in the facility's permit application.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHWEST DISTRICT

CONVERSATION RECORD
=====

Date: June 21, 2005 Subject : HOWCO FFY '05 CO

Time: 1:15 pm Permit No.: 92465-HO06-001

County: Pinellas

Mr. Richard Dillon Telephone No.: 727-385-1242

Representing: HOWCO Environmental Services

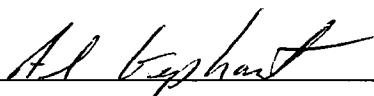
☐ Phoned Me ☒ Was Called ☐ Scheduled Meeting ☐ Unscheduled Meeting
☐ Returned My Phone Call

Other Individuals Involved In Conversation/Meeting: None

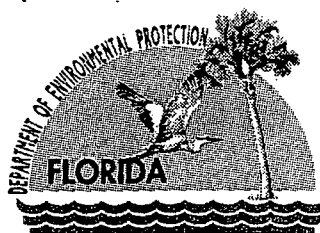
Summary of Conversation/Meeting:

I tried to call Mike Wolf who was not in the office. I tried Tim Hagan who also was out of the office. I then called Richard Dillon (HOWCO Plant Manager). I told Mr. Dillon that the Department issued a Consent Order on May 16, 2005, that, based on our meeting with Mr. Hagan, had a reduced penalty. The cover letter on the Consent Order stated that Mr. Hagan was to sign and return the Order by June 3, 2005. On June 3, 2005, Mr. Hagan's attorney, Chris Smart, called the Department to discuss the alleged violations further. The Department has not heard anything from either party since. I asked Mr. Dillon to please notify Mr. Hagan that the Department is expecting a signed CO returned to the Department by June 23, 2005, or the case would be referred to our General Counsel for litigation.

(Continue on second
page, if necessary)

Signature: 

Title: Engineer IV



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

May 16, 2005

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Mr. Christopher Smart
Carlton Fields Attorneys At Law
Corporate Center Three at International Plaza
4221 W. Boy Scout Boulevard
Tampa, FL 33607-5736

RE: HOWCO Environmental Services
Comments regarding Warning Letter #285070

Dear Mr. Smart:

The Department has reviewed the comments and counter-offer, provided by you in behalf of Mr. Tim Hagan, in your letter dated April 13, 2005, regarding the March 11, 2005, Warning Letter and alleged violations. The following is the Department's response to your letter.

Violation (3). The Department accepts the documentation (submitted on April 12, 2005) supporting the claim that the loading/unloading ramp is an impervious surface and the alleged violation of 62-710.850(6)(a), F.A.C., "Failure to store containers of used oil filters on an impermeable surface," has been deleted.

Violation (4). The Department maintains that this is a violation of 62.710.850(6)(b) F.A.C., "Failure to contain, clean up and properly manage released oil and any subsequent oily waste." Your claim that all work had to stop because there were FDEP inspectors on site, and therefore the release could not be addressed in a timely manner, is not substantiated.

Based on the above, the Penalty Computation Worksheet has been revised. The Department has computed the penalty, using the ELRA guidelines, to be \$2,875.00. Costs and expenses in this case will be \$100.00. A revised short form consent order is attached for Mr. Hagan's signature. If acceptable, Mr. Hagan is to sign the consent order and return it to the Department, at the letter address above, by June 3, 2005.

As further guidance, the Department offers the following in response to your interpretation of "storage." It is the Departments' position that all waste consolidation activities fall within the 62-710 F.A.C. definition of "storage." The dump trailer meets the 40 CFR 260.10 definition of "container." Further, the material was not properly prepared for transport as the container was in violation of 40 CFR 130.21 Packaging requirements: "Each packaging used for the transportation of oil subject to this part must be designed, constructed, maintained, closed, and loaded so that, under conditions normally incident to transportation, there will be no release of oil to the environment." The dump trailer was observed to be

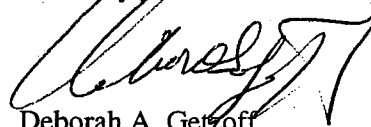
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leaking oil. The Department also disagrees with your contention on page 3, paragraph 2, that, "The Department does not regulate the staging and loading of transport vehicles as "storage" unless the loaded vehicle remains in a particular location for more than 10 days." Nothing in the rule says that staging waste for less than 10 days is not considered storage. The regulation you cite only places additional registration requirements on facilities that store used oil filters more than 10 days. "Storage" is defined in 40 CFR 261.10 as, "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere." Under 40 CFR 279.1, terms that are defined in 40 CFR 262.10 have the same meaning for purposes of implementing the used oil regulations. The Department believes that the language in 62-710.850(6), F.A.C., is plain: "storage" is "storage" and that "all persons" are required to comply. Contrary to your assertion, the Department has specific authority to enforce DOT requirements for transportation of used oil under the provisions of 40 CFR 279.43(b), which requires all used oil transporters to comply with the provisions of 49 CFR 171 through 180. In regard to comments on page 3 of your letter, the Department believes that you have improperly read 40 CFR 279.45(a). You specifically omitted "storage areas" from the definition of used oil transfer facilities. If "storage" was limited to areas that hold used oil for more than 35 days, there would be no need to include "storage areas" within the definition of transfer facility. Lastly, in paragraph 4 of your letter, the Department notes that the hazardous waste regulations are also specific that the containers must be closed except when actually adding or removing waste from the container. Loading activities were not occurring at the time of the inspection, therefore the trailer should have been covered.

We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Tim Hagan, HOWCO Environmental Services
Compliance File

REVISED PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, Pinellas County, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Revision Date: May 13, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	403.121(5)	\$500	---	\$500	\$1,000
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.		[DELETED]		---	---	
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	403.121(5)	\$500	---	---	\$500
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 2,875

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

For citation (1) above [62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional 100% was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

~~Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device. [DELETED]~~

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste.

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

May 16, 2005

Mr. Tim Hagen
Hagan Holding Company (dba HOWCO Environmental Services)
3701 Central Avenue
St. Petersburg, FL 33713

SUBJECT: Proposed Settlement - HOWCO Environmental Services
Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated March 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed to bring your facility into compliance. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$2,875 along with \$100 to reimburse the Department costs, for a total of \$2,975.

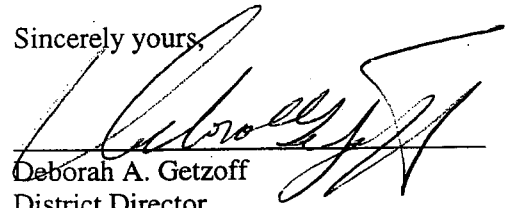
The civil penalties are apportioned as follows: a total of \$2,250.00 for three separate violations of Florida Administrative Code (FAC) 62-710.850(6), and \$625.00 for violating Specific Condition IV.4.d in the facility's used oil and material processing permit.

The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." The payment shall be made within thirty (30) days of your signing this letter.

Your signing 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 by June 3, 2005, 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 or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENTS:

I, Tim Hagan, on behalf of Hagan Holding Company, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk

Date

DAG/afg

cc: Kathy Carter – FDEP OGC, Tallahassee

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 wants 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 proceeding. 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 this proceeding.

Gephart, Albert

From: Knauss, Elizabeth
Sent: Monday, June 06, 2005 8:43 AM
To: 'Smart, Christopher'; Dregne, James
Cc: Gephart, Albert
Subject: RE: Howco Environmental Services (FDEP ID # FLD 1152764767)

260.10 contains definitions for storage, transport, transporter and transfer facility

279.1 contains definitions specifically related to used oil, but also says that "terms that are defined in ss. 260.10, 261.1 and 20.12 of this chapter have the same meanings when used in this part.

Container, used oil transporter and used oil transfer facility are all defined in 279.1

62-710.850 defines used oil filter transfer facility

"facility" carries the meaning in 260.10. Each separate loading dock or parking area is not a separate "facility." If the property is used to store used oil filters more than 10 days, or used oil more than 24 hours, all areas of the property used to store filters or oil must comply with oil and/or filter transfer facility standards.

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

From: Smart, Christopher [mailto:CSmart@CarltonFields.com]
Sent: Saturday, June 04, 2005 9:46 AM
To: Dregne, James
Cc: Gephart, Albert; Knauss, Elizabeth
Subject: RE: Howco Environmental Services (FDEP ID # FLD 1152764767)

Jim,

Thanks again for calling. I just want to confirm that, as we discussed, you will provide me with prior NOV's to Howco that cite Howco for failure to properly cover, label, and store the trailer on an impervious surface.

I also would very much appreciate it if you or Beth could please point me to the place in the regulations where the distinction between transportation and storage is drawn.

Thank you,

Chris

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

From: Laney, Bonnie
Sent: Friday, June 03, 2005 4:01 PM
To: 'James M. (Jim) Dregne (james.dregne@dep.state.fl.us)'
Cc: 'Al Gephart (albert.gephart@dep.state.fl.us)'; 'Beth Knauss (Elizabeth.knauss@dep.state.fl.us)'; Smart, Christopher
Subject: Howco Environmental Services (FDEP ID # FLD 1152764767)

Pursuant to your discussion with Chris Smart, attached is the Tedder Memorandum dated February 20, 2003.

Bonnie Laney
Legal Administrative Assistant to Laurel Lockett and Chris Smart Carlton
Fields, P.A. Corporate Center Three at International Plaza 4221 W. Boy
Scout Boulevard Tampa, FL 33607-5736
Telephone: 813.223.7000, Ext. 2556

Gephart, Albert

From: Smart, Christopher [CSmart@CarltonFields.com]
Sent: Saturday, June 04, 2005 9:46 AM
To: Dregne, James
Cc: Gephart, Albert; Knauss, Elizabeth
Subject: RE: Howco Environmental Services (FDEP ID # FLD 1152764767)

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Thank you,

Chris

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

From: Laney, Bonnie
Sent: Friday, June 03, 2005 4:01 PM
To: 'James M. (Jim) Dregne (james.dregne@dep.state.fl.us)'
Cc: 'Al Gephart (albert.gephart@dep.state.fl.us)'; 'Beth Knauss (Elizabeth.knauss@dep.state.fl.us)'; Smart, Christopher
Subject: Howco Environmental Services (FDEP ID # FLD 1152764767)

Pursuant to your discussion with Chris Smart, attached is the Tedder Memorandum dated February 20, 2003.

Bonnie Laney
Legal Administrative Assistant to Laurel Lockett and Chris Smart
Carlton Fields, P.A. Corporate Center Three at International Plaza 4221 W. Boy
Scout Boulevard Tampa, FL 33607-5736
Telephone: 813.223.7000, Ext. 2556
Facsimile: 813.229.4133
e-mail: blaney@carltonfields.com
<http://www.carltonfields.com>

Gephart, Albert

From: Laney, Bonnie [BLaney@CarltonFields.com]
Sent: Friday, June 03, 2005 4:01 PM
To: Dregne, James
Cc: Gephart, Albert; Knauss, Elizabeth; Smart, Christopher
Subject: Howco Environmental Services (FDEP ID # FLD 1152764767)



2-20-03 Memo
on Tedder, DEP.

Pursuant to your discussion with Chris Smart, attached is the Tedder Memorandum dated February 20, 2003.

Bonnie Laney
Legal Administrative Assistant to Laurel Lockett and Chris Smart
Carlton Fields, P.A.
Corporate Center Three at International Plaza
4221 W. Boy Scout Boulevard
Tampa, FL 33607-5736
Telephone: 813.223.7000, Ext. 2556
Facsimile: 813.229.4133
e-mail: blaney@carltonfields.com
<http://www.carltonfields.com>

Memorandum

Florida Department of Environmental Protection

TO: District Waste Program Administrators
District Solid Waste Engineers

FROM: Richard B. Tedder, Program Administrator
Solid Waste Section

Chris McGuire, Senior Assistant General Counsel
Office of General Counsel

DATE: February 20, 2003

SUBJECT: Storage of Waste at Transfer Stations
Memo # SWM-04.33

We have been asked whether there are any limitations or regulations in Department rules which relate to the storage of solid waste in trucks or vehicles at transfer stations. The answer is a qualified no.

Rule 62-701.710, F.A.C., contains the primary regulations for waste processing facilities, a designation which includes transfer stations. Rule 62-701.710(2) requires a permit applicant to describe waste storage areas but does not specify any storage limits. Rule 62-701.710(3) requires storage areas at facilities to be "designed to hold the expected volume of materials until they are transferred for disposal or recycling." Rule 62-701.710(4) requires the facility to have and to follow an operation and maintenance manual describing the facility operations. That rule also includes the following storage limitations:

(b) Stored putrescible wastes shall not be allowed to remain unprocessed for more than 48 hours; however, if the operation plan includes provisions to control vectors and odors, putrescible wastes may be stored for up to seven days. Areas where waste is stored or processed shall be cleaned at least weekly to prevent odor or vector problems, and all drains and leachate conveyances shall be kept clean so that leachate flow is not impeded.

Transfer stations are not required to manage waste on a "first-in, first-out" basis. However, Rule 62-701.710(10) creates the following incentive to do so:

(a) Transfer stations which accept primarily household waste, commercial waste, or recovered materials, which manage waste on a first-in, first-out basis, and which store waste for no greater than 7 days are exempt from the requirement to provide financial assurance set forth in subsection (7) of this section.

MEMORANDUM
February 20, 2003
Page 2 of 2

Rule 62-701.300 contains prohibitions on the storage or disposal of solid waste that apply to all facilities, including transfer stations. Rule 62-701.300(15) contains a provision that excludes the storage of waste in an enclosed or covered vehicle from the locational prohibitions (e.g., solid waste may not be stored or disposed of within 200 feet of a water body), provided that the vehicle has either been unloaded or moved over public highways within the previous seven days. In other words, for purposes of the prohibitions, waste contained in covered trucks that actually transport the waste is not considered to be stored or disposed of. This provision was added to the rule in 2001 in response to questions regarding the permitting of a transfer station in Leon County. Questions had been raised as to whether the setback requirements for storage of solid waste from water bodies and potable water wells would apply to the truck staging areas at the proposed facility. The Department determined that we do not have general regulatory authority over the transportation of waste, and crafted the current rule language to clarify that storage in trucks only falls under our regulations if the truck is used as a *de facto* storage area rather than for transportation.

This rule clarifies that subject to certain provisions, storage in vehicles is not regulated by the prohibitions section of Chapter 62-701. However, the logic behind this rule would apply more generally in the permitting of transfer stations. That is, to the extent that Department rules regulate storage areas at a transfer station, those rules would not directly apply to storage of waste in trucks that were actually used to transport waste. Therefore, storage of waste in enclosed or covered trucks at the facility for less than seven days would not be prohibited by our rules, provided that these trucks did not cause other violations (e.g., objectionable odors, release of leachate to the environment, etc.).

Caveat

This guidance memorandum does not constitute policy or rule of the Department. It is intended solely as internal guidance to District permit review staff, and is not intended to create additional requirements for the regulated community or to affect the rights of substantially affected parties to any agency decision. Please do not cite any part of this memorandum as though it were a standard, rule, or requirement.

TO FILE

On 6/02/05 Christopher Smart of Carlton Fields law firm requested color photos of the HOWCO 1/27/05 CEI.

I emailed him the following pictures on 6/2/05.

Folder: HOWCO Pix 012705

Numbers 9, 11, 12, 13, 14, 15, 18, 19, 22, 23 in one email

Numbers 24, 35, 36, 37, 38, 39, 40, 41, 46 in a second email

Folder HOWCO Pix 012705B

Numbers 24, 25, 26, 27, 28, 29, 35, 36, 37, 38 in the third and last email.

Al Byrnes
6-2-05

Howco Pix 12705

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CARLTON FIELDS

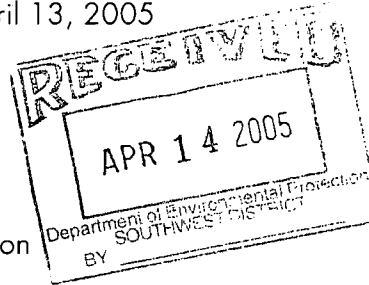
ATTORNEYS AT LAW

ATLANTA
MIAMI
ORLANDO
ST. PETERSBURG
TALLAHASSEE
TAMPA
WEST PALM BEACH

Corporate Center Three
at International Plaza
4221 W. Boy Scout Boulevard
Tampa, Florida 33607-5736
P.O. Box 3239
Tampa, Florida 33601-3239

813.223.7000
813.229.4133 fax
www.carltonfields.com

April 13, 2005



VIA FACSIMILE

Mr. Jim Dregne
Environmental Manager
Florida Department of Environmental Protection
3804 Coconut Palm Drive
Tampa, FL 33619

Re: FDEP Inspection Report dated January 27, 2005 ("Report") regarding HOWCO
Environmental Services (FDEP ID #: FLD 152 764 767)

Dear Mr. Dregne:

Thank you for taking the time to meet with me, Tim Hagan, Mike Wolfe, and Richard Dillen at your offices yesterday, April 12, 2005, regarding the above-referenced Report. Thank as well to your associates, Al Gephart and Kelly Honey.

As we discussed at our meeting, we represent HOWCO Environmental Services ("HOWCO") and have reviewed the FDEP's Warning Letter dated March 11, 2005 regarding the Report of the inspection of the HOWCO located at 843 43rd Street South in St. Petersburg. The Report states that FDEP staff observed "a dump trailer of used oil filters stored on the earthen surface." According to the report, this is a violation of 62-710.850(6)(a), F.A.C. and constitutes a "failure to store containers of used oil filters on an impermeable surface." At our meeting, however, you agreed to reconsider this allegation in light of the additional documentation that we submitted to you, and we agreed to provide you with additional authority for why we disagree with this apparent conclusion. Please consider the following in reconsidering this allegation.

First, the loading dock ramp is not "an earthen surface" as noted in the Report. The ramp is a 8" thick asphalt skirt that runs the length of the dock area. Based on the certification of John Jones, P.E. (copy attached, original provided to you at our meeting) the loading area is an "oil-impervious surface," within the meaning of the rule and therefore, even assuming that "storage" activities took place on the ramp, those activities are not in violation of the requirements for the surface set forth in Section 62-710.850(6)(a), F.A.C.

* Fax copy Rec'd 4-13-05

4/14

Second, based on the existing state and federal regulations, loading used oil filters into a tractor trailer/dump trailer for timely transportation is an activity incidental to transportation and does not constitute regulated "storage" of used oil filters within the meaning of Section 62-710.850(6)(a), F.A.C. Therefore, Section 62-710.850(6)(a), F.A.C., does not apply to such loading activities, which are not regulated under that section.

I. Loading incident to transportation does not constitute "Storage". Section 62-710.850(6)(a), provides:

All persons storing used oil filters shall store used oil filters in aboveground containers which are clearly labeled "Used Oil Filters," and which are in good condition . . . with no visible oil leakage. The containers shall be sealed or otherwise protected from the weather and stored on an oil-impermeable surface.

Loading used oil filters into a tractor/dump trailer for transportation, is an activity incidental to transportation and does not constitute regulated "storage" of used oil filters within the meaning of Section 62-710.850(6)(a), F.A.C.

FDEP does not have general regulatory authority over the transportation of waste, and under applicable law and FDEP guidance, the placement of waste in a truck is not regulated as "storage" unless the truck is being used for *de facto* storage. Loading used oil filters into a tractor/dump trailer is an activity incidental to transportation and therefore not regulated unless the trailer is being used as *de facto* storage. An internal FDEP memorandum (attached) describes the regulatory context as follows:

The Department determined that we do not have general regulatory authority over the transportation of waste, and crafted the current rule language [referring to provisions of Rule 62-701] to clarify that storage in trucks only falls under our regulations if the truck is used as a *de facto* storage area rather than for transportation.

This rule clarifies that subject to certain provisions, storage in vehicles is not regulated by the prohibitions of Chapter 62-701. However, the logic behind this rule would apply more generally in the permitting of transfer stations. That is, to the extent the Department rules regulate storage areas at a transfer station, those rules would not apply to storage of wastes in trucks that were actually used to transport waste.

Memo on the Storage of Waste at Transfer Stations from Richard Tedder, Solid Waste Program Administrator, dated February 20, 2003 (emphasis added).

De facto storage: Under the Florida and federal used oil regulations, used oil filters are either (1) in the process of being transported or (2) stored at a transfer or processing facility. Loading used oil filters into a dump trailer is an activity related to transportation, not storage. Based on a review of applicable law and FDEP policy, what constitutes *de facto* storage is determined by the length of time the material is kept at one location and the type of material involved. For example, in the Tedder memorandum described above, it was determined that municipal solid waste left in trucks parked at transfer stations did not constitute "storage" so long as they were in transit over public roads within 7 days and other (waste specific) criteria were met.

In the case of used oil filters, the Department does not regulate the staging and loading of transport vehicles as "storage" unless the loaded vehicle remains at a particular location for more than 10 days. What constitutes *de facto* storage of used oil filters under the regulations is determined by what constitutes a "used oil filter transfer facility," which is defined as a "facility which is used to store, for more than 10 days, used oil filters which are not generated at that facility." Section 62-710.850(2)(b), F.A.C. (emphasis added).

By comparison, used oil (as opposed to filters) appears to be regulated after 24 hours at transportation loading areas: "used oil storage transportation facilities are transportation facilities including loading docks . . . where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days." 40 C.F.R. § 279.45 (emphasis added). Likewise, hazardous waste is only regulated after 24 hours at a transfer facility, and transporters that store manifested hazardous waste at a transfer facility for 10 days or less are exempt from regulation as a hazardous waste facility. Section 62-730.171(1) & (2), F.A.C.

The documentation submitted to you establishes that, in this case, at the time of the inspection, the tractor/dump trailer was in the process of being loaded during regular business hours, following which it was immediately shipped to the foundry. This is consistent with HOWCO's practice to load the vehicle with filters for shipment to the foundry over a 8-10 hour (frequently, a one to two day) time period, and ship immediately thereafter. The affidavit of HOWCO Yard Supervisor, Willie Williams, and the transport documents regarding this incident (copies attached, originals provided to you at our meeting) show that the vehicle was ordered on the afternoon of January 26th and shipped to US Foundry, early the morning of January 28th. The fact that the tractor/dump trailer was in the process of being loaded is also the reason that the cover was not completely on over the top of the trailer. As a practical matter, a trailer must to be uncovered while it is being loaded, and federal regulations recognize this fact, even in the context of hazardous wastes where a hazardous waste container is required to be closed except when necessary to add or remove waste. 40 C.F.R. § 265.173(a).

Such loading activity is incidental to transportation and, very different than the situation at another facility, which we discussed, where the truck is never moved and is being used, not for transportation, but for permanent processing and storage of used oil filters (i.e., *de facto* storage).

The regulations are clear that, in cases such as these where a vehicle is being used in effect to store used oil filters, the activity is storage and the vehicle as a container, which requires proper labeling. This is simply not the case at HOWCO's facility, which uses this tractor/dump trailer solely for the purpose of transporting used oil filters.

III. Impermeable Surface: Even if the loading of used oil filters for transportation is regulated under Rule 62-710.850 (6) (a), F.A.C., the tractor/dump trailer was stored on an "oil-impermeable surface" and therefore not in violation of the rule.

John Jones, of Jones Ecosystem Management inspected the loading dock area and concluded that the area is completely covered with asphalt that extends for a depth of at least eight inches, is intact below the surface, and meets the requirement of "oil-impermeable" under 62-710.850(6)(a), F.A.C. See Asphalt Certification by John Jones, P.E., Jones Ecosystem Management dated April 2, 2005. The EPA has specifically stated that a base of asphalt underlying used oil containers is acceptable. 46 F.R. 2829. The Report also notes that oil was observed dripping onto the loading dock area. As Mike Wolfe noted at our meeting, we do not dispute that a limited amount of oil was on the asphalt at the time of the inspection, but it is regular practice to clean up any such oil immediately. However, the circumstances of the inspection caused all work to stop, and employees simply did not have the opportunity to properly address this situation.

Finally, as we discussed, HOWCO acknowledges the failure to properly label oil drums, "Used Oil Filters," and the failure to properly label the container receiving solids from the vibrascreen, "Screen Filter Residue." Accordingly, HOWCO is prepared to pay \$1,375.00 in satisfaction of the penalties for these violations. If this is acceptable, please contact me as soon as possible so that we can schedule delivery of this payment.

Yours Sincerely,


Christopher W. Smart

[illegible]

Jones Ecosystem Management _____

Mr. Tim Hagan
Howco Environmental
3701 Central Avenue
St. Petersburg, Florida

March 26, 2005

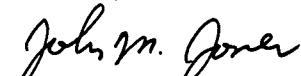
RE: Examination of surface at loading facility-St. Petersburg

Dear Mr. Hagan:

Per your request, attached is a report summarizing the activities undertaken to verify the integrity of the surface at the filter loading facility at the Howco, St. Petersburg used oil processing plant. Based on the coring and visual inspection, the surface where the loading of the trailer occurs is impervious to spills of used oil.

I have included an engineering certification of the results of the inspection. Please let me know if you need any additional information.

Sincerely,


John M. Jones, P.E.

**Examination of Loading Area
Howco Environmental Services
St. Petersburg, Florida**

Prepared by

**John M. Jones
Professional Engineer
Registration Number 50227**

Background

On an inspection conducted by the Florida Department of Environmental Protection, a question arose regarding the condition of the area where used oil filters were being loaded into a trailer. The Department cited the facility for not meeting the requirements of 62-710.850(6)(a), Florida Administrative Code. Howco requested an evaluation of the area by a Professional Engineer.

On March 25, 2005, John Jones, a Professional Engineer registered in the state of Florida (registration number 50227), conducted an evaluation of the area with regard to the requirements of the rule.

Regulatory background

An EPA memo (9482.1995(01), dated 6/30/2005, states:

“There is no specific definition of “sufficiently impervious” with respect to container storage areas provided in the regulations, and there is no mention that liners or coatings must be used with concrete pads. However, the intent of “sufficiently impervious” may be understood by considering preamble language from the January 12, 1981 rules (46 FR 2802). Specifically, at 46 FR 2829, the Agency states that bases underlying containers by material constructed of concrete or asphalt (emphasis added) are acceptable.”

Physical Examination

In order to evaluate the actual footprint and the depth of the asphalt base, a physical inspection of the loading area was performed and a core sample taken. On the surface of the asphalt was a layer of loose gravel and what appeared to be small particles of asphalt. This material was swept away to reveal an asphalt base. Pictures of the loading area are included with this report.

The visual inspection revealed that the entire surface of the loading area (approximately 15 feet wide by 80 feet long) was covered with asphalt. The asphalt extended completely to the concrete side walls of the loading dock area.

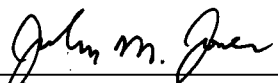
In order to determine the thickness of the asphalt, a core was taken at the northeast section of the dock. A 3” pipe was forced through the asphalt and an inspection of the hole was made. Pictures of the core sampling and the hole are included with this report.

It was observed that the asphalt extended for at least 8 inches. The integrity of the asphalt was good throughout the depth of the core.

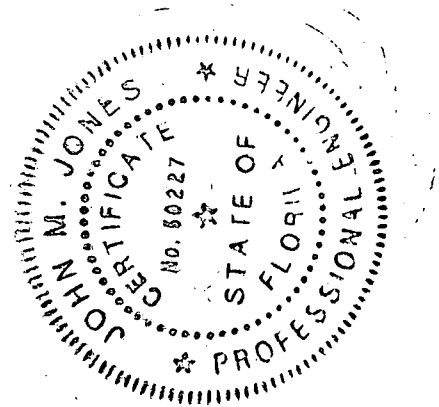
Conclusions

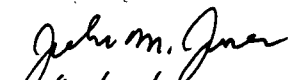
1. The area underneath the loading dock area is completely covered with asphalt.
2. Based upon the core sample taken, the asphalt extends for a depth of at least eight inches and is in-tact below the surface.
3. The surface of the loading dock area meets the definition of impermeable, as specified in 62-710.950(6)(a) F.A.C.

I certify that this survey was conducted in accordance with sound engineering practices.



John M. Jones
Registration number 50227




4/2/05













AFFIDAVIT

STATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Willie Williams ("Affiant"), who being first duly sworn, on oath deposes and says that:

1. I, Willie Williams, am the Yard Supervisor at Howco Environmental Services ("Howco") St. Petersburg facility and supervise the loading of used oil filters into a tractor/dump trailers for delivery to the foundry.

2. We commenced loading used oil filters into a tractor/40 yard dump trailer on the afternoon of January 26, 2005, and continued loading filters the morning of January 27, 2005.

3. We stopped loading filters upon notification from the front office that non-company (FDEP) personnel would be entering the work area. The cover for the trailer was pulled back so allow the trailer to be loaded. Loading operations were completed later on January 27th after the DEP personnel left the facility. The tractor/dump trailer left Howco on the morning of January 28, 2005 for the foundry (see attached documentation).

4. It generally takes us 8-10 hours, and therefore, two consecutive days to complete loading used filters into a trailer of this size. Shipment to the foundry occurs either the day loading is completed or the following day, so that there is enough time to unload the vehicle once it arrives at the foundry.

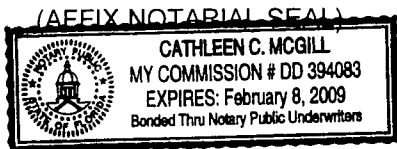
5. Further Affiant says not.

Dated the 11th day of April, 2005.

Willie Williams (SEAL)
Willie Williams

THE FOREGOING INSTRUMENT was sworn to and subscribed before me this 11th day of April 2005, by Willie Williams. He is personally known to me, or has produced his _____ driver's license, or his _____ as identification

Cathleen C. McGill
(Signature of Notary)
CATHLEEN C. MCGILL
(Print Name of Notary)
NOTARY PUBLIC, STATE OF FLORIDA
2/8/09
(Commission Expiration Date/Serial No)



F0E3-10 RTE: STP:0 FRQ:0

02/02/2005

70107273

CERTIFIED MANIFEST

No.

 BILL TO: **HOWCO ENVIRONMENTAL SERVICES**
 843 43RD ST S
 SAINT PETERSBURG, FL 33711-1922
 (727) 327-8467

 GENERATOR/OWNER
U.S. FOUNDRY
 8351 NW 93RD ST
 MEDLEY, FL 33166-2025
 (800) 348-8357
 JUNE PEREZ

HM	PROPER SHIPPING NAME/DESCRIPTION	HAZARD CLASS	I.D. Number	Pkg. Grp.	Unit	Quantity	Unit Price	Total Price
X	Fuel Oil (No. 1, 2, 4, 5, or 6) Flammable Liquid	3	NA1993	III	Gls.			
X	Combustible Liquid, n.o.s. (Used Oil)	COMBUSTIBLE LIQUID	NA1993	III				
X	Combustible Liquid, n.o.s. (Used Oil & Water Mix)	COMBUSTIBLE LIQUID	NA1993	III				
N/A	Used Antifreeze	N/A	N/A	N/A				
X	Combustible Liquid, n.o.s. (Water Soluble Oil)	COMBUSTIBLE LIQUID	NA1993	III				
X	Combustible Liquid, n.o.s. (Petroleum Contact Water)	COMBUSTIBLE LIQUID	NA1993	III				
X	(RQ) Waste Gasoline (Freeproduct)	3	UN1203	II				
	Used Oil Filters UNCRUSHED							
	Empty Drums							
	Absorbent Rotation							
	Contaminated Absorbent							
	Clean Absorbent							
	Absorbent Setup (1 Clean ABS & Empty Drum)							
	Sludge							
	Stop Charge							
	Dexsil Charge							
	Call In Charge							
	Service Charge-Minimum Gallon							
	TOTAL							

\$408.48

ARRIVAL TIME 9:25	DEPART TIME	CASH	CHARGE	CHECK NO.	C.O.D. OPEN	P.O. REC'D	CUSTOMER P.O.#
----------------------	-------------	------	--------	-----------	-------------	------------	----------------

TRANSPORTER/RECYCLER/CERTIFICATION

THIS IS TO CERTIFY THE ABOVE DESCRIBED MATERIALS HAVE BEEN PICKED UP AND WILL BE TRANSPORTED, TREATED, REPROCESSED AND/OR DISPOSED OF IN A MANNER PURSUANT TO ALL FEDERAL, STATE AND LOCAL LAWS AND GUIDELINES.

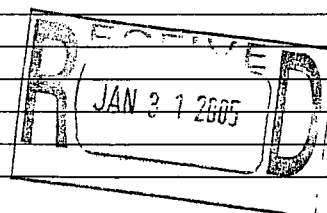
 DRIVERS SIGNATURE *[Signature]* 495 DATE 1/28/05 TRUCK/TRAILER # 525/623

I, THE UNDERSIGNED, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, THE WASTE STREAM IDENTIFIED ABOVE HAS BEEN GENERATED WITHOUT ANY CHANGES IN GENERATING PROCESS SINCE THE LAST HAZARDOUS WASTE DETERMINATION. IN THE EVENT CHANGES ARE MADE TO THE GENERATING PROCESS, I, THE GENERATOR WILL INFORM HOWCO OF THOSE CHANGES. THIS IS TO CERTIFY THAT THE ABOVE-NAMED MATERIALS ARE PROPERLY CLASSIFIED, DESCRIBED, PACKAGED, MARKED, AND LABELED AND ARE IN PROPER CONDITION FOR TRANSPORTATION ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

 INITIAL *[Signature]*

 OIL FILTER DRUMS TO BE SERVICED _____ HALOGEN LEAK DETECTOR: _____ PASS _____ FAIL _____ DEXSIL TEST RESULTS: _____ PPM
 COMMENTS: _____

01-26-04 RER - HAUL ONE LOAD UNCRUSHED FILTERS TO U.S. FOUNDRY. W/O #19865



HOWCO FACILITY SIGNATURE _____ RECEIVING DATE _____

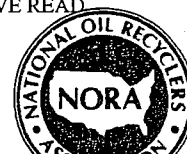
BY MY SIGNATURE BELOW I ACKNOWLEDGE AND AGREE WITH THE ABOVE AND FURTHER ACKNOWLEDGE THAT I HAVE READ AND AGREE TO THE PROVISIONS AND TERMS SET FORTH ON THE REVERSE SIDE OF THIS MANIFEST.

CUSTOMER SIGNATURE

TITLE

DATE

WE ACCEPT: AMERICAN EXPRESS • MASTERCARD • VISA



WEIGHT TICKET

U. S. FOUNDRY & MFG. CORP.
8351 N.W. 93rd Street
Miami, Florida 33166

Howco Environmental

VENDOR

Same

525/623

TRUCK NUMBER

Gene Bonell

SIGNATURE

CARRIER

Oil Filter

PRODUCT

TIME 11:54
DATE 01 28 05
NO. 102

TICKET # 40848

U. S. FOUNDRY & MFG. CORP.
8351 N.W. 93rd STREET
MIAMI, FLORIDA 33166

GROSS 88440 lb (1)
TARE 49300 lb
NET 39149 lb

7479

5057.60

CHECK NUMBER

[Signature]
AUTHORIZED SIGNATURE

No. 19865

HOWCO ENVIRONMENTAL SERVICES

WORK ORDER FORM

Account # F8E3-10

Purchase Order #: _____

Customer Name U.S. Foundry

Generator Name: Howco

Customer Phone: _____

Generator Phone: _____

Customer Contact: _____

Generator Contact: _____

Job Location 8351 NW 93rd St. Medley, FL.
Address City

Special Equipment: N/A

Additional Labor: Yes _____ No ☒

Laboratory Analysis: N/A

Special Instructions: Haul one load uncrushed Filters to U.S. Foundry

ETA Howco _____

ETA Customer: _____

Driver: _____

Date Ordered: 1-26-05

Truck: _____

Order Taken By: Robert

Salesman: —

Date Wanted: 1-28-05

170107273



CAUTION
EYE PROTECTION
MUST BE WORN
IN THIS AREA

**NO
SMOKING**
BEYOND THIS POINT



View Act

Prog

Area

Activity

Date Done

Date Due

Date Completed

E

V

HW	SCOI	SHORT FORM CONSENT ORDER ISSUED	05/16/2005		05/16/2005		
HW	LTR	LETTER	04/13/2005				
HW	EMT	ENFORCEMENT MEETING	04/12/2005		04/12/2005		
HW	CALL	TELEPHONE CONVERSATION	03/23/2005		03/23/2005		
HW	WLI	WARNING LETTER ISSUED	03/11/2005		03/11/2005		
HW	FR	FILE REVIEW	03/01/2005		03/01/2005		
HW	CEI	COMPLIANCE EVALUATION INSPECTION	01/27/2005		01/27/2005		Y
HW	EPI	ENFORCEMENT PROJECT INITIATED	01/27/2005				

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

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

AB 5/16/05
☒ Deborah A. Getzoff, District Director

FROM/THROUGH:

W William Kutash, Environmental Administrator

JD Jim Dregne, Program Manager *5/16*

E Elizabeth Knauss, Environmental Manager

AG Al Gephart, Engineer IV

DATE:

May 16, 2005

FILE NAME: HOWCO Environmental Services

PROJECT #: 285070

OGC #: 05-0911

PROGRAM: Hazardous Waste

COUNTY: Pinellas

TYPE OF DOCUMENT:

☐ Draft or ☒ Final

☐ NOV

☒ Consent Order – Model SFCO

☐ Final Order

☐ Case Report

☐ Penalty Authorization

☐ Warning Letter

☐ Other:

DESCRIPTION OF VIOLATIONS:

Failure to (1) store used oil filters in sealed containers, (2) properly label containers of used oil filters, (3) store containers of used oil filters on an impermeable surface, (4) contain, cleanup and properly manage released oil and oily waste and (5), label screen filter residue container.

SUMMARY OF CORRECTIVE ACTIONS:

Based on documentation submitted by HOWCO at the 4/12/05 enforcement meeting, violation #3 above was deleted. Comments presented to the Department to retract violations # 1 and #4 and their counter-offer of \$1,275 were rejected. The facility is to ensure that used oil filters are stored in aboveground containers and the containers are sealed and are properly labeled. Any releases of oil are to be cleaned up immediately upon discovery. The container of screen filter residue must be labeled properly.

PENALTY SUMMARY:

ELRA Guidelines

Penalty Amount: \$ 2,875.00 Expenses: \$ 100.00

TOTAL PENALTY AMOUNT: \$ 2,975.00

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number

7004 0750 0003 0516 3557

MR. CHRISTOPHER SMART
CARLTON FIELDS, ET AL.
CORPORATE CENTER 3 @ BOY SCOUT BLVD
4221 W. BOY SCOUT BLVD
TAMPA, FL 33607-5736

4b. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD |

7. Date of Delivery

5/18

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.

7004 0750 0003 0516 3557

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage

MR. CHRISTOPHER SMART

CARLTON FIELDS, ET AL.

CORPORATE CENTER 3 @ BOY SCOUT BLVD

4221 W. BOY SCOUT BLVD

TAMPA, FL 33607-5736

Sent To

Street, Apt. No.
or PO Box No.

City, State, ZIP

Postmark
Here

5-16-05

PS Form 3800, June 2002

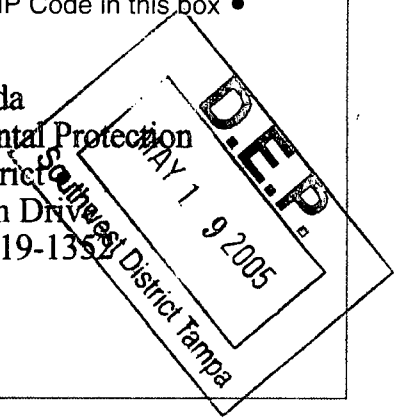
See Reverse for Instructions



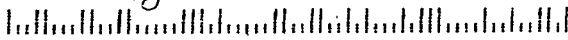
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

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

State of Florida
Department of Environmental Protection
Southwest District
3804 Coconut Palm Dr
Tampa, Florida 33619-1332



Al Depant
Waste Mgt





Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

May 16, 2005

CERTIFIED MAIL
RETURNED RECEIPT REQUESTED

Mr. Christopher Smart
Carlton Fields Attorneys At Law
Corporate Center Three at International Plaza
4221 W. Boy Scout Boulevard
Tampa, FL 33607-5736

RE: HOWCO Environmental Services,
Comments regarding Warning Letter #285070

Dear Mr. Smart:

The Department has reviewed the comments and counter-offer, provided by you in behalf of Mr. Tim Hagan, in your letter dated April 13, 2005, regarding the March 11, 2005, Warning Letter and alleged violations. The following is the Department's response to your letter.

Violation (3). The Department accepts the documentation (submitted on April 12, 2005) supporting the claim that the loading/unloading ramp is an impervious surface and the alleged violation of 62-710.850(6)(a), F.A.C., "Failure to store containers of used oil filters on an impermeable surface," has been deleted.

Violation (4). The Department maintains that this is a violation of 62.710.850(6)(b) F.A.C., "Failure to contain, clean up and properly manage released oil and any subsequent oily waste." Your claim that all work had to stop because there were FDEP inspectors on site, and therefore the release could not be addressed in a timely manner, is not substantiated.

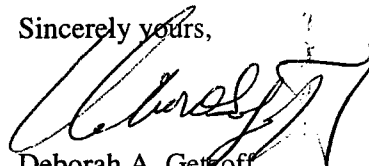
Based on the above, the Penalty Computation Worksheet has been revised. The Department has computed the penalty, using the ELRA guidelines, to be \$2,875.00. Costs and expenses in this case will be \$100.00. A revised short form consent order is attached for Mr. Hagan's signature. If acceptable, Mr. Hagan is to sign the consent order and return it to the Department, at the letter address above, by June 3, 2005.

As further guidance, the Department offers the following in response to your interpretation of "storage." It is the Department's position that all waste consolidation activities fall within the 62-710 F.A.C. definition of "storage." The dump trailer meets the 40 CFR 260.10 definition of "container." Further, the material was not properly prepared for transport as the container was in violation of 40 CFR 130.21 Packaging requirements: "Each packaging used for the transportation of oil subject to this part must be designed, constructed, maintained, closed, and loaded so that, under conditions normally incident to transportation, there will be no release of oil to the environment." The dump trailer was observed to be

leaking oil. The Department also disagrees with your contention on page 3, paragraph 2, that, "The Department does not regulate the staging and loading of transport vehicles as "storage" unless the loaded vehicle remains in a particular location for more than 10 days." Nothing in the rule says that staging waste for less than 10 days is not considered storage. The regulation you cite only places additional registration requirements on facilities that store used oil filters more than 10 days. "Storage" is defined in 40 CFR 261.10 as, "the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere." Under 40 CFR 279.1, terms that are defined in 40 CFR 262.10 have the same meaning for purposes of implementing the used oil regulations. The Department believes that the language in 62-710.850(6), F.A.C., is plain: "storage" is "storage" and that "all persons" are required to comply. Contrary to your assertion, the Department has specific authority to enforce DOT requirements for transportation of used oil under the provisions of 40 CFR 279.43(b), which requires all used oil transporters to comply with the provisions of 49 CFR 171 through 180. In regard to comments on page 3 of your letter, the Department believes that you have improperly read 40 CFR 279.45(a). You specifically omitted "storage areas" from the definition of used oil transfer facilities. If "storage" was limited to areas that hold used oil for more than 35 days, there would be no need to include "storage areas" within the definition of transfer facility. Lastly, in paragraph 4 of your letter, the Department notes that the hazardous waste regulations are also specific that the containers must be closed except when actually adding or removing waste from the container. Loading activities were not occurring at the time of the inspection, therefore the trailer should have been covered.

We look forward to your cooperation in completing the investigation and resolution of this matter.

Sincerely yours,



Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Tim Hagan, HOWCO Environmental Services
Compliance File

REVISED PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, Pinellas County, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Revision Date: May 13, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	403.121(5)	\$500	---	\$500	\$1,000
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.		[DELETED]		---	---	
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	403.121(5)	\$500	---	---	\$500
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 2,875

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

For citation (1) above [62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional 100% was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

~~Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device. [DELETED]~~

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste.

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

May 16, 2005

Mr. Tim Hagen
Hagan Holding Company (dba HOWCO Environmental Services)
3701 Central Avenue
St. Petersburg, FL 33713

SUBJECT: Proposed Settlement - HOWCO Environmental Services
Pinellas County
OGC File No.: 05-0911

Dear Mr. Hagan:

The purpose of this letter is to complete the resolution of the matter previously identified by the Department in the Warning Letter dated March 11, 2005, a copy of which is attached. The corrective actions required to bring your facility into compliance have been performed to bring your facility into compliance. The Department finds that you are in violation of the rules and statutes cited in the attached Warning Letter. In order to resolve the matters identified in the attached Warning Letter, you are assessed civil penalties in the amount of \$2,875 along with \$100 to reimburse the Department costs, for a total of \$2,975.

The civil penalties are apportioned as follows: a total of \$2,250.00 for three separate violations of Florida Administrative Code (FAC) 62-710.850(6), and \$625.00 for violating Specific Condition IV.4.d in the facility's used oil and material processing permit.

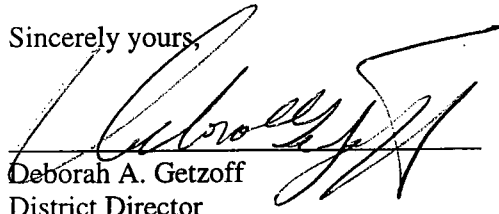
The Department acknowledges that the payment of these civil penalties by you does not constitute an admission of liability. This payment must be made payable to the Department of Environmental Protection by cashier's check or money order and shall include the OGC File Number assigned above and the notation "Ecosystems Management and Restoration Trust Fund." The payment shall be made within thirty (30) days of your signing this letter.

Your signing 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.

Hagan Holding Company (dba HOWCO Environmental Services)
Pinellas County
OGC Case #05-0911

If you do not sign and return this letter to the Department at the District address by June 3, 2005, 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 or substantial interests are determined by this letter unless you sign it and it is filed with the Department Clerk.

Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

FOR THE RESPONDENTS:

I, Tim Hagan, on behalf of Hagan Holding Company, **HEREBY ACCEPT THE TERMS OF THE SETTLEMENT OFFER IDENTIFIED ABOVE.**

By: _____

Date: _____

.....
FOR DEPARTMENT USE ONLY

DONE AND ENTERED this _____ day of _____, 2005

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to §120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby Acknowledged.

Clerk

Date

DAG/afg

cc: Kathy Carter – FDEP OGC, Tallahassee

Attachments

NOTICE OF RIGHTS

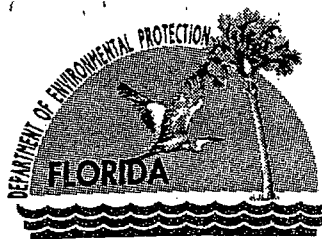
Persons who are not parties to this Consent Order but whose substantial interests are affected by this Consent Order have a right, pursuant to Sections 120.569 and 120.57, Florida Statutes, to petition for an administrative hearing on it. The Petition must contain the information set forth below and 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 wants 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 proceeding. 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 this proceeding.



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

March 11, 2005

CERTIFIED MAIL 7004 0750 0003 0518 0448
RETURNED RECEIPT REQUESTED

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #285070
Pinellas County

Dear Mr. Hagan:

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 joint hazardous waste and solid waste program field inspection conducted on January 27, 2005, 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 Al Gephart at (813) 744-6100, extension 372, 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 that will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In 2001 the Florida Legislature enacted the Environmental Litigation Reform Act (ELRA)(2001 Fla. Laws, Ch. 258). ELRA is now codified in Section 403.121, Florida Statutes (FS). ELRA is an efficient means of resolving smaller environmental cases in Administrative Court.

HOWCO Environmental Services
FLD 152 764 767
Warning Letter #285070

ELRA sets specific penalty amounts for violations covered under the Act. The Department has computed the penalty, using the ELRA guidelines, to be \$6,875.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

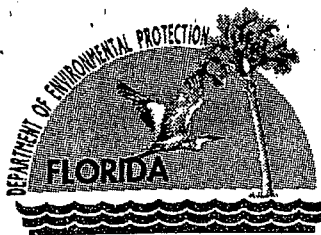
Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Steve Ray, HWR Section
Lora Ross, SWM, SWD
Compliance File



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: HOWCO Environmental Services DEP/EPA ID #: FLD 152 764 767

STREET ADDRESS: 843 43rd Street South; St. Petersburg, FL 33711

MAILING ADDRESS: 3701 Central Avenue; St. Petersburg, FL 33713

COUNTY: Pinellas PHONE: (727) 327-8467 DATE: 01/27/05 TIME: 10:05 am

NOTIFIED AS:

☐ N/A

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

CURRENT STATUS:

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

2. APPLICABLE REGULATIONS:

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

3. RESPONSIBLE OFFICIAL:

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP

Kelly Honey - FDEP

Lora Ross - FDEP

Richard Dillen - HOWCO

5. LATITUDE/LONGITUDE: 27°45'41.6" / 82°41'32.5"

6. SIC CODE: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. The 3.2 acre site contains an oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

The facility receives used oil, industrial wastewater, petroleum contact water (PCW), antifreeze, used oil filters, oily solids, industrial solids and petroleum contaminated solids. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that also participated in this inspection. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is transported directly from the generator to the disposal facility by a registered hazardous waste transporter. HOWCO routinely collects waste antifreeze from its customers. Facility personnel advised the inspectors that all of the antifreeze received at the facility is shipped to an antifreeze recycler.

The majority of used oil, used oil filters and oily wastes are brought into the facility by HOWCO trucks, common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the pick-up site using a halogen "sniffer". Used oils arriving at the facility are also sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halide concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made. Used oils shipped to the facility by other vendors are required to include a manifest describing the material.

Upon arriving at the site, the inspectors were advised that HOWCO had instituted new safety policies and that everyone would need hard hats, safety glasses and safety vests. These were provided by the facility prior to entry. While waiting for the safety equipment, it was observed that facility personnel were inspecting each of the 55-gallon drums of used oil filters in storage and placing labels on those not properly labeled. Once the inspectors were given access, the drum storage area on the south side of the property, west of the used oil filter crusher, was inspected. Of approximately 125 drums, 21 were not labeled properly. This is improper storage of used oil filters and is a *repeat* violation of 62-710.850(6)(a), FAC.

There was one container of wastewater treatment sludge (WWTS) stored near the WWTS press. The sludge was sampled to demonstrate the annual non-hazardous status of the waste stream. However, the samples were not refrigerated properly and could not be used. The facility will sample a future batch for the annual determination. The Department advised the facility to dispose of the existing waste as non hazardous based on the previous annual demonstration.

Crushed and uncrushed used oil filters are received and stored in either drums, roll-off boxes or dump trailers. The uncrushed used oil filters are conveyed to a used oil filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher and is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil." Periodically, the oil from the storage tank is removed

and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there were three (3) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, the third was empty. Both of the full containers were covered and labeled. However, when placing sludge in one of the containers the liner must have slid down slightly. Facility personnel were advised to use caution when placing solid waste in the lined roll-off box so that the liner remains in position.

Just north of Tanks #110 and #111, the facility has constructed a below ground loading/unloading dock to unload containers of solid waste and used oil filters. There was a dump trailer of used oil filters stored on the earthen surface. This is a violation of 62-710.850(6)(a), FAC. The tarp used to cover the dump trailer to protect the contents from the weather did not completely cover the top of the trailer. This is a violation of 62-710.850(6)(a), FAC. Also, the inspectors observed staining of the soil just east of this area from the loading of used oil filters and there was used oil observed dripping out of the back tail gate of the trailer onto the soil. These are violations of 62-710.850(6)(b), FAC. Facility personnel were advised to clean up the area and dispose the stained material appropriately. Facility personnel were also reminded that since there is no secondary containment, the loading/unloading dock cannot be used to store trucks containing solid waste, used oil or used oil filters. The facility must also depict this loading/unloading dock in its facility site diagram and submit the diagram to the Department for inclusion in the facility's permit application.

The HOWCO tank farm consists of 47 aboveground storage tanks in five separate containment areas. Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) in containment Areas #1 and #2 are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. In general, facility personnel have done a very good job in cleaning and power washing the containment areas. An **Area of Concern** to the inspectors is that the sealant on the cement in the secondary containment in the processing area and south of Tanks #130 thru #135 is peeling off. This was mentioned in the last inspection and is repeated here. The Department requests that Mr. Hagan conduct an assessment of the secondary containment in the processing area to determine if it still meets the impermeable surface standards in Florida's used oil processor rules. It is also requested that the conclusions drawn from the assessment be submitted to the Department.

Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The heated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the

batching process. Facility personnel use a vacuum truck to remove the solids collected from the vibrascreen and then adds them to Tank #110 or Tank #111. The solids from these tanks are tested annually to ensure that they are not a hazardous waste. Upon inspection, the inspectors observed that the receiving drum containing solids from the vibrascreen had a label but it did not have the words, "Screen Filter Residue", as required. This is a violation of **Specific Condition IV.4.d** in the facility's operating permit. Facility personnel were advised to check and maintain labels to ensure that they are in good condition and labeled properly.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for processing. The facility stores its wastewater treatment chemicals at the east end of the site. The area was clean indicating that housekeeping has improved in this area.

The fire and emergency equipment are inspected monthly and are tested annually. The inspection records were reviewed and found to be complete. Located east of the truck wash rack is the facility's emergency trailer consisting of absorbents, blankets and booms. The trailer was orderly and contained sufficient amounts of emergency equipment.

In the vehicle maintenance garage area were observed one (1) 55-gallon drum for used oil filters generated on-site and one (1) parts washing machine. The drum of used oil filters was properly labeled, "Used Oil Filters". According to the maintenance staff, the spent parts washer solution is disposed by mixing it in with the facility's used oil. A waste determination had been made on the waste solvent in May 2004 and it was found to have the toxicity characteristic. If the spent parts washer solvent is hazardous, it can only be mixed with the facility's used oil when the facility is a conditionally exempt small quantity generator of hazardous waste. The facility is advised to review its generator status prior to mixing the spent solvent with its used oil to determine proper management.

Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs were reviewed and found to be complete. HOWCO is current on its liability and financial assurance requirements and current in required documents and recordkeeping. HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The training records were reviewed and found to be complete. However, facility personnel are due for the 2005 annual training.

Incoming and outgoing manifests for used oil, used oil filters, crushed used oil filters, petroleum contact water and antifreeze are kept by HOWCO at its Central Avenue office for at least three years.

This compliance inspection did not address the facility's compliance with state and federal transporter rules and regulations. This will be conducted on a future inspection date.

10. SUMMARY OF ALLEGED VIOLATIONS:

62-710.850(6)(a), FAC

Failure to seal, or otherwise protect from the weather, containers of used oil filters. *(Repeat Violation)*.

Failure to properly label containers, "Used Oil Filters." *(Repeat Violation)*.

Failure to store containers of used oil filters on an impermeable surface.

62-710.850(6)(b), FAC

Failure to contain, clean up and properly manage released oil and oily waste.

Specific Condition IV.4.d

Failure to properly label the container receiving solids from the vibrascreen, "Screen Filter Residue". *(Repeat Violation)*.

11. RECOMMENDED CORRECTIVE ACTIONS:

62-710.850(6)(a), FAC

Effective immediately and henceforth, the facility shall ensure that used oil filters are stored in containers that are sealed or otherwise protected from the weather, stored on impermeable surfaces and properly labeled.

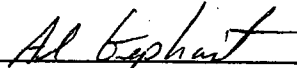
62-710.850(6)(b), FAC

Effective immediately and henceforth, the facility shall ensure that all released used oil and oily waste are cleaned up and properly managed.

Specific Condition IV.4.d

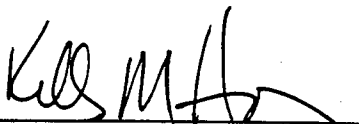
Effective immediately and henceforth, the facility shall ensure that the container receiving the solids from the vibrascreen is properly labeled, "Screen Filter Residue".

Report Prepared By: _____



Al Gephart
Engineer IV

Report Reviewed By: _____



Kelly Honey
Environmental Specialist II

Report Reviewed By: Lora Ross
Lora Ross
Environmental Specialist I

Report Approved By: Elizabeth Knauss Date 3/8/05
Elizabeth Knauss
Environmental Manager

PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Date: March 8, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	403.121(5)	\$500	---	\$500	\$1,000
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.	ELRA	403.121(4)(b)	\$4,000	---	---	\$4,000
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	403.121(5)	\$500	---	---	\$500
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 6,875

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

For citation (1) above [62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional 100% was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device.

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste.

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].

INSPECTION CHECKLIST

HOWCO Environmental Services
843 43rd Street South
St. Petersburg, FL 33711
FLD 152 764 767

Permit No.	92465-HO06-001	Renewal Application
Issued	08/03/00	Due 6/4/05
Expires	08/03/05	

Last Inspection 3/04/04

Used Oil and Material Processing Facility

47 Aboveground Storage Tanks (See Tables 3-1, 3-2 and 3-3 for descriptions of contents).

GC General Conditions

- GC.2 Have there been any changes in processes or operations? *FACILITY USING UNLOADING RAMP FOR STORAGE OF USED OIL FILTERS. UNLOADING DOCK IS EARTHEN AND NOT AN APPROVED STORAGE AREA.* ☒ Y ☐ N
- GC.12 A copy of the operating permit is maintained at the facility. ☒ Y ☐ N
- GC.14 Operating records contain the required information: ☒ Y ☐ N
- Date, Place and Time of sampling or analyses;
 - Person performing the sampling or analyses;
 - Analytical techniques or methods used;
 - Results of the analyses.

SC Specific Conditions

Part I. General

- I.11 The facility has submitted its annual registration *for 2004 by March 1.* ☒ Y ☐ N
- I.12 Were any shipments of used oil refused due to suspected mixing with hazardous waste? (Any oil analyses pass or fail must be kept for 3 yrs.) ☐ Y ☒ N

Part II. Used Oil Processing

- II.3 Only permitted waste streams are processed at the facility. ☒ Y ☐ N
- Automotive crankcase oil, transmission and differential oil;
 - Oil/water emulsion from ships, barges and other sources;
 - Automotive oils recovered from oil/water separators;
 - Virgin oils contaminated with water;
 - Virgin oils recovered from tank cleaning and tank removals;
 - Used industrial oil.

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ALL ANTIFREEZE
 RECYCLED
 _Y _N

II.4 Generators supply initial TCLP analysis (or generator knowledge statement) of waste antifreeze. (Check facility files for certifications.)

II.6 The following records are maintained at the facility or the Central Ave. office.

- Permit application; _Y _N
- Operating permit; _Y _N
- Manifests and Bill-of-Lading of all shipments; _Y _N
- Shipping papers include all of the required information as stated in 40 CFR 279.56 (Acceptance / Delivery); _Y _N
- Training records; _Y _N
- Inspection records; _Y _N
- Closure Plan; _Y _N
- Results of Waste Analyses; _Y _N
- Annual used oil recovery reports; _Y _N
- Validated annual used oil registration form. _Y _N

II.8 Processed oil is sampled prior to shipping off-site *once every two weeks*. _Y _N

Part III. Tanks

III.1 Used oil tanks and containers are labeled "Used Oil". _Y Y _N

III.2 Regulated tank systems are inspected monthly. _Y _N

III.3 Records are maintained for inspections and monthly release detection monitoring for process and storage tanks. _Y _N

III.5 Secondary containment areas are sealed and free of cracks. _Y _N

DRUM STORAGE AREAS WILL NEED ATTENTION - STARTING TO DETERIORATE

III.6 The areas of secondary containment provide containment for at least 110 % of the volume of the largest tank. _Y _N

III.8 Spilled or leaked waste is removed from containment areas within 3 days of the incident. _Y _N

Accumulated precipitation is removed within 1 week after a rainfall event using manually controlled pumps. _Y _N

Part IV. Solid Waste Processing

IV.1 Non-hazardous materials that are accepted, processed, stored or otherwise managed are limited to - _Y _N

- Petroleum contaminated soil;
- Petroleum contaminated sorbent materials (pads, booms, rags, vermiculite);
- PPE;
- Debris from spill cleanup;
- Petroleum tank bottom sludges from tanks, pits and sumps;
- Petroleum contaminated water;

HOWCO Environmental S
Compliance Evaluation Inspection Checklist

- Petroleum contact water;
- Petroleum contaminated sediments sludges and liquids from oil/water separators at car washes;
- Empty petroleum contaminated drums, pails, gas tanks and fuel filters;
- Non-liquid waste streams from on-site oil processing and wastewater pretreatment facilities.

	Household hazardous wastes or wastes from a CESQG are <u>NOT</u> managed as solid waste at the facility.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.3	Processing equipment is repaired within one week of becoming inoperable.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Operations DO NOT change the chemical characteristics of any of the solid materials.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.4	Each solid waste stream is sampled and analyzed at least annually. <i>* LAST SAMPLES WERE RUINED DURING SHIPMENT TO LAB FACILITY NEEDS TO RE-SAMPLE WASTE STREAMS</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Records are available of annual WWTs sampling and analyses.	<input type="checkbox"/> Y <input type="checkbox"/> N
	Records are available of annual oil-extracted sludge (OES) sampling and analyses.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Vibratory screen filter solids are containerized, properly sealed and labeled, "Screen Filter Residue". <i>CONTAINER HAD A LABEL BUT NOT IDENTIFIED AS SCREEN FILTER Residue</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	All tank bottom sludges and screen filter residues are transferred to Tanks 110 or 111 for further processing. (If not, the facility must have records of waste determinations on these streams.)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The facility has notified the Department within 3 days prior to sampling any solid waste streams.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The facility has records of hazardous waste determinations from each generator for all solid waste streams received.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The determinations are updated annually.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.5	All outgoing materials for disposal are sampled and analyzed annually.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.6	Storage of solid waste is at or below 22,000 gallons. Where 15 yd ³ = 3,030 gallons 20 yd ³ = 4,040 gallons	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Processed solids are stored in covered, <u>lined</u> , roll-off containers or covered drums and stored on an impervious surface. <i>FACILITY PERSONNEL NEED TO BE CAREFUL WHEN FILLING SO LINERS DON'T SLIDE DOWN INSIDE ROLL-OFF BOX</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	All processed and unprocessed solid wastes are <u>stored</u> within the Solids Storage and Sludge Separation Areas.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.7	All materials are <u>processed</u> on impervious surfaces, tanks or containers.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N

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- Containers of processed wastes are labeled "Processed Solids" or "Processed Solid Waste". ✓Y N
- There is no evidence of liquids or solids being discharged outside of the Solids Storage and Sludge Separation Areas. *USED OIL FROM UOF* Y ✓N
- Solid wastes (liquids, sludges, solids, etc.) are only managed within containers, NOT on the ground, on the asphalt or on the concrete areas. *UOF stored on dirt* Y ✓N
- The Solids Storage and Sludge Separation Areas are inspected monthly. ✓Y N
- IV.9 The facility maintains the following waste records:
- The amount of waste received, stored, processed and disposed [Quantities of drums received (gallons), an estimate of the percentage of solids and liquids in each drum, the quantities of bulk liquids received (gallons), the quantities of bulk solids received (tons), and the quantities of liquids (gallons) and solids (tons) disposed and stored on site]; ✓Y N
 - A signed waste profile form and analytical data for each waste stream accepted at the facility or for virgin materials, a waste material profile sheet and MSDS; ✓Y N
 - The pre-burn analysis for each shipment of contaminated soil received that will be transferred to a soil treatment facility; ✓Y N
 - The pre-acceptance analyses or waste determinations; ✓Y N
 - Copies of any analyses required by a disposal facility as a condition of acceptance and documentation of acceptance; ✓Y N
 - Monthly Waste Inspection/Corrective Action logs; ✓Y N
 - Copies of permits for facilities that receive the processed solids. ✓Y N
- Monthly compilations are submitted quarterly of the following:
- Material balance (quantities received versus quantities disposed or in storage); ✓Y N
 - Name and location of disposal or treatment facility for all solid wastes removed from the facility. ✓Y N
- IV.10 All areas are cleaned to prevent nuisance conditions, hazardous conditions, odor or vector problems. ✓Y N
- IV.12 The facility is in compliance with Financial Assurance requirements.
- Closure costs are submitted annually prior to August 3; ✓Y N
 - Annual submittal of proof of financial assurance. ✓Y N
- Part V. Contingency Plan**
- V.2 Emergency and spill equipment is available at the facility. ✓Y N
- Check the emergency equipment stored east of the truck wash rack and at the drum crusher.

**HOWCO Environmental Services
Compliance Evaluation Inspection Checklist**

- V.3,4 Emergency and safety equipment is available, tested and maintained. ☒ Y ☐ N
- V.5 There is adequate aisle space in all storage areas for inspections. ☒ Y ☐ N
- V.6 Primary evacuation routes are posted in appropriate locations throughout the facility. ☒ Y ☐ N
- V.7 A copy of the Contingency Plan is maintained on-site. ☒ Y ☐ N
- The following are still the Emergency Coordinators: *Needs Revision due to personnel turnover*
- | | | |
|--------------------|-----------|--|
| <u>David Roehm</u> | Primary | <input type="checkbox"/> Y <input checked="" type="checkbox"/> N |
| <u>Tim Hagan</u> | Alternate | |
- A list of emergency response phone numbers is posted by the phones. ☒ Y ☐ N
- The Contingency Plan was last amended on (date) 7-21-99
- Amendments to the CP are sent to appropriate agencies. ☒ Y ☐ N

Part VI. Training

- VI.1,2 The Company's "Used Oil Training Program" is given initially and annually thereafter. ☒ Y ☐ N
- Personnel training is documented. 1/15/04 *due for training* ☒ Y ☐ N

Part VII. Closure

- VII.1 The facility maintains a copy of the Closure Plan. ☒ Y ☐ N

Used Oil Filter Processing (62-710.850, F.A.C.)

- 62-710.850(4) The facility has current registration certificates for -
- Used Oil Filter Transporter ☒ Y ☐ N
 - Used Oil Filter Processor ☒ Y ☐ N
- 62-710.850(5) The facility has records indicating the destination or end use of the processed used oil filters and the Name and Address of each destination or end user. ☒ Y ☐ N
- The facility has submitted its annual report *For 2004* ~~by March 1.~~ ☒ Y ☐ N
- 62-710.850(6) All used oil filters are stored in -
- Above ground containers on impermeable surfaces; ☐ Y ☒ N
 - Sealed containers that are in good condition; ☐ Y ☒ N
 - Containers labeled, "Used Oil Filters". ☐ Y ☒ N
- Upon detection of any leaking oil from a container the oil is contained, cleaned-up and managed properly. ☐ Y ☒ N

HOWCO Environmental Ser.
Compliance Evaluation Inspection Checklist

Petroleum Contact Water (62-740, F.A.C.)

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

☒ Y ☐ N

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

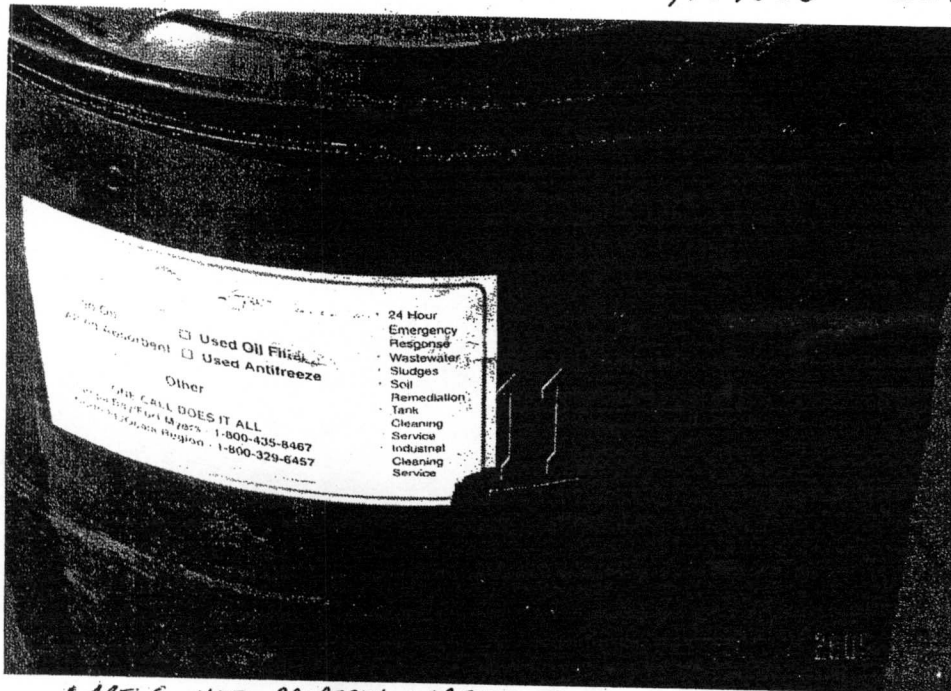
62-740.300(4) The facility has written assurance from the producer that the PCW is non-hazardous.

☒ Y ☐ N

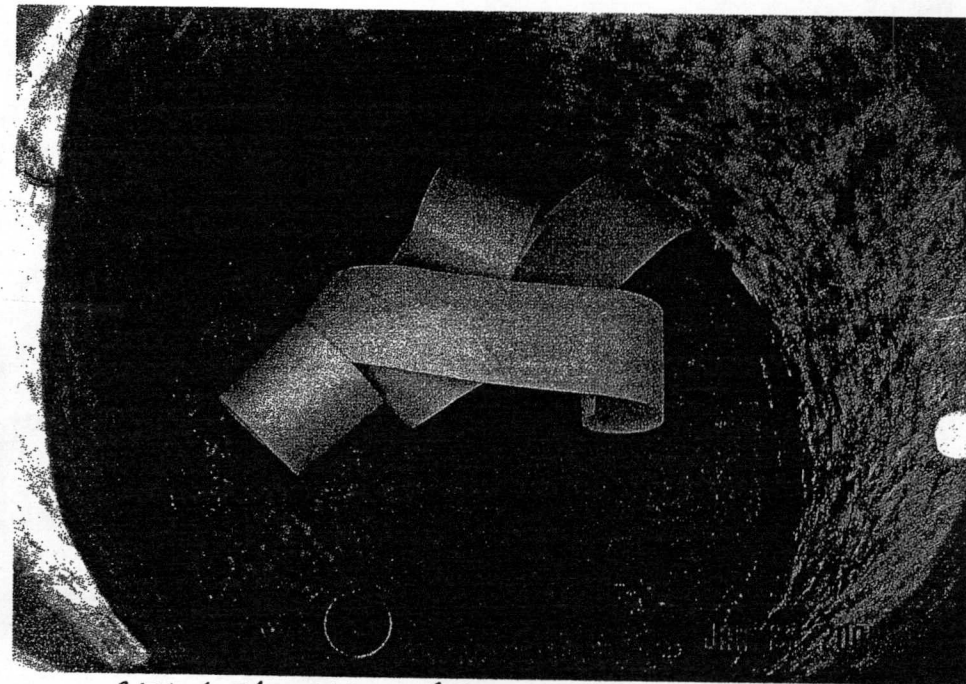
DOCUMENTS AND RECORDKEEPING

<input checked="" type="checkbox"/> Permit Application.	<input checked="" type="checkbox"/> Operating Permit.
<input checked="" type="checkbox"/> Validated Annual Used Oil Registration [Form 62-701.900(13)].	<input checked="" type="checkbox"/> Annual Used Oil Recovery Report. 2004
<input checked="" type="checkbox"/> Annual DEP Registration Placard For Storage Tanks.	<input checked="" type="checkbox"/> Contingency Plan.
<input checked="" type="checkbox"/> Training Logs. 1/15/04 DUE FOR TRAINING	<input checked="" type="checkbox"/> Closure Plan.
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Disposed</i> .	<input checked="" type="checkbox"/> Transporter Liability Insurance [\$100,000 minimum].
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Received</i> From Generators.	<input checked="" type="checkbox"/> Monthly Inspection Logs Of The Solids Storage and Sludge Separation Areas.
<input checked="" type="checkbox"/> Processed Oil Sampling Logs [Minimum Of One Sample Every Two Weeks].	<input type="checkbox"/> Annual Analyses Of WWT and OES Sludges. <i>NEED TO BE RE-SAMPLED</i>
<input checked="" type="checkbox"/> Tank Inspections and Monthly Release Detection Monitoring.	<input type="checkbox"/> Generator Non-Haz Demonstration For Used Antifreeze. <i>ALL RECYCLED</i>
<input type="checkbox"/> Analysis Of Vibrascreen Filter Solids and Tank Bottom Sludges [Unless Processed In Tanks 110 or 111].	<input type="checkbox"/> Records Of Refused Used Oil Shipments
<input type="checkbox"/> Documentation Of Annual Closure Cost Estimate [Solid Waste Processing].	<input checked="" type="checkbox"/> Documentation Of Annual Financial Assurance [Solid Waste Processing].
<input checked="" type="checkbox"/> Records Of Quantities Of Waste Received, Stored, Processed and Disposed.	<input checked="" type="checkbox"/> Quarterly Submittals Of Material Balance Of Quantities Of Solid Waste.
<input checked="" type="checkbox"/> Records Of Disposal Or Treatment Facility For All Solid Wastes Removed [Name and Location].	<input checked="" type="checkbox"/> Monthly Solid Waste Inspection / Corrective Actions Logs.
<input checked="" type="checkbox"/> Copies Of Permits For Facilities Receiving Processed Wastes.	<input checked="" type="checkbox"/> Manifests / Bill-Of-Lading.
<input checked="" type="checkbox"/> Monthly Inspection Logs Of Safety and Emergency Equipment.	

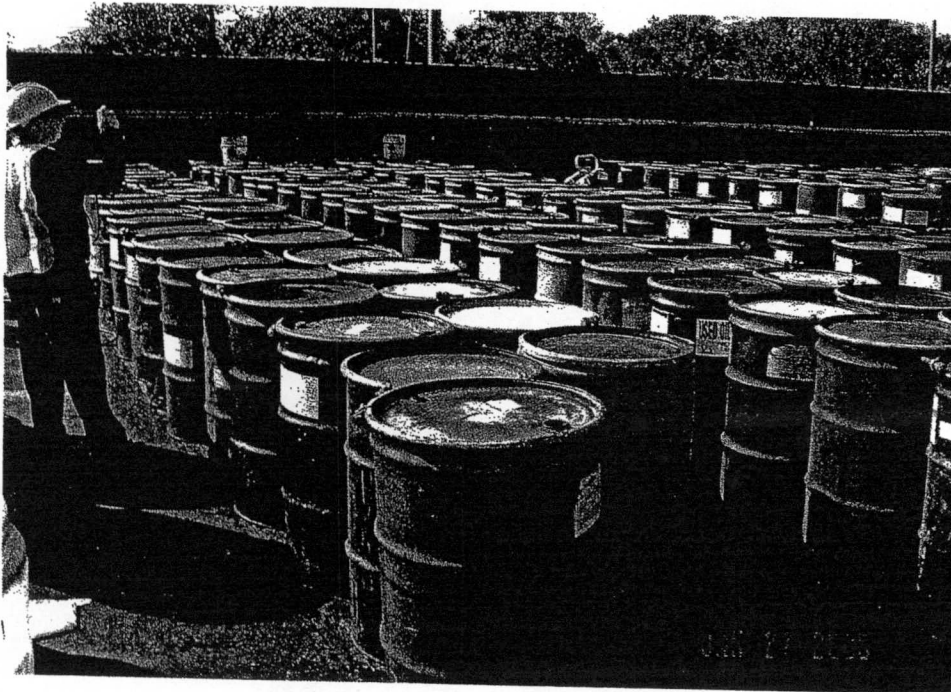
HOWCO CEI FFY '05



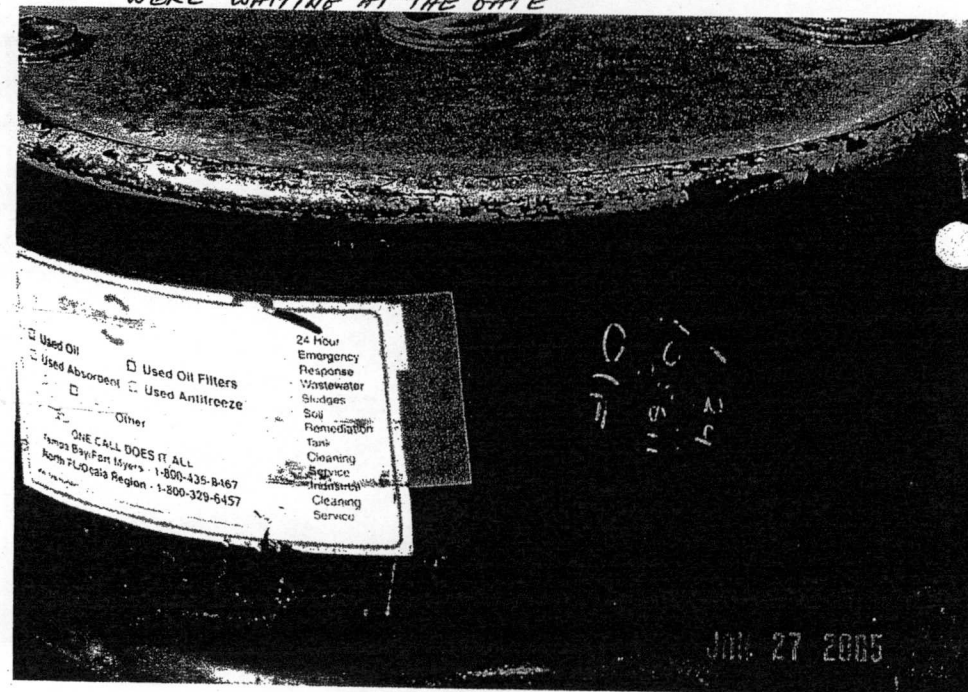
LABELS NOT PROPERLY LABELED, "USED OIL FILTERS"



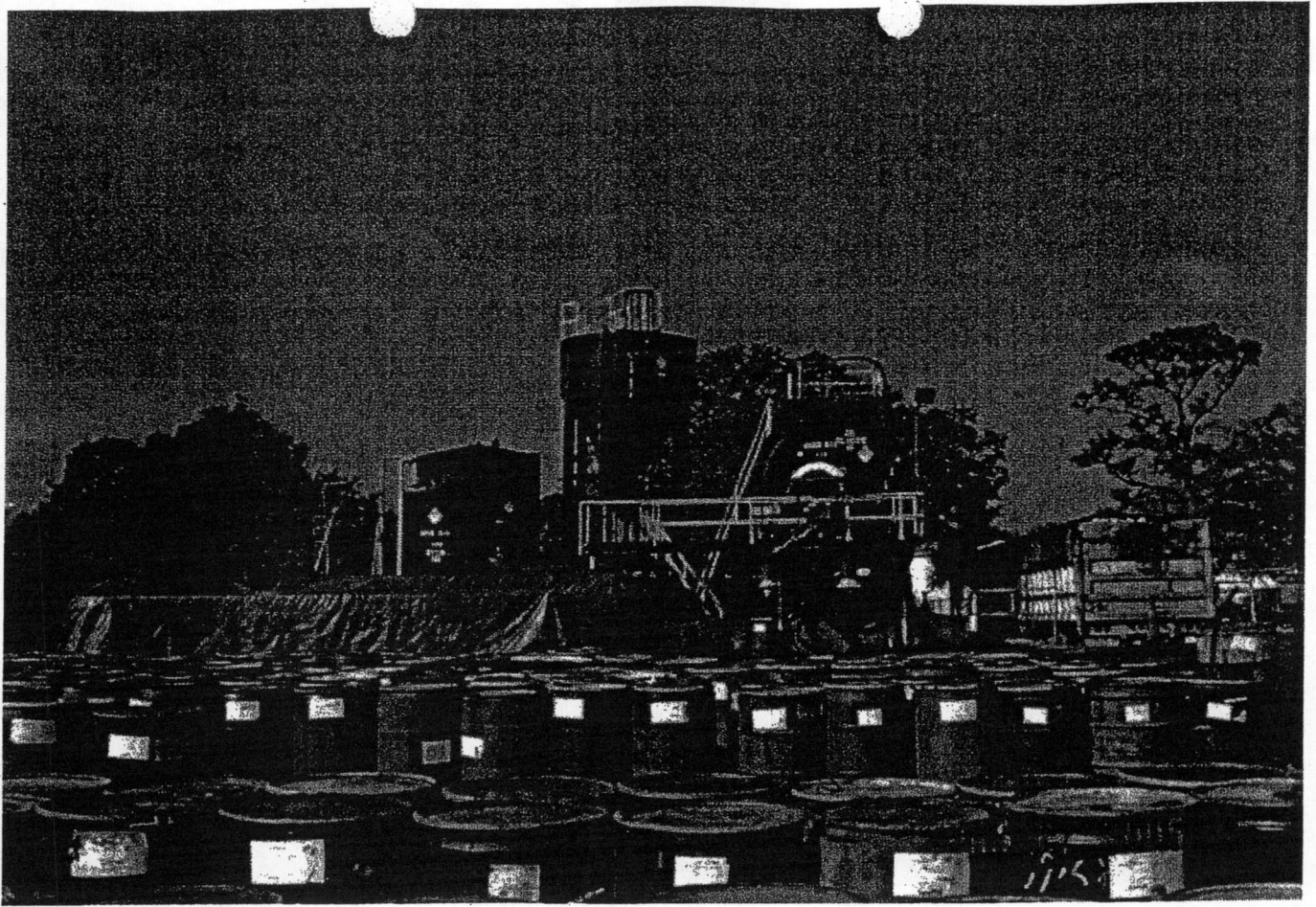
BACKING FROM LABELS PLACED ON DRUMS WHILE INSPECTORS WERE WAITING AT THE GATE



USED OIL FILTER DRUM STORAGE



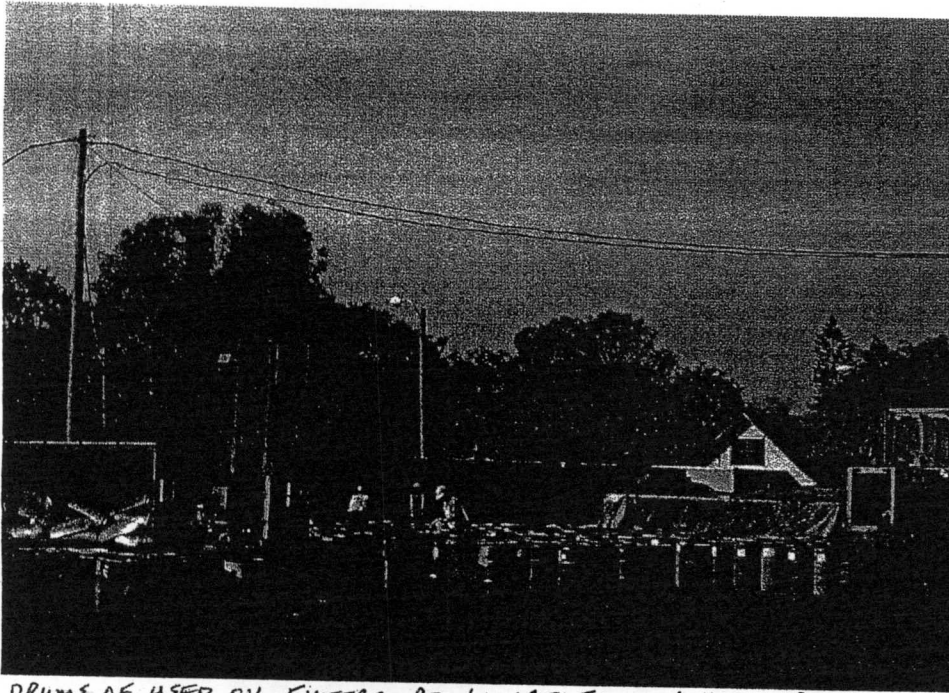
LABELS NOT PROPERLY MARKED USED OIL FILTERS



USED OIL FILTER STORAGE AREA
SOLID WASTE STORAGE

NOTE: DUMP TRAILER IN LOADING/UNLOADING DOCK CONTAINING
USED OIL FILTERS

HOWCO CEI FFY '05



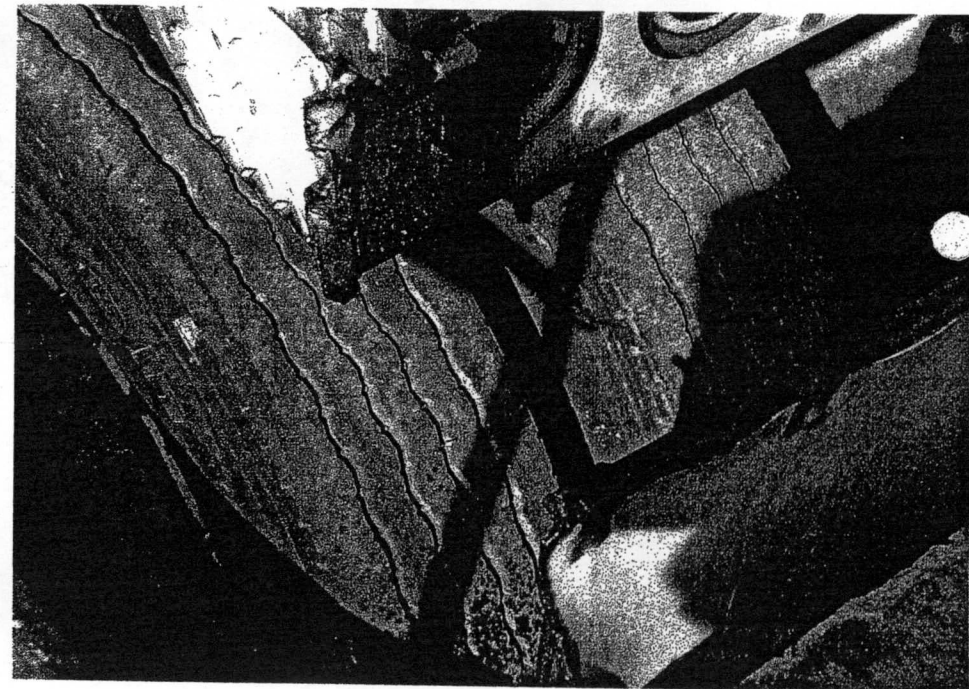
DRUMS OF USED OIL FILTERS BEING LABELED WHILE INSPECTORS
WAIT AT ENTRANCE GATE.



OILY WASTE ALONG LOADING/UNLOADING DOCK



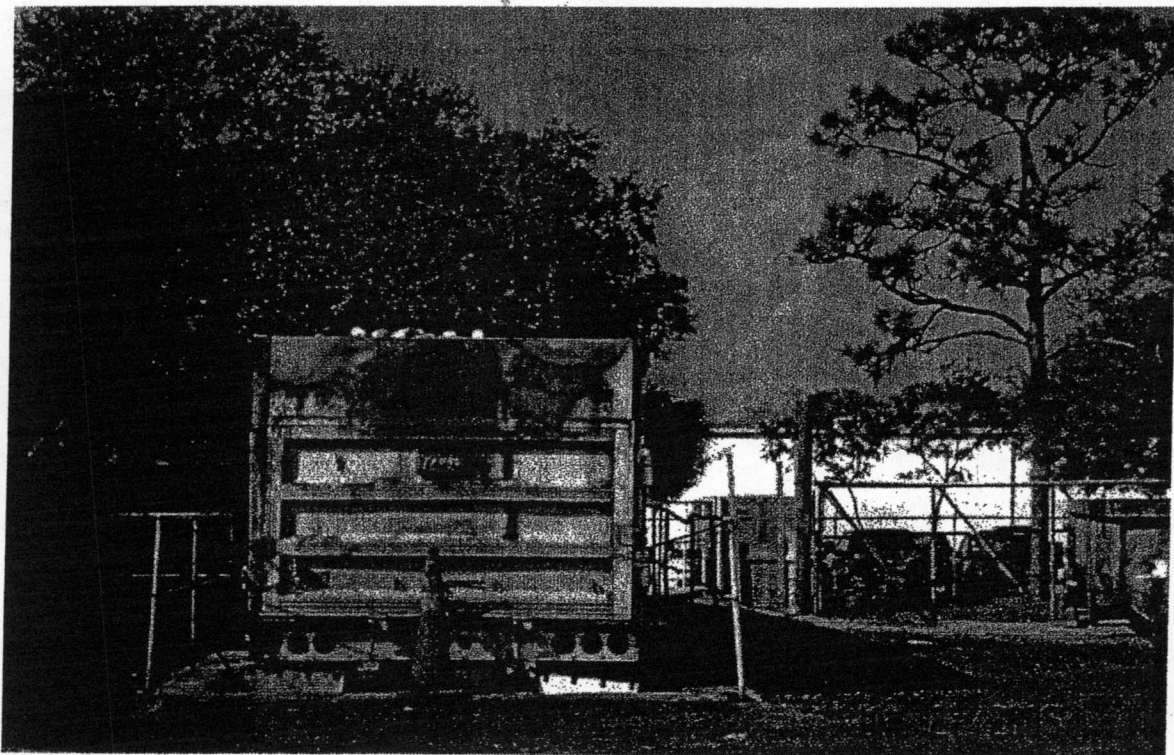
WASTE OIL DRIPPING FROM DRUM TRAILER



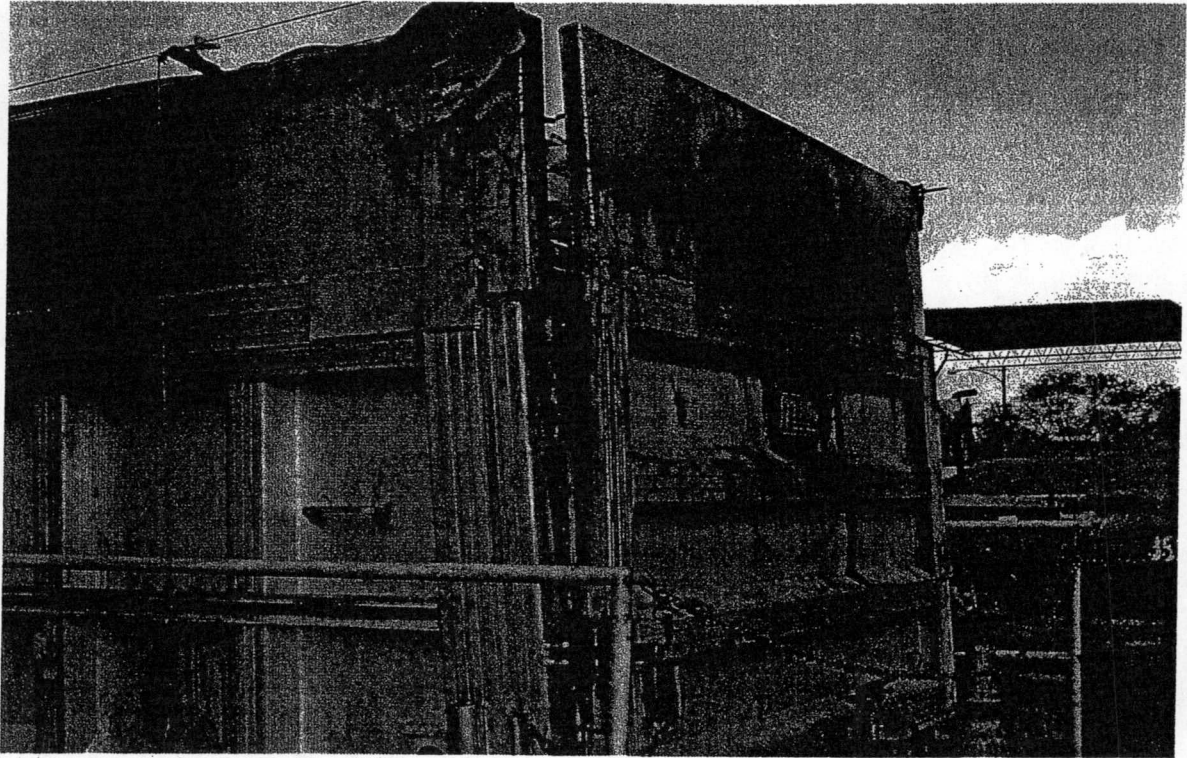
HOWCO CEI FFY 05



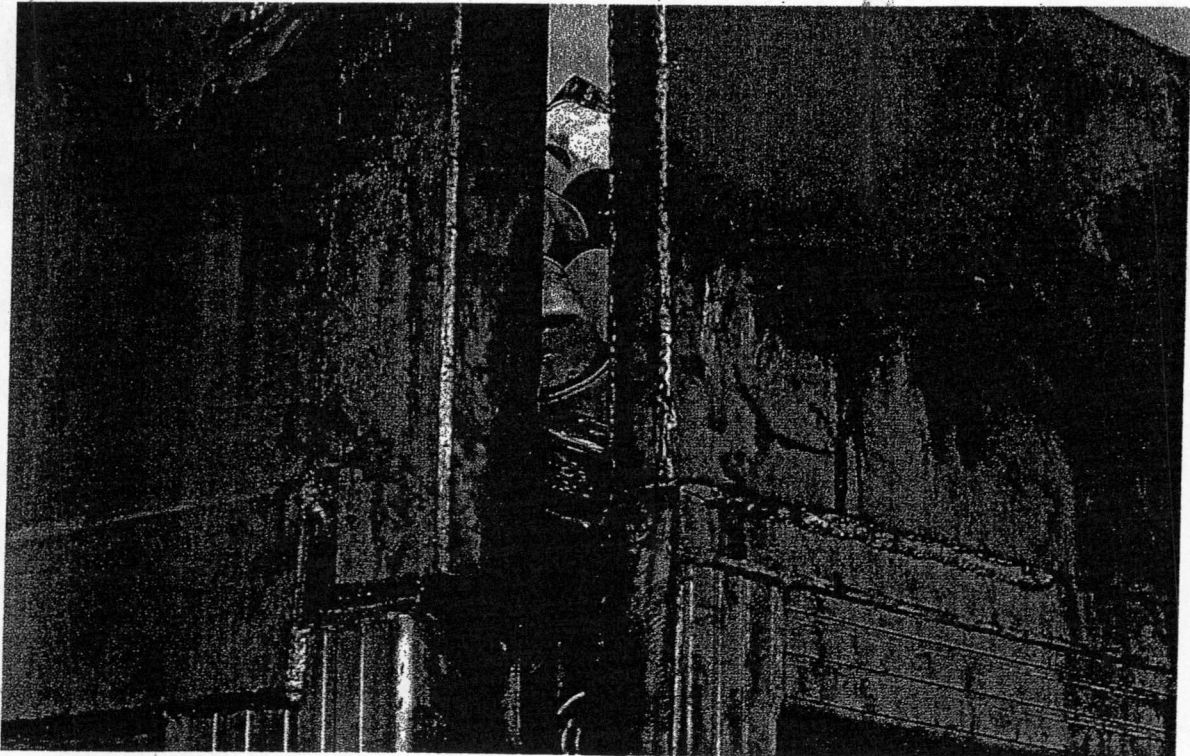
OILY WASTE ON GROUND ALONG LOADING/UNLOADING DOCK



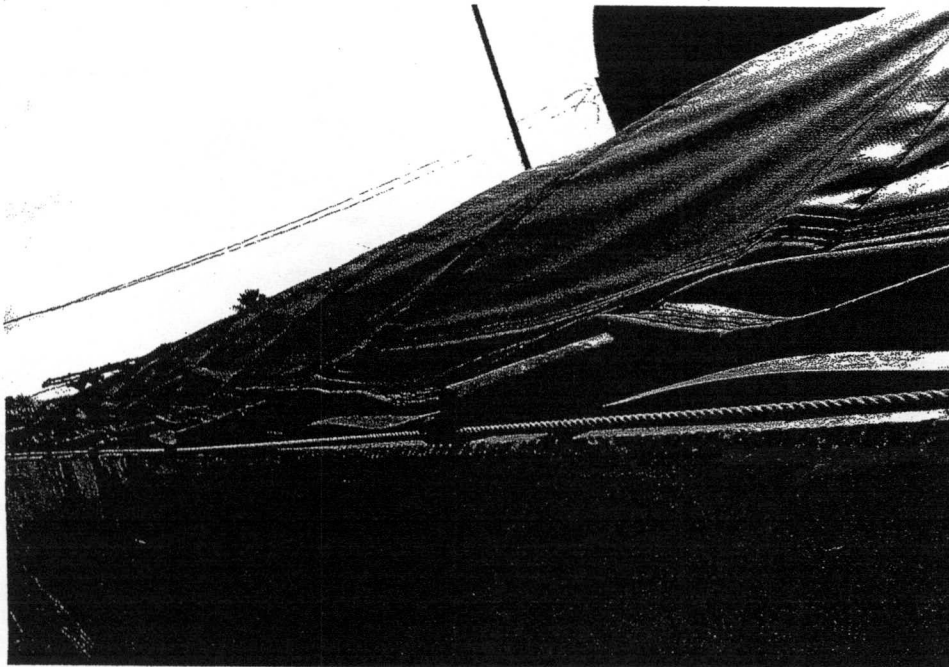
DUMP TRAILER FULL OF USED OIL FILTERS



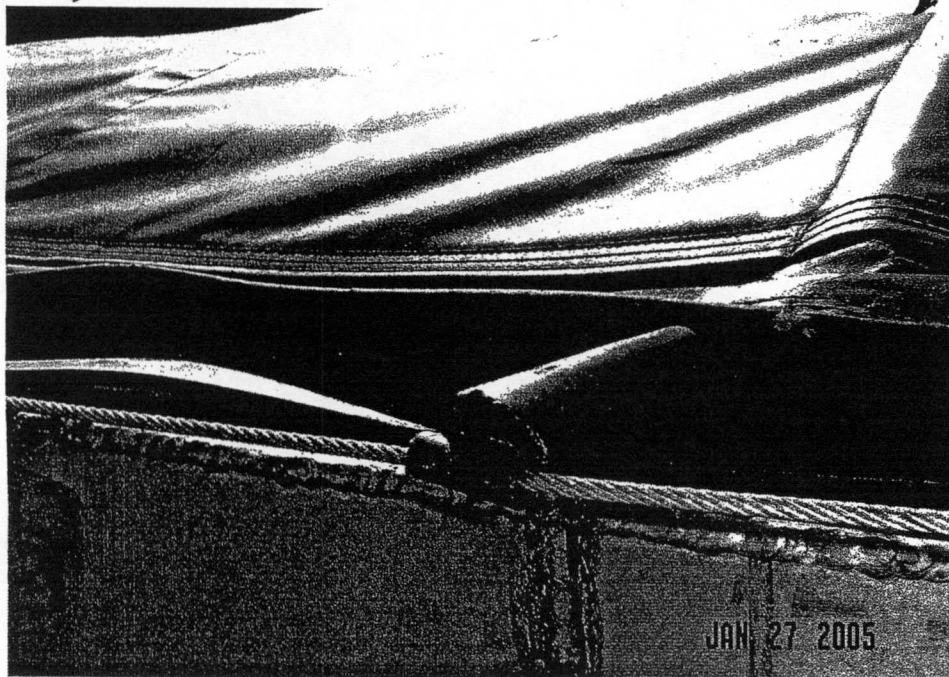
↑ DUMP TRAILER OF USED OIL FILTERS ↓



HOWCO CEI FFY '05



↑ TARP COVERING DUMP TRAILER OF USED OIL FILTERS ↓



JAN 27 2005



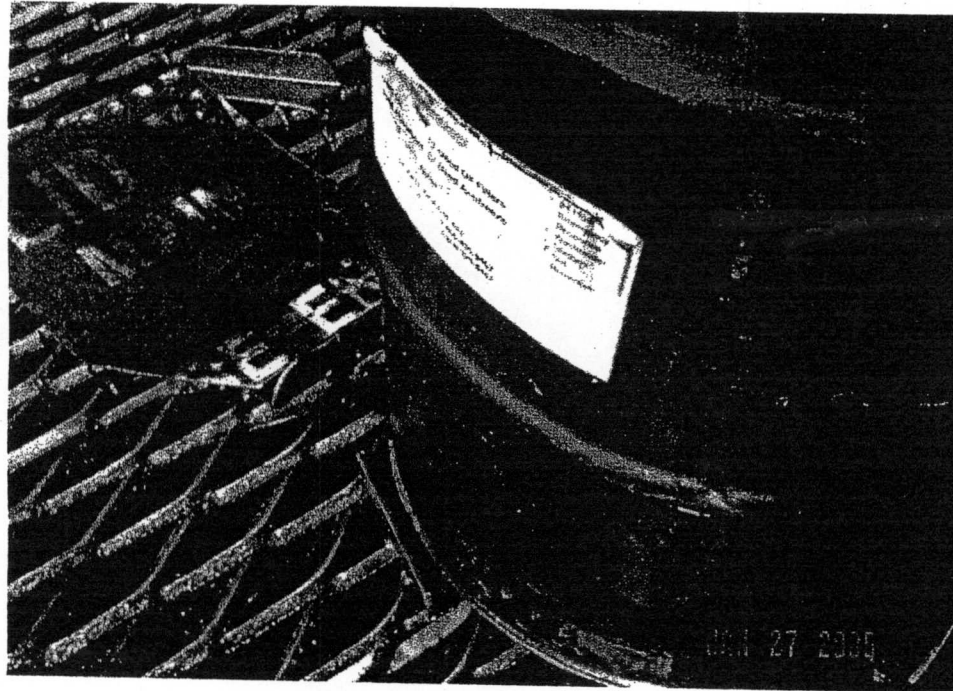
DUMP TRAILER OF USED OIL FILTERS



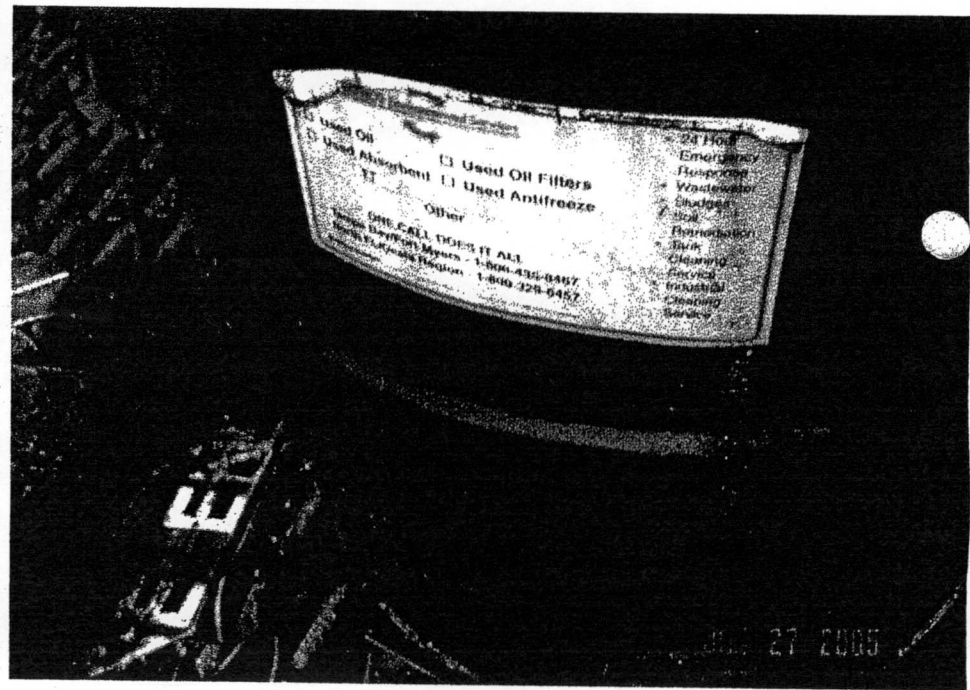
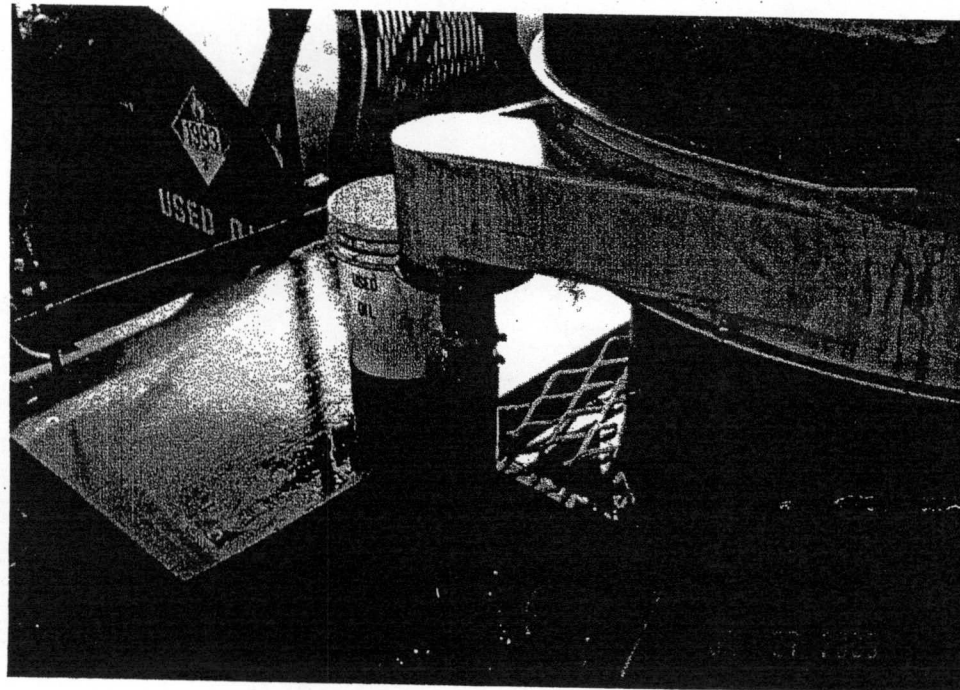
JAN 27 2005

OILY WASTE / STAINS ON GROUND

HOWCO CEI FFY '05



CONTAINER OF
SCREEN FILTER RESIDUE
NOT PROPERLY LABELED.



REVISED PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, Pinellas County, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Revision Date: May 13, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	403.121(5)	\$500	---	\$500	\$1,000
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.		[DELETED]		---	---	
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	403.121(5)	\$500	---	---	\$500
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 2,875

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

For citation (1) above [62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional 100% was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

~~Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device. [DELETED]~~

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste.

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].

ENFORCEMENT/COMPLIANCE COVER MEMO

TO:

3/10
☒ Deborah A. Getzoff, District Director

FROM/THROUGH:

William Kutash, Environmental Administrator
Jim Dregne, Program Manager 3/19
Elizabeth Knauss, Environmental Manager
Al Gephart, Engineer IV

DATE:

March 9, 2005

FILE NAME: HOWCO Environmental Services

PROJECT #: 285070

PROGRAM: Hazardous Waste

COUNTY: Pinellas

TYPE OF DOCUMENT:

☐ Draft or ☒ Final
☐ Final Order
☒ Warning Letter

☐ NOV
☐ Case Report
☐ Other:

☐ Consent Order
☐ Penalty Authorization

DESCRIPTION OF VIOLATIONS:

Failure to (1) store used oil filters in sealed containers, (2) properly label containers of used oil filters, (3) store containers of used oil filters on an impermeable surface, (4) contain, cleanup and properly manage released oil and oily waste and (5), label screen filter residue container.

SUMMARY OF CORRECTIVE ACTIONS:

The facility is to ensure that used oil filters are stored in aboveground containers on an impermeable surface and the containers are sealed and are properly labeled. Any releases of oil are to be cleaned up immediately upon discovery. The container of screen filter residue must be labeled properly.

PENALTY SUMMARY:

ELRA Guidelines

Penalty Amount: \$ 6,875.00 Expenses: \$ 100.00

TOTAL PENALTY AMOUNT: \$ 6,975.00

Our RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number
7004 0750 0003 0518 0448

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

MAR 11 2005

5. Received By: (Print Name)

Tim Hagan

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

6. Signature: (Addressee or Agent)

X *Tim Hagan*

Form 3811, December 1994

Domestic Return Receipt

7004 0750 0003 0518 0448

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage

March 11, 2005

Postmark
Here

Sent To

Mr. Tim Hagan

Street, Apt.
or PO Box

HOWCO Environmental Services

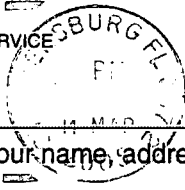
City, State

3701 Central Avenue
St. Petersburg, FL 33713

PS Form 3811

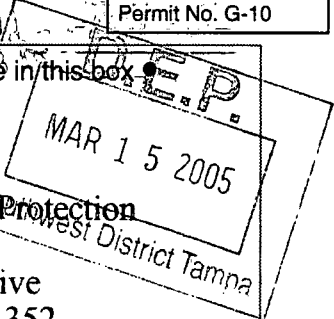
Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



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

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

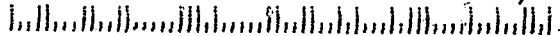


State of Florida
Department of Environmental Protection
Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619-1352

Attn: Al Gephart

Haz Waste

33619+1352



PROGRAM



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

March 11, 2005

Colleen M. Castille
Secretary

CERTIFIED MAIL 7004 0750 0003 0518 0448
RETURNED RECEIPT REQUESTED

Mr. Tim Hagan
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

RE: HOWCO Environmental Services
EPA ID# FLD 152 764 767
Warning Letter #285070
Pinellas County

Dear Mr. Hagan:

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 joint hazardous waste and solid waste program field inspection conducted on January 27, 2005, 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.

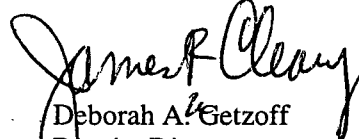
Section 403.727, Florida Statutes (F.S.) provides that it is a violation to fail to comply with rules adopted by the Department. The activities observed during the Department's field inspection and any other activities at your facility that may be contributing to violations of Florida Statutes or Department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

You are requested to contact Al Gephart at (813) 744-6100, extension 372, 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 that will include a compliance schedule, an appropriate penalty, and reimbursement of the Department's costs and expenses. In 2001 the Florida Legislature enacted the Environmental Litigation Reform Act (ELRA)(2001 Fla. Laws, Ch. 258). ELRA is now codified in Section 403.121, Florida Statutes (FS). ELRA is an efficient means of resolving smaller environmental cases in Administrative Court.

ELRA sets specific penalty amounts for violations covered under the Act. The Department has computed the penalty, using the ELRA guidelines, to be \$6,875.00. Costs and expenses in this case will be a minimum of \$100. If this matter cannot be resolved within 90 days, a formal administrative complaint or "Notice of Violation" (NOV) must be issued against you within 150 days of the date of the attached inspection report. We look forward to your cooperation in completing the investigation and resolution of this matter.

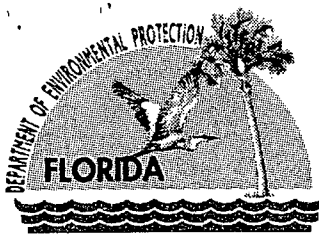
Sincerely yours,


Deborah A. Getzoff
District Director
Southwest District

DAG/afg

Enclosure

cc: Steve Ray, HWR Section
Lora Ross, SWM, SWD
Compliance File



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

HAZARDOUS WASTE INSPECTION REPORT

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

FACILITY NAME: HOWCO Environmental Services DEP/EPA ID #: FLD 152 764 767

STREET ADDRESS: 843 43rd Street South; St. Petersburg, FL 33711

MAILING ADDRESS: 3701 Central Avenue; St. Petersburg, FL 33713

COUNTY: Pinellas PHONE: (727) 327-8467 DATE: 01/27/05 TIME: 10:05 am

NOTIFIED AS:

☐ N/A

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

CURRENT STATUS:

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

2. APPLICABLE REGULATIONS:

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

3. RESPONSIBLE OFFICIAL:

Tim Hagan, President

4. INSPECTION PARTICIPANTS:

Al Gephart - FDEP
Kelly Honey - FDEP
Lora Ross - FDEP
Richard Dillen - HOWCO

5. LATITUDE/LONGITUDE: 27°45'41.6" / 82°41'32.5"

6. SIC CODE: 2999

7. TYPE OF OWNERSHIP: PRIVATE FEDERAL STATE COUNTY MUNICIPAL

8. PERMIT #: 92465-HO06-001 ISSUE DATE: 08/03/2000 EXP. DATE: 08/03/2005

"More Protection, Less Process"

Printed on recycled paper.

9. PROCESS DESCRIPTION:

HOWCO Environmental Services is a used oil and material processing facility that stores, processes and markets used oil. The 3.2 acre site contains an oil processing facility, an industrial wastewater pretreatment facility, storage tanks, vehicle maintenance garage and an on-site analytical laboratory. Administrative personnel and facility operating records are located and maintained at the Central Avenue office.

The facility receives used oil, industrial wastewater, petroleum contact water (PCW), antifreeze, used oil filters, oily solids, industrial solids and petroleum contaminated solids. The processing of solid wastes is overseen by the Department's Solid Waste Management Section that also participated in this inspection. According to Mr. Hagan, the facility does not accept off-spec used oil or hazardous waste. On occasion, HOWCO may act as a broker for the disposal of hazardous waste for some clients. The hazardous waste that is brokered is transported directly from the generator to the disposal facility by a registered hazardous waste transporter. HOWCO routinely collects waste antifreeze from its customers. Facility personnel advised the inspectors that all of the antifreeze received at the facility is shipped to an antifreeze recycler.

The majority of used oil, used oil filters and oily wastes are brought into the facility by HOWCO trucks, common carriers and independent oil transporters. Used oils collected by HOWCO trucks are initially screened by the drivers at the pick-up site using a halogen "sniffer". Used oils arriving at the facility are also sampled and analyzed in the facility's on-site laboratory prior to unloading. A representative sample of each incoming shipment is taken, using a bailer, and tested for total halogens using a bench top 200T x-ray analyzer. If the analysis indicates the halide concentration is less than 999 ppm, the used oil is pumped into the tank farm. If total halogens are greater than 999 ppm the load is rejected unless the total halogens are less than 4,000 ppm and a rebuttable presumption is made. Used oils shipped to the facility by other vendors are required to include a manifest describing the material.

Upon arriving at the site, the inspectors were advised that HOWCO had instituted new safety policies and that everyone would need hard hats, safety glasses and safety vests. These were provided by the facility prior to entry. While waiting for the safety equipment, it was observed that facility personnel were inspecting each of the 55-gallon drums of used oil filters in storage and placing labels on those not properly labeled. Once the inspectors were given access, the drum storage area on the south side of the property, west of the used oil filter crusher, was inspected. Of approximately 125 drums, 21 were not labeled properly. This is improper storage of used oil filters and is a *repeat* violation of 62-710.850(6)(a), FAC.

There was one container of wastewater treatment sludge (WWTS) stored near the WWTS press. The sludge was sampled to demonstrate the annual non-hazardous status of the waste stream. However, the samples were not refrigerated properly and could not be used. The facility will sample a future batch for the annual determination. The Department advised the facility to dispose of the existing waste as non hazardous based on the previous annual demonstration.

Crushed and uncrushed used oil filters are received and stored in either drums, roll-off boxes or dump trailers. The uncrushed used oil filters are conveyed to a used oil filter crusher. The used oil from draining the filters is collected in a drip pan under the filter crusher and is pumped to an adjacent storage tank. The tank was properly labeled, "Used Oil." Periodically, the oil from the storage tank is removed

and pumped into one of the facility's used oil storage tanks to be re-processed. During the inspection, the facility's used oil filter crusher was not operational.

Solid waste managed at the facility includes oily solid waste generated by HOWCO and its clients. Solid wastes generated by HOWCO includes solids from the vibrascreen, tanker trucks, cone-bottom tank, oily solid batch treatment tank and storage tanks at the facility. The wastes are managed as non-hazardous waste. The waste solids are sampled and analyzed once per year to demonstrate that the waste is non-hazardous. For incoming solid wastes, each client is to provide the necessary non-hazardous waste determination. A review of the sampling records indicated that the solid wastes were non-hazardous. The solid wastes are bulked and sent to an approved thermal facility or a licensed landfill for disposal. The oily solids may be placed in drums, roll-off boxes, decontamination boxes or other containers for storage. At the time of the inspection, there were three (3) roll-off boxes being stored in the Solids Storage and Sludge Separation Areas. Two contained solid waste, the third was empty. Both of the full containers were covered and labeled. However, when placing sludge in one of the containers the liner must have slid down slightly. Facility personnel were advised to use caution when placing solid waste in the lined roll-off box so that the liner remains in position.

Just north of Tanks #110 and #111, the facility has constructed a below ground loading/unloading dock to unload containers of solid waste and used oil filters. There was a dump trailer of used oil filters stored on the earthen surface. This is a violation of **62-710.850(6)(a), FAC**. The tarp used to cover the dump trailer to protect the contents from the weather did not completely cover the top of the trailer. This is a violation of **62-710.850(6)(a), FAC**. Also, the inspectors observed staining of the soil just east of this area from the loading of used oil filters and there was used oil observed dripping out of the back tail gate of the trailer onto the soil. These are violations of **62-710.850(6)(b), FAC**. Facility personnel were advised to clean up the area and dispose the stained material appropriately. Facility personnel were also reminded that since there is no secondary containment, the loading/unloading dock cannot be used to store trucks containing solid waste, used oil or used oil filters. The facility must also depict this loading/unloading dock in its facility site diagram and submit the diagram to the Department for inclusion in the facility's permit application.

The HOWCO tank farm consists of 47 aboveground storage tanks in five separate containment areas. Eighteen (18) of the tanks (approximate capacity of 339,420 gallons) in containment Areas #1 and #2 are used to store used and re-refined used oil. The tanks have secondary containment consisting of oil impermeable concrete surfaces on the walls and floors to contain oil spills. In general, facility personnel have done a very good job in cleaning and power washing the containment areas. An **Area of Concern** to the inspectors is that the sealant on the cement in the secondary containment in the processing area and south of Tanks #130 thru #135 is peeling off. This was mentioned in the last inspection and is repeated here. The Department requests that Mr. Hagan conduct an assessment of the secondary containment in the processing area to determine if it still meets the impermeable surface standards in Florida's used oil processor rules. It is also requested that the conclusions drawn from the assessment be submitted to the Department.

Used oil is processed utilizing either the Flash Tower or the Cooker Process. In the Flash Tower process the used oil is pumped to a vibrascreen for removal of solids and then heated to flash-off the water. Used oil processed in the Cooker process is pumped to Tank #100 or Tank #101 for thermal/chemical treatment. A de-emulsifier is added to the oil and the mixture is heated. The heated oil is then allowed to cool to facilitate the separation of water. Water that is recovered from these processes is treated in the facility's wastewater pretreatment plant prior to being discharged to the City of St. Petersburg POTW. The light ends from the Flash Tower are pulled-off and blended into processed oil tanks during the

batching process. Facility personnel use a vacuum truck to remove the solids collected from the vibrascreen and then adds them to Tank #110 or Tank #111. The solids from these tanks are tested annually to ensure that they are not a hazardous waste. Upon inspection, the inspectors observed that the receiving drum containing solids from the vibrascreen had a label but it did not have the words, "Screen Filter Residue", as required. This is a violation of **Specific Condition IV.4.d** in the facility's operating permit. Facility personnel were advised to check and maintain labels to ensure that they are in good condition and labeled properly.

Wastewater, including petroleum contact water (PCW), industrial wastewater, rainwater collected in secondary containment areas and water from the re-refining of used oil is accumulated and stored in aboveground storage tanks #151-155, #160-166, #170, #180, #191 and #192. The wastewater is treated in the pre-treatment system prior to discharging to the City of St. Petersburg POTW. Any oil recovered from the tanks by gravity separation is pumped back to the used oil tank farm for processing. The facility stores its wastewater treatment chemicals at the east end of the site. The area was clean indicating that housekeeping has improved in this area.

The fire and emergency equipment are inspected monthly and are tested annually. The inspection records were reviewed and found to be complete. Located east of the truck wash rack is the facility's emergency trailer consisting of absorbents, blankets and booms. The trailer was orderly and contained sufficient amounts of emergency equipment.

In the vehicle maintenance garage area were observed one (1) 55-gallon drum for used oil filters generated on-site and one (1) parts washing machine. The drum of used oil filters was properly labeled, "Used Oil Filters". According to the maintenance staff, the spent parts washer solution is disposed by mixing it in with the facility's used oil. A waste determination had been made on the waste solvent in May 2004 and it was found to have the toxicity characteristic. If the spent parts washer solvent is hazardous, it can only be mixed with the facility's used oil when the facility is a conditionally exempt small quantity generator of hazardous waste. The facility is advised to review its generator status prior to mixing the spent solvent with its used oil to determine proper management.

Evacuation routes were posted at various locations and the emergency phone numbers were posted next to the phones.

The tanks and related piping are inspected monthly. The monthly inspection logs were reviewed and found to be complete. HOWCO is current on its liability and financial assurance requirements and current in required documents and recordkeeping. HOWCO employees receive training as outlined in the company's "Used Oil Training Program". The company's employees are provided initial and annual refresher training. The training records were reviewed and found to be complete. However, facility personnel are due for the 2005 annual training.

Incoming and outgoing manifests for used oil, used oil filters, crushed used oil filters, petroleum contact water and antifreeze are kept by HOWCO at its Central Avenue office for at least three years.

This compliance inspection did not address the facility's compliance with state and federal transporter rules and regulations. This will be conducted on a future inspection date.

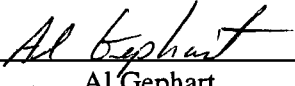
10. SUMMARY OF ALLEGED VIOLATIONS:

- | | |
|---------------------------|--|
| 62-710.850(6)(a), FAC | Failure to seal, or otherwise protect from the weather, containers of used oil filters. (<i>Repeat Violation</i>). |
| | Failure to properly label containers, "Used Oil Filters." (<i>Repeat Violation</i>). |
| | Failure to store containers of used oil filters on an impermeable surface. |
| 62-710.850(6)(b), FAC | Failure to contain, clean up and properly manage released oil and oily waste. |
| Specific Condition IV.4.d | Failure to properly label the container receiving solids from the vibrascreen, "Screen Filter Residue". (<i>Repeat Violation</i>). |

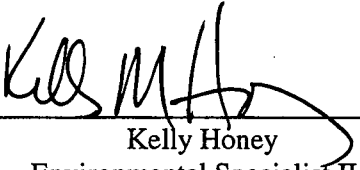
11. RECOMMENDED CORRECTIVE ACTIONS:

- | | |
|---------------------------|--|
| 62-710.850(6)(a), FAC | Effective immediately and henceforth, the facility shall ensure that used oil filters are stored in containers that are sealed or otherwise protected from the weather, stored on impermeable surfaces and properly labeled. |
| 62-710.850(6)(b), FAC | Effective immediately and henceforth, the facility shall ensure that all released used oil and oily waste are cleaned up and properly managed. |
| Specific Condition IV.4.d | Effective immediately and henceforth, the facility shall ensure that the container receiving the solids from the vibrascreen is properly labeled, "Screen Filter Residue". |

Report Prepared By: _____


Al Gephart
Engineer IV

Report Reviewed By: _____


Kelly Honey
Environmental Specialist II

Report Reviewed By: Lora Ross
Lora Ross
Environmental Specialist I

Report Approved By: Elizabeth Knauss Date 3/8/05
Elizabeth Knauss
Environmental Manager

PENALTY COMPUTATION WORKSHEET

Violator's Name: HOWCO Environmental Services FLD 152 764 767

Identify Violator's Facility: 843 43rd Street South; St. Petersburg, FL 33711

Name of Department Staff Responsible for the Penalty Computations: Al Gephart

ComHaz Case #: 285070

Date: March 8, 2005

	Violation Type	Manual Guide	Florida Statute Citation	Penalty	Multi Day	Other Adjustments	Total
1.	Failure to store used oil filters in sealed containers.	ELRA	403.121(5)	\$500	---	\$500	\$1,000
2.	Failure to properly label containers of used oil filters.	ELRA	403.121(5)	\$500	---	\$250	\$750
3.	Failure to store containers of used oil filters on an impermeable surface.	ELRA	403.121(4)(b)	\$4,000	---	---	\$4,000
4.	Failure to contain, clean up and properly manage released oil and oily waste.	ELRA	403.121(5)	\$500	---	---	\$500
5.	Failure to properly label vibrascreen solids container.	ELRA	403.121(5)	\$500	---	\$125	\$625
Total Penalty for all Violations:							\$ 6,875

Multi Day penalties were not selected as it was not possible to determine the number of days out of compliance.

For citation (1) above [62-710.850(6)(a), FAC, failure to seal or otherwise protect from the weather, containers of U.O.F], an additional 100% was added because there have been four previous violations [403.121(7)(c), F.S.].

For citation (2) above [62-710.850(6)(a), FAC, failure to properly label containers, "Used Oil Filters"] an additional 50% was added because there were two previous used oil filter labeling violations [403.121(7)(b), F.S.].

Citation (3) above [62-710.850(6)(a), FAC, failure to store containers of used oil filters on an impermeable surface], the penalty assessment cited is in 403.121(4)(b), F.S., failure to install, maintain, or use a required pollution control system or device.

Citation (4) corresponds to 62-710.850(6)(b), FAC, failure to contain, clean up and properly manage released oil and oily waste.

For citation (5) above (failure to comply with Specific Condition IV.4.d in the facility's operating permit) an additional 25% was added because there was one previous vibrascreen labeling violation [403.121(7)(a), F.S.].

Inspectors: Gephart / Honey / Ross
Date: January 27, 2005

INSPECTION CHECKLIST

HOWCO Environmental Services
843 43rd Street South
St. Petersburg, FL 33711
FLD 152 764 767

Permit No.	92465-HO06-001	Renewal Application
Issued	08/03/00	Due 6/4/05
Expires	08/03/05	

Last Inspection 3/04/04

Used Oil and Material Processing Facility

47 Aboveground Storage Tanks (See Tables 3-1, 3-2 and 3-3 for descriptions of contents).

GC General Conditions

- GC.2 Have there been any changes in processes or operations? *FACILITY USING UNLOADING RAMP FOR STORAGE OF USED OIL FILTERS. UNLOADING DOCK IS EARTHEN AND NOT AN APPROVED STORAGE AREA.* ☒ Y ☐ N
- GC.12 A copy of the operating permit is maintained at the facility. ☒ Y ☐ N
- GC.14 Operating records contain the required information: ☒ Y ☐ N
- Date, Place and Time of sampling or analyses;
 - Person performing the sampling or analyses;
 - Analytical techniques or methods used;
 - Results of the analyses.

SC Specific Conditions

Part I. General

- I.11 The facility has submitted its annual registration *for 2004 by March 1.* ☒ Y ☐ N
- I.12 Were any shipments of used oil refused due to suspected mixing with hazardous waste? (Any oil analyses pass or fail must be kept for 3 yrs.) ☐ Y ☒ N

Part II. Used Oil Processing

- II.3 Only permitted waste streams are processed at the facility. ☒ Y ☐ N
- Automotive crankcase oil, transmission and differential oil;
 - Oil/water emulsion from ships, barges and other sources;
 - Automotive oils recovered from oil/water separators;
 - Virgin oils contaminated with water;
 - Virgin oils recovered from tank cleaning and tank removals;
 - Used industrial oil.

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- II.4 Generators supply initial TCLP analysis (or generator knowledge statement) of waste antifreeze. (Check facility files for certifications.) ALL ANTIFREEZE RECYCLED
_Y _N
- II.6 The following records are maintained at the facility or the Central Ave. office.
- Permit application; _Y _N
 - Operating permit; _Y _N
 - Manifests and Bill-of-Lading of all shipments; _Y _N
 - Shipping papers include all of the required information as stated in 40 CFR 279.56 (Acceptance / Delivery); _Y _N
 - Training records; _Y _N
 - Inspection records; _Y _N
 - Closure Plan; _Y _N
 - Results of Waste Analyses; _Y _N
 - Annual used oil recovery reports; _Y _N
 - Validated annual used oil registration form. _Y _N
- II.8 Processed oil is sampled prior to shipping off-site *once every two weeks*. _Y _N

Part III. Tanks

- III.1 Used oil tanks and containers are labeled "Used Oil". _Y Y _N
- III.2 Regulated tank systems are inspected monthly. _Y Y _N
- III.3 Records are maintained for inspections and monthly release detection monitoring for process and storage tanks. _Y Y _N
- III.5 Secondary containment areas are sealed and free of cracks. _Y Y _N
DRUM STORAGE AREAS WILL NEED ATTENTION - STARTING TO DETERIORATE
- III.6 The areas of secondary containment provide containment for at least 110 % of the volume of the largest tank. _Y Y _N
- III.8 Spilled or leaked waste is removed from containment areas within 3 days of the incident. _Y Y _N
- Accumulated precipitation is removed within 1 week after a rainfall event using manually controlled pumps. _Y Y _N

Part IV. Solid Waste Processing

- IV.1 Non-hazardous materials that are accepted, processed, stored or otherwise managed are limited to - _Y Y _N
- Petroleum contaminated soil;
 - Petroleum contaminated sorbent materials (pads, booms, rags, vermiculite);
 - PPE;
 - Debris from spill cleanup;
 - Petroleum tank bottom sludges from tanks, pits and sumps;
 - Petroleum contaminated water;

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- Petroleum contact water;
- Petroleum contaminated sediments sludges and liquids from oil/water separators at car washes;
- Empty petroleum contaminated drums, pails, gas tanks and fuel filters;
- Non-liquid waste streams from on-site oil processing and wastewater pretreatment facilities.

	Household hazardous wastes or wastes from a CESQG are <u>NOT</u> managed as solid waste at the facility.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.3	Processing equipment is repaired within one week of becoming inoperable.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Operations DO NOT change the chemical characteristics of any of the solid materials.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.4	Each solid waste stream is sampled and analyzed at least annually. <i>* LAST SAMPLES WERE RUINED DURING SHIPMENT TO LAB FACILITY NEEDS TO RE-SAMPLE WASTE STREAMS</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Records are available of annual WWTS sampling and analyses.	<input type="checkbox"/> Y <input type="checkbox"/> N
	Records are available of annual oil-extracted sludge (OES) sampling and analyses.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Vibratory screen filter solids are containerized, properly sealed and labeled, "Screen Filter Residue". <i>CONTAINER HAD A LABEL BUT NOT IDENTIFIED AS SCREEN FILTER Residue</i>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	All tank bottom sludges and screen filter residues are transferred to Tanks 110 or 111 for further processing. (If not, the facility must have records of waste determinations on these streams.)	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The facility has notified the Department within 3 days prior to sampling any solid waste streams.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The facility has records of hazardous waste determinations from each generator for all solid waste streams received.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	The determinations are updated annually.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.5	All outgoing materials for disposal are sampled and analyzed annually.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.6	Storage of solid waste is at or below 22,000 gallons. Where 15 yd ³ = 3,030 gallons 20 yd ³ = 4,040 gallons	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	Processed solids are stored in covered, <u>lined</u> , roll-off containers or covered drums and stored on an impervious surface. <i>FACILITY PERSONNEL need to be careful when filling so LINERS DOESNT SLIDE DOWN INSIDE ROLL-OFF BOX</i>	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
	All processed and unprocessed solid wastes are <u>stored</u> within the Solids Storage and Sludge Separation Areas.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
IV.7	All materials are <u>processed</u> on impervious surfaces, tanks or containers.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N

Containers of processed wastes are labeled "Processed Solids" or "Processed Solid Waste".

☒ Y ☐ N

There is no evidence of liquids or solids being discharged outside of the Solids Storage and Sludge Separation Areas. *USED OIL FROM UOF*

☐ Y ☒ N

Solid wastes (liquids, sludges, solids, etc.) are only managed within containers, NOT on the ground, on the asphalt or on the concrete areas.
UOF stored on dirt

☐ Y ☒ N

The Solids Storage and Sludge Separation Areas are inspected monthly.

☒ Y ☐ N

IV.9

The facility maintains the following waste records:

- The amount of waste received, stored, processed and disposed [Quantities of drums received (gallons), an estimate of the percentage of solids and liquids in each drum, the quantities of bulk liquids received (gallons), the quantities of bulk solids received (tons), and the quantities of liquids (gallons) and solids (tons) disposed and stored on site];
- A signed waste profile form and analytical data for each waste stream accepted at the facility or for virgin materials, a waste material profile sheet and MSDS;
- The pre-burn analysis for each shipment of contaminated soil received that will be transferred to a soil treatment facility;
- The pre-acceptance analyses or waste determinations;
- Copies of any analyses required by a disposal facility as a condition of acceptance and documentation of acceptance;
- Monthly Waste Inspection/Corrective Action logs;
- Copies of permits for facilities that receive the processed solids.

☒ Y ☐ N

☒ Y ☐ N

☒ Y ☐ N

☒ Y ☐ N

☒ Y ☐ N

☒ Y ☐ N

☒ Y ☐ N

Monthly compilations are submitted quarterly of the following:

- Material balance (quantities received versus quantities disposed or in storage);
- Name and location of disposal or treatment facility for all solid wastes removed from the facility.

☒ Y ☐ N

☒ Y ☐ N

IV.10

All areas are cleaned to prevent nuisance conditions, hazardous conditions, odor or vector problems.

☒ Y ☐ N

IV.12

The facility is in compliance with Financial Assurance requirements.

- Closure costs are submitted annually prior to August 3;
- Annual submittal of proof of financial assurance.

☒ Y ☐ N

☒ Y ☐ N

Part V. Contingency Plan

V.2

Emergency and spill equipment is available at the facility.
Check the emergency equipment stored east of the truck wash rack and at the drum crusher.

☒ Y ☐ N

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- V.3,4 Emergency and safety equipment is available, tested and maintained. ☒ Y ☐ N
- V.5 There is adequate aisle space in all storage areas for inspections. ☒ Y ☐ N
- V.6 Primary evacuation routes are posted in appropriate locations throughout the facility. ☒ Y ☐ N
- V.7 A copy of the Contingency Plan is maintained on-site. ☒ Y ☐ N
- The following are still the Emergency Coordinators: *Needs Revision due to personnel turnover* ☐ Y ☒ N
- David Roehm Primary
Tim Hagan Alternate
- A list of emergency response phone numbers is posted by the phones. ☒ Y ☐ N
- The Contingency Plan was last amended on (date) 7-21-99
- Amendments to the CP are sent to appropriate agencies. ☒ Y ☐ N

Part VI. Training

- VI.1,2 The Company's "Used Oil Training Program" is given initially and annually thereafter. ☒ Y ☐ N
- Personnel training is documented. *1/15/04* ☒ Y ☐ N
due for training

Part VII. Closure

- VII.1 The facility maintains a copy of the Closure Plan. ☒ Y ☐ N

Used Oil Filter Processing (62-710.850, F.A.C.)

- 62-710.850(4) The facility has current registration certificates for - ☒ Y ☐ N
- Used Oil Filter Transporter ☒ Y ☐ N
 - Used Oil Filter Processor ☒ Y ☐ N
- 62-710.850(5) The facility has records indicating the destination or end use of the processed used oil filters and the Name and Address of each destination or end user. ☒ Y ☐ N
- The facility has submitted its annual report *For 2004* ~~by March 1.~~ ☒ Y ☐ N
- 62-710.850(6) All used oil filters are stored in -
- Above ground containers on impermeable surfaces; ☐ Y ☒ N
 - Sealed containers that are in good condition; ☐ Y ☒ N
 - Containers labeled, Used Oil Filters". ☐ Y ☒ N
- Upon detection of any leaking oil from a container the oil is contained, cleaned-up and managed properly. ☐ Y ☒ N

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Petroleum Contact Water (62-740, F.A.C.)

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

☒ Y ☐ N

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

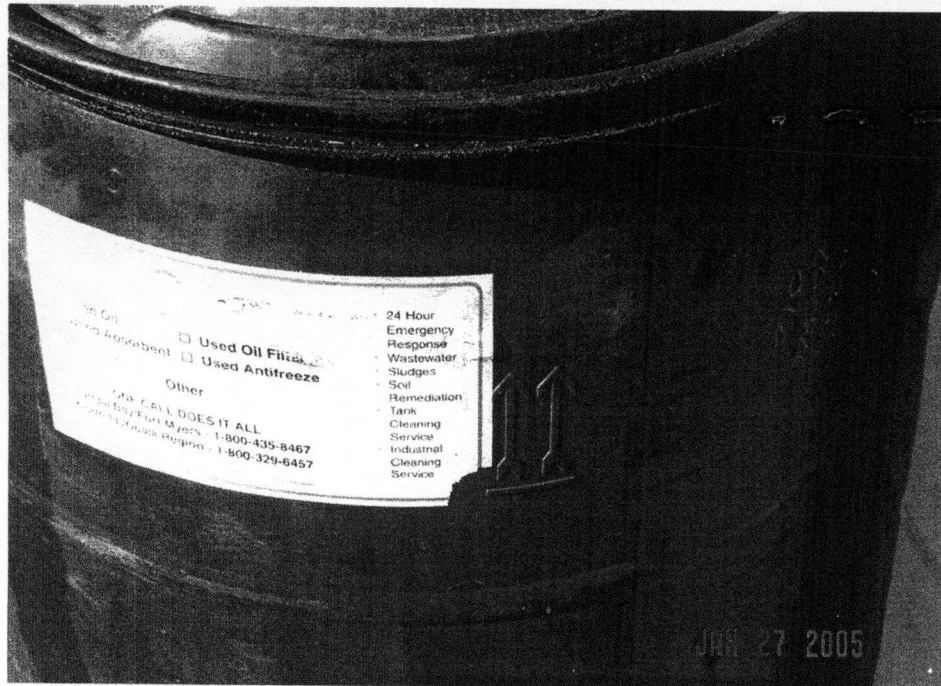
62-740.300(4) The facility has written assurance from the producer that the PCW is non-hazardous.

☒ Y ☐ N

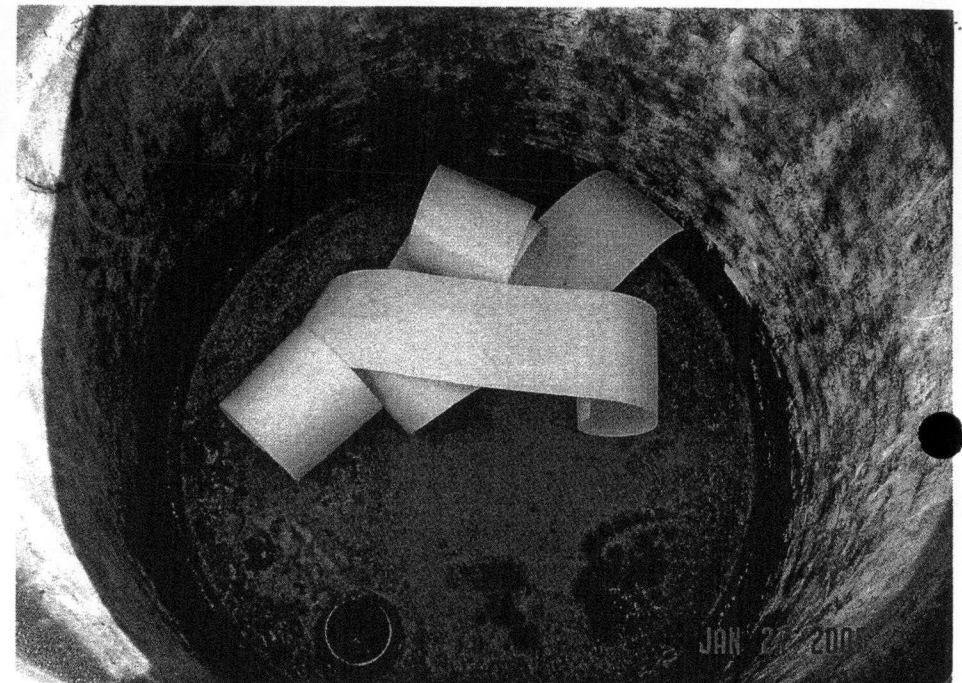
DOCUMENTS AND RECORDKEEPING

<input checked="" type="checkbox"/> Permit Application.	<input checked="" type="checkbox"/> Operating Permit.
<input checked="" type="checkbox"/> Validated Annual Used Oil Registration [Form 62-701.900(13)].	<input checked="" type="checkbox"/> Annual Used Oil Recovery Report. 2004
<input checked="" type="checkbox"/> Annual DEP Registration Placard For Storage Tanks.	<input checked="" type="checkbox"/> Contingency Plan.
<input checked="" type="checkbox"/> Training Logs. 1/15/04 DUE FOR TRAINING	<input checked="" type="checkbox"/> Closure Plan.
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Disposed</i> .	<input checked="" type="checkbox"/> Transporter Liability Insurance [\$100,000 minimum].
<input checked="" type="checkbox"/> Results of Annual Waste Analyses For All Solid Waste Streams <i>Received</i> From Generators.	<input checked="" type="checkbox"/> Monthly Inspection Logs Of The Solids Storage and Sludge Separation Areas.
<input checked="" type="checkbox"/> Processed Oil Sampling Logs [Minimum Of One Sample Every Two Weeks].	<input type="checkbox"/> Annual Analyses Of WWT and OES Sludges. <i>NEED TO BE RE-SAMPLED</i>
<input checked="" type="checkbox"/> Tank Inspections and Monthly Release Detection Monitoring.	<input type="checkbox"/> Generator Non-Haz Demonstration For Used Antifreeze. <i>ALL RECYCLED</i>
<input type="checkbox"/> Analysis Of Vibrascreen Filter Solids and Tank Bottom Sludges [Unless Processed In Tanks 110 or 111].	<input type="checkbox"/> Records Of Refused Used Oil Shipments
<input type="checkbox"/> Documentation Of Annual Closure Cost Estimate [Solid Waste Processing].	<input checked="" type="checkbox"/> Documentation Of Annual Financial Assurance [Solid Waste Processing].
<input checked="" type="checkbox"/> Records Of Quantities Of Waste Received, Stored, Processed and Disposed.	<input checked="" type="checkbox"/> Quarterly Submittals Of Material Balance Of Quantities Of Solid Waste.
<input checked="" type="checkbox"/> Records Of Disposal Or Treatment Facility For All Solid Wastes Removed [Name and Location].	<input checked="" type="checkbox"/> Monthly Solid Waste Inspection / Corrective Actions Logs.
<input checked="" type="checkbox"/> Copies Of Permits For Facilities Receiving Processed Wastes.	<input checked="" type="checkbox"/> Manifests / Bill-Of-Lading.
<input checked="" type="checkbox"/> Monthly Inspection Logs Of Safety and Emergency Equipment.	

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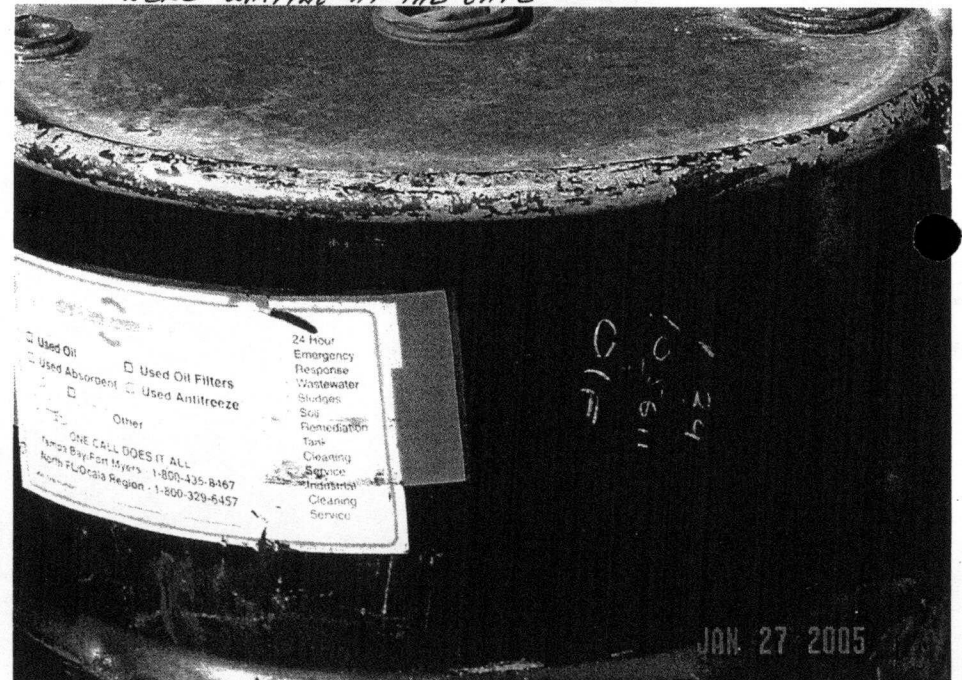
LABELS NOT PROPERLY LABELED, "USED OIL FILTERS"



BACKING FROM LABELS PLACED ON DRUMS WHILE INSPECTORS WERE WAITING AT THE GATE

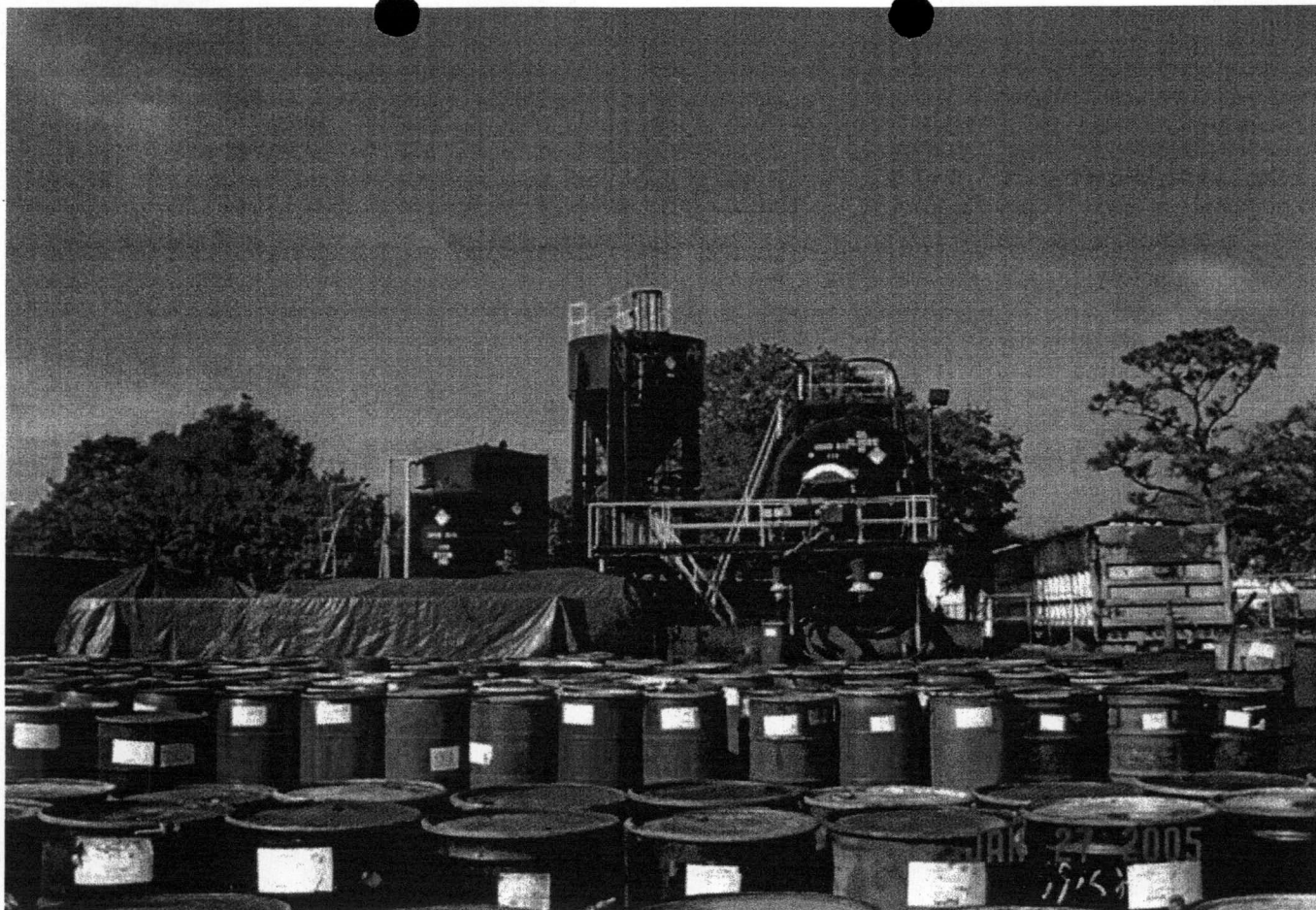


USED OIL FILTER DRUM STORAGE



LABELS NOT PROPERLY MARKED USED OIL FILTERS

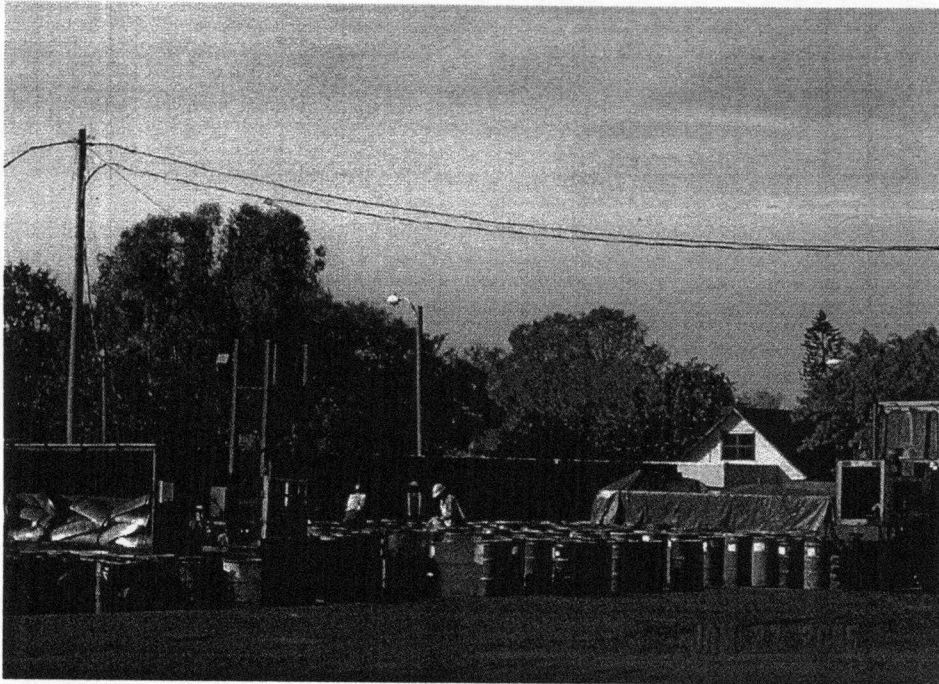
HOWCO CEI FFY '05



USED OIL FILTER STORAGE AREA
SOLID WASTE STORAGE

NOTE: DUMP TRAILER IN LOADING/UNLOADING DOCK CONTAINING
USED OIL FILTERS

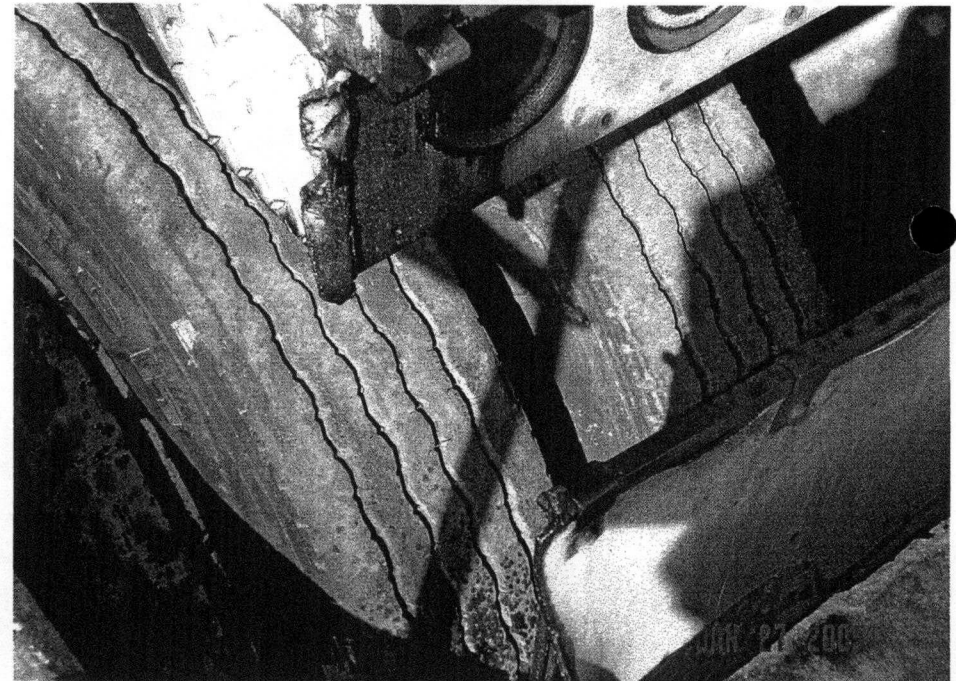
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DRUMS OF USED OIL FILTERS BEING LABELED WHILE INSPECTORS WAIT AT ENTRANCE GATE.

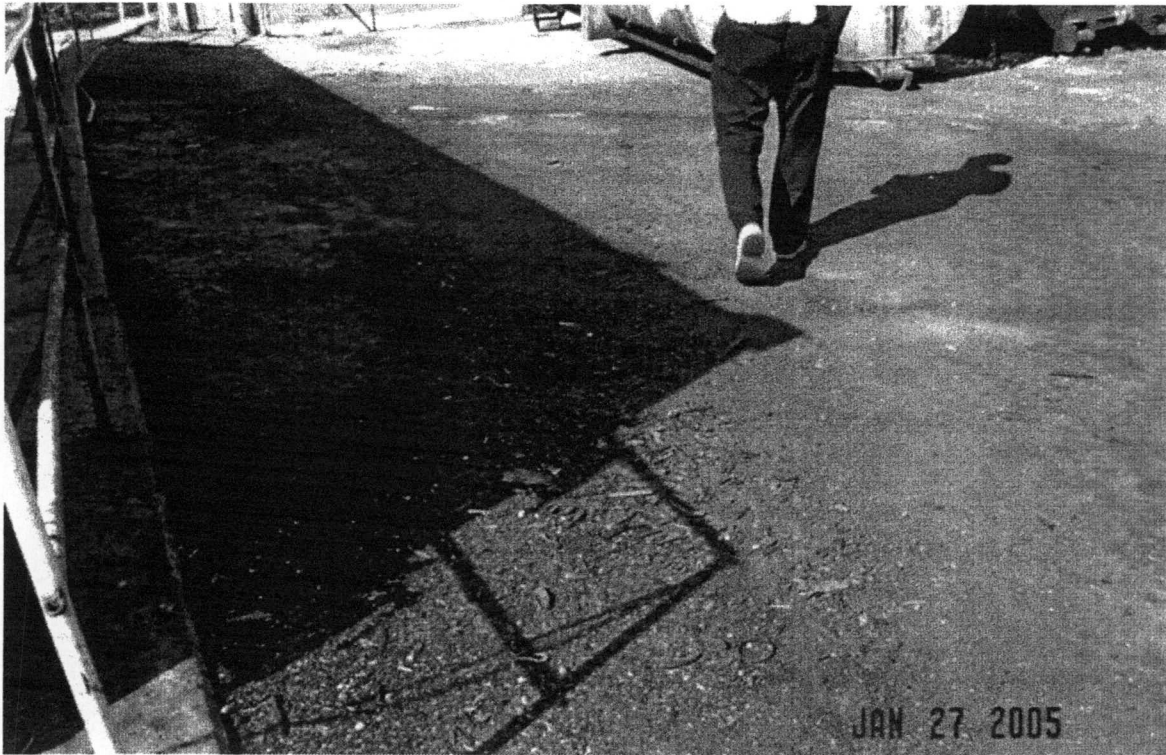


OILY WASTE ALONG LOADING/UNLOADING DOCK



WASTE OIL DRIPPING FROM DUMP TRAILER
ONTO THE GROUND AT LOADING/UNLOADING DOCK

HOWCO CEI FFY 05

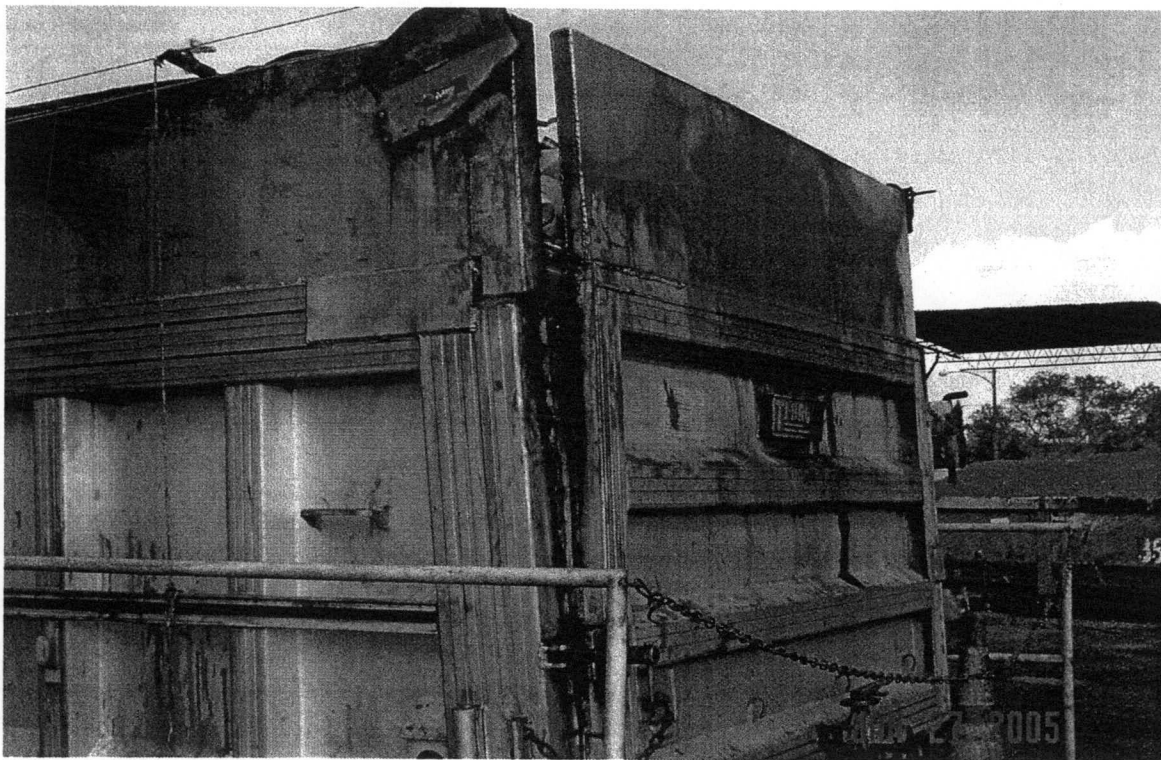


OILY WASTE ON GROUND ALONG LOADING/UNLOADING DOCK



DUMP TRAILER FULL OF USED OIL FILTERS

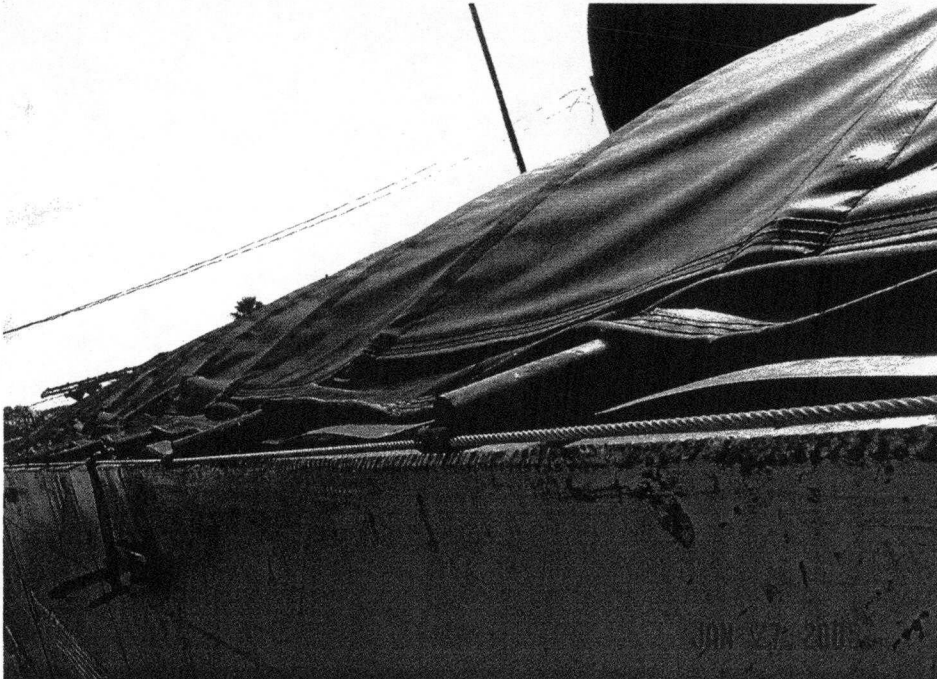
● HOWCO CEI FF '05 ●



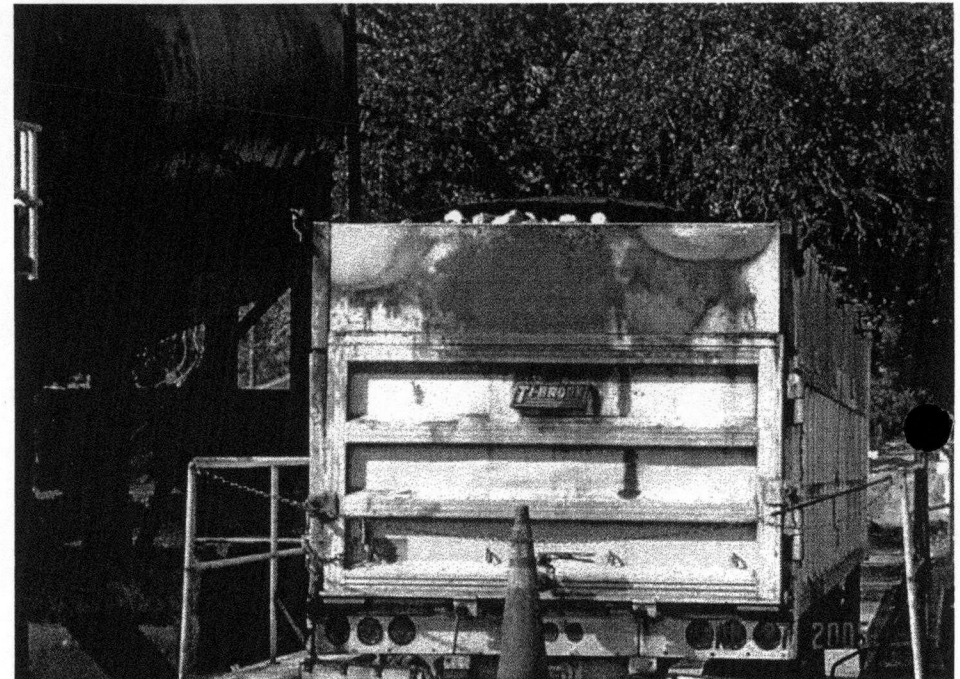
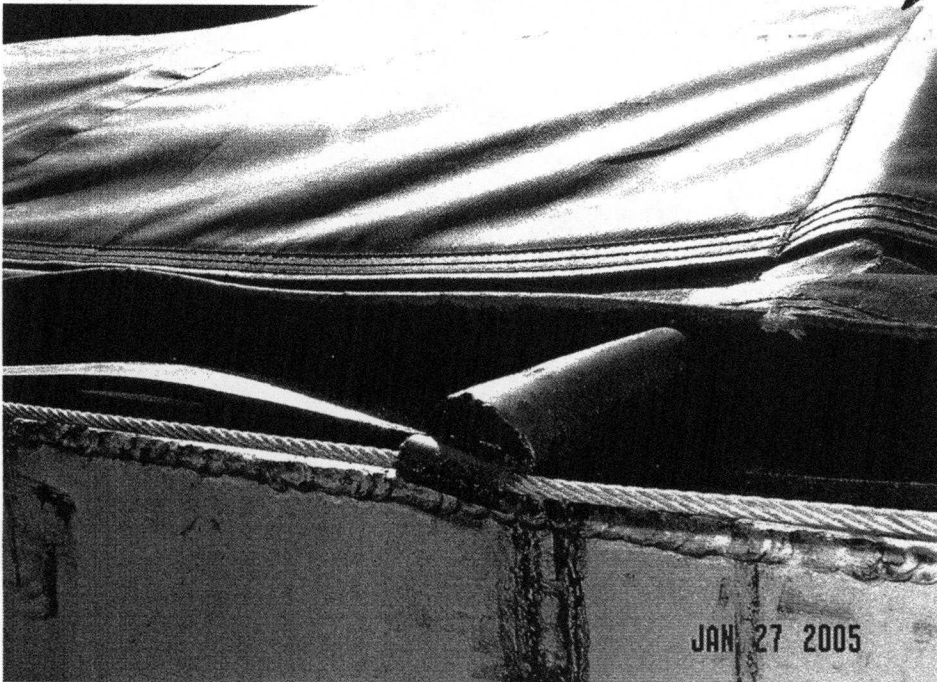
↑ DUMP TRAILER OF USED OIL FILTERS ↓



HOWCO CEI FFY '05



↑ TARP COVERING DUMP TRAILER OF USED OIL FILTERS ↓



DUMP TRAILER OF USED OIL FILTERS



OILY WASTE / STAINS ON GROUND

HOWCO CEI FFY '05



CONTAINER OF
SCREEN FILTER RESIDUE
NOT PROPERLY LABELED.

